

ORDINANCE NO. 25-147

BY: Anne Williams

Enacting an interim zoning ordinance for a period of 150 days in order to maintain the status quo by adding standards for outdoor recreational structures and uses in the Institutional Zoning District, and declaring an emergency.

WHEREAS, Article I of the City's Charter reserves "to the City all powers, general or special, governmental or proprietary, which may now or hereafter lawfully be possessed or exercised by any municipal corporation of Ohio," and provides that the "powers of this City may be exercised in the manner prescribed in this Charter, or, to the extent that the manner is not prescribed herein, in such manner as the Council may prescribe;" and

WHEREAS, Article II, Section 4 of the City's Charter provides that "the legislative power of the City, and such other powers as may be granted by this Charter...shall be vested in the Council;" and

WHEREAS, Article V, Section 3 of the City's Charter provides that "the City Planning Commission shall have such powers as may be conferred on it by ordinance of the Council concerning...the zoning of the City for any lawful purpose and such other powers as are now or may hereafter be conferred upon it by ordinance of the Council;" and

WHEREAS, the Council of the City has enacted a comprehensive Zoning Code, which includes a process for the amendment of the text of the Code, and Council has conferred the authority on the Planning Commission to review and make recommendations on proposed amendments to the Zoning Code, which amendments must be approved by the City Council; and

WHEREAS, this Council believes that it is in the best interests of the City and its citizens to maintain the residential character of certain neighborhoods in the context of potential expanded use of outdoor recreational structures and uses in Institutional Districts, particularly by public and private schools, which are typically adjacent to and surrounded by residential uses, and mainly Single Family Residential Zoning Districts, to ensure the protection of the interests of residential property owners in such residential zoning districts; and

WHEREAS, in order to address its concerns, this Council has determined to submit an application to the Zoning Administrator, pursuant to Section 1213.07 of the Codified Ordinances, to amend the text of the Zoning Code in Section 1240.04 - Conditional Uses, to make certain outdoor recreational structures and uses a conditional use in the Institutional Zoning Districts and require certain standards; and

WHEREAS, pursuant to Section 1213.07 of the Codified Ordinances, the Council's application for amendment of the Zoning Code shall be submitted to the Planning Commission for review, public hearing, and recommendation to the Council, and Council must hold three readings of and a public hearing about any legislation to approve an amendment to the Zoning Code; and

WHEREAS, Section 1240.04 of the Zoning Code was most recently adopted in Ordinance 18-25, enacted on April 23, 2018; and

WHEREAS, in order to maintain the status quo in the City as to outdoor recreational uses during the pendency of the amendment process, this Council has determined to adopt an interim zoning ordinance to amend the text of the Zoning Code in Section 1240.04 - Conditional Uses, to make certain outdoor recreational structures and uses a conditional use in the Institutional Zoning Districts and require certain standards for a period of 150 days, or until the amendment process has concluded, whichever occurs first.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. That notwithstanding, and as an exception to, the Zoning Code of the City, and in particular Section 1213.07 of the Codified Ordinances, to the contrary, Section 1240.04 of the Codified Ordinances of the City of Shaker Heights is hereby amended for a period of 150 days by the addition of the following provisions:

1240.04 CONDITIONAL USES.

Conditional Uses are those uses having some special impact or uniqueness that require a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

- A. In order to promote preservation and reuse, the following may be permitted only as Conditional Uses in existing buildings and grounds in the I Institutional District. Modifications and alterations of existing buildings in preparation for their reuse shall require review by the City Planning Commission pursuant to Section 1240.02, Reuse of Buildings.
1. Assembly Halls.
 2. Assisted Living Facilities, pursuant to Section 1263.04.
 3. Colleges and universities.
 4. Convalescent, Nursing or Rest Homes, pursuant to Section 1263.04.
 5. Day Care Centers, Adult, pursuant to Section 1263.07.
 6. Day Care Centers, Child, pursuant to Section 1263.08.
 7. Day care centers and schools operated as a part of a Place of Worship, pursuant to Section 1263.09.
 8. Dwelling units, multiple-family of three (3) or more.
 9. Government buildings, and administrative offices.
 10. Planned Unit Developments, pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.
 11. Offices.
 12. Shelters, emergency.
 13. Similar uses approved by the City Planning Commission and the City Council, pursuant to Section 1213.05.D.2.
 14. Theatres.

15. Outdoor recreational structures and uses for schools, public and private, including fields and courts, but not including playgrounds and incidental uses, per section subsection C. of this Section.

B. Recognizing that some uses may not fit into the existing structures or may require additions, alterations or new construction but may be compatible with the surrounding neighborhood, the following uses may be permitted as a conditional use. These uses require stringent review by the City Planning Commission and City Council. Only after thorough review will building adaptations or new construction be considered.

1. Band Shells and Amphitheatres, pursuant to Section 1263.06.
2. Fire and police stations, pursuant to Section 1263.12.
3. Recreational facilities as primary uses, indoor or outdoor, public or Private.
4. Similar uses approved by the City Planning Commission and the City Council, pursuant to Section 1213.05.D.2.

C. In addition to the standards in Section 1213.05, outdoor recreational structures and uses for schools, public and private, including fields and courts, but not including playgrounds and incidental uses, shall conform to the following standards:

1. Outdoor group recreational activities shall not be allowed after ten (10) p.m.
2. No lighted outdoor recreational facilities shall be allowed.
3. A traffic and parking plan shall be submitted.
4. A landscape plan shall be submitted.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that the status quo as to outdoor recreational structures and uses in Institutional Zoning Districts should be maintained during the pendency of the Zoning Code amendment process being initiated by this Council to protect the character and property values of the City's residential neighborhoods, and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted December 15, 2025

Approved this _____ day of _____, 2025.

DAVID E. WEISS, Mayor

Attest:

MATTHEW P. CARROLL
Clerk of Council