



CLEVELAND HEIGHTS

Council Committee of the Whole

May 27, 2025

6:00 PM

City Hall – Council Chambers

Public Hearing - Zoning Text Amendments

Agenda

- 1) Call to Order/Roll Call**
- 2) Legislation for Public Hearing on Zoning Changes**
 - a. **ORDINANCE NO. 055-2025(PD): First Reading.** An Ordinance amending various Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights as part of the Livable Neighborhoods Initiative; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren
- 3) Other**
- 4) Adjourn**



Date: April 7, 2025

To: City Council

From: Eric Zamft, Director of Planning, Neighborhoods & Development

Subject: An Ordinance amending various Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights as part of the Livable Neighborhoods Initiative.

Purpose Statement:

Mayor Seren and the Department of Planning, Neighborhoods & Development have launched the Livable Neighborhoods Initiative. The Livable Neighborhoods Initiative looks to examine residential neighborhoods and potentially propose changes to zoning to make those neighborhoods more resilient and livable in the modern age.

The Livable Neighborhoods Initiative has three (3) main components:

- How we pray – Places of Worship
- How we reside – Residential Typologies
- Full service neighborhoods – Non-Residential Uses in Residential Neighborhoods

Local ordinances are “living and breathing” documents that can be amended from time-to-time in order to keep up with changes in the social and economic environments. The City has followed this practice by constantly and consistently reviewing its Codified Ordinances and – when appropriate and necessary – making changes to those Ordinances. This is particularly the case with Part Eleven – Zoning Code.

The way in which people pray and worship has changed over time. The City’s current zoning regulations are not reflective of how people pray today as they only permit large structures on large properties with a significant amount of parking or in storefronts. This has led to challenges to the faith-based community in terms of finding places and spaces that are appropriate and safe for their congregants. On the other hand, a long-standing and common objective in communities, including Cleveland Heights, is to ensure that the residential areas and neighborhoods can remain strong and that impacts to their residential character are minimized to the greatest extent possible. In fact, as indicated in Section 1101.02 of the Zoning Code, one of the purposes of zoning in Cleveland Heights is “...the protection of residential sections of the City.” When a non-residential use is introduced to a residential district, residents often have concerns about how its density,

architecture, parking, traffic, etc., may impact the community. These concerns are taken seriously by the City as policies – including zoning and enforcement – are created or modified

In an effort to balance the need for updating the City's zoning standards with the protection of the residential neighborhoods, the Planning Commission has been discussing amending the zoning code to accommodate smaller places of worship since fall of 2022. On December 11, 2024 the Planning Commission adopted an annual code review resolution that included a provision that it continued to support proposed zoning text amendments related to Places of Worship and urged the Mayor and Council to act swiftly in bringing forward new legislation for consideration. On December 18, 2024, a work session with City staff regarding potential amendments to Places of Worship was held. On March 7, 2025 the proposed zoning text amendments were made available for public review through posting on the City's website in order to provide additional time for public input prior to the formal zoning text amendment process

Zoning text amendments must follow the procedures put forth in Chapter 1119, including, but not limited to, Council referral to the Planning Commission, Planning Commission review and recommendation, and Council public hearing. The full process will be discussed below. Staff worked with the Law Department to prepare an Ordinance for Council's consideration to start the review process.

Zoning issues can be complicated and sometimes contentious. To explain the proposed changes as simply as possible, along with the reasons for the changes we have created a Frequently Asked Questions (FAQ) document that will be updated as necessary.

Therefore, please find attached: a) an ordinance to amend the Zoning Code to update the City's places of worship regulations, including Exhibit A with the proposed zoning text amendments; b) a summary of the proposed changes and the zoning text amendment process; and c) a FAQ that sheds more light on the why and how of the proposed changes.

Is this legislation recurring: Yes: _____ No: X

Is emergency language necessary: Yes: _____ No: X

If yes, why?

Is passage on first reading necessary: Yes: _____ No: X

If yes, why?

If funding is required, is it already budgeted for? Yes: NA No: NA

If not already budgeted for, where will funding come from?

Proposed: 04/07/2025

ORDINANCE NO. 055-2025(PD), *First Reading*

By Mayor Seren

An Ordinance amending various Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights as part of the Livable Neighborhoods Initiative; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, Mayor Seren has launched the Livable Neighborhoods Initiative to examine residential neighborhoods and potentially propose changes to zoning to make those neighborhoods more resilient and livable in the modern age.

WHEREAS, one component of the Livable Neighborhoods Initiative examines How We Pray as the way in which people pray and worship varies and has evolved over time; and

WHEREAS, the regulations within the Zoning Code of the Codified Ordinances of the City of Cleveland Heights regarding places of worship do not reflect the way people pray and worship today; and

WHEREAS, pursuant to Section 1101.02 of the Codified Ordinances of the City of Cleveland Heights, one (1) of the purposes of zoning is "...the protection of residential sections of the City"; and

WHEREAS, the introduction of non-residential uses into residential districts can lead to impacts that are in conflict with Section 1101.02; and

WHEREAS, during the course of 2022, 2023, and 2024, the Planning Commission has discussed the regulations related to places of worship with staff from the Departments of Planning, Neighborhoods & Development and Law; and

WHEREAS, those discussions have involved the delicate balance between updating the regulations and protecting residential sections of the City; and

WHEREAS, on December 11, 2024 the Planning Commission adopted an annual code review resolution that included a provision that it continued to support proposed zoning text amendments related to Places of Worship and urged the Mayor and Council to act swiftly in bringing forward new legislation for consideration; and

WHEREAS, on December 18, 2024, a work session with City staff regarding potential amendments to Places of Worship was held; and

ORDINANCE NO. 055-2025(PD)

WHEREAS, on March 7, 2025 the proposed zoning text amendments were made available for public review through posting on the City's website in order to provide additional time for public input prior to the formal zoning text amendment process; and

WHEREAS, pursuant to Section 1119.01 of the Codified Ordinances of the City of Cleveland Heights, this Council may by Ordinance and upon its own initiative, introduce amendments to the Zoning Code of the Codified Ordinances of the City of Cleveland Heights; and

WHEREAS, on _ 2025, City Council introduced Ordinance No. _-2025; and

WHEREAS, pursuant to Section 1119.03 of the Codified Ordinances of the City of Cleveland Heights, after the introduction of such amending Ordinance by Council, such amending Ordinance shall be transmitted to the Planning Commission for its consideration and recommendation; and

WHEREAS, on _ 2025, City Council referred Ordinance No. _-2025 to the Planning Commission; and

WHEREAS, pursuant to Section 1119.03 of the Codified Ordinances of the City of Cleveland Heights the Planning Commission shall be allowed a reasonable time, not less than thirty (30) days and nor more than sixty (60) days, for its consideration and recommendations; and

WHEREAS, at the _ 2025 Planning Commission meeting, Ordinance No. _2025 was discussed; and

WHEREAS, pursuant to Section 1119.04, on _2025 the Planning Commission adopted a resolution recommending approval of Ordinance No. _2025; and

WHEREAS, pursuant to Section 1119.05, Council held a public hearing on Ordinance No. _-2025 on _ 2025; and

WHEREAS, pursuant to Section 1119.07, Council now wishes to take action to adopt Ordinance No. _-2025.

BE IT ORDAINED by the Council of the City of Cleveland Heights, County of Cuyahoga,
State of Ohio, that:

SECTION 1. The Council of the City of Cleveland Heights, having received a request from the Mayor for amendments to sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights, a copy of which are attached hereto and incorporated herein as **Exhibit A**, placed this issue and said proposed amendments on First Reading on _ 2025 and referred the proposed amendments to the Planning Commission for its report and recommendation. The proposed amendments were

ORDINANCE NO. 055-2025(PD)

recommended for approval by the Planning Commission at its _ 2025 meeting. Upon Council's receipt of the recommendation of the Planning Commission, the issue of amending sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights, was set for Public Hearing on _ 2025 at Cleveland Heights City Hall, Council Chambers.

SECTION 2. It is found and determined that all formal actions of the Council relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 3. Notice of passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights or by posting the full text of this Ordinance to the City of Cleveland Heights website.

SECTION 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for the introduction of the proposed zoning amendments to be effective at the earliest time possible so that said amendments can be timely considered and acted upon by the Planning Commission for the benefit of the City and its residents. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

TONY CUDA
President of Council

ADDIE BALESTER
Clerk of Council

ORDINANCE NO. 055-2025(PD)

PASSED:

Presented to Mayor: _____ Approved: _____

KAHLIL SEREN
Mayor

Exhibit A
Ordinance No. 055-2025
Proposed Zoning Text Amendments: Places of Worship

April 7, 2025

CHAPTER 1103

Definitions

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1103.03 DEFINITIONS OF GENERAL TERMS.

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(b) Certain general terms are hereby defined as follows:

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(59.1) "Institutional use" means a use that includes, but is not limited to, a community place of worship, school, public library, public safety facility, public park or playground, public recreation facility, cemetery, or public parking lot or garage.

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(72.5) "Meeting room" means a room or space for public assembly or meeting.

