No. 25-965

IN THE

Supreme Court of the United States

DANIEL GRAND,

Petitioner,

v.

CITY OF UNIVERSITY HEIGHTS, OHIO, ET AL.,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

BRIEF FOR PETITIONER

E. Joshua Rosenkranz
Counsel of Record
Cesar Lopez-Morales
Nicole Ries Fox
Jodie C. Liu
Elizabeth A. Bixby
Harmann P. Singh
Kamilyn Y. Choi
Holly Boux
ORRICK, HERRINGTON & SUTCLIFFE LLP
51 West 52nd Street
New York, NY 10019
(212) 506-5000
jrosenkranz@orrick.com

James A. Campbell
John J. Bursch
Rory T. Gray
Mathew W. Hoffmann
ALLIANCE DEFENDING FREEDOM
440 First Street, NW
Suite 600
Washington, DC 20001

Jonathan Gross
LAW OFFICE OF JONATHAN GROSS
2833 Smith Avenue
Suite 331
Baltimore, MD 21209

Counsel for Petitioner

QUESTION PRESENTED

Respondents, a city and its officials, threatened Petitioner with severe penalties if he convened a small prayer gathering in his home without a permit. Under established First Amendment doctrine and Article III principles, a credible government threat or government activity that deters or chills the exercise of fundamental rights produces a complete and independently actionable constitutional injury. But the Court of Appeals rejected Petitioner's claims as unripe for failure to secure a final agency ruling on his permit application, based on the prudential finality requirement for takings claims announced in *Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City*, 473 U.S. 172 (1985).

The question presented is whether *Williamson County*'s takings-based finality requirement displaces the rules that ordinarily determine when First Amendment and associated religious-liberty claims are ripe for judicial review, just because those claims arise in a land-use context.

PARTIES TO THE PROCEEDING BELOW

Petitioner Daniel Grand was Plaintiff-Appellant below.

Respondents were Defendants-Appellees below. They are City of University Heights, Ohio; Michele Weiss, Mayor, in her official capacity (automatically substituted for Michael Dylan Brennan pursuant to Supreme Court Rule 35.3); Michael Dylan Brennan, former Mayor, in his individual capacity; Luke McConville, City Law Director, in his individual capacity; and Paul Siemborski, City Planning Commission member, in his individual capacity.*

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* Respondent Michael Dylan Brennan, who was named as a defendant in his official capacity as Mayor, has ceased to hold that office. Pursuant to Supreme Court Rule 35.3, Michele Weiss, the current Mayor, is automatically substituted as a Respondent in her official capacity. Brennan remains a Respondent in his individual capacity.

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INTRODUCTION

In our country, no one needs a permit to pray.

That is what Petitioner Daniel Grand, an Orthodox Jew, believed when he emailed a few friends about hosting a prayer group in his home for the upcoming Sabbath. But Respondent City of University Heights sent Grand a cease-and-desist order prohibiting him from convening the prayer group without a permit—on pain of severe penalties. The Mayor himself called Grand to deliver the message personally: "You are under no circumstances allowed to have any type of religious gathering in your home without first obtaining a special use permit." J.A.10. Years later, the City admitted that was wrong. Grand never needed a permit for his gathering. But the damage was done: Grand canceled his planned prayer gathering for that Sabbath, and the hundreds of Sabbaths since.

Under basic Article III principles, Grand had a right to sue the City immediately. He suffered a constitutional injury based on the City's "credible threat of enforcement" that chilled protected activity. *Susan B. Anthony List v. Driehaus (SBA List)*, 573 U.S. 149, 161 (2014). A cease-and-desist order threatening enforcement is the paradigmatic credible threat—especially when the Mayor personally punctuates the risk of penalty.

Those same principles allowed Grand to sue immediately for the cascade of burdens and discriminatory acts that the City piled on after that cease-and-desist order. At a minimum, he had a ripe damages claim for each of his past injuries.

In hopes of complying with the City's order, Grand retained a lawyer and paid the filing fees to submit the permit-to-pray application, only to face unprecedented procedural burdens at a three-hour hearing that the Mayor turned into a public spectacle. Next, the Mayor ordered the police to surveil Grand's home, while encouraging neighbors to do the same and report any sign of group prayer. The City even launched a criminal investigation to search for non-existent code violations in retaliation for Grand's offense of wanting to pray with friends in his own home.

Yet, when Grand sued under the First Amendment and the Religious Land Use and Institutionalized Persons Act (RLUIPA), the Court of Appeals rejected his lawsuit as "unripe." Pet.App.8a. The court disregarded ordinary Article III principles simply because some of the claims involved "challenges to land-use policy." Pet.App.7a. "In the land-use context," the court held, *Williamson County* requires a "final decision" for claims to be ripe. *Id.* This supposedly meant that Grand's case was not "fit[] for judicial decision" until "local authorities" reached "a concrete and final decision" on the prayer permit they never should have required. *Id.*

That holding is wrong. Article III standing is all that is required to bring religious-liberty claims like

Grand's.[1] Just last Term, this Court reaffirmed that the victim of a constitutional injury may sue in federal court "when a defendant burdens a plaintiff's constitutional rights"—without awaiting completion of some other proceeding. *First Choice Women's Res. Ctrs., Inc. v. Davenport*, 146 S. Ct. 1114, 1125 (2026). Conversely, *Williamson County* finality is a prudential-ripeness doctrine that this Court has applied only in the takings context because it is "compelled by the very nature of the … Just Compensation Clause." *Williamson County Reg'l Planning Comm'n v. Hamilton Bank of Johnson City*, 473 U.S. 172, 190 (1985). This Court has since both contracted *Williamson County* and questioned the legitimacy of prudential ripeness.

Indeed, this Court has never extended *Williamson County* finality—or any sort of prudential-ripeness doctrine—to bar religious-liberty claims. And it should not start now. In enacting § 1983, Congress chose not to impose an exhaustion or finality requirement. And for RLUIPA, Congress adopted Article III standing as the sole threshold for suit. 42 U.S.C. § 2000cc-2(a).

With a "virtually unflagging" obligation to hear cases within their jurisdiction, *SBA List*, 573 U.S. at 167, federal courts may not narrow the causes of

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[1] For simplicity, we use the term "religious-liberty claims" to cover all of Grand's claims under RLUIPA and the First Amendment (including claims that are not strictly religious in nature, such as freedom of assembly and prior restraint), plus equal-protection and due-process claims arising from the same discriminatory conduct.

action that Congress has prescribed. In particular, there is no land-use exception to the traditional justiciability treatment of religious-liberty claims. And even on its own terms, *Williamson County*'s rationale does not extend to such claims because they do not share the unique features that motivated the doctrine in the takings context.

Transplanting *Williamson County* into this new context would have devastating consequences for religious liberty. The Court of Appeals' approach approves a playbook that government actors are already following to weaponize land-use regulations with impunity against religious exercise: Just issue a cease-and-desist order threatening harsh consequences, and declare that the only recourse is to seek a permit. For the believer dedicated enough to pursue a permit, officials need only make the process as arduous, hostile, and aggravating as possible until she gives up. If she persists, just delay. Through it all, the religious activity is suspended. Delay becomes denial. And the more cumbersome the process, the more effectively it deters religious exercise *and* postpones the day any federal court can intervene.

This Court should reverse.

OPINIONS AND ORDERS BELOW

The opinion of the U.S. Court of Appeals for the Sixth Circuit is reported at 159 F.4th 507 and reproduced at Pet.App.1a-18a. The district court's memorandum opinion is unreported and reproduced at Pet.App.21a-66a.

JURISDICTION

The Sixth Circuit entered judgment on November 13, 2025. The petition for a writ of certiorari was filed on February 11, 2026, and granted on June 30, 2026. This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Relevant constitutional and statutory provisions are reproduced as an Addendum to this brief.

STATEMENT OF THE CASE

Grand Tries To Host Small-Group Prayer Sessions In His Home

Daniel Grand is an Orthodox Jew who must pray (or "daven") three times a day with a quorum of 10 men called a "minyan." Pet.App.2a; J.A.185. A minyan is a commandment under Jewish law—it is not optional. *See* Pet.App.2a; J.A.8. Grand's faith also forbids him from driving on the Sabbath ("Shabbos") from Friday at sunset to nightfall Saturday, and on High Holidays. J.A.185, 242.

By 2021, Grand had lived in the Cleveland suburb of University Heights for a few years, with his wife and a growing family of young children. Pet.App.23a; J.A.8. Their Miramar Boulevard home was in a relatively upscale neighborhood. *See* J.A.251-52. But, through strict enforcement of zoning laws, the City had relegated synagogues to the outskirts of town. *See* J.A.2-3, 25, 160, 257-59. Walking back and forth to these synagogues was arduous, especially in the harsh Cleveland winters, schlepping strollers and small kids. J.A.142-45, 180, 240, 287-91.

So Grand decided to do what people of all faiths have been doing for millennia: host a prayer group at his home. He planned to limit the prayer to a small group who could walk over on the Sabbath and High Holidays to gather in his recreation room. J.A.242.

On January 19, 2021, Grand sent an email to "around twelve" personal acquaintances. Pet.App.2a; *see* J.A.9, 239. He invited them to "join [him] this Shabbos" and in upcoming "prayer session[s]" at "2343 Miramar Blvd. (The Daniel J. Grand Residence)." J.A.190-92. The email named the prayer group "Shomayah Tefillah" ("God hears our prayers"). J.A.147, 344-45. At points, the email called the gathering a "shul" or a "Beis Hakeneset." J.A.190-91, 344. Those terms generally mean "place where you can pray." J.A.147. Either term can refer to a synagogue or a small prayer gathering at a home. Pet.App.22a, 156a; J.A.186, 363-64, 366. But as Grand would later consistently communicate to the City, a "small informal prayer group" was all he intended to host. Pet.App.26a. Because Grand's neighborhood did not have "much of a population [of Orthodox Jews] to pull from," meaning "he would be lucky … to even get" enough men to form a minyan, J.A.259, he encouraged recipients to "spread the word," J.A.344.

The City Orders Grand To Cease And Desist Unless He Secures A Permit

That simple email to a dozen friends unleashed a torrent of harassment and religious discrimination. Unbeknownst to Grand, the email found its way to a neighborhood group chat. A neighbor then forwarded it to the Mayor and implored him to "put a stop to this." J.A.193. The Mayor immediately forwarded that message to the City's Law Director, Luke McConville. Pet.App.25a.

Within hours, the Law Director sent Grand a letter ordering him to "immediately cease and desist any and all" uses of his home as "*a place of religious assembly* and/or in operation of a shul or synagogue." J.A.199 (emphasis added). The letter threatened legal action, warning Grand that the City could issue "building code citations" and "pursu[e] … additional remedies." *Id.* Under the City's laws, a willful zoning violation is "a misdemeanor of the first degree" that carries a penalty of up to six months' imprisonment or fines up to $1000 per offense. University Heights Codified Ordinance (UHCO) § 1242.99. The letter also threatened to retroactively "void[]" unrelated "variances [already] granted" for Grand's home. J.A.199-200.

The City gave Grand only one option for pursuing his prayer group: "[Y]ou may make application to the City's Planning Commission for a Special Use Permit." J.A.200. It cited the ordinance that applies to "House[s] of worship." *Id.*; *see* UHCO § 1274.01(b)(1).

For the Mayor, this prayer-group situation was DEFCON 1. Within minutes of the order's issuance, the Mayor telephoned Grand. When they connected, the Mayor punctuated the threat. By the Mayor's own account, Grand explained "that he was just trying to get some people together at his house to pray." J.A.321. But the clarification did not matter. When Grand asked "[i]f … ten Jews in a room" would "make it a synagogue" and require a permit, the Mayor said it would. J.A.11, 154.

