



Date: March 4, 2024

To: City Council

From: Eric Zamft, Director of Planning and Development

Subject: Ordinance No. 031-2024

Purpose Statement: To introduce changes to the City's Codified Ordinance, specifically Part Eleven – Zoning Code.

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. 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. The Department of Planning & Development is, therefore, working with the Law Department to prepare the proposed changes and bring that forward to Council in early 2024 after additional review and research.

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
- 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: X No: _____

If yes, why? There is at least one pending case before the Planning Commission that would be impacted (positively) by passage of the legislation. It is requested that such amendments be adopted and 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.

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

If yes, why? N/a

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

If not already budgeted for, where will funding come from? N/a; no funding required

Proposed: 03/04/2024

ORDINANCE NO. 031-2024(PD), *First Reading*

By Mayor Seren

An Ordinance introducing amendments to various Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights to update the City's regulations regarding places of worship, and transmitting the same to the Planning Commission; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the way 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 and 2023, the Planning Commission has discussed the regulations related to places of worship with staff from the Departments of Planning & Development and Law; and

WHEREAS, those discussions involved the delicate balance between updating the regulations and protecting residential sections of the City; 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, 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, 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 July 12, 2023 Planning Commission meeting, the Planning Commission asked that staff from the Departments of Planning & Development and Law prepare legislation for Council's consideration.

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

SECTION 1. Pursuant to Section 1119.01 of the Codified Ordinances, this Council hereby introduces amendments to Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights, as set forth in **Exhibit A** attached hereto.

SECTION 2. Pursuant to Section 1119.03 of the Codified Ordinances, this proposed amending Ordinance shall be transmitted to the Planning Commission.

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.

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 the Council

ADDIE BALESTER
Clerk of Council

ORDINANCE NO. 031-2024(PD)

PASSED:

Presented to Mayor: _____ Approved by Mayor: _____

KAHLIL SEREN
Mayor

EXHIBIT A

PROPOSED ZONING TEXT AMENDMENTS: PLACES OF WORSHIP

March 4, 2024

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 10,000 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 10,000 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.

...

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 spaces for a commercial use, contiguous with 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;
- (l) Accessory parking for a multiple-family use contiguous with MF-1, MF-2, MF-3, S-1, S-2, C-1, C-2, C-2X, or C-3 District, subject to the regulations of Chapter 1161;
- (m) Day care center and preschool in a school or religious institution;
- (n) Day care home;
- (o) Home occupation in an accessory building;
- (p) Outdoor community festivals;
- (q) Satellite dish receiving antenna;
- (r) 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);
- (s) Adaptive reuse of non-residential buildings in residential districts;
- (t) Farmers’ markets; ~~and~~
- (u) Community gardens.;
- (v) Community places of worship, subject to the regulations of Section 1153.05(ii); and
- (w) 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, <u>subject to the regulations of Section 1153.05(ii)</u>	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 a commercial use, contiguous with a C-2, C-2X or C-3 District	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
(u)	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).			
(v)	Farmers' Markets may be conditionally permitted in MF Districts subject to regulations and standards set out in Section 1153.05(dd).			
(w)	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)	<u>Meeting room</u>	<u>A</u>	<u>A</u>	<u>A</u>

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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	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 1153 **Supplemental Standards for Conditional Uses**

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1153.03 SPECIFIC AREA, WIDTH AND YARD REGULATIONS.

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Schedule 1153.03

AREA, WIDTH AND YARD REGULATIONS FOR CERTAIN CONDITIONAL USES

				<i>Min. Yard Dimensions (in feet)</i>				
				<i>Buildings (d) Parking</i>				
<i>Conditional Use</i>		<i>Min. Lot Area</i>	<i>Min. Lot Width (Feet)</i>	<i>Front</i>	<i>Side/Rear</i>	<i>Side/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)	Community Place places of worship	1 acre	150	50	50	50	10	1153.05 (a)
(2a)	Neighborhood places of worship - Corner Lot - Non-Corner Lot	--- ---	--- ---	25 (f)	5 5	5 / 25 5	7 7	1153.05 (j)
(3)	School facilities	1 acre	150	50	50	50	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)	(b)	(c)	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 a commercial use	---	--	--	--	--	--	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	20,000 sq. ft.	100	30	15	30	15	1153.05 (k)

	congregate living and residential care facilities							
(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	---	--	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	--	--	1153.05 (ff)

Notes to Schedule 1153.03:

- (a) Playground structures and picnic shelters shall be located no closer to a 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) See Section 1153.05(jj)(12).

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. Neighborhood places of worship may be erected to a height not exceeding forty-five (45) feet in height only 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.

1153.05 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. In a residential district, a day care center or preschool may be conditionally permitted provided the facility is located in a school, 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 wards may be conditionally approved by the Zoning Administrator; a facility with more than 49 wards 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 10,000 square feet.
- (3) The maximum impervious coverage shall be 60% of 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.
- (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. Such events shall be included as part of the statement or plan of how parking will be managed, per subsection (14) below.
- (8) Commercial kitchen and catering facilities are 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 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, e.g., day care, exercise classes, meeting space.
- (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.
- (13) As part of the review of the conditional use for a community place of worship by the Planning Commission, a detailed landscape plan shall be provided. The landscape plans shall depict landscaping along all property lines, including the types of plantings, berms, and such other elements as are necessary to screen the facilities in accordance with the landscape requirements contained in Chapter 1166.
- (14) As part of the review of the conditional use for a community place of worship by the Planning Commission, a statement or plan of how parking will be managed shall be provided. Impacts on the neighborhood streets and neighboring residential homes must be minimized to the extent possible.