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(87) "Places of worship, Community" means a building in a residential district originally designed for and only for, and used primarily for public worship. The word "place of worship" includes the words "church", "chapel", "synagogue", "temple", and "mosque", and their uses and activities which are customarily related. Church, chapel, synagogue, temple, mosque or other place dedicated to worship located in a commercial district shall be treated as a "meeting room" for the purposes of enforcing this Zoning Code. building or structure utilized for regular organized religious assembly with a floor area of more than 8,000 square feet.

(87.1) "Place of worship, Neighborhood" means a building or structure utilized for regular organized religious assembly with a total floor area up to 8,000 square feet.

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(105) "Sign" means any identification, description, illustration or device which is affixed to or integrated into a building, structure or land, or otherwise situated on a lot and which is intended to direct or attract attention to, or announce or promote a product, place, activity, person, institution or business by means of letters, words, designs, colors, symbols, flags, banners, fixtures, images or illuminations. Signs shall be further classified by physical design or structure, and function or purpose based on the following:

...

B. Functional.

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5. “Institutional identification” means a sign identifying the name and/or address of a community place of worship, school, public library, public safety facility, public park or playground, public recreation facility, cemetery, or public parking lot or garage, and which may include a bulletin board, and which contains only messages pertaining to activities on the site.

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10. “Neighborhood place of worship identification sign” means a sign identifying the name of a neighborhood place of worship.

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CHAPTER 1121
AA and A Single-Family and B Two-Family Residential Districts

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1121.04 CONDITIONALLY PERMITTED USES.

The categories of conditional uses which may (together with their accessory uses) be permitted in the AA and A Single-Family and B Two-Family Residential Districts, provided they conform to the conditions, standards, and requirements of Title Seven and are approved for a particular zoning lot in accordance with the administrative provisions of Section 1115, shall include the following:

- (a) Planned Residential Developments (“PRD”);
- (b) ~~Places of worship~~Reserved;
- (c) Elementary, junior and senior high schools;
- (d) Public libraries;
- (e) Public safety facilities;
- (f) Public and private parks and playgrounds;
- (g) Public recreation facilities;
- (h) Golf courses;
- (i) Cemeteries;
- (j) Public parking (surface parking lot, parking deck, or parking garage) as a principal use;
- (k) Accessory parking for uses within a MF-1, MF-2, MF-3, C-1, C-2, C-2X, C-3, S-1, or S-2 District, subject to the regulations of Section 1153.05(f) & Chapter 1161;
- (l) Day care center and preschool in a school or religious institution;
- (m) Day care home;
- (n) Home occupation in an accessory building;
- (o) Outdoor community festivals;
- (p) Satellite dish receiving antenna;
- (q) Attached single-family dwelling units, newly constructed or formed by the resubdivision of existing side-by-side two-family dwellings, may be conditionally permitted in B Districts. In A, AA, and MF Districts, attached single-family dwelling units may be conditionally permitted on lots which contain legally non-conforming side-by-side two-family dwellings, subject to the regulations of Sections 1153.03(b)(50) & 1153.05(aa);
- (r) Adaptive reuse of non-residential buildings in residential districts;
- (s) Farmers’ markets; and
- (t) Community gardens.
- (u) Community places of worship, subject to the regulations of Section 1153.05(ii); and
- (v) Neighborhood places of worship, subject to the regulations of Section 1153.05(jj).

CHAPTER 1123

MF-1, MF-2 and MF-3 Multiple-Family Residential Districts

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1123.04 CONDITIONALLY PERMITTED USES.

When denoted by the letter C, a use listed below is a conditional use which may (together with its accessory uses) be permitted in the MF-1, MF-2 and MF-3 Residential Districts provided it conforms to the conditions, standards and requirements of Title Seven and is approved for a particular zoning lot in accordance with the administrative provisions of Chapter 1115.

	<i>Land Use Category</i>	<i>MF-1 District</i>	<i>MF-2 District</i>	<i>MF-3 District</i>
(a)	Planned Residential Development (PRD)	C		
(b)	Places Community places of worship, subject to the regulations of Section 1153.05(ii)	C	C	C
(c)	Elementary, junior and senior high schools	C	C	C
(d)	Colleges and universities	C	C	C
(e)	Special training schools and adult education facilities	C	C	C
(f)	Public libraries	C	C	C
(g)	Public safety facilities	C	C	C
(h)	Public and private parks and playgrounds	C	C	C
(i)	Public recreation facilities	C	C	C
(j)	Parking deck or private parking garage as a principal use	C	C	C
(k)	Accessory parking for uses within a C-1, C-2, C-2X, C-3, S-1, or S-2 District, subject to the regulations of Section 1153.05(f) & Chapter 1161	C	C	C
(l)	Day care center, preschool in a school or religious institution	C	C	C
(m)	Outdoor community facilities	C	C	C
(n)	Dormitories, fraternities, sororities	C	C	C
(o)	Lodging houses, boarding houses, convents, homes for the aged, other congregate living and residential care facilities	C	C	C
(p)	Nursing homes, intermediate and long-term care facility	C	C	C
(q)	Hospitals	C	C	C
(r)	Public use of public land	C	C	C
(s)	Public utilities	C	C	C
(t)	Satellite dish receiving antennas	C	C	C
(w u)	Live/work dwelling, subject to the regulations of Section 1165.02(j).	C	C	C
(u v)	Attached single-family dwelling units, newly constructed or formed by the resubdivision of existing side-by-side two-family dwellings, may be conditionally permitted in B Districts. In A, AA, and MF Districts, attached single-family dwelling units may be conditionally permitted on lots which contain legally non-conforming side-by-side two-family dwellings in accordance with the additional regulations and standards set out in Schedule 1153.03(b)(50) and Section 1153.05(aa).			
(u w)	Farmers' Markets may be conditionally permitted in MF Districts subject to regulations and standards set out in Section 1153.05(dd).			
(v x)	Community Gardens may be conditionally permitted in MF Districts subject to regulations and standards set out in Section 1153.05(ee).			

1123.05 ACCESSORY USES.

When denoted by the letter A, a use listed below is an accessory use permitted in association with and subordinate to a permitted or conditionally permitted use in MF-1, MF-2 and MF-3 Multiple-Family Residential Districts, subject to the regulations of Section 1123.12 and are limited to the following:

	<i>Land Use Category</i>	<i>MF-1 District</i>	<i>MF-2 District</i>	<i>MF-3 District</i>
(a)	Private parking garages and related residential off-street parking, subject to the regulations of Chapter 1161 .	A	A	A
(b)	Signs, subject to the regulations of Chapter 1163 .	A	A	A
(c)	Home occupations, subject to the regulations of Section 1165.02(b)	A	A	A
(d)	Recreation and community room facilities, such as pools and tennis courts, for use by residents of an associated multiple- family development	A	A	A
(e)	Porches, decks, arbors, patios, gazebos	A	A	A
(f)	Storage shed and other similar buildings for the storage of domestic supplies	A	A	A
(g)	Fences	A	A	A
(h)	Noncommercial greenhouse not to exceed twenty-five percent (25%) of the ground floor area of the principal building	A	A	A
(i)	Vegetable/edible and flower gardens	A	A	A
(j)	Leasing office in a multiple-family dwelling or as part of a multiple-family development	A	A	A
(k)	Retail and service establishments not to exceed fifty percent (50%) of the area of the first floor of a multiple-family dwelling when such dwelling has at least 50 units, in accordance with Section 1123.12(b)			A
(l)	Guard house, gate house	A	A	A
(m)	Trash receptacles	A	A	A
(n)	Rain Barrels and Above Ground Cisterns	A	A	A
(o)	Meeting room	A	A	A

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CHAPTER 1131 Commercial Districts

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1131.02 PRINCIPAL AND CONDITIONALLY PERMITTED USES.

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Schedule 1131.02

PERMITTED AND CONDITIONALLY PERMITTED USES IN COMMERCIAL DISTRICTS

<i>Land Use Category</i>		<i>C-1 Office District</i>	<i>C-2 Local Retail District</i>	<i>C-2X Multiple Use District</i>	<i>C-3 General Commercial District</i>
(a)	<u>Residential Uses:</u>				
	(1) Multiple-family dwelling as a free-standing building	C	C	C	C
	(2) Multiple-family dwelling units above the first floor in association with permitted commercial use	P	P	P	P
	(3) Lodging house and boarding house including convent, home for the aged, residential care facility, and other congregate living facility	C	C	C	C
	(4) Nursing home including intermediate and long-term care facility	C	C	C	C
	(5) Dormitories, fraternities, sororities	C	C	C	C
	(6) Live/Work dwelling, subject to the regulations of Section 1131.13 & 1165.02(j)	C	P	P	P
	(7) Townhomes			C	
	(8) Attached Single Family Dwelling Units			C	
(b)	<u>Office/Professional/Medical Uses:</u>				
	(1) Offices provided that only samples of merchandise are displayed or stored in the premises	P	P	P	P
	(2) Financial establishment without drive-through facility	P	P	P	P
	(3) Financial establishment with drive-through facility	C	C	C	C
	(4) Animal clinics, veterinary offices, animal training, animal grooming facilities, animal day-care facilities, overnight boarding of animals in conjunction with animal clinics, veterinary offices, animal grooming facilities and animal day-care facilities	C	C	C	C
	(5) Funeral homes and mortuaries	C	C	C	C
	(6) Hospitals	C	C	C	C
	(7) Urgent care clinics	P	P	P	P
(c)	<u>Retail/Service Uses:</u>				
	(1) Retail establishments in wholly enclosed buildings		P	P	P
	(2) Convenience retail and service establishments in an office building provided such business occupies no more than an area equal to one-hundred percent (100%) of first floor area	P	P	P	P
	(3) Personal services including dry cleaning, laundry, beauty salon, tattoo parlor, body piercing		P	P	P
	(4) Restaurants, bar, tavern, nightclub		P	P	P