The Mayor warned: "You are under no circumstances allowed to have *any type of religious gathering* in your home without first obtaining a special use permit." J.A.10 (emphasis added); J.A.153. According to the Mayor, even a small gathering would "be in violation of the cease-and-desist order and the City will take all legal means available to it," including "criminally indicting" Grand. J.A.11, 153-54. The City has never required permits for non-religious gatherings of similar (or much larger) size or sent out cease-and-desists when such gatherings have occurred. *See* J.A.12-13, 24, 30.

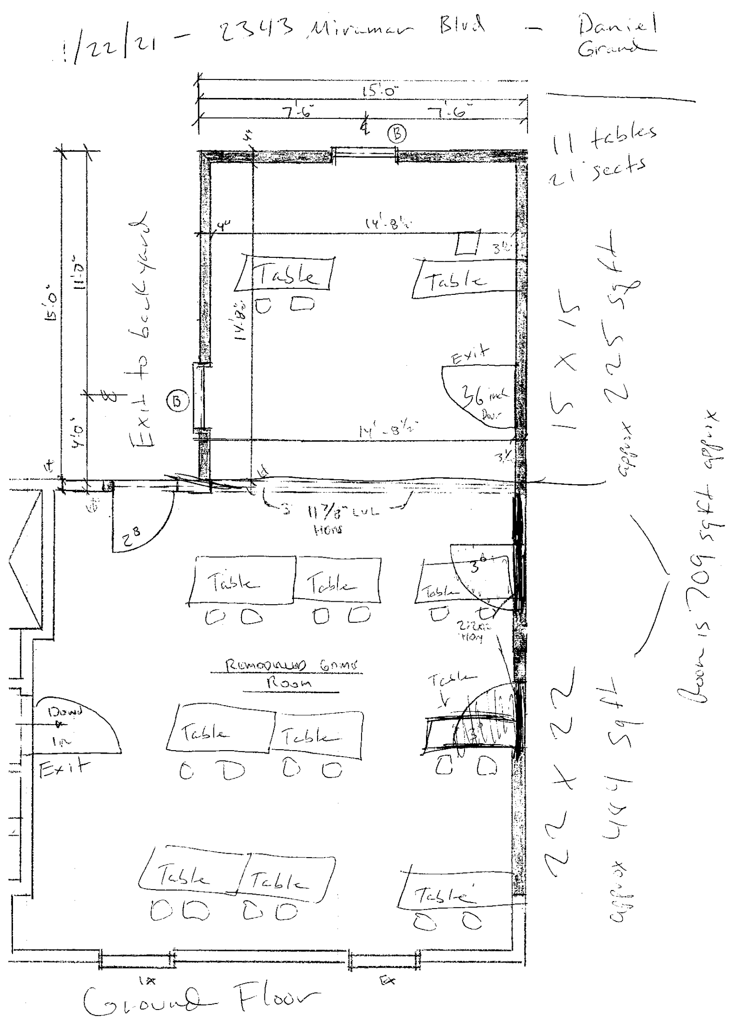
Years later, the Mayor confessed that the premise of his threat was false: Grand did *not* need a permit for his small prayer group, J.A.323-24, just as Grand would not have needed a permit for a weekly gathering of a dozen friends to watch the Cleveland Cavaliers in the same room, J.A.112-13, 277-78. The City conceded as much in this litigation: "[I]f Grand kept the Shabbos prayer at his house to ten or so people, that … would not be the business of the City and would not require [a Special Use Permit]." J.A.361 (citing J.A.323-24).

But at that time, Grand had no choice but to believe the Mayor and the Law Director—that if he did not first obtain a permit to convene "10 Jews in [his] room," the City was "going to put [him] in jail" for willfully violating its zoning laws. J.A.156.

The cease-and-desist order had the desired chilling effect. That night, Grand emailed his friends, copying the Mayor, to "cancel the prayer group" scheduled at his home for that Sabbath because the City had "directed [him] to halt any gatherings that could be seen as a 'Place of Religious Assembly, or the operation of a Shul, or Synagogue.'" J.A.190-91.

Grand Applies For A Permit And Faces A Hostile Public Hearing

Grand lost no time complying with the City's directive. The next morning, he emailed the clerk his application, copying the Mayor, and sent $400 in filing fees. Pet.App.118a-121a. Grand repeated that his "[i]ntention" was "to utilize my current recreation room" for "people to come and pray with me in my home" "for periodic religious gatherings." Pet.App.118a-119a. He sketched the layout:



J.A.203. He included a photo of the room:

J.A.204. As the whole space is just "a tinge over 700 square feet," Grand noted that the room could accommodate only 11 small two-person tables and "21 chairs." Pet.App.119a. Not once did the application say anything about establishing a "synagogue" or a "house of worship."

The City's Planning Commission scheduled a public meeting to discuss Grand's application to pray. J.A.205-06. In the lead-up to the meeting, Grand's neighbors submitted letters that said the quiet part out loud, like, "I am not Jewish and I do not want our neighborhood labeled as Jewish." J.A.279-80. Neighbors also submitted an online petition in opposition, falsely claiming that Grand intended to build a "house of assembly/worship." J.A.207-08. Grand submitted a "Letter of Clarity" to repeat what was already clear from the application: that he was seeking to gather "an informal prayer group on the Jewish Sabbath and High Holidays when we Jews can't drive cars"—not to "establish a formal house of worship, whether called a 'shul' or 'synagogue.'" Pet.App.29a; J.A.288.

The Planning Commission held the public meeting by Zoom on March 4, 2021, six weeks after Grand's initial email. The meeting was atypical in several respects. First, the City told Grand he needed a lawyer present, J.A.182-83, so Grand retained one to represent him, J.A.182. Second, because the Mayor took the unusual step of "blowing … up" the meeting on his social-media feed and encouraging attendance, J.A.164, over 100 residents attended and the meeting lasted three hours, J.A.14.

Third, Law Director McConville began the meeting by announcing an unprecedented procedure. J.A.122-23, 261-62, 330, 370-71. Instead of the usual informality, he adopted the most adversarial and constraining format, "conduct[ing]" the meeting "as a quasi-judicial hearing under Chapter 2506 of the Ohio Revised Code." J.A.226; *see* J.A.372. This meant that witnesses would be sworn in and subjected to cross-examination. J.A.226. The Mayor later admitted that he pressed for this unique procedure to limit the scope of appellate review. J.A.327.

During the meeting, Grand assured the Commission that:

- he sought "to use the space in his house to host … a prayer group once a week and on certain high holidays," J.A.232;
- "about two dozen chairs" would fit in the recreation room around his 10 small tables, J.A.238;
- "Jewish prayer is actually quiet" and the room was soundproof, J.A.236, 245;
- there would be no parking problems, "as members of his religion 'can't drive' on the 'Sabbath and high holidays,'" Pet.App.4a; and
- the attendees would be neighbors who "live within … five blocks," J.A.243-44.

Despite these reassurances, City officials insisted on the permit requirement. Throughout and after the meeting, they invited residents to comment on Grand's proposed prayer gatherings. Some groused that if Grand wanted "a shorter walk," he should "buy a house closer to a shul or synagogue, not disrupt the fabric of the community." Pet.App.124a-125a; *see also* J.A.250, 253. Others protested that Grand's quiet prayer group would "absolutely change the neighborhood," and with more foot traffic, pose "an additional danger," including to "kids in our neighborhood." J.A.255. Some accused Grand of seeking an illegal property-tax exemption. J.A.247; *see* J.A.274.

The "rhetoric" was so "problematic" that one commissioner privately shared concerns that denying Grand's application based on the public testimony would "toe[ ] the line of violating fair housing law." J.A.277-80. The meeting ended with neighbors' raised voices and palpable anger. J.A.264-70.

The Commission voted to table Grand's application and require him to return "with a more thorough presentation as to site plan with the review from the fire department, inspection of the building, what needs to be done, [and] whether it's a realistic option," as well as "more drawings of the building and the site plans." Pet.App.29a-30a.

At no point in the meeting did any commissioner suggest that Grand did not need a permit to host a small prayer group in his home. Some expressed that view *to each other* in private emails after the meeting. J.A.275-86. But no one shared that possibility with Grand.

Grand Withdraws His Application While The City Reaffirms Its Cease-And-Desist Order

Over the next couple of weeks, Grand asked the Commission to specify what additional information it needed from him. J.A.296-99. But the Mayor, as Commission Chair, overrode the earlier request and inexplicably *barred* "[a]ny additional testimony or additional evidence/materials" for the second hearing. J.A.293-94; *see* J.A.332. Given that bar, one wonders what purpose the second hearing could have served beyond hazing Grand further.

On March 23, nine Sabbaths after Grand first tried to pray at home with some friends, he withdrew his application. J.A.138. He had several reasons. First, Grand came to understand that City officials had misled him: He did not need to seek a permit for a small prayer group, and he told the Commission he "d[id] not wish to operate a house of worship," as "defined under the zoning ordinance." *Id.*

Second, even if Grand needed a permit for a small prayer group, it turned out he could not satisfy the detailed zoning requirements—at least not without multiple highly unlikely variances. *See, e.g.*, J.A.62-66 (requiring at least 3 acres of land and parking spaces for at least 30 cars); J.A.229-30; *see generally* UHCO § 1274. The zoning code allowed houses of worship only on six streets, and Miramar was not one of them. UHCO § 1274.02(e). The code also listed multiple "Prohibitions," the most troubling of which was that a house of worship could not have any "sleeping or residential use accommodations." UHCO § 1274.02(f)(4); *see* J.A.73, 130, 229-30. Enforcing that requirement would have meant that, paradoxically, to host group prayer in his home, Grand would have to move his family to another home.

Third, the whole exercise was futile, given that the Mayor had barred the very evidence the Commission deemed essential. *Supra* 14. Fourth, Grand did not want to subject himself to another hours-long, and inevitably hostile, public meeting. J.A.158-59, 162.

The City nonetheless proceeded with the second meeting without Grand. Pet.App.5a. The Mayor began by announcing that Grand withdrew his application. Pet.App.142a. But the Mayor stressed: "[T]he cease-and-desist order of the City, … *remains in effect*. Let there be no confusion, *congregating* at 2343 Miramar Boulevard … without a special-use permit is a violation of city law." Pet.App.143a (emphasis added). The Mayor twice declared that Grand was prohibited from "congregating weekly at a residence to conduct activities consistent with those in a house of assembly [without securing] a special-use permit." *Id.* He urged "community members" to be on the lookout for "such activities, and … report them to the city …. And we will seek all appropriate remedies in court." *Id.*

The City's cease-and-desist order remains in effect to this day. J.A.156-57. "[P]etrified to actually have a bona fide prayer gathering in [his] house," Grand has not organized one since the City issued its cease-and-desist order. J.A.161. He has lost 292 weeks' worth of Sabbaths—and dozens of High Holidays—where he could have prayed with others in his own home. The only exception was one instance when a spontaneous minyan arose with guests who happened to be over for dinner. J.A.159-61; *see* Pet.App.13a (noting "at least on[e]" subsequent minyan).

The City Launches A Campaign To Surveil And Punish Grand's Religious Exercise

The City took extraordinary efforts to enforce its cease-and-desist order and retaliate against Grand for the audacity to propose a prayer group. The Mayor enlisted the police department, which pledged to "assist [the Mayor] in any way [it] can," including by sending out "patrol officers" who could "respond[] after hours" to surveil Grand's property by taking "photograph/video" of "possible evidence" of "infraction[s]." Pet.App.35a; J.A.306-08. A police lieutenant dutifully ordered patrol units to "make frequent 'drive-bys' of Grand's residence." Pet.App.34a-35a; J.A.32-33, 303.

