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EMINENT DOMAIN - OHIO

Lifestyle Communities, Ltd. v. City of Worthington, Ohio

United States Court of Appeals, Sixth Circuit - January 27, 2026 - 165 F.4th 1013

Real estate developer brought action against city under § 1983 asserting regulatory takings claims under the United States and Ohio constitutions, as well as due-process claims, equal-protection claims, free-speech claims, and retaliation claims, arising from city's denial of its application to rezone, for mixed-use development, a vacant parcel of land on which a youth home had operated, and also seeking a declaration that the property's current zoning was unconstitutional.

The United States District Court granted city's motion to dismiss all but the takings and declaratory judgment claims, subsequently denied developer's motion for reconsideration, and denied developer's motion for summary judgment on its remaining claims and granted city's cross-motion. Developer appealed.

The Court of Appeals held that:

- Developer did not have reasonable investment-backed expectation that city would approve its rezoning application;
- Character of city's actions weighed against finding that city council effected regulatory taking;
- City did not effect regulatory taking when it denied developer's rezoning application and amended city's comprehensive plan to emphasize more contiguous greenspace on the parcel;
- It was not beyond fair debate that parcel's current zoning was unconstitutional under Ohio law;
- Developer could not premise its void-for-vagueness challenge, under the Due Process Clause, to city's rejection of its application to rezone the parcel;
- Developer did not have a cognizable due-process property interest in city's discretionary decision to rezone the parcel; and
- Developer failed to state a substantive-due-process claim that current zoning scheme, which permitted only parks, hospitals, churches, parochial schools, and other public or institutional uses, violated its right to use parcel as it saw fit.