	(5)	Catering	P	P	P	P
	(6)	Drive-through facility in association with a permitted restaurant, retail or service use		C	C	C
	(7)	Hotels	C	C	C	C
(d)	<u>Automotive Uses:</u>					
	(1)	Automobile sales, new or new and used				C
	(2)	Automobile rental				C
	(3)	Truck, boat sales/rental				C
	(4)	Gasoline station				C
	(5)	Car wash establishment				C
	(6)	Automobile service station - major and minor repair				C
	(7)	Parking lot as a principal use		C	C	C
	(8)	Parking deck or private parking garage as a principal use	C	C	C	C
(e)	<u>Commercial Entertainment/Recreation Uses:</u>					
	(1)	Indoor commercial entertainment facility including game room, bowling alley, skating rink, and movie theater	P	P	P	P
	(2)	Private indoor and/or outdoor recreation including a health, tennis and racquet club	P	P	P	P
	(3)	Dance studio, exercise class	P	P	P	P
	(4)	Meeting room	C	C	C	C
	(5)	Banquet hall, party center	P	P	P	P
	(6)	Satellite dish receiving antenna	C	C	C	C
(f)	<u>General Commercial/Light Industrial Uses:</u>					
	(1)	Shops and studios for custom work of making articles to be sold at retail on the premises		P	P	P
	(2)	Printing and publishing		P	P	P
	(3)	Storage and warehousing of goods, self- storage				C
	(4)	Research & Development, Limited	P	P	P	P
	(5)	Industrial Design	P	P	P	P
	(6)	Nursery and garden supply with accessory outdoor storage		C	C	C
	(7)	Retail/Commercial Greenhouse	C	C	C	C
(g)	<u>Educational Facilities:</u>					
	(1)	Elementary, junior and senior high school	C	C	C	C
	(2)	College, university, trade and training schools, adult education facilities	C	C	C	C
	(3)	Day care center, preschool, tutoring center	C	C	C	C
(h)	<u>Community Facilities:</u>					
	(1)	Public library, museum	C	C	C	C
	(2)	Public safety facilities	C	C	C	C
	(3)	Public service and maintenance facilities	C	C	C	C
	(4)	Parks, playgrounds, and recreation facilities accessible to the public	C	C	C	C
	(5)	Farmer's markets	C	C	C	C
	(6)	Community gardens	C	C	C	C
(i)	<u>Institutional Facilities</u>					
	(1)	<u>Community Places</u> -places of worship	C	C	C	C

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CHAPTER 1151

General Criteria

1151.01 Purpose.

1151.02 General standards for all conditional uses.

CROSS REFERENCES

Conditional use defined - see P. & Z. 1103.03(b)(24)

Conditional use permit defined - see P. & Z. 1103.03(b)(25)

1151.01 PURPOSE.

The potentially diverse characteristics and impacts of a number of new and unique uses have fostered the development of regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community. Toward these ends, this Chapter provides for a more detailed evaluation of each use conditionally permitted in a specific zoning district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facility requirements, and traffic generation. The evaluation ensures consistency with the intent and objectives of the particular district in which it is to be located. The process also encourages sustainable development and practices. Accordingly, conditional use permits shall conform to the procedures and requirements of Sections 1115.08 and 1115.09.

1151.02 GENERAL STANDARDS FOR ALL CONDITIONAL USES.

A conditional use, and uses accessory to such conditional use, shall be permitted in a residential, commercial or special district only when specified as a permitted conditional use in such district, or when such use is determined by the Planning Commission to be a similar use, and only if such use conforms to the following standards in addition to any specific conditions, standards and regulations for such category of use set forth in this Chapter. Furthermore, the Planning Commission shall find:

- (a) That the conditional use will be in general accord with the purpose, intent and basic planning objectives of this Zoning Code, and with the objectives for the district in which located;
- (b) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- (c) That the conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;
- (d) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- (e) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(f) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

(g) That adequate measures have been or will be taken to provide ingress and egress designed as to minimize traffic congestion in the public streets;

(h) That the establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;

(i) That there is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that are incompatible;

(j) That the conditional use shall address the sustainability guidelines of Section 1165.06;

(k) That the conditional use shall be in conformance with the parking standards of Chapter 1161, that it shall not create an undue parking shortage, and any impacts neighboring streets, homes, and/or businesses must be minimized to the extent possible;

(l) That the conditional use shall address the landscape requirements of Chapter 1166;

~~(km)~~ That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located as well as the specific supplemental conditions set forth in Chapter 1153.

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CHAPTER 1153

Supplemental Standards for Conditional Uses

- 1153.01 Purpose.
- 1153.02 Conformance with district regulations.
- 1153.03 Specific area, width and yard regulations.
- 1153.04 Supplemental height regulations.
- 1153.05 Supplemental regulations for specific uses.

CROSS REFERENCES

- Conditional use defined - see P. & Z. 1103.03(b)(24)
- Conditional use permit defined - see P. & Z. 1103.03(b)(25)
- Planning Commission to approve or disapprove of conditional uses - see P. & Z. 1111.06(b)(1)
- General standards for all conditional uses - see P. & Z. 1151.02

1153.01 PURPOSE.

In addition to the general criteria established in Chapter 1151, the following specific conditions pertaining to each use or group of uses shall apply. Nothing in this Chapter shall prohibit the Planning Commission from prescribing supplementary conditions and safeguards in addition to these requirements.

1153.02 CONFORMANCE WITH DISTRICT REGULATIONS.

A conditional use, except as specifically otherwise provided in this title or in the district regulations for the district in which such use is to be located, shall conform to such district regulations, and to other substantive requirements of this Zoning Code, as well as satisfying the conditions, standards and requirements of this Chapter.

1153.03 SPECIFIC AREA, WIDTH AND YARD REGULATIONS.

(a) Schedule 1153.03 sets forth regulations governing lot area, lot width and minimum yard dimensions for principal and accessory buildings and parking areas for conditional uses that require area, width and yard regulations different from the district regulations. Additional standards and requirements pertaining to such uses are set forth in Section 1153.05.

(b) In addition, all parking areas adjacent to a single-family or two-family dwelling shall be landscaped in accordance with Section 1165.05.

Schedule 1153.03

AREA, WIDTH AND YARD REGULATIONS FOR CERTAIN CONDITIONAL USES

		<i>Min. Yard Dimensions (in feet) for Buildings (d) / Parking</i>						
<i>Conditional Use</i>		<i>Min. Lot Area</i>	<i>Min. Lot Width (Feet)</i>	<i>Primary Front</i>	<i>Side/Rear</i>	<i>Side/FrontSecondary Front</i>	<i>Rear</i>	<i>See Also Section</i>
(1)	PRD	---	--	--	--	--	--	1155.01 - 1155.08
(1a)	PDO Development District	2 acres	--	--	--	--	--	1147.01 - 1147.09
(2)	<u>Community Place</u> -places of worship	1 acre	150	<u>50</u> <u>25</u>	<u>50</u> <u>25</u>	<u>50</u> <u>25</u>	10	1153.05 (aii)
(2a)	<u>Neighborhood places of worship</u> - <u>Corner Lot</u> - <u>Non-Corner Lot</u>	--- --- ---	--- --- ---	<u>25</u> (f)	<u>10</u> <u>10</u>	<u>20</u> <u>20</u>	<u>25</u> <u>25</u>	<u>1153.05</u> (ji)
(3)	School facilities	1 acre	150	<u>50</u> <u>25</u>	<u>50</u> <u>25</u>	<u>50</u> <u>25</u>	10	1153.05 (b)
(4)	Public libraries	1 acre	150	50	50	50	10	---
(5)	Public safety facilities	1 acre	150	50	50	50	10	---
(6)	Public and private parks and playgrounds, and public recreation facilities	None---	None--	50 (a)	50 (a)	(ba)	(ea)	1153.05 (b)
(7)	Golf courses	None---	None--	50	50	50	50	---
(8)	Cemetery	---	--	--	--	--	--	1153.05 (c)
(9)	Parking lot for a permitted use not on the same zoning lot	None---	None--	N/A--	N/A--	(b)	(c)	---
(10)	Accessory parking for uses within the MF-1, MF-2, MF-3, C-1, C-2, C-2X, C-3, S-1, and S-2 Districts	---	--	--	--	--	--	1153.05 (f)
(11)	Parking deck or private parking garage as a principal use	20,000 sq. ft.	100	30	15	N/A--	N/A--	---
(12)	Day care home	---	--	--	--	--	--	1153.05 (d)
(13)	Day care center, preschool	---	--	--	--	--	--	1153.05 (e)
(14)	(Intentionally omitted)	---	--	--	--	--	--	
(15)	Home occupation in an accessory building	---	--	--	--	--	--	1153.05 (h)
(16)	Outdoor community festivals	---	--	--	--	--	--	1153.05 (i)
(17)	Dormitories, fraternities, sororities	20,000 sq. ft.	100	30	15	30	15	1153.05 (j)
(18)	Lodging houses, boarding houses, convents, home for the aged, other congregate living and residential care facilities	20,000 sq. ft.	100	30	15	30	15	1153.05 (k)