Meanwhile, Grand's neighbors also heeded the Mayor's call to surveil and report on activities at Grand's home. One of them, a retired police officer, installed three surveillance cameras pointing at and into Grand's home, including a bathroom. J.A.33, 170. This was illegal. J.A.34, 355-57. Yet the Mayor condoned the activity and even personally reviewed some of the camera footage. J.A.33, 170-73. Grand filed two police reports and emailed City officials—including the Mayor, the Law Director, and the City Prosecutor. J.A.34, 347-57. The City took no action against the illegal cameras. J.A.34.

The camera surveillance "really bothered" Grand's children, J.A.170, and was "very hard" on his wife, J.A.135. With no other recourse, Grand hung a landscaping sheet to block the view directly into his home. J.A.34. *That* prompted action: The City ordered him to remove the sheet as a purported violation of the City's fence code. Pet.App.34a; J.A.34.

The City then escalated the surveillance into a broader harassment campaign. In one instance, the Mayor heard a tip that a pickup truck was parked along the edge of Grand's driveway. Pet.App.34a; J.A.42-43, 306-13. Police officers concluded that no citation was warranted. J.A.306. But the Mayor prevailed upon them to issue one anyway. J.A.42-43, 306-08.

Next, the City charged Grand with a variety of spurious violations of the zoning and building codes. For instance, it issued Grand a citation about a fence the City had *already* inspected and approved. J.A.56-57. The City also stopped picking up trash from Grand's house for weeks. J.A.174, 177. Most startlingly, the City prosecutor devised a strategy to "lay[] a foundation for a successful prosecution" of Grand, assuring neighbors that "[b]etween the mayor's office, the housing department, and [the law department], we are all pressing forward as urgently as we can." J.A.44-46, 315-16; Pet.App.35a. Initial "step[s]" included a "full inspection" of Grand's home. J.A.315-16; Pet.App.35a. An inspection found no violations. Pet.App.5a. Regardless, the City referred Grand for potential "criminal charges" for *other* purported violations, including but not limited to the bogus one relating to the pickup truck. J.A.48-53, 55.

Grand Sues, But The Lower Courts Dismiss His Claims As Unripe

After trying for over a year to persuade the City to rescind the cease-and-desist order, J.A.156-57, Grand sued the City and several officials. As relevant here, he alleged that they violated the First Amendment, equal protection, due process, and RLUIPA. J.A.83-89. Grand challenged the cease-and-desist order and the City's discriminatory insistence on a permit to host his prayer group. J.A.24-25. Grand also challenged the City's campaign of religious harassment, including the surveillance of his property, discriminatory suspension of services, and charges of bogus "violations" of made-up rules. *E.g.*, J.A.85-87, 91-92. Grand sought damages plus declaratory and injunctive relief. J.A.93-97.

Both sides moved for summary judgment. Pet.App.5a. Opposing Grand's motion, the City argued that his equal-protection and due-process claims required Grand to "prove that [he was] injured by a final decision." *See* J.A.342-43 (contending that the "Court is unable to determine whether [Grand] was treated unequally or not" because he "withdrew his application prior to any determination being made"); Pet.App.41a-42a & n.4. The City did not raise this argument with respect to any other claims.

Yet the district court applied that "ripeness" rule "*sua sponte* [to] *all* [of Grand's] land-use related claims." Pet.App.41a-42a & n.4 (emphasis added). The court recognized that Grand "received a cease-and-desist letter," which the Mayor insisted months later "was still in effect." Pet.App.47a, 49a. But it held Grand had failed to show that "the City expressed a final or definitive position" on his permit application, as required under *Williamson County* and corresponding circuit precedent. Pet.App.44a; *see* Pet.App.41a-50a. On that basis, the court swept away all of Grand's as-applied First Amendment and RLUIPA claims, as well as his due-process and equal-protection claims. Pet.App.36a, 50a, 66a. The court also eliminated all of Grand's claims challenging the City's discriminatory harassment, even though none of that conduct needed the Commission's resolution. *See* Pet.App.66a.

Grand appealed, and the United States filed a supporting amicus brief. Pet.App.94a-114a. But the Court of Appeals affirmed. It reasoned that Grand presented "[c]hallenges to land-use policy." Pet.App.7a. Under circuit precedent, that required the court to impose *Williamson County*'s finality requirement on Grand's as-applied First Amendment and RLUIPA claims. Pet.App.7a-8a. Those claims, it held, are not "fit[ ] for judicial decision" until "local authorities" have reached "a concrete and final decision." Pet.App.7a (citing *Williamson County*, 473 U.S. at 193).

The Court of Appeals held that Grand did not meet the finality requirement "because Grand withdrew his application" for a permit that the City told him to get, and "the zoning board … never issued a final decision … about his eligibility for a special use permit." Pet.App.8a. "Grand's claims thus never ripened into a dispute suitable for federal review." *Id.* The court suggested Grand "complete the factual record" by again applying for the permit, and then "file a new action if the City applies the ordinance to him in a way that violates his … rights." Pet.App.12a (citation omitted).

SUMMARY OF ARGUMENT

I.A. Article III standing is all a plaintiff must show to bring religious-liberty claims in federal court. That principle holds even when those claims implicate licensing schemes. This Court has endorsed First Amendment challenges to such schemes upon a showing of injury in fact, without requiring the plaintiff to first apply for and be denied a license.

This Court's unanimous decisions in *SBA List* and *First Choice* confirm that First Amendment challenges are ripe the moment a plaintiff suffers injury in fact. In *SBA List*, this Court held that a credible fear of enforcement that chills the exercise of fundamental rights results in injury in fact and thus sufficed. And in *First Choice*, this Court held that a religious nonprofit could immediately bring a First Amendment challenge to a subpoena without pursuing available state procedures to completion. In each case, the burden on the challenger's constitutional rights was enough to sue.

B. Grand's religious-liberty claims are ripe because he suffered injury in fact many times over. He first suffered injury in fact the moment the City issued a cease-and-desist order prohibiting him from conducting his planned prayer group, on pain of harsh penalties. That order represented a paradigmatic credible threat of enforcement that chilled protected activity. That injury was all the more concrete when Grand complied by canceling the upcoming Sabbath's gathering. And the City compounded the injury by requiring Grand to seek an unnecessary permit, causing him to retain a lawyer and pay fees, directing surveillance of his home, and retaliating in various ways. These are quintessential past injuries for which Grand is entitled to retrospective relief in the form of money damages.

Nothing in the Court of Appeals' prudential-ripeness analysis negates Grand's Article III injuries. The court noted that the cease-and-desist order was not an enforcement action. But *SBA List* and *First Choice* confirm that a credible threat that chills or deters conduct suffices. The court also emphasized that Grand deprived the Planning Commission of the opportunity to grant a permit. But nothing the Commission could have done during the permitting process would have reversed or mitigated the injuries in fact already inflicted. The process itself was a significant part of the injury Grand suffered.

II.A. *Williamson County*'s finality requirement does not override the cases holding that burdens on First Amendment liberties are immediately actionable. The finality requirement is a judge-made rule of prudential ripeness rooted in the peculiarities of takings claims against land-use regulations. This Court has never applied it outside of that narrow context.

Williamson County said that the finality requirement was "compelled by the very nature of the inquiry required by the Just Compensation Clause." 473 U.S. at 190. In the 40 years since that decision, this Court has demolished the doctrine of prudential ripeness on which *Williamson County* was based and contracted the decision even within the takings context.

B. The Court of Appeals erred in extending *Williamson County*'s finality requirement to Grand's religious-liberty claims for three reasons.

First, the extension ignores this Court's admonition that courts should not impose requirements that Congress did not enact. Neither exhaustion nor finality is a prerequisite to an action under § 1983. And in RLUIPA, Congress rejected a prudential-ripeness rule by commanding that Article III standing governs when a plaintiff can sue and that the law be construed broadly in favor of religious exercise. Second, there is no land-use exception to the ordinary operation of religious-liberty claims. Singling out the land-use context for especially harsh treatment of religious-liberty claims flouts Congress's directives in RLUIPA, which singled them out for especially *favorable* treatment. Third, *Williamson County*'s rationale does not fit religious-liberty claims. In the takings context, a court "simply cannot" know whether a regulation "goes too far" without knowing what the government will permit. 473 U.S. at 191, 199. But for religious-liberty claims, a court *can* assess an injury already inflicted without the benefit of an agency determination.

III. Extending *Williamson County* finality beyond its takings-claim origins would have devastating consequences for religious liberty. Local governments already regularly invoke land-use regulations as a fig leaf for restricting all manner of free exercise. The Court of Appeals' approach is a playbook for doing so with impunity. A government need only issue a cease-and-desist order prohibiting religious exercise and threatening harsh consequences, and require people of faith to seek a permit. For the believer dedicated enough to file a permit application, officials can then make the permitting process so arduous, expensive, lengthy, and aggravating that she gives up. If she persists, officials can delay ruling indefinitely. Through it all, the prohibited religious activity is suspended, and the courthouse doors are shut.

If the Court endorses this extension of *Williamson County*, the suppression of religious freedom will become even more commonplace. Declining to extend *Williamson County* will require local governments to defend more of their anti-religious actions in court, and do so sooner. But that is precisely what the Constitution prescribes and what Congress intended in RLUIPA and § 1983.

ARGUMENT

I. Grand's Religious-Liberty Claims Became Ripe For Review The Moment He Suffered Article III Injury In Fact.

Article III standing is all a plaintiff must show to empower—and, indeed, require—a court to hear religious-liberty claims. § I.A. Neither the City nor the Court of Appeals has questioned that Grand suffered injury in fact many times over, or that he otherwise has standing. Because Grand satisfies Article III's requirements, the Court should reverse. § I.B.

A. Article III standing is all a plaintiff must show for a court to hear religious-liberty claims.

The justiciability rule that governs Grand's religious-liberty claims is the same rule that governs any sort of First Amendment or associated religious-liberty claim in other contexts: A claim is ripe once a plaintiff suffers Article III injury in fact—i.e., "an injury that is concrete, particularized, and actual or imminent." *First Choice*, 146 S. Ct. at 1122 (citation omitted). Once Article III is satisfied, federal courts have a "virtually unflagging" obligation to decide the case. *SBA List*, 573 U.S. at 167 (citation omitted).

This Court has entertained claims involving all manner of chills and threats to First Amendment rights whenever the burdens satisfy Article III standing. *See, e.g.*, *Virginia v. Am. Booksellers Ass'n, Inc.*, 484 U.S. 383, 392 (1988) (challenge to statute restricting display of materials harmful to minors); *Steffel v. Thompson*, 415 U.S. 452, 459 (1974) (challenge to criminal trespass statute used to prohibit handbilling); *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 64-67 (1963) (challenge to state commission's informal censorship regime where no formal prosecution had been initiated).

Particularly relevant here, in cases where a permit requirement chills protected liberties, this Court has allowed challenges to the "mere existence" of a licensing scheme—or the discretion it vests—"without the necessity of first applying for, and being denied, a license." *City of Lakewood v. Plain Dealer Publ'g Co.*, 486 U.S. 750, 755-57 (1988). The case law is replete with examples. In *Lakewood*, this Court approved a First Amendment challenge to a newsrack-permitting regime without insisting on an application for, much less a final decision on, the permit. *Id.* at 755-56. Even more on point, this Court allowed Jehovah's Witnesses to challenge a permit requirement for door-to-door canvassing, where they protested that "seek[ing] a permit from a municipality to preach … would almost be an insult to God." *Watchtower Bible & Tract Soc'y of N.Y., Inc. v. Village of Stratton*, 536 U.S. 150, 158 (2002) (citation omitted).

