
SEPTEMBER 5, 2023 – ZONING CODE AMENDMENTS

JOINT STATEMENT FROM MAYOR JUSTIN BERNS AND MEMBERS OF BEACHWOOD CITY COUNCIL

Since January of 2023, we have been working on updates to our zoning code in response to concerns we have heard from residents. We have listened to you and heard a variety of opinions, particularly about places of worship in residential neighborhoods and how as a city we must comply with the federal Religious Land Use and Institutionalized Persons Act (RLUIPA).

In response to those concerns, we have updated the city’s Planning and Zoning code. These changes will:

- Fortify the protection of our single-family residential neighborhoods – all defined as U-1 zoning districts – in a clear, legally defensible manner.
- Establish clear, legally defensible rules for organizations that want places of worship in the institutional use (U-5) zoning districts. That includes lowering the minimum lot requirement from three acres to 18,000 square feet for institutional uses that serve the needs of our residents in a manner consistent with the overall land use and zoning plan of the city.
- Comply with RLUIPA. Contrary to common misinterpretation, RLUIPA **does not** exempt religious land uses from land use regulations. Instead, the act requires that religious uses be treated on equal terms with nonreligious assembly or institutional uses.
- Better assure public safety by requiring institutional building standards that are not currently applied.
- Keep the ultimate authority for deciding on requested zoning changes where it belongs: with our duly elected representatives on City Council.

Single-family residential homes are located and permitted only in U-1 zoning districts. Places of worship and residential care facilities are permitted in U-5 zoning districts. With the changes adopted by City Council, applicants who want to create, convert, or adapt a house in our U-1 district to an “institutional use” must ask that the zoning for that property be changed from U-1 to U-5. That request will then be considered by City Council, with input from the city’s Planning and Zoning Commission. Every request will be reviewed on a case-by-case basis and include one or more public hearings, ultimately resulting in a yes or no vote by City Council after a number of factors are considered, including deciding if the proposed use is harmonious with adjacent properties. The rezoning process is, by design, deliberative. For example, each request to rezone U-1 property to the U-5 Public and Institutional District will, at minimum, be reviewed at three separate council meetings and may be referred to a committee of council for further study. For each request, a public hearing must be well-advertised and scheduled at least 30 days in advance of adoption. We know zoning issues can be complicated and contentious. To explain the proposed changes as simply as possible, along with the reasons for the changes and the necessary compromises, we have created a detailed Q&A document that will be updated as necessary.

We welcome your thoughts and comments regarding this very important issue: 216-292-1901 or via email @ MayorBerns@beachwoodohio.com.