(19)	Nursing home, intermediate and long-term care facility	1 acre	150	50	50	30	15	---
(20)	Special training schools and adult education facilities	---	---	---	--	--	--	---
(21)	Hospitals	2 acres	200	50	50	30	15	---
(22)	Colleges and universities	2 acres	200	50	50	30	15	---
(23)	Drive-thru facilities	---	--	--	--	--	--	1153.05 (l)
(24)	Automatic Teller Machine	---	--	--	--	--	--	1153.05 (m)
(25)	Funeral homes and mortuaries in a C-2 or C-3 District	20,000 sq. ft.	100	50	50	15	(b)	---
(26)	Animal clinics, veterinary offices, or animal grooming facilities	---	--	--	--	--	--	1153.05 (n)
(26A)	Animal day-care facilities and overnight boarding of animals	---	--	--	--	--	--	1153.05 (bb)
(27)	Convenience retail in an office building	---	--	--	--	--	--	1153.05 (o)
(28)	Catering	---	--	--	--	--	--	---
(29)	Outdoor dining	---	--	--	--	--	--	1153.05 (p)
(30)	Dance studios, exercise classes and similar uses	---	--	--	--	--	--	1153.05 (q)
(31)	Auto sales, new, (new and used) and auto rental	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (r)
(32)	Auto sales, used	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (s)
(33)	Truck, boat, sales/rental	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (s)
(34)	Gasoline stations	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (t)
(35)	Car wash establishment	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (u)
(36)	Auto service-major and minor repair	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (u)
(37)	(Intentionally omitted)							
(38)	Game rooms	---	--	--	--	--	--	1153.05 (v)
(39)	Indoor commercial entertainment	---	--	--	--	--	--	---
(40)	Private indoor/outdoor recreation	---	--	--	--	--	--	---
(41)	Banquet hall, party center	---	--	--	--	--	--	---
(42)	Satellite dish receiving antenna	---	--	--	--	--	--	1153.05 (w)
(43)	Meeting room	---	--	--	--	--	--	1153.05 (x)
(44)	Storage and warehousing of goods	---	--	--	--	--	--	---
(45)	Research and testing laboratories	---	--	--	--	--	--	---

(46)	Nursery and garden supply with accessory outdoor storage	---	--	--	--	--	--	1153.05 (z)
(47)	Public indoor/outdoor entertainment, public indoor recreation, <u>public recreation facilities</u>	---	--	50(a)	50(a)	(b)	(b)	---
(48)	Reduction in parking requirements	---	--	--	--	--	--	1161.05
(49)	Architecturally significant nonconforming signs	---	--	--	--	--	--	1163.11
(50)	Attached single-family dwelling unit (e)	---	--	--	--	--	--	1153.05 (aa)
(51)	Chicken coop and run	---	--	--	10	--	10	1153.05 (gg)
(52)	Commercial Renewable Energy Systems ("Solar Farms")	2 acres	--	25	25	-25	--	1153.05 (ff)

Notes to Schedule 1153.03:

- (a) Playground structures and picnic shelters shall be located no closer to a primary front, side or rear lot line than a distance equal to its height.
- (b) Shall comply with the district regulations.
- (c) Shall comply with the parking regulations for multiple-family uses set forth in Section 1123.12(a).
- (d) Shall include principal and accessory buildings unless specified otherwise in this Zoning Code.
- (e) For the purpose of determining applicable lot area, width, and yard regulations, adjoining parcels containing attached single-family dwelling units and common areas shall be considered a single zoning lot. Any parcel on which an attached single-family dwelling unit is located shall have frontage on a public street.
- (f) Shall be consistent with the front yard setback of the two (2) adjacent residential lots, as set forth in Section 1153.05(jj)(10)(ii).

1153.04 SUPPLEMENTAL HEIGHT REGULATIONS.

Height limits heretofore established may be exceeded in the case of community places of worship, public, semi-public, public service, hospital, institutional or educational buildings, any of which when conditionally permitted may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each front, side and rear yard line as required herein at least one (1) foot for each foot of additional building height above the height limit otherwise permitted in the district in which the building is built.

1153.041 PARKING MANAGEMENT PLAN FOR NON-RESIDENTIAL USES IN RESIDENTIAL DISTRICTS.

In addition to the application materials required for the review of a conditional use of a non-residential use in a residential district by the Planning Commission or Zoning Administrator, an applicant shall be required to submit a Parking Management Plan. The Parking Management Plan shall include, but is not limited to, the following information:

- (1) Calculation of the number of off-street parking spaces required by Schedule 1161.03 for the use(s) proposed;

- (2) A statement of anticipated vehicular traffic that would be generated by the use(s) proposed, including the frequency during the day(s) and week, and any anticipated special events during the year;
- (3) Indication of any designated areas of pick-up and drop-off, any ADA-accommodations, and any shared-parking (per Section 1161.04). If shared-parking is proposed, written indication of such agreement must be provided;
- (4) A map depicting any anticipated use of available on-street parking;
- (5) A statement as to how this parking plan will be managed, including who should be contacted should there be any issues in the neighborhood, emergency response, and weather-related events. The contact must be able to respond immediately to any communication from the City; and
- (6) If applicable, data or experience from other similar uses elsewhere in Ohio regarding parking generation, traffic generation, or parking management. The Zoning Administrator can consider information from communities outside of Ohio that display a similar character or development pattern.

The Parking Management Plan shall be reviewed by the Zoning Administrator with the Police Department and Fire Inspector prior to conditional use permit review.

1153.05 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

The following conditional use regulations are specific requirements pertaining to the location and maintenance of certain conditional uses and are in addition to the general criteria set forth in Chapter 1151 and the lot area, width and yard regulations set forth in Section 1153.03.

~~(a) Places of Worship. In a residential district a place of worship shall be used only for local purposes of the congregation and shall not be used or operated as or in connection with a business, except for the renting of rooms for a use that provides a service to the community, i.e., day care, exercise classes, meeting space~~Reserved.

...

(e) Day Care Center, Preschool, School. In a residential district, a day care center, ~~or preschool,~~ or school may be conditionally permitted provided the facility is located in a ~~school~~commercial district, community place of worship, or a conditionally permitted adaptively reused non-residential building as set forth in Subsection 1153.05(cc) of this Code. In a commercial district such uses may be conditionally permitted. In residential and commercial districts, a day care center or preschool having 49 or fewer children may be conditionally approved by the Zoning Administrator; a facility with more than 49 children shall require Planning Commission approval.

...

(cc) Adaptive Reuse of Existing Non-Residential Buildings in Residential Districts. The following provisions are for adaptive reuse of a non-residential building such as a community or

neighborhood place of worship, library or school into a use compatible with the larger residential district. Adaptive reuse of non-residential buildings in residential districts is allowed by conditional use and subject to the following standards:

...

(dd) Farmers' Markets. A farmers' market may be conditionally permitted as a temporary use for specific periods of time and specific hours of operation in all districts by the Zoning Administrator in compliance with the following:

(1) Farmers' markets may be operated on a property occupied by a house-community place of worship, school facility, public park or other public property, library, an adaptive reuse of a nonresidential building or on a parking lot in a commercial districts.

...

(ii) Community places of worship

- (1) A community place of worship shall be in freestanding buildings/structures and not part of a building or structure with another principal use.
- (2) The minimum square footage of all structures on a lot comprising a community place of worship shall total at least 8,000 square feet.
- (3) The maximum impervious coverage shall be 70% the overall lot.
- (4) A community place of worship may or may not include a single residential dwelling unit, but occupancy of the unit shall be limited to clergy.
- (5) For community places of worship, the principal use shall be the holding of regularly scheduled religious services, gatherings, or activities related to the community place of worship.
- (6) Accessory facilities and functions, such as religious schools, administrative offices, and indoor recreation facilities, may be permitted, provided such facilities and functions be subordinate in function of the place of worship.
- (7) Where wedding receptions or other social functions are held at the community place of worship, attendance shall be limited to the occupancy of the community place of worship, as per the Ohio Fire Code, any other applicable local codes or ordinances, as well as available parking.
- (8) Commercial kitchen, coffeehouse, and catering facilities ~~are~~shall be permitted as an accessory use.
- (9) Accessory sales may be permitted entirely within the building containing the community place of worship.
- (10) A community place of worship shall be used only for local purposes of the congregation and shall only be used or operated for the sole purpose of the community place of worship, including short term rental of rooms, day care, preschool, school, office space, coffeehouse, meeting space or store related to community place of worship.
- (11) No building permit or certificate of occupancy shall be granted to any such accessory use, building, or structure until the building permit and certificate of occupancy for the principal use or building, respectively, have been granted.

- (12) All outdoor lighting shall be shielded in a manner to direct lighting away from adjacent properties and the public street and conform with Section 1165.07.