These rulings all arise from the "well established" principle that a plaintiff has standing "whether or not [he] applied for a license." *Freedman v. Maryland*, 380 U.S. 51, 56 (1965); *accord, e.g.*, *Shuttlesworth v. City of Birmingham*, 394 U.S. 147, 151 (1969) ("The Constitution can hardly be thought to deny to one subjected to the restraints of [a licensing law] the right to attack its constitutionality, because he has not yielded to its demands." (citation omitted)). None of these cases considered a claim unripe just because the plaintiff did not seek a permit or license—or pursue one to finality.

Outside the First Amendment and religious-liberty context, this Court has sometimes applied a doctrine of "prudential" ripeness—as distinguished from what it used to call "constitutional" ripeness. *Reno v. Cath. Soc. Servs., Inc.*, 509 U.S. 43, 57 n.18 (1993) ("[R]ipeness doctrine is drawn both from Article III limitations on judicial power and from prudential reasons for refusing to exercise jurisdiction."). As discussed more fully below (at 41-

42), this Court's more recent cases have so severely criticized prudential ripeness as to cast doubt on its continued vitality.

Regardless, this Court has treated Article III standing, alone, as sufficient for adjudicating First Amendment claims of all varieties. More specifically, this Court has held that Article III ripeness reduces to a question of injury in fact. That is because the imminence component of injury in fact serves the same purpose as ripeness: "to ensure that the alleged injury is not too speculative for Article III purposes—that the injury is *certainly* impending." *Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 409 (2013) (quoting *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 565 n.2 (1992)). The injury must be "imminent, not speculative—meaning that the injury must have already occurred or be likely to occur soon." *FDA v. All. for Hippocratic Med.*, 602 U.S. 367, 381 (2024).

Thus, "[t]he justiciability problem that arises" in these cases "can be described in terms of standing … or in terms of ripeness." *MedImmune, Inc. v. Genentech, Inc.*, 549 U.S. 118, 128 n.8 (2007); *accord Duke Power Co. v. Carolina Env't Study Grp., Inc.*, 438 U.S. 59, 81 (1978) ("To the extent that 'issues of ripeness involve, at least in part, the existence of a live "Case or Controversy,"' our conclusion that appellees will sustain immediate injury … would appear to satisfy this requirement." (quoting *Reg'l Rail Reorganization Act Cases*, 419 U.S. 102, 138 (1974))).

Two recent, unanimous decisions illustrate the convergence. The first is *SBA List*, where a pro-life advocacy organization challenged an Ohio statute criminalizing "false statements" about a candidate's voting record during a political campaign. 573 U.S. at 153-55. The Sixth Circuit rejected the challenge "on ripeness grounds," reasoning that the threat of enforcement in the upcoming election cycle was too uncertain. *Id.* at 156. The candidate who had filed a complaint against the organization with the enforcement agency in the previous election cycle lost his seat and withdrew his complaint, and it was unclear whether the organization would make similar statements in a future election cycle. *Id.*

This Court reversed. It explained that when an individual is subject to a threat of enforcement, "an actual arrest, prosecution, or other enforcement action is not a prerequisite to challenging the law." *Id.* at 158. The Court "use[d] the term 'standing'" because "the Article III standing and ripeness issues in this case 'boil down to the same question.'" *Id.* at 157 n.5 (quoting *MedImmune*, 549 U.S. at 128 n.8). And it held that any ripeness concern was satisfied once it had "concluded that petitioners have alleged a sufficient Article III injury." *Id.* at 167. Beyond that showing, the only remaining justiciability argument was "on grounds that are 'prudential,' rather than constitutional"—an argument the Court found to be "in some tension" with the obligation to decide cases within a court's jurisdiction. *Id.* (quoting *Lexmark Int'l, Inc. v. Static Control Components, Inc.*, 572 U.S. 118, 125-26 (2014)).

This Court underscored the point just last Term in *First Choice*. There, the New Jersey Attorney General served a subpoena on a religious nonprofit, demanding "documents reflecting the names, phone numbers, addresses, and places of employment" of its donors. 146 S. Ct. at 1120. That subpoena, the nonprofit asserted, violated the First Amendment, which "'prohibits the government from discouraging people from associating with others' 'in pursuit of many political, social, economic, educational, religious, and cultural ends.'" *Id.* (citation omitted).

The Third Circuit rejected the case as unripe, holding that the nonprofit had to pursue further process in state court "to 'ripe[n]' [the] constitutional claims." *Id.* at 1126 (citation omitted). The court reasoned that the subpoena was not "self-executing"—it could not be enforced absent a state court order—and so the nonprofit had not yet suffered a cognizable injury. *Id.* at 1121, 1127.

Although the Third Circuit ruled on ripeness grounds, this Court again reframed the issue as revolving around "the injury-in-fact element" of standing. *Id.* at 1122. It held unanimously that because the injury-in-fact standard "tolerates suits involving 'actual or imminent' injuries, a party need not always wait for the government to take coercive action against it before filing suit." *Id.* The constitutional harm that is fit for judicial resolution "arise[s] when a defendant burdens a plaintiff's constitutional rights"—i.e., when the plaintiff has suffered an injury in fact—not when the plaintiff has pursued available procedures to completion. *Id.* at 1125.

This Court was clear that the prospect of future relief does not eliminate a present injury. The Court rejected the Attorney General's contention that the chill was diminished because he offered to narrow the subpoena and not publicize the donor information: The harm arises "when [a demand] is made and for as long as it remains outstanding," *id.*, and no after-the-fact potential to soften the blow eliminates or diminishes the existing injury. "[T]he value of a sword of Damocles is that it hangs—not that it drops." *Id.* at 1127 (citation omitted). The Court was emphatic that the constitutional harm was established "[w]hether that command and those penalties were immediately enforceable or depended on subsequent court action." *Id.*

B. Grand's claims are ripe because he suffered injury in fact many times over.

1. Judged by these standards, Grand's religious-liberty claims are ripe. The City has never disputed that Grand suffered injury in fact many times over. Nor could it.

Grand's injury in fact started the moment the City issued a cease-and-desist order prohibiting him from conducting his planned prayer group, on pain of harsh penalties. The Mayor punctuated the threat by calling Grand directly to declare: "You are under no circumstances allowed to have any type of religious gathering in your home without first obtaining a special use permit." J.A.10. That was "a credible threat of enforcement," if ever there was one. *SBA List*, 573 U.S. at 161. The mere threat and the chill it created was injury enough because it "force[d] [Grand] to choose between following the precepts of h[is] religion" or exposing himself to penalty. *Sherbert* *v. Verner*, 374 U.S. 398, 404 (1963). The injury was all the more concrete when Grand complied by canceling the upcoming Sabbath's gathering. *See TransUnion LLC v. Ramirez*, 594 U.S. 413, 425 (2021) (concrete harms include those "specified by the Constitution itself," such as "infringement of free exercise"); *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 524 (2022).

That was enough. But the City compounded the injuries in fact in multiple ways:

- The City imposed the burden of seeking a permit for Grand's prayer gathering, even though it now concedes no such permit was ever necessary and no permit would ever be required for any other gathering of comparable size. *See Tandon v. Newsom*, 593 U.S. 61, 62 (2021) (per curiam) (free exercise is burdened "whenever [government] treat[s] *any* comparable secular activity more favorably than religious exercise").

- It forced Grand to retain a lawyer and pay $400 in permit fees—not to mention the time he devoted to preparing for and attending the hearing, *see Tyler v. Hennepin County*, 598 U.S. 631, 636 (2023) ("pocketbook injury [is] sufficient"), and the ignominy of the three-hour proceeding that the Mayor orchestrated into a public spectacle of hostility and antisemitism, *see Allen v. Wright*, 468 U.S. 737, 755 (1984) ("stigmatizing injury" from "discrimination").

- The City abandoned ordinary protocols to impose unique burdens on Grand—including the hearing's unprecedented quasi-judicial format and the Kafkaesque ploy of refusing to accept the additional information the Commission deemed necessary to secure a permit. *See Ne. Fla. Chapter of Associated Gen. Contractors of Am. v. City of Jacksonville*, 508 U.S. 656, 666 (1993) ("the denial of equal treatment … [and] not the ultimate inability to obtain the benefit" is the "injury in fact").

- Then there was the City-directed surveillance by police and neighbors—"chilling" in every sense of the word. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 460-61 (1958).

- The City also retaliated against Grand's religious exercise by trumping up citations, devising a cross-department strategy to prosecute Grand, and interrupting trash collection.

- Even after Grand withdrew his application, the Mayor doubled down on the threat that Grand was prohibited from "congregating weekly at [his] residence" to pray. Pet.App.143a. And with the cease-and-desist order still in effect today, Grand has suffered further injury for every Sabbath and High Holiday on which he had no choice but to refrain from convening his prayer group—nearly 300 Sabbaths, and dozens of High Holidays in all. *See Roman Cath. Diocese of*

> *Brooklyn v. Cuomo*, 592 U.S. 14, 19 (2020); *Kennedy*, 597 U.S. at 524.

The City may dispute some facts at trial. Maybe it will be brazen enough to dispute whether these facts, if proven, amount to constitutional or RLUIPA violations. For present purposes, none of that matters. *Warth v. Seldin*, 422 U.S. 490, 500 (1975) ("[S]tanding in no way depends on the merits of the plaintiff's contention that particular conduct is illegal."). What matters under Article III is that Grand alleged—and, on summary judgment, provided ample evidence of—each of these injuries, and the City has never contended that they do not amount to injury in fact as to any claim, much less all of them.

These injuries more than suffice for standing. They were "concrete, particularized, and actual or imminent," and each traceable to the City's threats and regulatory acts. *First Choice*, 146 S. Ct. at 1122 (citation omitted). There can be no question that the chill on Grand's religious liberty and the City's retaliation were past injuries for which Grand could seek damages without regard to the outcome of any permitting process. *See Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U.S. 449, 463 (2017) ("The Free Exercise Clause protects against 'indirect coercion or penalties on the free exercise of religion, not just outright prohibitions.'" (quoting *Lyng v. Nw. Indian Cemetery Protective Ass'n*, 485 U.S. 439, 450 (1988))). Injury in fact therefore supports every one of the claims that the courts below rejected as unripe.

2. The Court of Appeals, for its part, never questioned the City's tacit concession that Grand suffered injury in fact. And none of its observations about ripeness negate Grand's Article III injuries.

One factor in prudential ripeness is "hardship to Grand." Pet.App.11a (emphasis omitted). The court thought the cease-and-desist order did not qualify as a hardship because "[t]he letter is not an enforcement action." Pet.App.13a. Whatever validity that argument might have as a matter of prudence, it is flatly wrong as an Article III matter: A "credible threat" that chills or deters the exercise of fundamental rights suffices even if the threat is not "self-executing," as *SBA List* and *First Choice* confirm. *First Choice*, 146 S. Ct. at 1121-22, 1127; *supra* 27-30.

In fact, those principles have even more salience here than in those cases. In *SBA List*, it was uncertain whether the plaintiffs would make actionable statements in a future election cycle or whether anyone would sue over them. But Grand was both clear and specific about the protected activity he wanted to engage in—he even drew a diagram—and the City's cease-and-desist order left no ambiguity about its intention to enforce its view of the law.

And in *First Choice*, there was no question that the government could have narrowed its demand or that a court could have invalidated it, thereby lifting the First Amendment burden. 146 S. Ct. at 1128. Here, though, the City gave Grand no indication that it would grant a permit, much less withdraw the permit requirement. *See supra* 14-15 (describing barriers Grand confronted for permit). The threat was categorical, the chill was immediate, and the harm was concrete from day one. *See Mahmoud v. Taylor*, 606 U.S. 522, 559-60 (2025) ("[W]hen a deprivation of First Amendment rights is at stake, a plaintiff need not wait for the damage to occur before filing suit.").

