

ORDINANCE NO. 2020 - 20

AN ORDINANCE EXTENDING THE TEMPORARY MORATORIUM SET FORTH IN ORDINANCE 2020-2 FOR AN ADDITIONAL SIX MONTHS AND EXPANDING THE MORATORIUM ON THE ACCEPTANCE OF ANY APPLICATION SEEKING DEVELOPMENT AND ON THE ACCEPTANCE OF BUILDING PERMIT APPLICATIONS TO THE PROPERTY LOCATED ON YORK ROAD FROM WEST RIDGEWOOD TO HUFFMAN ROAD IN THE CITY OF PARMA HEIGHTS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Parma Heights, Ohio (the "City") is a legally and regularly created, established, organized and existing municipal corporation under the provisions of the Constitution of the State of Ohio and home rule charter of the City; and

WHEREAS, the Charter authorizes the City Council to enact emergency ordinances for the preservation of public, health, peace, or safety; and

WHEREAS, the City currently regulates land uses within the city limits in accordance with Chapter 11 of the Parma Heights Municipal Code pursuant to its Home Rule Constitutional authority and the Ohio Constitution; and

WHEREAS, the character of development activity in the City can have a negative impact upon the health, safety and general well-being of the residents and visitors of the City; and

WHEREAS, recent applications seeking development authorization and permits in and around the Planned Unit Development District located at Pearl Road and West 130th (the "PUD") do not appear to be consistent with the goals and vision expressed by the City's recently adopted Master Plan; and

WHEREAS, recent applications seeking development authorization and permits for properties located on Pearl Road between West 130th Street and Ackley Road do not appear to be consistent with the goals and vision expressed by the City's recently adopted Master Plan and the NOACA Transportation for Livable Communities Initiative [TLCI]; and

WHEREAS, recent applications seeking development authorization and permits for properties located on York Road between West Ridgewood and Huffman Road do not appear to be consistent with the goals and vision expressed by the City's recently adopted Master Plan; and

WHEREAS, the City of Parma Heights has entered into a cooperative agreement with the cities of Middleburg Heights and Strongsville for the resurfacing of the portion of Pearl Road between the Ohio Turnpike Bridge in Strongsville to south of Snow Road in Parma Heights which is scheduled to begin in 2020; and

WHEREAS, recent land use applications seeking development authorization and permits in and around the PUD raise the following issues that may have a negative effect on the community:

1. Changing housing, retail, and light industrial market demands and characteristics that may have rendered the 2003 Development Plan obsolete which served as the basis for the current PUD regulations contained in the City's codified ordinances;

2. A portion of the public infrastructure within the PUD has already been constructed by the City which involved a substantial investment by the City;
3. The City's recently adopted Master Plan, which documents how the City's economy has "lagged behind" since the great recession, sets forth goals to "enhance economic resilience" and "expand the City's tax base", and notes that the "sale and potential zoning issues [of the PUD site] are significant concerns"; and
4. The potential that a portion of the PUD site is being considered by the NEORSD as a new large-scale stormwater basin, which would reduce the potential for the PUD site to be developed in a way that expands the City's tax base.
5. Changing housing and retail market demands and characteristics that are identified in the 2017 Master Plan require a study of land use and revision of the city zoning code for the properties located on the Pearl Road corridor;

WHEREAS, the City Council adopted Ordinance 2020-2 imposing a six (6) month Moratorium on the on all applications for development and the acceptance of building permit applications for the property located within the Planned Unit Development District located at Pearl Road and W 130th St. in the City of Parma Heights and any property located on Pearl Road between West 130th Street and Ackley Road in the City of Parma Heights in order to review all land use codes and regulations as they affect land use development in those areas; and

WHEREAS, since the enactment of Ordinance 2020 – 2 the Mayor declared a state of emergency in the City due to COVID 19, the staff available to review this matter has been diminished, the City's financial resources have been depleted, new members have been appointed to the Planning Commission, City buildings have been closed and most public meetings have been suspended; and

WHEREAS, the Planning Commission met with the Consultant engaged by the City to complete the task of analyzing the current Land Use Code and regulations as contemplated herein and reviewed recommendations on June 1, July 23 and August 3, 2020 to discuss proposed Land Use and Rezoning issues; and

WHEREAS, the Planning Commission, the City Council and Administration require an additional six (6) months of time in which to review all existing land use codes and regulations as they affect land use development in the Planned Unit Development District located at the intersection of West 130th Street and Pearl Road and land use and development on Pearl Road between West 130th Street and Ackley Road to ensure that all land use and development proceeds in a manner that is consistent with the City of Parma Heights 2017 Master Plan and long term and short term sustainability goals of the City; and

WHEREAS, the City Council desires that the staff of the City continue a thorough analysis and assessment of the Zoning Code and regulations affecting the development of the PUD and surrounding properties at the intersection of West 130th Street and Pearl Road and on Pearl Road from West 130th Street to Ackley and to expand the area being reviewed and analyzed to include the property on York Road from West Ridgewood to Huffman Road in order to request changes to the zoning code within the extended six (6) month time period; and

WHEREAS, a moratorium on all applications for development and the acceptance of building permit applications will enable a reasoned discussion and consideration of desired amendments to the Land Use Code without creating a rush of development applications and related impacts upon the community; and

WHEREAS, the City Council has determined that the imposition of an extension of the moratorium, authorized in Ordinance 2020 - 2 on the acceptance, processing and approval of applications for development authorization and permits by the City of Parma Heights and on the acceptance of certain building permit applications is appropriate.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1. There is imposed an additional six (6) month temporary moratorium on the acceptance and approval by the City and the Planning Commission of new applications for development authorization and permits affecting property within the Planned Unit Development District located at Pearl Road and West 130th Street in the City of Parma Heights, Ohio and any property located on Pearl Road between West 130th Street and Ackley Road and any property located on York Road between West Ridgewood and Huffman Road in the City of Parma Heights, Ohio.

Section 2. There is imposed an additional six (6) month moratorium temporary moratorium on the acceptance by the city of any building permit application for development within the Planned Unit Development District located at Pearl Road and West 130 Street in the City of Parma Heights, Ohio and any property located on Pearl Road between West 130th Street and Ackley Road and any property located on York Road between West Ridgewood and Huffman Road in the City of Parma Heights, Ohio.

Section 3. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 4. This Ordinance is declared to be an emergency measure immediately necessary for the public peace, health, and safety of the Municipality and for the further reason that it is necessary for the City to ensure future land use and development does not negatively affect the community; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage by Council and approval by the Mayor.

PASSED: 8-3-2020 
PRESIDENT OF COUNCIL

ATTEST: Florence A. Bohdan 8-3-2020
APPROVED

FILED WITH
THE MAYOR: 8-3-2020 
MAYOR