(jj) Neighborhood place of worship

- (1) A neighborhood place of worship shall be in freestanding buildings/structures and not part of a building or structure with another principal use.
- (2) The maximum impervious coverage a neighborhood place of worship shall be 70%.
- (3) The maximum square footage of a neighborhood place of worship shall total 8,000 square feet.
- (4) For neighborhood places of worship, the principal use shall be the holding of regularly scheduled religious services.
- (5) Where wedding receptions or other social functions are held at the neighborhood place of worship, attendance shall be limited to the occupancy of the neighborhood place of worship, as per the Ohio Fire Code, any other applicable local codes or ordinances, as well as available parking. **The social hall shall not be counted as assembly space for the purposes of this Chapter and Chapter 1161.**
- (6) No cooking facilities will be permitted, other than warming kitchen equipment for use by the occupants of the neighborhood place of worship. No catering facilities, either located within the building or in mobile and/or temporary equipment erected or parked outside of the premises, are permitted.
- (7) A neighborhood place of worship shall be used only for local purposes of the congregation and shall not be used or operated as or in connection with a business.
- (8) No building permit or certificate of occupancy shall be granted to any accessory use, building, or structure to a freestanding neighborhood place of worship, until the building permit and certificate of occupancy for the principal use or building, respectively, have been granted.
- (9) For a neighborhood place of worship, all outdoor lighting shall be shielded in a manner to direct lighting away from adjacent properties and the public street and conform with Section 1165.07.
- (10) For neighborhood places of worship that are not located on a corner lot, the following regulations shall apply in addition to the above:
 - (i) The building shall be designed to be consistent with the adjacent single- or two-family residential buildings.
 - (ii) The front setback shall be consistent with the front setback of the two (2) adjacent residential lots.
 - (iii) The primary entrance and exit shall only be off of the street frontage.

...

CHAPTER 1155
Planned Residential Development

...

1155.03 PERMITTED USES.

As part of a Planned Residential Development, the uses and dwelling types permitted in each residential district are those denoted by the letter ‘P’ below for principal use permitted, ‘C’ for conditionally-permitted use, and the letter ‘A’ below for accessory use permitted:

<i>Use</i>		<i>Zoning District</i>			
		<i>AA</i>	<i>A</i>	<i>B</i>	<i>MF-1</i>
(a)	Standard single-family subdivision	P	P	P	
(b)	Cluster single-family	P	P	P	
(c)	Two-family (attached side-by-side)	P	P	P	P
(d)	Townhouses		P	P	P
(e)	Multiple-family dwelling				P
(f)	Accessory recreational and community facilities for use by residents of PRD	A	A	A	A
(g)	Community places of worship	C	C	C	C
(h)	Neighborhood places of worship	C	C	C	

...

CHAPTER 1161

Off-Street Parking and Loading Regulations

...

1161.03 NUMBER OF PARKING SPACES REQUIRED.

The required number of off-street parking spaces for each facility or use shall be determined by application of the standards noted in Schedule 1161.03. For a use not specified in Schedule 1161.03, the Planning Commission shall apply the standard for a specified use which the Commission determines to be most similar to the proposed use.

Schedule 1161.03

REQUIRED OFF-STREET PARKING SPACES (a)

	<i>Principal Building or Use</i>	<i>Minimum Spaces Required</i>
(a)	<u>Residential Uses:</u>	
	(1a) Single-family dwellings with 2 or fewer bedrooms	1 space for each dwelling unit (b)
	(1b) Single-family dwellings with greater than 2 bedrooms	2 spaces for each dwelling unit (b)
	(2) Two-family dwellings	2 spaces for each dwelling unit, of which not less than 0.5 spaces per dwelling unit shall be enclosed (c)
	(3) Townhouses	2 spaces for each dwelling unit, of which both spaces per dwelling unit shall be enclosed (b)
	(4) Multiple-family dwelling	1 space for each dwelling unit
	(5) Senior citizen apartments	1 space for each dwelling unit
	(6) Lodging house, boarding houses	1 space for each bed
	(7) Dormitories, sororities and fraternities	1 space for each 3 persons based on the maximum capacity as established in the Housing Code
	(8) Nursing homes	1 space per 3 beds
(b)	<u>Office, Professional Service Uses:</u>	
	(1) Office, medical office, animal clinic and financial establishments	1 space for each 300 sq. ft. of floor area-
	(2) Funeral homes, mortuaries	1 space for each 50 sq. ft. of floor area in parlors or service rooms-
	(3) Hospitals	2 spaces per room
(c)	<u>Retail/Service Uses:</u>	
	(1) Retail or business uses permitted in any C District, unless specific standards given below	1 space for each 300 sq. ft. of floor area
	(2) Furniture and appliance; retail nursery garden supply, establishments	1 space for each 500 sq. ft. of floor area
	(3) Restaurants; bars; taverns; night clubs	1 space for each 300 sq. ft. floor area (outdoor dining area excluded)
	(4) Hotels and motels	5 spaces plus 1 space for each sleeping room or suite
(d)	<u>Automotive Uses:</u>	
	(1) Auto sales; new and used, auto, truck, boat sales, rental facilities	1 space for each 500 sq. ft. of floor area (indoor area only)
	(2) Gasoline stations	.5 spaces per pump +1 per 500 sq. ft. of accessory retail area
	(3) Car wash facilities	1 space per bay plus sufficient area for stacking spaces
	(4) Automobile service stations - major and minor repair	4 spaces per bay

(e)	Commercial Entertainment/Recreation Uses:		
	(1)	Bowling alleys	2 spaces per each lane.
	(2)	Game rooms	1 space for each billiard table or amusement device
	(3)	Skating rinks	1 space per 200 sq. ft. of floor area
	(4)	Indoor movie theaters, auditorium and other public assembly places	1 space for every 4 seats for first 400 seats, then 1 space per 10 seats
	(5)	Golf course	4 spaces per hole
	(6)	Tennis or racquet ball court	2 spaces per court
	(7)	Swimming pools, public or private	1 space per 200 sq. ft. of water area.
	(8)	Health, fitness, recreation club	1 space for every 200 sq. ft. of exercise area, including locker room, and equipment room.
(f)	General Commercial Uses:		
	(1)	Printing, publishing, storage and warehousing of goods	1 space for each 800 sq. ft. of floor area.
	(2)	Research and testing laboratories	1 space for each 400 sq. ft. of floor area.
	(3)	Meeting room	No requirement
(g)	Educational Facilities:		
	(1)	High schools, junior high schools, elementary schools and kindergartens	2 spaces per classroom + 1 space per 15 seats in largest assembly hall
	(2)	Neighborhood high schools	2 spaces per classroom
	(3)	Regional high schools	5 spaces per classroom.
	(4)	Colleges, universities	10 spaces for every classroom
	(5)	Day Care Centers, preschools and similar uses	1 space for each staff person or employee plus a minimum of 2 pick-up/drop-off spaces
(h)	Community Facilities:		
	(1)	Community Places-place of worship	1 space for every 4-8 seats (d)
	(1a)	Neighborhood place of worship	In the AA, A, and B Zoning Districts: equivalent to the required parking for the associated single- or two-family residential use (e) In the MF-1, MF-2, MF-3, S-1, S-2, PDO Zoning Districts, 1 space for every 300 sq. ft. (e)1 space for each 300 sq. ft. of assembly space utilized at one time
	(2)	Community center, library, museum or similar public or private semi- public building	1 space for every 4 seats or for each 300 sq. ft. of floor area, whichever is greater.

Notes to Schedule 1161.03:

(a) Unless modified by the Planning Commission, per Section 1161.05.

(b) Parking spaces shall be enclosed, except as otherwise provided in Section 1161.051.

(c) At least 0.5 parking spaces shall be enclosed, except as otherwise provided in Section 1161.051.

...

1161.035 REQUIRED BICYCLE PARKING SPACES.

...

Schedule 1161.035

REQUIRED BICYCLE PARKING SPACES

<i>USE</i>	<i>REQUIRED BICYCLE SPACES</i>	<i>REQUIRED PERCENTAGE OF LONG-TERM SPACES</i>
Multiple-Family Dwelling	1 per 4 dwelling units	Eighty percent (80%) required long-term
Dormitory; Fraternity/Sorority	1 per 4 beds	Eighty percent (80%) required long-term
Retail/Service Establishments Over 10,000 sq. ft. in GFA	1 per 2,500 sq. ft. GFA	
Offices Over 10,000 sq. ft. in GFA	1 per 5,000 sq. ft. GFA	Fifty percent (50%) required long-term
Entertainment/Recreation Facilities Over 10,000 sq. ft. in GFA	1 per 5,000 sq. ft. GFA	
Junior high schools, elementary schools and kindergartens	2 per classroom	
High Schools	3 per classroom	
Colleges and Universities	1 per 5,000 sq. ft. GFA	Fifty percent (50%) required long-term
<u>Community and Neighborhood</u> Places of Worship Over 10,000sf in GFA	<u>1 or 1 per 5,000sf GFA, whichever is greater</u>	
Hospitals	1 per 25 beds	Fifty percent (50%) required long-term
Community Facilities	1 per 2,500 sq. ft. GFA	

...