If the City had ordered Grand to cease and desist praying solo without a permit, there is no doubt he could sue immediately. So too, if the City had ordered surveillance to enforce that prohibition or retaliated against him for daring to pray alone without a permit. If the City had imposed any of these requirements or burdens because Grand wanted to pray with friends before a football game, he could sue right away. *See Kennedy*, 597 U.S. at 524 (allowing suit over right to lead group prayer at a football game, because the Free Exercise Clause "protects not only the right to harbor religious beliefs inwardly and secretly" but "the ability of those who hold religious beliefs … to live out their faiths in daily life through 'the performance of … physical acts'" (citation omitted)).

The rule is no different just because Grand wanted to pray with a group inside the sanctity of his own home, which is so often the wellspring of religious observance. *See City of Ladue v. Gilleo*, 512 U.S. 43, 58 (1994) ("A special respect for individual liberty in the home has long been part of our culture and our law; that principle has special resonance when the government seeks to constrain a person's ability to *speak* there." (citations omitted)); *accord Tandon*, 593 U.S. at 63-64 (discussing "at-home religious exercise").

Equally inapt, both legally and factually, is the Court of Appeals' assertion that the City's conduct did not sufficiently "chill" Grand's "First Amendment expression" because "he has convened a minyan on the Sabbath at least once after the end of the Planning Commission meetings." Pet.App.13a. Legally, all that Article III requires is that the City's credible threat and its accompanying chill "force[d] [Grand] to choose between following the precepts of h[is] religion" or exposing himself to penalty, every single time he convened a group prayer—regardless of which choice he made. *Sherbert*, 374 U.S. at 404. Factually, Grand canceled the prayer group he had planned for the upcoming Sabbath upon receiving the cease-and-desist order and attested to never having planned one thereafter because he was "petrified to actually have a bona fide prayer gathering in [his] house." J.A.161. The "once" to which the Court of Appeals referred was the one—and only—minyan, an *unplanned* prayer session that spontaneously materialized during a dinner with a large group of guests. J.A.160-61.

At various points, the Court of Appeals reiterated that "Grand withdrew his application for a special use permit before anyone had a chance to adopt an interpretation of the ordinance." *E.g.*, Pet.App.9a. That is, of course, the central consideration under *Williamson County*. 473 U.S. at 186-91. But *First Choice* confirms that it is irrelevant to injury in fact. 146 S. Ct. at 1121, 1127. Just as the plaintiff there suffered an Article III injury despite the possibility that the Attorney General would narrow the subpoena or the state court might quash it, Grand suffered one despite the possibility that he might persuade the Commission to lift the threat. Here, as there, the harm arises "when [a demand] is made and for as long as it remains outstanding." *Id.* at 1125. The "sword of Damocles" hung over Grand's religious practice the entire time and hangs to this day. *Id.* at 1127 (citation omitted).

The Court of Appeals ignored that "[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Roman Catholic Diocese*, 592 U.S. at 19 (citation omitted). That must mean the loss of those freedoms for the duration of a potentially interminable administrative process—here, at least nine weeks between the cease-and-desist order and second hearing, *supra* 15—is enough. That is true whether those liberties involve associating with an advocacy group (as in *First Choice*) or a prayer group, and whether they involve a group speaking about candidates (as in *SBA List*) or a group speaking to God. "The First Amendment guarantees all Americans the rights to speak, worship, publish, assemble, and petition their government freely. Each of these rights, this Court has long understood, necessarily carries with it a corresponding right to associate with others. Without such a right, no two men could safely share the same soapbox, no two women the same church." *First Choice*, 146 S. Ct. at 1122 (cleaned up).

None of these Article III considerations changed just because Grand submitted and then withdrew a permit application. Just as nothing in Article III required the nonprofit in *First Choice* to exhaust the subpoena-enforcement process, nothing in Article III required Grand to file a permit application in the first place. And since Article III did not require him to file one, it certainly did not require him to pursue it once he realized that the very demand was illegal, the process was rigged, and the exercise was futile.

Nothing the Planning Commission could have done during the permitting process would have reversed or mitigated any of the injuries in fact already inflicted. The Commission could not give back the lost Sabbath gatherings or all the resources expended, undo the family trauma of police surveillance, or erase the indignity and frustration of bogus investigations or public-service suspensions in retaliation for Grand's religious observance.

In fact, the Planning Commission process itself was a significant part of the injury Grand suffered—most notably the indignity of the orchestrated public tirade and unprecedented procedures. In a very real way, the process *was* the punishment. Nothing in Article III required Grand to endure another public drubbing as the price of admission to court.

II. *Williamson County*'s Prudential Finality Requirement Does Not Justify Rejecting Grand's Claims.

To the Court of Appeals, all these undisputed injuries were irrelevant. So, too, were the key cases discussed above. It did not address any of the cases holding that similar burdens on First Amendment liberties are immediately actionable. Nor the cases holding that a plaintiff so burdened need not seek a permit as a prerequisite for suing. Nor the cases holding that ripeness merges into injury in fact. The Court of Appeals believed that all these precedents took a back seat because it had previously held that "challenges to land-use policy" are categorically "unripe" under *Williamson County* for lack of "a final decision." Pet.App.6a-8a.

That was wrong. *Williamson County*'s finality requirement is a rule of prudential ripeness based on rationales specific to regulatory takings. This Court has since both contracted *Williamson County* and questioned the legitimacy of prudential ripeness. § II.A. The Court of Appeals erred in extending *Williamson County* to religious-liberty claims because Congress chose not to; there is no land-use exception to the traditional treatment of religious-liberty claims; and, even on its own terms, *Williamson County*'s rationale does not apply to religious-liberty claims. § II.B.

A. *Williamson County* crafted a prudential-ripeness rule for regulatory takings from which this Court has rightly retreated.

1. *Williamson County*'s finality requirement is not jurisdictional, constitutionally required, or part of Article III's case-or-controversy requirement. *See Suitum v. Tahoe Reg'l Planning Agency*, 520 U.S. 725, 733-34 & n.7 (1997); *Horne v. Dep't of Agric.*, 569 U.S. 513, 526 (2013). It is a judge-made rule of "prudential ripeness," *Suitum*, 520 U.S. at 733-34, rooted in the peculiarities of a narrow category of claims asserting that a land-use regulation has so diminished the value of a property as to effect a taking. This Court has *never* applied it outside of a takings case, and has labeled it a "Takings Clause rule." *First Choice*, 146 S. Ct. at 1128.

In *Williamson County*, a real-estate developer sought to develop a residential subdivision. 473 U.S. at 175-77. After receiving preliminary approval from the local Planning Commission for a plan with a density of 1.089 units per acre, the developer invested millions of dollars in infrastructure into the project. *Id.* at 177-79. The county then amended its zoning ordinance to reduce the allowable density. *Id.* at 178-79. Invoking the new rule, the Commission rejected plans for the development. *Id.* at 179-80. But that rejection was preliminary; the developer could have sought variances from either the Commission or the Board of Zoning Appeals. *Id.* at 188-90. The developer did neither. *Id.*

Instead, the developer sued, alleging that the *interim* decision to disapprove the preliminary plan amounted to a taking without just compensation in violation of the Fifth Amendment and the Due Process Clause. *Id.* at 182-85, 197. Both theories were premised on the idea that the county's application of zoning regulations went "too far," denying the developer all economically viable use of the land and thus exacting a taking. *Id.* at 197-99.

Without any discussion of Article III, this Court held that the claims were unripe for two reasons. First, the developer had "not yet obtained a final decision regarding how it will be allowed to develop its property," which made it "impossible" for a jury to decide whether the regulations had effected a taking depriving the developer of all "economic benefit from the land." *Id.* at 190-94 (cleaned up). The second reason (which this Court later disavowed, *see infra* 42-43) was that the developer failed to seek compensation through the state's inverse-condemnation procedures. *Id.* at 194-97. This Court explained that the Takings (or Just Compensation) Clause "does not proscribe the taking of property; it proscribes taking *without just compensation*." *Id.* at 194 (emphasis added). So there is no "violation of the Just Compensation Clause until the owner has unsuccessfully attempted to obtain just compensation through the procedures provided by the State." *Id.* at 195.

This Court emphasized that the finality requirement was "compelled by the very nature of the inquiry required by the Just Compensation Clause." *Id.* at 190. Determining what "constitutes a 'taking' ... [can be] a problem of considerable difficulty." *Id.* For example, a land-use regulation that diminishes a property's value is not a taking *unless* it "goes too far." *Id.* at 199. That, in turn, depends on intensely case-specific factors such as "the economic impact of the challenged action" and "the extent to which it interferes with reasonable investment-backed expectations." *Id.* at 190-91. Such variables "cannot be evaluated until the administrative agency has arrived at a final, definitive position" as to what it will permit. *Id.* at 191.

2. In the 40 years since *Williamson County*, this Court's subsequent opinions have demolished the foundational premise of prudential ripeness on which it is based and contracted the doctrine even within the takings context.

Starting with the premise, prudential ripeness originates from discretionary, equitable remedies in the administrative-law context. *See Abbott Lab'ys v. Gardner*, 387 U.S. 136, 148-49 (1967). Courts engineered the doctrine to "protect the agencies from judicial interference" and avoid "entangl[ement]" in "abstract disagreements over administrative policies." *Id.* But this Court has since emphasized that prudential justiciability doctrines are "not derived from Article III." *Lexmark*, 572 U.S. at 126; *see also SBA List*, 573 U.S. at 167. It has held that courts "cannot limit a cause of action that Congress has created merely because 'prudence' dictates." *Lexmark*, 572 U.S. at 128. And it has recently and repeatedly expressed concerns that prudential ripeness flouts "the principle that 'a federal court's obligation to hear and decide' cases within its jurisdiction 'is virtually unflagging.'" *SBA List*, 573 U.S. at 167 (quoting *Lexmark*, 572 U.S. at 126); *accord First Choice*, 146 S. Ct. at 1126. These cases evoke the adage that courts "have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given." *Cohens v. Virginia*, 19 U.S. 264, 404 (1821).

These principles have already led the Court to gut half of *Williamson County*'s rationale in a pair of cases. First came *Knick v. Township of Scott*, which overruled *Williamson County*'s requirement that a property owner must first seek compensation through the state's inverse-condemnation procedures before suing in federal court. 588 U.S. 180, 189 (2019). Instead, *Knick* held, "a property owner has a claim for a violation of the Takings Clause as soon as a government takes his property for public use without paying for it"—"without regard to subsequent state court proceedings." *Id.* This Court began from the long-established rule that "exhaustion … 'is *not* a prerequisite to an action under … § 1983.'" *Id.* at 185 (quoting *Heck v. Humphrey*, 512 U.S. 477, 480 (1994), and *Patsy v. Bd. of Regents of State of Fla.*, 457 U.S. 496, 501 (1982)). By requiring exhaustion in takings cases when it is not required for "any other constitutional claim … under § 1983," the Takings Clause had been "relegate[d] … 'to the status of a poor relation' among the provisions of the Bill of Rights." *Id.* at 189 (quoting *Dolan v. City of Tigard*, 512 U.S. 374, 392 (1994)).

