

PROPOSED CHAPTER 1124
Riverside Park District

Commentary:

Zoning districts should be named for their defining characteristics such as the permitted use, purpose or dimensional requirements, not for a specific geographic location. Once a zoning district is created it is available as a zoning option for other land areas. For instance, the Hamlet facility is zoned Retirement Living. Whitesburg Park is zoned Conservation. The current zoning of the proposed Riverside Park District is Park and Institutional District.

1124.01 INTENT.

In addition to the applicable provisions of the intent stated in Section 1105.03, the Riverside Park District shall be applied only to publicly owned land and is established for the following objectives:

- (a) To preserve and protect the values of distinctive geologic, topographic, botanic, historic or scenic areas;
- (b) To preserve and protect wildlife habitats;
- (c) To conserve natural resources and protect the ecological balance of an area; and
- (d) To provide opportunities for environmental education and outdoor recreation that are compatible with the other objectives of the District.

Commentary:

The current PI zoning envisions Riverside and other PI zoned Village parks as “active” parks where landscaping is installed, grass is mowed, play fields are maintained and playground equipment is provided. The intent section above is more appropriate for a “passive” park designed to be left in its natural state with minimal disturbance.

1124.02 PERMITTED USES.

In a Riverside Park District, buildings and land shall only be used by right for only the main and accessory uses set forth below.

- (a) Main Uses.
 - (1) Public parks.

Commentary:

The current PI zoning permits other recreational uses in addition to Public Parks including “playgrounds and athletic fields; public or private swimming pools and associated bath houses, and golf courses”. A strict interpretation of the Zoning Code could determine that the proposed Riverside Park zoning intends to render the current playground nonconforming since it is not specifically permitted. It would be limited by the regulations of Chapter 1145 Nonconforming Buildings and Uses. As a nonconforming structure, the playground could not be enlarged upon, expanded or extended, or rebuilt if substantially destroyed.

- (b) Accessory Uses.
 - (1) Hiking trails, footpaths and walkways
 - (2) Lighting structures and flagpoles.
 - (3) Landscape features as regulated in Chapter 1142
 - (4) Temporary special events as approved by the Village upon recommendation of the Parks Commission pursuant to Chapter 140.

Commentary:

As the stated intent of the proposed Riverside Park District language is to shift the focus of use from an “active” park to a “passive” park, the Village will need to reevaluate the temporary special events that have historically been held in the park or new events proposed in the future to ensure that they are consistent with the new “passive” focus of the park.

1124.03 PROHIBITED USES

In the Riverside Park District, Off-street surface parking shall be prohibited.

Commentary:

The proposed prohibition of parking is in stark contrast to every other zoning district in the Village where off-street parking is permitted as an Accessory Use except for the Parking District, where it is a permitted Main Use. This includes the most passive park zoning, Conservation District, and many of areas of the Village whose development predates the automobile. Clearly, the current Chagrin Falls Zoning Code recognizes off-street parking to be, by definition, “incidental to the main use of main building or land [1107.21(c)].” Off-street parking is so universally accepted as a usual and customary accessory use that it would be a considerable departure from sound planning and zoning practice to prohibit it.

Under the proposed zoning, the existing parking lot in Riverside Park would become a nonconforming use. As with the playground, it would be subject to the requirements of Chapter 1145 for nonconforming buildings and uses.

1124.04 DEVELOPMENT STANDARDS.

In the Riverside Park District, land shall be developed and maintained in accordance with the following standards:

- (a) The preservation and appropriate management of all timber shall be encouraged.
- (b) The preservation and appropriate management of wildlife and wildlife habitats shall be encouraged.
- (c) The planting of trees, shrubs and aids for the protection of natural wildlife and for erosion control shall be encouraged, and when undertaken, shall be in accordance with an approved development plan.

Commentary:

The development standards in (a) through (c) above are applicable for uses such as forestry, forest preserves, wildlife habitats and fish breeding habitats as set forth in the current Conservation zoning district. These uses are not listed as permitted in the proposed Riverside Park District and therefore would not be allowed rendering the above standards meaningless.

- (d) When necessary, public access will be restricted.
- (e) Any utility lines serving the district shall be located underground.

Commentary: The current PI zoning for Riverside Park provides area and height regulations [1123.03] as well as yard and buffer regulations [1123.04] for any structures or buildings. These elements are not contained in the language for the proposed Riverside Park district. It appears that this district contemplates no buildings or structures on the property.

1124.05 LIGHTING

All lighting shall be located and designed so as to shield the light source from adjoining residential districts.

Commentary: The current PI zoning requires that lighting, except what is required for safety purposes, be extinguished from 11:00 pm until 7:00 am. The proposed Riverside Park district contains no such provision; therefore the Village would not be able to restrict the hours lighting is used in the park. Additionally, the proposed zoning does not include the cross reference to Chapter 1144, Environmental Performance Regulations that include, among others, the ability for the Village to regulate glare, noise, odor and other nuisance activities.

1124.06 SIGN REGULATIONS.

Signs necessary in directing traffic and providing essential information shall be permitted. The size and number of such signs shall be the minimum necessary as approved by the Administrator. All other signs shall require the approval of the Village upon the recommendation of the Parks Commission pursuant to Chapter 140.

Summary:

For many years public parks and other public lands in the Village were zoned PI, Parks and Institutional. This classification allowed for the active park uses typically associated with parks that are in close proximity to residential and commercial uses. In 1996, upon the Village's acquisition of Whitesburg Park, Village officials recognized the unique character of this area and created the Conservation zoning district with the intent to preserve this area in its natural state but allow for passive activities.

The proposed Riverside Park district creates a third zoning district for public park land in Chagrin Falls. It combines elements of the Conservation District zoning but retains a few of the elements of the Parks and Institutional district as well. The proposed district uses conservation related language that does not reflect the actual park usage. If the Village implements the proposed Riverside Park zoning as written, activities that now take place in the park could be limited or phased out over time

Riverside Park currently functions as an urban park. It is located in the heart of downtown, visitors often combine shopping or dining with a trip to the park, workers enjoy the park on their lunch breaks. It is the site for large community wide events. It is my professional opinion that the current PI zoning is the appropriate zoning classification for Riverside Park and at this time there is no compelling need to create a new zoning district for public lands in the Village of Chagrin Falls.

*Respectfully Submitted
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