1161.04 ALLOWANCE FOR SHARED PARKING.

(a) ~~Institutions, theaters and similar~~ Two (2) or more buildings or uses may ~~make arrangements with banks, offices, retail stores and similar uses that are not normally open, used or operated during the same hours to~~ share parking facilities, provided not more than fifty percent (50%) of the required parking spaces are shared.

(b) Off-street parking spaces for separate uses may be provided collectively if the aggregate number of spaces provided is not less than the sum of the spaces required in Schedule 1161.04(b): Collective Parking Calculation. Schedule 1161.04(b) is applied in the following manner:

(1) The required number of spaces for each use is calculated according to Schedule 1161.03.

(2) The required number of spaces for each use is then applied to the percentages for each time, according to the appropriate land use category in Schedule 1161.04(b) to determine the number of required spaces. This is done for each time category.

(3) The numbers are summed for all land uses within each timeframe and the highest sum total in a timeframe is the required number of spaces.

Schedule 1161.04(b)

COLLECTIVE PARKING CALCULATION

<i>LAND USE</i>	<i>Weekday</i>			<i>Weekend</i>		
	<i>Mid-7am</i>	<i>7am-6pm</i>	<i>6pm-Mid</i>	<i>Mid-7am</i>	<i>7am-6pm</i>	<i>6pm-Mid</i>
Residential / Community Facility	100%	55%	85%	100%	65%	75%
Commercial	0%	100%	80%	0%	70%	60%

Restaurant	50%	30%	70%	5%	70%	100%
Hotel/Motel	100%	65%	90%	100%	65%	80%
Movie Theater	0%	10%	70%	5%	70%	100%
Office	5%	100%	5%	0%	10%	10%
Industrial	5%	80%	5%	0%	10%	10%

(c) A shared parking plan shall be enforced through written agreement among all owners of record and shall be included in the development plan filed with the City. The owner of the shared parking area shall enter into a written agreement including access and parking easements, with authorization for enforcement by the City. In any case where the required parking spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a zoning approval.

1161.05 MODIFICATION OF NUMBER OF REQUIRED PARKING SPACES.

The Planning Commission may reduce the parking space requirements of this Chapter for any use, based upon a finding that other forms of travel are available (such as transit, bicycle, or pedestrian) and likely to be used and, in particular, the site design will incorporate both bicycle parking facilities and pedestrian connections. In addition, one (1) or more of the following conditions must also be met:

- (1) Shared parking, per Section 1161.04, is available to multiple uses where there will be a high proportion of multi-purpose visits or where uses have peak parking demands during differing times of the day or days of the week and a shared parking agreement is in place;
- (2) Convenient municipal off-street parking or on-street spaces are located adjacent to the subject property;
- (3) Land banked parking, per Section 1161.058;
- (4) A parking study, conducted by a qualified traffic engineer, is provided, demonstrating that another standard would be more appropriate based on actual number of employees, customers, or attendees, expected level of traffic, or actual counts at a similar use. For non-residential uses in residential districts, the Planning Commission may accept a Parking Management Plan, prepared in conformance with Section 1153.041, in place of a parking study; or
- (5) The Planning Commission may require a parking study to document that any one (1) or more of the criteria in subsections (1) through (4) above would be met.

Whenever the parking requirements based on functions and uses, and application of the standards specified in Schedule 1161.03 can be shown by the applicant to result in an excessive number of parking spaces and that a lesser number of spaces is appropriate and consistent with these regulations, the Planning Commission may approve a reduction in required spaces.

...

CHAPTER 1163 Sign Regulations

...

1163.04 MAXIMUM SIGN AREAS PERMITTED.

Signs as permitted in the respective zoning districts shall conform to the maximum area requirements in Schedule 1163.04 unless regulations are otherwise specified in this Zoning Code.

Schedule 1163.04

MAXIMUM SIGN AREA REGULATIONS

(Maximum Areas in Square Feet)

	<i>Type of Sign</i>	<i>Residential and Park Districts</i>			<i>Commercial and Special Districts</i>	
		<i>Single/ Two Family</i>	<i>Multiple Family (a)</i>	<i>Institutional Uses</i>	<i>Commercial Uses</i>	<i>Institutional Uses</i>
(1)	Nameplate(b)	2	2	2	2	2
(2)	Residential identification	N.P.	12	N.A.	N.A.	N.A.
(3)	Institutional identification	N.P.	N.P.	24(c)	N.P.	(d)
(4)	Commercial identification	N.P.	N.P.	N.P.	(e)	N.P.
(5)	Instructional	N.P.	(f)	(f)	(f)	(f)
(6)	Public purpose/safety	(k)	(g)	(g)	(g)	(g)
(7)	Directional	N.P.	4(h)	4(h)	4(h)	4(h)
(8)	Temporary	12(i)	12(i)	12(i)	(j)	(j)
(9)	Construction	N.P.	12(l)	12	24	24
(10)	Permanent window sign	N.P.	N.P.	N.P.	(m)	(m)

Notes to Schedule 1163.04:

N.A. = Not Applicable.

N.P. = Not Permitted.

Notes to Schedule 1163.04:

(a) These standards shall also apply to multiple-family developments in commercial or special districts.

(b) One (1) per dwelling unit for a single-family or two-family dwelling, or address for a multiple-family dwelling, institution, or business.

(c) One (1) per institution. Maximum sign area permitted per face. Single faced and two-faced freestanding signs shall be permitted. See also Section 1163.06(b).

(d) The maximum permitted area for institutional identification signs for conditionally permitted institutional uses in a commercial or special district is one (1) square foot for each lineal foot of building frontage. Each face of a two-faced freestanding sign shall be counted toward the total. In no case shall the maximum permitted area exceed 150 square feet.

(e) The maximum permitted area for commercial identification signs in a commercial or special district is ten (10) square feet plus one (1) square foot for each lineal foot of building frontage over ten (10) feet. This maximum area applies to the sum of all types of identification signs (wall, window or awning), nameplates, instructional signs, and directional signs unless otherwise exempt pursuant to Section 1163.03(e). In no case shall the maximum permitted area exceed 150 square feet.

(f) Considered an identification sign unless exempt pursuant to Section 1163.03(e).

(g) Public purpose/safety signs shall be permitted as needed to achieve the intended public purpose.

(h) Maximum area of a directional sign shall be per sign face. There shall be no more than two (2) freestanding directional signs per access drive.

(i) Total aggregate sign area for each institutional use or residential zoning lot. The maximum permitted area for any individual sign is six (6) square feet. See also Section 1163.06(f).

(j) Shall comply with the regulations of Section 1163.06(e)(5) (temporary window signs) and Section 1163.06(f) (temporary signs).

(k) See Section 1163.06(a) (safety and security signs in residential districts).

- (l) Permitted only in an MF-3 Multiple-Family District.
- (m) Ten percent (10%) of the total window area. See also Section 1163.06(e)(5).

...

1163.06 SUPPLEMENTARY SIGN REGULATIONS.

...

(i) Signage for Places of Worship. For the purposes of this Chapter, both Community Places of Worship and Neighborhood Places of Worship shall be considered Institutional Uses and subject to the following specific sign regulations:

(1) Community place of worship. Maximum two (2) institutional identification signs on the main building. In addition, one (1) freestanding sign shall be permitted. The maximum amount of sign area for all signs shall be 24 feet.

(2) Neighborhood place of worship. One (1) neighborhood place of worship identification sign on the façade of the structure or an awning. For corner lots, an identification sign on both the primary frontage and secondary frontage shall be permitted. Each identification sign may be up to a maximum of six (6) square feet. No freestanding signs.

...

CHAPTER 1169 Sexually Oriented Businesses

...

1169.02 SEXUALLY ORIENTED BUSINESS USES.

(a) Subject to the regulations of Chapter 755 of the Business Regulation Code, the General Offenses Code, other provisions of the City Zoning Code, and state law or regulation, a sexually oriented business may be located only in accordance with the following restrictions:

(1) A sexually oriented business may only be located as a conditional use in a C-3 District.

(2) No such business shall be located on any lot within 500 feet of any public library, private or public elementary or secondary school, [community place of worship](#), or [neighborhood place of worship](#); and

(3) No such business shall be located on any lot within 1,000 feet of another sexually oriented business.

(b) For the purposes of subsection (a) hereof, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a [community place of worship](#), [neighborhood place of worship](#), public library or public or private elementary or secondary school.

(c) For the purposes of subsection (a) hereof, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects from the closest exterior wall of the structure in which each business is located.

(d) A conditional use permit for a sexually oriented business shall not be rendered invalid by the subsequent location of a [community place of worship](#), [neighborhood place of worship](#), public or private elementary or secondary school, public park or public library within 1,000 feet of the sexually oriented business.

...

**SUMMARY OF ORDINANCE NO. 055-2025: PROPOSED PLACES OF WORSHIP
ZONING TEXT AMENDMENTS
April 7, 2025**

Summary of Ordinance (Recommended Zoning Text Amendments):

Legislative Purpose and Intent

To permit a range of religious structures and uses that are contextual in the neighborhood, corridor, node, or building that it is located.

Below is a summary of the proposed zoning text amendments.