Next, those same principles led the Court to reject the requirement that a plaintiff pursue all available relief through state *administrative agencies*. *Pakdel v. City & County of San Francisco*, 594 U.S. 474, 479 (2021) (per curiam). In *Pakdel*, the city threatened "an enforcement action" against landlords who resisted a new rule requiring them to grant lifetime leases to existing tenants as a condition of converting a tenancy-in-common into a condominium. *Id.* at 475-76. After the owners sued in federal court asserting "an unconstitutional regulatory taking," the Ninth Circuit rejected the suit as unripe under *Williamson County*. *Id.* at 476-78. It held that the decision "was not truly 'final,'" because the owners had not properly sought "an exemption" from the rule, thereby depriving the "agency [of] the opportunity to exercise its flexibility or discretion" to waive the requirement. *Id.* (cleaned up).

This Court summarily reversed. In language that could have been written for this case, this Court held that "the Ninth Circuit's … approach … is inconsistent with the ordinary operation of civil-rights suits." *Id.* at 479. It repeated "'the settled rule' that exhaustion of state remedies is *not* a prerequisite to an action under … § 1983." *Id.* (cleaned up). All that mattered was that "there [wa]s no question about the city's position: [The owners] must 'execute the lifetime lease' or face an 'enforcement action.'" *Id.* at 478.

B. The Court of Appeals erred in extending *Williamson County* finality to Grand's religious-liberty claims.

1. This Court has never extended *Williamson County* finality outside the regulatory takings context. And it has never extended any sort of prudential-ripeness doctrine to block religious-liberty claims. The Court of Appeals defied the whole logic of this Court's recent precedents when it extended *Williamson County* finality to religious-liberty claims, and then to Grand's claims, merely because they presented "challenges to land-use policy." Pet.App.7a-8a. That was erroneous for several reasons.

First, an extension would arrogate to the courts the policymaking power reserved to Congress. This Court has repeatedly admonished that courts cannot "impose a new requirement on a [plaintiff], so that the law as applied demands something more … than the law as written." *Muldrow v. City of St. Louis*, 601 U.S. 346, 355 (2024). The decision to impose a new requirement belongs exclusively to "those who write the laws rather than those who interpret them." *Ziglar v. Abbasi*, 582 U.S. 120, 135-36 (2017) (cleaned up).

This Court emphasized that point when it contracted *Williamson County* finality in *Pakdel*. It refused to consider the "policy virtues" of a "strict administrative-exhaustion requirement," because "Congress always has the option of imposing" such a rule, but "has not done so for takings plaintiffs." 594 U.S. at 480-81.

As *Pakdel* observed, requiring any § 1983 plaintiff to first "seek 'an exemption' through" "administrative processes" would be "inconsistent with the ordinary operation of civil-rights suits." *Id.* at 479 (citation omitted). The same is true for requiring that Grand run the gauntlet of multiple layers of agency proceedings before suing for injuries already suffered. As noted above (at 42-44), in both *Pakdel* and *Knick*, this Court invoked the general rule that "exhaustion is not a prerequisite to an action under § 1983." *Patsy*, 457 U.S. at 501; *accord Knick*, 588 U.S. at 185 (reaffirming this "settled rule"). The finality requirement has no more basis in § 1983's text or purpose than exhaustion does. *Cf.* 5 U.S.C. § 704 (requiring "final agency action" for judicial review).

It is even more true for RLUIPA. Whereas this Court inferred congressional will from silence in § 1983, RLUIPA's message is express. Congress rejected any prudential-ripeness rule when it directed that "[s]tanding to assert a claim or defense under [RLUIPA] shall be governed by the general rules of standing *under article III* of the Constitution." 42 U.S.C. § 2000cc-2(a) (emphasis added). It underscored that message by commanding that RLUIPA "shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this chapter and the Constitution." 42 U.S.C. § 2000cc-3(g).

Second, contrary to the Court of Appeals' position, there is no "land-use" exception to the ordinary operation of religious-liberty claims. This Court has applied those ordinary rules in the land-use context. *Roman Catholic Diocese*, 592 U.S. at 19 (COVID-19 restrictions imposed in different zones of New York); *Lakewood*, 486 U.S. at 755-56 (permit for newsracks). There is nothing about the land-use context that changes the character of religious-liberty claims. Certainly, land use does not negate the principle that "[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Roman Catholic Diocese*, 592 U.S. at 19 (citation omitted).

Quite the opposite: Singling out the land-use context for especially harsh treatment of religious-liberty claims flouts the very point of RLUIPA, which (per the title) singles out "Religious Land Use" for especially *favorable* treatment. *See, e.g.*, *Anash, Inc. v. Borough of Kingston*, 184 F.4th 214, 244 (3d Cir. 2026) (RLUIPA's "basic principle" is that "the choice of where the exercise of religion can take place should be left to persons with rights of access to and use of real property—not to zoning codes and landmarking laws promulgated by governments"); 146 Cong. Rec. S7774-75 (daily ed. July 27, 2000) (joint statement of Sen. Hatch and Sen. Kennedy) (describing "massive evidence" that "the core First Amendment right to assemble for religious purposes" is "frequently violated," as churches and religious groups "are frequently discriminated against on the face of zoning codes and also in the highly … discretionary processes of land use regulation … these forms of discrimination are very widespread”).

Third, even on its own terms, *Williamson County*’s rationale does not apply to religious-liberty claims. This is evident from the opinion’s repeated reliance on principles “compelled by the very nature of the inquiry required by the Just Compensation Clause,” 473 U.S. at 190, and from how poorly those principles map onto other sorts of civil-liberties claims. In the context of a regulatory taking, it is fair to say that a court “simply cannot” know whether the regulation “goes too far” without knowing what the government will permit. *Id.* at 191, 199. In contrast, for religious-liberty claims, whether a plaintiff has suffered an Article III injury is not “a problem of considerable difficulty.” *Id.* at 190 (citation omitted). The injury occurs the moment the government deploys a credible threat that objectively chills protected activity. *Supra* 27-30. A court can assess that injury without the benefit of an agency determination. And none of the burdens the City inflicted on Grand would have been reversed or mitigated based on the outcome of any permitting process.

Put another way, whatever its outcome, the permitting process could only have *added* to the injury (and, by the City’s own eventual concession, done so without justification). As the United States explained below, “a final determination in such circumstances would serve no purpose other than to ‘perpetuate the [injury].’” Pet.App.108a (quoting *Temple B’Nai Zion, Inc. v. City of Sunny Isles Beach*, 727 F.3d 1349, 1357 (11th Cir. 2013)). And that's all putting aside the City's retaliation against Grand's religious exercise—in the form of City-run and City-encouraged surveillance, trumped up citations, bogus criminal investigations, and the suspension of trash collection. None of that was before the Commission and therefore was not even arguably unripe on the Court of Appeals' own terms.

There is a stark irony in applying *Williamson County* finality to block religious-liberty claims, which ought to shine as the proverbial "fixed star in our constitutional constellation." *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). When this Court protested that cases like *Williamson County* had "relegate[d] the Takings Clause 'to the status of a poor relation' among the provisions of the Bill of Rights," it meant that it was time to elevate that Clause to the "full-fledged" vaunted "status … [of] the other protections in the Bill of Rights." *Knick*, 588 U.S. at 189 (citation omitted). It did not mean that it was time to demote all the other rights to "poor relation" status.

This Court can leave for another day whether prudential ripeness retains some continuing vitality in other contexts—and whether to deliver the *coup de grâce* to *Williamson County*. But at the very least, this Court should continue to confine *Williamson County*'s judge-made finality rule to the takings soil from which it sprung.

2. The opinion below said little to justify transplanting *Williamson County* into this new soil. It said only that "[t]his approach ensures that municipal land-use policy begins in local, politically accountable hands. And it prevents us from swinging at a moving target." Pet.App.7a. The court cited a previous Sixth Circuit case that block quoted variations on those two policy justifications plus a couple of others:

> First ... requiring a claimant to obtain a final decision from a local land use authority aids in the development of a full record.... Second, and relatedly, only if a property owner has exhausted the variance process will a court know precisely how a regulation will be applied to a particular parcel.... Third, a variance might provide the relief the property owner seeks without requiring judicial entanglement in constitutional disputes.... Finally, since *Williamson County*, courts have recognized that federalism principles also buttress the finality requirement.

Insomnia Inc. v. City of Memphis, 278 F. App'x 609, 613 (6th Cir. 2008) (quoting *Murphy v. New Milford Zoning Comm'n*, 402 F.3d 342, 348 (2d Cir. 2005)).

Pakdel gives a simple answer to all this: These are all fine "policy virtues" that "Congress always has the option of imposing." 594 U.S. at 480-81. But as discussed (at 43-46), Congress has declined to apply such a rule under § 1983, and it has rejected the rule in RLUIPA—regardless of these justifications.

That is enough to dispatch the Court of Appeals' policy arguments, particularly given this Court's deep skepticism of prudential ripeness. *See SBA List*, 573

U.S. at 167. When Congress has prescribed a federal remedy for constitutional violations, courts may not outsource "development of a full record" to "a local land use authority," resist "judicial entanglement in constitutional disputes," or stand down in "appreciation" for "local concern," *Insomnia*, 278 F. App'x at 613 (cleaned up), or "politically accountable hands," Pet.App.7a. The Court of Appeals' federalism point clashes especially with RLUIPA claims, given that Congress authoritatively declared "Religious Land Use" a matter of *federal* concern for federal courts. Pub. L. No. 106-274, § 1 (2000). And just as "the First Amendment does not permit the State to sacrifice speech [or religious liberty] for efficiency," *Riley v. Nat'l Fed'n of Blind of N.C., Inc.*, 487 U.S. 781, 795 (1988), neither does it bow down to the administrative processes of local land-use authorities.

It is also not categorically true that "only if a property owner has exhausted the variance process will a court know precisely how a regulation will be applied to a particular parcel." *Insomnia*, 278 F. App'x at 613 (cleaned up). It is not true here, for example, and in many other religious-liberty cases. As discussed (at 30-33), the burdens the City imposed on Grand before and during the permitting process were sufficiently concrete that it was clear exactly how they burdened him without regard to the outcome of a zoning process. Once the City inflicted those injuries, there was no "moving target." Pet.App.7a.

Declining to extend *Williamson County* finality to religious-liberty claims does not mean that plaintiffs are always free to sue without securing a final agency decision. In some situations, a plaintiff will not be able to sue without a final decision for lack of Article III injury. That may be the case, for example, where a religious organization wants to build a new house of worship and sues preemptively, citing nothing but a fear of religious discrimination. Or where it is not clear how a regulation will apply (for example, to a building project), but the ambiguity does not objectively chill any current religious practice.

Courts do not need a prudential-ripeness doctrine to root out those sorts of claims. The claims will fail either for lack of Article III standing or on dispositive motions on the merits for lack of any actual burden. *See, e.g.*, *Alive Church of the Nazarene, Inc. v. Prince William County*, 59 F.4th 92, 98-101 (4th Cir. 2023) (church's religious-liberty challenge to special use permit requirement and permit conditions dismissed for failure to state a claim); *Roman Cath. Bishop of Springfield v. City of Springfield*, 724 F.3d 78, 91-92, 94-100 (1st Cir. 2013) (declining to extend *Williamson County* finality to church's RLUIPA and First Amendment challenges to city's regulation, but granting summary judgment to city because church was not substantially burdened); *Love Church v. City of Evanston*, 896 F.2d 1082, 1086-87 (7th Cir. 1990) (church failed to show injury in fact, traceability, or redressability in challenge to city zoning ordinance). This case is not close to that line.

III. Extending *Williamson County* Finality Would Have Devastating Consequences For Religious Liberty.

The Court of Appeals condoned a roadmap for systematic suppression of religious liberty—one that governments across the country are already applying.