(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 within the AA, A, or B Zoning Districts shall be 70%.
- (3) The maximum square footage of a neighborhood place of worship shall total 10,000 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. Such events shall be included as part of the statement or plan of how parking will be managed, per subsection (11) below.
- (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) As part of the review of the conditional use for a neighborhood place of worship by the Planning Commission, a detailed landscape plan shall be provided. The landscape plans shall depict landscaping along all property lines, including the types of plantings, berms, and such other elements as are necessary to screen the facilities in accordance with the landscape requirements contained in Chapter 1166.
- (11) As part of the review of the conditional use for a neighborhood place of worship by the Planning Commission, a statement or plan of how parking will be managed shall be provided. Impacts on the neighborhood streets and neighboring residential homes must be minimized to the extent possible.
- (12) 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' or 'C' below:

<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	P	P	P	P
(g)	<u>Community places of worship</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
(h)	<u>Neighborhood places of worship</u>	<u>C</u>	<u>C</u>	<u>C</u>	

...

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)	Residential Uses:	
	(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)	Office, Professional Service Uses:	
	(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)	Retail/Service Uses:	
	(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)	Automotive Uses:	
	(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)	Indoor or outdoor 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 seats
	(1a)	Neighborhood place of worship	<ul style="list-style-type: none">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)
	(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.

(d) Unless modified by the Planning Commission based upon parking management statement or plan, per Section 1161.05(ii)(13).

(e) Unless modified by the Planning Commission based upon parking management statement or plan, per Section 1161.05(jj)(11).

...

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 <u>Over 10,000sf in GFA</u>	<u>1 or 1 per 5,000sf GFA,</u> <u>whichever is greater</u>	
Hospitals	1 per 25 beds	Fifty percent (50%) required long-term
Community Facilities	1 per 2,500 sq. ft. GFA	

...

CHAPTER 1163 Sign Regulations

...

1163.02 APPLICATION OF SIGN REGULATIONS.

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(d) Signs customarily incidental to neighborhood places of worship shall not exceed six (6) square feet in area and shall be located along the façade with the primary building entrance.

...

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>Residential and Park Districts</i>			<i>Commercial and Special Districts</i>	
	<i>Type of Sign</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)
<u>(11)</u>	<u>Neighborhood place of worship identification sign</u>	<u>N.A.</u>	<u>N.A.</u>	<u>6</u>	<u>N.A.</u>	<u>6</u>

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. Signage shall be permitted for places of worship as follows:
(1) Community place of worship. Institutional identification sign. Freestanding shall be permitted.

(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, one (1) sign per frontage shall be permitted. 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 PROPOSED PLACES OF WORSHIP ZONING TEXT AMENDMENTS AND ZONING TEXT AMENDMENT PROCESS

March 3, 2024

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, the two (2) bullets in ***bold italics*** are of particular note.

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

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

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))***

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 and ties it back to the supplemental regulations (Section 1161.03, Schedule 1161.03)
- Revises required bicycle parking for ‘Community Place of Worship’ and ‘Neighborhood Place of Worship’ (Section 1161.05, Schedule 1161.05)

Signs (Chapter 1163)

- Adds in standards for ‘Neighborhood Places of Worship’
- Maintains signage regulations for ‘Community Places of Worship’ as institutional

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) – *subject of this agenda item*
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
Proposed Places of Worship Zoning Text Amendments
Frequently Asked Questions (FAQ)

1. Why is the City doing this?

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.

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, etc. 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.

2. Specifically, what are the major changes?

The proposed changes take 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 10,000 square feet. The existing parking requirements would remain, but an additional requirement has been added that the Planning Commission would review a parking management plan or statement to ensure that parking is not impacting the surrounding area. Similarly, a detailed landscape would be required as part of the Planning Commission review.

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. An additional requirement is proposed that the Planning Commission would review a parking management plan or statement to ensure that parking is not impacting the surrounding neighborhood. Similarly, a detailed landscape would be required as part of the Planning Commission review.

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.

3. This is the first I’m hearing of this, when was this discussed?

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.

4. How were the proposed changes prepared?

Department of Planning & 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.

5. 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.

6. How did you come up with the 10,000-square-foot maximum building size for a Neighborhood Place of Worship?

10,000 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. We see this

threshold already in our zoning code with regards to parking standards for retail, office, and places of worship.

7. Why are the setbacks for a Neighborhood Place of Worship different than the typical residential setbacks? Why are you proposing to allow for Neighborhood Places of Worship that can be higher than surrounding single-family homes?

While a key consideration of proposing a Neighborhood Place of Worship is ensuring that they are contextual with the residential character of the area, the intent is not that they look and function exactly like a single-family home – we know that they don't. Neighborhood Places of Worship should look different than the homes that surround it, but, they should still fit into the general residential character of the neighborhood. To that end, it is intentional that some of the standards – setbacks and height in particular – are different than for a single-family home. However, the potential for a smaller setback/higher building is only provided as part of a conditional use review by the Planning Commission for the site plan, the Architectural Board of Review (ABR) for its architecture, and both for the overall impact on neighboring properties.

8. 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.

9. 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.

10. 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 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.

11. 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.

12. 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.

13. 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 & 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.

14. 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.

15. 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: March 4, 2024