Definitions (Section 1103.03(b))

- Adds definition for ‘Meeting Room’
- Replaces the general ‘Places of Worship’ definition with a definition for ‘Community Place of Worship’ and ‘Neighborhood Place of Worship’
- Revises other definitions to include both ‘community place of worship’ and ‘neighborhood place of worship’

AA and A Single-Family and B Two-Family Residential Districts (Section 1121.04)

- Replaces the general ‘Places of Worship’ use with both ‘Community Place of Worship’ and ‘Neighborhood Place of Worship’ as a conditionally permitted use, subject to specific regulations

MF-1, MF-2 and MF-3 Multiple Family Residential Districts, Conditional Uses (Section 1123.04)

- Replaces the general ‘Places of Worship’ use with ‘Community Place of Worship’ as a conditionally permitted use, subject to specific regulations

MF-1, MF-2 and MF-3 Multiple Family Residential Districts, Accessory Uses (Section 1123.05)

- Adds ‘Meeting Room’ as an accessory use

Commercial Districts (Section 1131.02, Schedule 1131.02)

- Adds ‘Community Place of Worship’ as a conditionally permitted use

Conditional Uses (Section 1151.02)

- Adds general standards for all conditional uses related to parking and landscaping

Bulk and Lot Controls (Section 1153.03, Schedule 1153.03); Height (Section 1153.04)

- Replaces the general ‘Places of Worship’ standard with separate ‘Community Place of Worship’ and ‘Neighborhood Place of Worship’ standards
- Updates the setbacks for ‘Community Place of Worship’ and ‘School Facilities’
- Standardizes non-applicable standards throughout the schedule

- Separates parks and playgrounds from recreation buildings and structures

Parking Management Plan for Non-Residential Uses in Residential Districts (new Section 1153.041)

- Creates new section that requires a Parking Management Plan for all non-residential conditionally permitted uses in residential districts

Supplemental Regulations (Section 1153.05)

- Removes the general 'Places of Worship' limited regulations
- Revises other standards to include both 'community place of worship' and 'neighborhood place of worship'
- Creates specific detailed standards for 'Community Places of Worship' (Section 1153.05(ii))
- Creates specific detailed standards for 'Neighborhood Places of Worship' (Section 1153.05(jj)), including additional standards for non-corner lots (Section 1153.05(jj)(10))
- Updates the supplemental regulations for Day Care Center and Preschool to include School

Planned Residential Development (Section 1155.03)

- Adds 'Community Places of Worship' and 'Neighborhood Places of Worship' as conditionally permitted uses as part of a PRD in the AA, A, B, and MF-1 districts

Parking (Chapter 1161)

- Replaces the general 'Places of Worship' standard with separate 'Community Place of Worship' and 'Neighborhood Place of Worship' standards (Section 1161.03, Schedule 1161.03(h)(1) & (1a))
- Revises required bicycle parking for 'Community Place of Worship' and 'Neighborhood Place of Worship' (Section 1161.05, Schedule 1161.05)
- Revises the shared parking allowance to be inclusive of all uses (Section 1161.04) and clarifies that a written agreement is required
- Revises the Planning Commission's ability to modify the number of required parking spaces for all uses to include specific criteria (Section 1161.05)

Signs (Chapter 1163)

- Adds in specific standards for 'Neighborhood Places of Worship' and 'Community Places of Worship' (Section 1163.06(i))

Sexually Oriented Businesses (Chapter 1169)

- Replaces the general 'Places of Worship' with 'Community Place of Worship' and 'Neighborhood Place of Worship'

Process for Zoning Text Amendments:

Chapter 1119 of the Zoning Code provides the regulations and process for amending the Zoning Code. What follows is a summary of the process.

1. Introduction of amending ordinance to Council (Section 1119.02)
2. Referral to Planning Commission for consideration and recommendation. The Commission shall be allowed a reasonable time, not less than thirty (30) days, nor more than sixty (60) days for its consideration and recommendations (Section 1119.03)
3. Planning Commission consideration and recommendation at regularly-scheduled meeting or special meeting or workshop – all open to the public to watch (Section 1119.04)
- [3.1, not an official step] Discussion of amending ordinance at Planning & Development Committee of Council
4. Public hearing by Council, including appropriate noticing (Section 1119.05)
5. Action by Council. After the public hearing Council shall either adopt or deny the recommendation of the Planning Commission (Section 1119.06)

City of Cleveland Heights
Livable Neighborhoods Initiative
Proposed Places of Worship Zoning Text Amendments
Frequently Asked Questions (FAQ)

1. What is the Livable Neighborhoods Initiative?

The Livable Neighborhoods Initiative looks to examine residential neighborhoods and potentially propose changes to zoning to make those neighborhoods more resilient and livable in the modern age. This is similar to what other communities across the United States are doing, often under the guise of “Missing Middle”.¹

The Livable Neighborhoods Initiative has three (3) main components:

1. ***How we pray*** – Places of Worship
2. ***How we reside*** – Residential Typologies
3. ***Full service neighborhoods*** – Non-Residential Uses in Residential Neighborhoods

2. I’d like to know more about what the City is proposing under the Livable Neighborhoods Initiative, where can I find more information?

Department of Planning, Neighborhoods & Development staff are working with the City’s Communications Department to create a separate webpage with information about the Livable Neighborhoods Initiative. It is the intent of City staff to bring on a consultant to assist in some of the components when the full-year 2025 budget is approved.

3. What is the City proposing changing the zoning related to Places of Worship? And why is that the first component of the Livable Neighborhoods Initiative?

The City of Cleveland Heights is a community where “All are Welcome”. From a religious point of view, this means that all religions and creeds can have a home here and many do. This manifests itself in many different ways in which our residents pray.

Not only is the way in which people pray diverse, but the way that people pray and worship has also changed over time. By the mid-20th Century, our communities were ripe with congregations on large properties with “grand” and tall structures that are meant to stick out as significant within the community, with ample parking to accommodate the suburban family, but with large setbacks. This is evident in the City of Cleveland Heights, where we have a long history of beautiful and significant places of worship, including, but not limited to: St. Paul’s Episcopal Church, Church of the Saviour, St. Ann Church, Start Right Church, Park Synagogue, the Civic, etc.

¹ <https://missingmiddlehousing.com/>

However, in recent years, many congregations have decreased significantly in size, as families have continued to move further out and older members with strong ties have passed on. There are many buildings and properties that are too large for the congregations to support. In some cases, those congregations have sold the properties off for non-religious uses. A recent example is the move of Park Synagogue to Pepper Pike. The Cleveland Heights property has been sold and is in process of creating a plan for a redevelopment of that site.

In speaking with the faith-based community in Cleveland Heights, there are newer and smaller congregations that are looking for spaces in the neighborhoods where their parishioners live – but find a dearth of opportunities. Unfortunately, this has resulted in many congregations operating “under the radar”, without permits and inspections, creating a real health and safety concern.

The above situation can partly be ascribed to our zoning regulations – which are not reflective of how people pray today as they only permit large structures on large properties with a significant amount of parking or in storefronts. As a result, we are proposing to be proactive to update our zoning code to permit, in particular, Neighborhood Places of Worship – smaller, contextual places of worship that can locate and fit into residential neighborhoods – as will be described below.

Second, while proposing to provide additional opportunities for religious uses, the proposed amendments also seek to provide the appropriate level of protection for our single-family residential neighborhoods. This is one of the most important purposes of our zoning code and involves the City and its design review boards making sure that such places of worship are contextual architecturally, and do not create significant impacts related to traffic, noise, and particularly parking for the neighborhood.

Last, we are proposing the amendments to bring our zoning code further aligned with state and federal regulations (particularly the Religious Land Use and Institutionalized Persons Act – “RLUIPA”), having seen the protracted and expensive litigation some of our neighboring cities have endured by not doing so.

This component was selected as the first component to be pursued because there had already been much work devoted to this by staff and the Planning Commission, as will be discussed later in this FAQ. In addition, and as noted above, the City intends on bringing on a consultant team to assist with the other components.

4. Specifically, what are the major changes?

The proposed changes 1) standardize requirements related to parking for all conditionally permitted uses; 2) modifies the ability for any use to request a reduction in parking from the Planning Commission; 3) requires a Parking Management Plan for all non-residential uses in residential districts; and 4) takes the existing “Places of Worship” land use that has limited standards and breaks it into two (2):

- Community Place of Worship
- Neighborhood Place of Worship

Community Place of Worship

A Community Place of Worship is essentially the existing type of religious land use, but additional standards are added. These are permitted as-of-right in the AA and A Single-Family and B Two-Family zoning districts and conditionally permitted in the MF Multiple-Family and C Commercial zoning districts and a Planned Residential Development (PRD). They would continue to be limited to larger properties, with large setbacks, and can permit grand and tall structures of more than 8,000 square feet. The parking requirements would be revised to reflect more modern travel patterns.

Neighborhood Place of Worship

The biggest proposed change is the creation of a Neighborhood Place of Worship land use. These would be permitted in AA and A Single-Family and B Two-Family zoning districts and a Planned Residential Development (PRD). A number of standards are proposed to ensure that they are contextual – site planning, architecture, signage, parking. In addition, a distinction is made between corner lots and non-corner lots, with additional standards being applied to non-corner lots.