Under the Court of Appeals' rule, Grand could not sue when the City issued a cease-and-desist order and the Mayor ordered Grand not to host "any type of religious gathering in [his] home without first obtaining a special use permit." J.A.10; *see* J.A.153-54. It did not matter that the City later conceded that was a false portrayal of the zoning law, nor that the order forced Grand to cancel his planned prayer gathering for that Sabbath and every Sabbath and High Holiday thereafter. *Supra* 8-9, 16. No matter how lawless the order, "Grand needed a final decision" as to whether he could convene a prayer group of any size in his home "from the agency with authority over the challenged regulations." Pet.App.9a. That meant Grand had to contend with three layers of agency decision-making: first the Planning Commission, then appeals to the City Council and the Board of Zoning Appeals. *See* Pet.App.8a-10a.

Here is the playbook that emerges: All a city official needs to do to shut down any religious observance, expression, or gathering he finds objectionable is issue a cease-and-desist order. Never mind the legality of the order. Just threaten harsh consequences for disobedience. For best results, make the order supremely vague as to what activities, expression, or gatherings are prohibited. Then declare that the only recourse is to seek a permit. That alone will shut down much religious practice and expression—particularly if it is time-sensitive.

When a believer is dedicated enough to pursue a permit, all the government has to do is make the permitting process arduous, expensive, hostile, and aggravating enough to force her to surrender. For good measure, arbitrarily change the rules of the process to compound the burdens. If she still persists, drag out the agency process as long as possible. Throughout, the involuntary applicant cannot engage in the prohibited activity without inviting crushing penalties or criminal punishment. And throughout, the courthouse doors are firmly shut to her, no matter how immediate, concrete, or unreasonable the burden on free exercise.

The playbook works to suppress not just prayer groups, but religious gatherings of any sort—a Bible study or faith-based support group, or even a baptism or bris. Beyond gatherings, it works to suppress any sort of disfavored religious expression—whether it is a creche, a window display, or a small yard sign that says “Believe” or “Jesus Saves.” And it works whether the target is a home, a business, a community center, or a house of worship.

There is nothing hypothetical about this. Right now, local authorities regularly invoke land-use regulations as a fig leaf for restricting all manner of free exercise. These cases follow a predictable pattern: People of faith try to gather, pray, or mark sacred space; neighbors object; and officials invoke zoning tools to treat faith as a problem to be contained instead of a freedom to be cherished. Municipalities have already applied the playbook against:

- a Christian couple that held an in-home weekly prayer group with as few as ten people, *Murphy*, 402 F.3d at 345-50, 353-54;
- a rabbi who conducted prayer sessions, Shabbat services, and scriptural studies in his home, *Chabad Lubavitch of the Quad Cities, Inc. v. City of Bettendorf*, 389 F. Supp. 3d 590, 595-99 (S.D. Iowa 2019);
- a Christian family that held Bible study in their home on Sunday mornings, Christina Ng, *California Family Fined for Bible Study in Home*, ABC News (Sept. 22, 2011), https://perma.cc/T4V7-29DX;
- a Christian group that had been conducting religious services for 20 years in the recreation building of a trailer park, *Guatay Christian Fellowship v. County of San Diego*, 670 F.3d 957, 959-65 (9th Cir. 2011);
- a mosque, already approved for prayer gatherings, that wanted to add pre-dawn and late-evening prayers and extend hours during Ramadan, Drew Penner, *Jewish Residents Rally with Muslim Community for Los Gatos Mosque Permit Modification*, Los Gatan (Apr. 1, 2026), https://perma.cc/PHU2-LSM2; and
- a Catholic order that hosted Bible studies and private daily masses in a small, 18-person chapel in an approved residential house, *Miles Christi Religious Order v. Township of*

Northville, 629 F.3d 533, 535-36, 538-40 (6th Cir. 2010).

For every example that yielded a lawsuit or press coverage, there are undoubtedly scores that ended in surrender of religious exercise. In short, this playbook encourages the "very widespread" religious discrimination that RLUIPA strove to root out. 146 Cong. Rec. S7774-75 (daily ed. July 27, 2000) (joint statement of Sen. Hatch and Sen. Kennedy).

Also evident from the public record is how common and easy it is for local authorities to use a range of tactics to postpone a final decision and thus insulate their conduct from review: abrupt mid-process rule changes; demands for endless revisions and resubmissions; repeated hearing continuances; diversion to subcommittees or city departments; and increased review costs. RFI Cert. Amicus Br. 8-9. For example:

- a Muslim group seeking to build a mosque endured six years of submissions and re-submissions to a series of local government boards and commissions, during which time the town passed a new parking ordinance specifically aimed at blocking the mosque's permit application, *Muslims on Long Island, Inc. v. Town of Oyster Bay*, No. 2:25-cv-00428 (E.D.N.Y. 2025);
- a Buddhist group seeking to build a Zen Center endured nearly five years of hearings, studies, and revisions, only to have the city *deny* its application, *United States v. City of Walnut*, No. 2:10-cv-06774 (C.D. Cal. 2010);

- a Muslim group seeking to build a mosque had to endure 39 public hearings over three-and-a-half years, *Islamic Soc'y of Basking Ridge v. Township of Bernards*, No. 3:16-cv-01369 (D.N.J. 2016).

Governments are applying the playbook against religions of all sorts. But the burden falls heaviest on minority-faith communities, which regularly face disproportionate resistance in facially neutral zoning processes, RFI Cert. Amicus Br. 3, 6-8, and for which home-based worship can be the norm, PJI Cert. Amicus Br. 8-9. These tactics will only become more commonplace if this Court endorses the playbook nationwide.

To be sure, declining to extend *Williamson County* finality to religious-liberty claims will require local governments in a few circuits to defend more of their anti-religious actions in court, and do so sooner. But that is exactly what Congress intended when it directed that RLUIPA "shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this chapter and the Constitution." 42 U.S.C. § 2000cc-3(g); *see Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 695-96 (2014). Declining to extend *Williamson County* finality to this new realm also carries out Congress's decision, in enacting § 1983, to "ensur[e] a federal forum to citizens who claim that state actors have violated their constitutional rights." *First Choice*, 146 S. Ct. at 1126. And it vindicates the Founding generation's decision to protect "the equal right of every citizen to the free exercise of his

Religion." 2 The Writings of James Madison 190 (Gaillard Hunt ed., 1901).

CONCLUSION

The judgment of the Court of Appeals should be reversed.

Respectfully submitted,

James A. Campbell
John J. Bursch
Rory T. Gray
Mathew W. Hoffmann
ALLIANCE DEFENDING FREEDOM
440 First Street, NW
Suite 600
Washington, DC 20001

Jonathan Gross
LAW OFFICE OF JONATHAN GROSS
2833 Smith Avenue
Suite 331
Baltimore, MD 21209

E. Joshua Rosenkranz
Counsel of Record
Cesar Lopez-Morales
Nicole Ries Fox
Jodie C. Liu
Elizabeth A. Bixby
Harmann P. Singh
Kamilyn Y. Choi
Holly Boux
ORRICK, HERRINGTON & SUTCLIFFE LLP
51 West 52nd Street
New York, NY 10019
(212) 506-5000
jrosenkranz@orrick.com

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ADDENDUM

U.S. Const. amend I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. Const. amend XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

United States Code
Title 42. The Public Health and Welfare

42 U.S.C. § 2000cc

§ 2000cc. Protection of land use as religious exercise

(a) Substantial burdens

(1) General rule

No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(2) Scope of application

This subsection applies in any case in which—

(A) the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability;

(B) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability; or

(C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

(b) Discrimination and exclusion

(1) Equal terms

No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

(2) Nondiscrimination

No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

(3) Exclusions and limits

No government shall impose or implement a land use regulation that—

(A) totally excludes religious assemblies from a jurisdiction; or

(B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

United States Code
Title 42. The Public Health and Welfare

42 U.S.C. § 2000cc-2

§ 2000cc-2. Judicial relief

(a) Cause of action

A person may assert a violation of this chapter as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

* * *

United States Code
Title 42. The Public Health and Welfare

42 U.S.C. § 2000cc-3

§ 2000cc-3. Rules of construction

* * *

(g) Broad construction

This chapter shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this chapter and the Constitution.

UNIVERSITY HEIGHTS CODIFIED ORDINANCES

Chapter 1242

Administration; Enforcement; Penalty

1242.99 VIOLATIONS, NOTICE, PENALTIES.

(a) Except as otherwise provided in this Zoning Code, any person, whether as owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Zoning Code or permits any such violation or fails to comply with any of the requirements thereof, or who erects, constructs, alters, enlarges, converts, moves or uses any building or land in violation of any detailed statement or plan submitted by him or her and approved under the provisions of this Zoning Code, shall be guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than six months, or both, for each offense. Such person shall be guilty of a separate offense for each and every day during any portion of which any violation of this Zoning Code is committed, continued or permitted by such person, and shall be punishable therefor as provided herein.

(b) Any building erected, constructed, altered, enlarged, converted, moved or used contrary to any of the provisions of this Zoning Code, and any use of any land or building which is conducted, operated or maintained contrary to any of the provisions of this Zoning Code shall be unlawful.

(c) The Building Commissioner, upon becoming aware of any violation of any of the provisions of this Zoning Code, shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the Building Commissioner may specify, he or she shall present the facts in the case to the Director of Law of the City.

(d) The Director of Law shall immediately, upon a violation of this Zoning Code having been called to his or her attention, institute injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove any unlawful construction, reconstruction, alteration, conversion, maintenance or use. Such action may also be instituted by any property owner who may be damaged by any violation of this Zoning Code.

(Ord. 2002-24. Passed 8-12-2002.)

UNIVERSITY HEIGHTS CODIFIED ORDINANCES

Chapter 1250

One-Family Residence District, U-1

1250.01 GENERAL PROVISIONS.

The following regulations shall apply to all One-Family Residence Districts, subject, however, to such of the provisions of Chapters 1244, 1272, 1276 and 1280 as are pertinent to this chapter.

(1982 Code, § 1109.01) (Ord. 56-53. Passed 10-1-1956.)

1250.02 PERMITTED USES.

Permitted uses in One-Family Residence Districts are:

(a) One-family dwellings.

(b) Buildings, structures and grounds owned and operated by a board of education, municipality or by a library board.

(Ord. 56-53. Passed 10-1-1956.)

(c) Home occupations solely to the extent defined in Section 1240.15 or permitted under Section 1280.12.

(Ord. 85-6. Passed 5-6-85.)

(d) The following signs are permitted in any residential district, providing such signs are back from the street line at least ten feet:

(1) Bulletin boards aggregating not over twelve square feet in area for schools or churches;

(2) A sign not over two square feet in area, containing the name or address of any occupant of the premises, or both the name and address;

(3) One sign, not over 12 square feet in area on the site of a building under construction in conformity to this Zoning Code and only while such building is under construction, bearing the names of any contractor or contractors in such construction;

(4) Such signs as shall be authorized by Section 808.06(h) of the Codified Ordinances and Section 1266.11.

(Ord. 97-64. Passed 12-15-1997; Ord. 2009-10. Passed 3-16-2009.)

(e) Planned multi-family residential areas, when contiguous to U-4, U-6, U-7, U-8, or U-9 Districts, subject to the standards and criteria of Section 1280.07.

(f) Planned one-family residential areas, subject to the standards and criteria of Section 1280.08.

(g) Public, semi-public and other uses permitted upon special permits subject to the standards and criteria of Chapter 1274.

(h) Accessory buildings and accessory uses, including space on the premises for the keeping of two cars in the accessary building, and may have three cars, provided space does not exceed more than 35% of the rear yard area. A greater number of car spaces may be provided in such accessory building, if the area of the lot contains at least 3,000 square feet for each car space and does not exceed 35% of the rear yard.