Meeting Room

The proposed changes do not include any changes to storefront places of worship, which are permitted as “Meeting Rooms” in our code, outside of permitting them as accessory uses in multiple-family buildings.

5. This is the first I’m hearing of this, when was this discussed? I remember the City introducing something similar in 2023. What happened?

The Planning Commission has been discussing amending the zoning code to accommodate smaller places of worship since fall of 2022. Throughout the course of the end of 2022 and then 2023, the Planning Commission has held a number of meetings on the topic at their regularly scheduled monthly meetings. This culminated in a recommendation by the Planning Commission on July 12, 2023 to move forward with proposed changes and bring those to City Council for review. Department of Planning & Development staff worked with the Law Department to prepare the proposed changes and bring that forward to Council in early 2024 after additional review and research. Ordinance No. 31-2024 was introduced via First Reading at City Council on March 4, 2024. At that meeting, Council referred the legislation to the Planning Commission. The Planning Commission held a public meeting on the legislation on March 13, 2024 and adopted a recommendation resolution an amended version of the ordinance. Council referred the ordinance to the Planning & Development Committee of Council on April 3, 2024. The Planning & Development Committee of Council met on April 3, 2024 and discussed the ordinance. However, they did not vote to move the legislation back to Council for public hearing, but, rather, determined to hold off until additional information was provided. On April 21, 2024, Mayor Seren notified Council that he was withdrawing

Ordinance 031-2024 to allow for additional internal administrative review, further discussion with Council on the topic, and further discourse on the general underlying concepts. He also indicated that he expected to reintroduce zoning code amendments in the future. Staff then worked collaboratively on a new proposal. A recorded work session took place on December 18, 2024 (<https://www.youtube.com/watch?v=1r2tBm8kpII>). The Mayor then posted a draft of the proposed zoning text amendments on the City's website on _ 2025.

6. How were the proposed changes prepared?

Department of Planning, Neighborhoods & Development staff reviewed existing and proposed zoning codes throughout Ohio and the United States. In particular, communities with Amish and Mennonite populations in central Ohio and in Pennsylvania, communities with significant Orthodox Jewish populations in New York and New Jersey, and Mormon communities in Utah were reviewed to obtain a perspective on smaller, contextual, often home-based worship. This was coupled with best zoning practices, as well as a review of how our neighboring cities have been dealing with places of worship – see below.

7. What happened recently with our neighboring cities that is informing the City on these proposed changes?

- University Heights underwent significant legal challenge to its zoning code with regards to places of worship. This resulted in a late-2022 out of court settlement.
- Beachwood adopted zoning code amendments in the Fall of 2023 regarding institutional uses, including permitting home-based places of worship. The amendments were proposed, in part, to avoid litigation, but also to be better in line with state and federal law.
- In Shaker Heights, a homeowner in that city purchased three (3) parcels with the intent of constructing a home that was much larger than any of the homes in that neighborhood. When the homeowner submitted the building plans for approval, the city and neighboring residents objected to the size. The homeowner did not submit an application to build a place of worship and, in fact, he denied it would be a place of worship. Ultimately, the city did not have to issue a ruling nor issue a building permit because the application was withdrawn.

8. How did you come up with the 8,000-square-foot maximum building size for a Neighborhood Place of Worship?

8,000 square feet is a typical threshold to distinguish between larger institutional uses that serve a larger population with a greater traffic and a demand for parking, compared to those that are meant to serve a smaller population found in a neighborhood or street. This is also a common threshold that we observed in our research on other ordinances.

9. Are the setbacks for a Neighborhood Place of Worship different than the typical residential setbacks? How about height?

A key consideration of proposing a Neighborhood Place of Worship is ensuring that they are contextual with the residential character of the area. To that end, while there are some differences in the front, side, and rear yard setbacks between Neighborhood Places of Worship and residential uses, they are proposed to be minimal. The intent is to allow a Neighborhood Place of Worship that could look different than the homes that surround it; however, they should still fit into the general residential character of the neighborhood. For that reason, the heights are proposed to be the same.

10. Parking in our neighborhoods is a concern. How do these proposed amendments handle parking?

In preparing these amendments, we wanted to “right-size” the City’s review of parking, particularly related to conditionally-permitted uses and non-residential uses in residential districts – as these are the areas where there is much sensitivity to parking and community character. The amendments include provisions that require that all conditionally-permitted uses not create an undue parking shortage. The amendments propose to add provisions that require a Parking Management Plan for those non-residential uses in residential districts. Finally, the amendments propose to modify the existing standards related to the Planning Commission’s ability to modify the number of required parking spaces to provide specific criteria, which is in-line with other communities in Ohio and the United States.

11. Are you saying that residents can’t invite family and friends to their homes for informal prayer services?

No. The City has no interest in interfering with people’s right to pray with family and friends. The purpose and intent of these proposed zoning changes is not to infringe at all on an individual’s right to worship, pray, or meet. If a resident is not operating a place of worship and there is no congregation using the building as a neighborhood place of worship, as newly defined in our zoning code, they will not need to receive any approvals from the City. The purpose of the proposed regulations is to accommodate a pathway for when a group of people intend to meet on a regular occasion, with recognition as a place of worship. It is at that point that building occupancy, fire safety, parking, and other factors become relevant for regulation.

12. What is going to happen with the existing places of worship that are located in residential areas?

Under the new zoning code, the City will contact property owners who we believe are operating places of worship to let them know about the new regulations and how to come into compliance. Given the newness of the regulations, they will be given ample opportunity

to come into compliance. After that time, as with any property within the City, such properties will be subject to inspections – for zoning, use, property maintenance, etc.

13. Could places of worship be used for any other use?

Yes, but such uses would have to be accessory or “secondary” and related to the religious aspect. As has happened throughout history, social functions like weddings, bar mitzvahs, communions, or other social celebrations would be permitted at the place of worship, but would have to meet all of the typical building and housing regulations regarding the assembly of people. In addition, each place of worship as a conditionally permitted use would, as part of their review and approval, indicate the type and frequency of such events and a statement or plan of how such events would be managed, particularly parking.

14. How do these new rules help public safety?

Places of worship that operate “under the radar,” besides being illegal, can be dangerous and harmful to the entire community, as with any unregulated place of assembly. Critical safety concerns like occupancy limits, fire codes, the way doors open and close along with other important safety considerations currently cannot be enforced under the existing regulations. Whether a store, an apartment house, a medical building or nursing home, there are a myriad of safety rules that must be complied with before we can issue an occupancy permit. Places of worship, as defined in the new code, must comply with those same rules. So, if a home or other structure is being used on a regular basis as a place of worship as defined in the new code or any other purpose where the public gathers, the City has a duty to make certain that the building and participants are safe. On a practical basis, these code changes allow the City to enforce safety regulations on a fair and consistent basis.

15. Does this mean that Neighborhood Places of Worship are going to be popping up all over the place?

No. The regulations have been drafted in a way to ensure that neighborhood places of worship occur at specific locations and under particular circumstances so as to fit into the neighborhood. In particular:

- They are conditionally permitted, requiring Planning Commission approval. Conditionally permitted uses before the Planning Commission are reviewed at public meetings. Details on parking and landscaping will be required as part of this review.
- Specific yard standards and a landscaped buffer are proposed to ensure that there is enough room between a place of worship and residential uses that are adjacent. In our single-family neighborhoods, many of the lots are small, and, therefore, would not be eligible for a place of worship (without receiving a variance from the BZA)
- There are specific maximum impervious coverage and square footage requirements for places of worship.

- Additional standards are proposed for lots that are not corner-lots. It is likely that most neighborhood places of worship will locate on corner lots – which is more limited in number.

16. How will requests for places of worship in the City be handled?

Just like any other conditional use permit request. When an applicant comes forward to the City and makes a request, Department of Planning, Neighborhoods & Development staff works with that applicant to ensure that the appropriate materials are provided for Planning Commission review. The Planning Commission reviews the application in a public meeting and can ultimately decide to approve the application, approve with conditions, table it to a later meeting, or disapprove the application.

17. Doesn't the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) pretty much mean a city can't stop anyone from opening a place of worship wherever they want?

No. We know there is much confusion about this law. The approach we are taking to land use control and regulation of religious uses, does not violate RLUIPA. RLUIPA does not exempt religious land uses from land use regulations. It does, however, require that religious uses be treated on equal terms with non-religious assembly or institutional uses. With these proposed amendments, anyone with a current place of worship that is operating improperly, can now understand what needs to be done to operate safely and in compliance with our regulations.

18. Won't this lead to new lawsuits against the City of Cleveland Heights when people are denied requests to open up a place of worship?

No. The proposed amendments are additive, meaning that it provides additional rights and opportunities for property owners looking to build and operate a place of worship in a neighborhood. It does not remove the existing standards we have in place in our zoning code for those larger "community" places of worship or places of worship that occur in storefronts. By being proactive and more accommodating, the proposed new zoning should provide ample opportunity to propose a place of worship that can be code conforming. In a case where conditions prevent a code conforming application, an applicant for a place of worship will continue to have the ability to apply for zoning variances through the Board of Zoning Appeals (BZA), as with any other applicant. In addition, the proposed regulations, by being more compliant with federal and state law, makes the City less vulnerable to litigation.

Note: This document will be updated as new questions arise. Original date: April 7, 2025