(i) Keeping of chickens and chicken coops or chicken runs in a U-1 District, upon issuance by the Building Department of a special use permit subject to the criteria of Codified Ordinance Section 1478.251. The keeping of chickens and/or chicken coops or chicken runs shall be prohibited in any zoning district other than U-1.

(1982 Code, § 1109.02) (Ord. 99-45. Passed 12-20-1999; Ord. 2007-28. Passed 6-26-2007; Ord. 2018-14. Passed 4-2-2018.)

1250.03 HEIGHT REGULATIONS.

(a) No building or structure shall exceed a height of two and one-half stories or 35 feet, except that a main building other than a dwelling may be erected to a height not exceeding three stories or forty feet, provided it is set back from all lot lines a distance exceeding the minimum yards required herein of not less than one foot per foot of increased height nor by less than five feet if the height is increased to three stories.

(b) The height of any accessory building, except garages, shall be kept as low as possible and shall not exceed ten feet or the distance between such accessory building and any adjacent main building, whichever is lower. Garages used for the storage of vehicles shall not exceed 15 feet in height.

(c) Notwithstanding division (a) hereof, buildings in planned residential areas shall be regulated as to height as provided in Section 1280.07 and as approved by Council.

(Ord. 2002-24. Passed 8-12-2002; Ord. 2004-58. Passed 1-4-2005.)

1250.04 LOT AREA AND WIDTH REGULATIONS.

Each dwelling shall have a lot area not less than 6,000 square feet per dwelling unit including dwelling units in accessory buildings; the average width of such lot shall be not less than 50 feet, provided, however, that any lot or parcel of land which has less area and less width than herein required for a one-family dwelling and which was owned and held as a separate lot or parcel, and not as a part of any adjoining lot or parcel, on the same street prior to March 17, 1952, may be used for a one-family dwelling.

(1982 Code, § 1109.04) (Ord. 56-53. Passed 10-1-1956.)

1250.05 YARD REGULATIONS.

(a) Front Yards. Each lot shall have a front yard not less in depth than the setback building line established for it, or as may be shown on the Building Zone Map.

(b) Side Yards. Each main building shall have two side yards of a combined width not less than one-fifth of the average width of the lot but in no event less than 12 feet; the narrower of the two side yards shall have at least 25 % of this combined width.

(Ord. 56-53. Passed 10-1-1956.)

(c) Rear Yards. Each lot shall have a rear yard not less in depth than 25 feet nor less than the height of the main building. A garage not over 15 feet in height may occupy up to 35% of the rear yard, providing that the area of such garage, together with all other structures located on the same parcel pf land, shall not exceed the maximum percentage of lot area that may be built upon in accordance with Section 1250.06. Such garage shall not be located closer than ten feet to the rear lot line if such rear line is also the side lot line of an adjoining lot.

(Ord. 57-46. Passed 8-5-1957.)

(d) Projection of Structure. Projections of structures into required yards are permitted in accordance with the provisions of Section 1280.03.

(1982 Code, § 1109.05) (Ord. 56-53. Passed 10-1-1956.)

1250.06 MAXIMUM LOT AREA USE.

(a) The maximum area of any lot that may be built upon shall be limited to 25 % of the total lot area, excepting that the permitted building area on lots with an area in excess of 6,000 square feet shall not be less than 1,500 square feet. In calculating the building to land ratio, unenclosed decks shall not be included, except to the extent that such unenclosed decks exceed 300 square feet.

(b) The lot area built upon shall be computed by totaling the square foot area occupied by all structures upon the lot, including, but not limited to, main buildings, garages, tool houses, play houses, summer houses, porches, breezeways, enclosed patios and terraces, steps, platforms and walls, but shall not include driveways, walks and steps, open patios or terraces not more than one foot above the ground level, or permanent swimming pools not above ground level, collapsible swimming pools, fish ponds not above ground level, nor swings, sand boxes, slides, teeter boards or fences.

(1982 Code, § 1109.06) (Ord. 58-69. Passed 10-6-1958; Ord. 92-10. Passed 6-15-1992.)

UNIVERSITY HEIGHTS CODIFIED ORDINANCES

Chapter 1274

Houses of Assembly And Social Service Uses

1274.01 INTENT AND PERMITTED USES.

(a) This chapter is established in order to permit, under special circumstances and conditions, uses which foster the most desirable use of the land in the City; which insure compatibility and stability with existing and proposed adjacent uses; and which harmonize and integrate into the existing zoning and use plans those special uses authorized under special permit recommended by the Planning Commission as approved by Council in the U-1, U-2 and U-4 residential districts.

(b) The following are hereby declared to be special uses to which this chapter shall apply:

(1) Houses of worship or religious education, including churches, temples, synagogues, religious organizations, parish houses and parochial schools;

(2) Facilities for the physical, behavioral or mental health care and/or education of children through the twelfth grade level only, including nurseries, day care centers, orphanages and treatment institutions and dormitories or cottages necessarily related thereto. Individuals not

receiving such services may reside on the premises so long as they provide support services;

(3) Senior housing and care facilities, including independent congregate living, assisted living, nursing, rest or convalescent homes, and other facilities for similar care and treatment;

(4) Residential behavioral health care facilities;

(5) Conversions to condominiums to the extent otherwise governed by ordinance;

(6) Office, research and high-tech production facilities which are:

A. Specifically designed and intended for occupancy by a single user;

B. Accessible only from either Fairmount Boulevard or Belvoir Road.

(7) Any other use not otherwise specified or authorized in this Planning and Zoning Code, to the extent that the requirements hereinafter set forth can reasonably be effectuated.

(c) This chapter shall not apply to dwelling units used for child care or as foster homes which are otherwise approved by the Board of Zoning Appeals in compliance with Section 1478.01.

(Ord. 99-45. Passed 12-20-1999.)

(d) A Special Use Permit for any use described in this section shall be applied for and shall be issued on the recommendation of the Planning Commission, subject to any reasonable conditions the Planning Commission may impose uniformly in similar circumstances, for any permitted location, after the applicant demonstrates to the Planning Commission by clear and convincing evidence that the provisions of this chapter will be met and that the special use will not impair surrounding property values or uses, vehicular parking and pedestrian or traffic conditions, lighting glare at night, noise pollution to others or other applicable criteria in the Planning and Zoning Code, and will not be otherwise contrary to the public health, safety and welfare.

(1) The Planning Commission may hold public hearings on any such application to the extent it deems reasonable, but not more than ninety days after the filing of the application and after compliance with all submissions or revisions thereof required under Section 1274.04.

(2) The recommendation of the Planning Commission shall be subject to the approval of a majority of Council. A denial by the Planning Commission may be appealed to Council by applicant's filing a written appeal within 15 days of such denial. The appeal shall be heard by Council within 45 days of the filing thereof.

(3) Upon approval by Council, a certificate of occupancy should be issued.

(Ord. 82-26. Passed 7-6-1982.)

(e) Group Homes.

(1) Definition of "group home".

A. A "group home" means a residence which is occupied by and provides residential services to unrelated individuals who do not otherwise qualify as a family and who have physical handicaps and/or moderate mental and/or social limitations and who live or propose to live together and function in the manner of a family, while monitored by State licensed professional caregivers.

B. "Group home" does not include cooperative residences for any other individuals or entities, or fraternities, sororities, social or business lodges, or any other combination of voluntary living arrangements.

C. "Group home" does not include any court ordered rehabilitation or maintenance living arrangements and/or care and/or treatment and/or rehabilitation services for severely mentally retarded or psychotic individuals, releasees from federal, state or county treatment or penal institutions, juvenile offenders, drug or alcohol offenders or wards of the court or welfare system.

(2) Criteria for group homes. In the event that the premises are occupied or proposed to be occupied by persons otherwise excluded by definition or if

refusal to allow the proposed occupancy conflicts with State and Federal law, not otherwise superseded by the University Heights Charter and ordinances under Article XVIII Section 3 of the Ohio Constitution, then the issue of occupancy shall further be determined only upon appeal to the Board of Zoning Appeals which may grant a non-transferable special or conditional use permit, if the applicant qualifies the use as a "group home", and if the following conditions also apply:

A. Such site previously shall have been zoned or permitted for use and occupancy or legally occupied by two or more families and the number of occupants would otherwise be permitted upon the application of all other ordinances dealing with "occupancy," (e.g., 1478.03).

B. No change in the exterior appearance of the premises shall occur. There will be no additional garage space.

C. Traffic or traffic congestion is not likely to increase or be adversely affected, and

1. No parking in addition to the parking (1240.20(a), 1280.03) for which the premises were designed will be available for residents and/or staff.

2. No trucks will be parked outside of the premises as governed by Section 452.18.

D. If the persons occupying the premises require care and attention, there will be at least one person identified to the City on site as a caregiver twenty-four hours, seven days a week. Such caregiver will be included in calculating the occupancy of the premises, if there are sleeping facilities needed or provided on the site for such caregiver.

E. Excluding students at John Carroll University and residents on the Bellefaire campus, otherwise as governed by these ordinances, the total number of units, and the housing and the total number of occupants housed and residing in the City in space for six or more residents per housing unit regulated by the Ohio Building Code, shall be limited to ten housing units and 60 residents, in the absence of credible evidence demonstrating a lack of additional equivalent space legally available for the same use in each and all abutting and contiguous municipalities.

F. Residences owned or occupied or operated as a group home or as a permitted facility described in Section 1274.01(b)(2)(3)(4) or (6) shall not be permitted on any part of a lot located within a radius of 2000 feet from any part of any lot occupied by any other such facility.

G. The Board may also take into consideration walking distance to public transportation and that such distance is reasonably likely to cause a safety risk to aged (over seventy years), handicapped or disabled residents.

H. Applicant must represent that the granting of a special permit herein is not likely to place any citizen in physical danger or jeopardy allowing the proposed occupancy, e.g. felons on parole or release programs, who have been convicted of violent crimes such as murder, assault, rape, intimidation and/or hard drug addiction; or profoundly or severely mentally retarded or known psychotic individuals who cannot function an society without being a risk to themselves or others, or any similar demonstrable likely danger.

(1982 Code, § 1124.01) (Ord. 91-11. Passed 5-6-1990.)

1274.02 AREA, YARD AND HEIGHT REGULATIONS.

(a) Area Usage and Frontage Regulations. The ground area shall be a separately owned lot as platted or replatted on City and County maps and occupied by buildings which shall not exceed 25% of the total area of the lot. Not less than 50% of the total lot area shall be developed as planted areas.

(1) Minimum area of the lot shall be:

- Senior housing and care facilities 4 acres
- Office, research and hightech production facilities 10 acres

- All other permitted uses 3 acres

(2) Minimum lot frontage shall be 150 feet.

(3) The portion of the site which is not covered with buildings and parking shall be developed as planted areas and landscaped as specified by Section 1274.03.

(b) Yard Regulations.

(1) Front. The front yard shall be not less than 75 feet in depth or not less in depth than the setback building line designated for the district on the zoning map and shall remain unoccupied except for a driveway for ingress and egress.

(2) Side and rear. Each lot shall have side and rear yards unoccupied by buildings, equal to the height of the main building except adjacent to a U-1, U-2 or U-4 District where such yards of not less than 50 feet shall be required. Rear and side yards may include accessory uses as permitted in division (c)(2) hereof.

(c) Use of Yards for Accessory Off-Street Parking and Loading.

(1) Front. No off-street parking or loading shall be permitted in the required front yard setback except for passenger loading and unloading. Where offstreet parking is behind the setback line and is buffered from view according to Section 1274.03, the Planning Commission may permit

not more than 10% of the required parking spaces in front of the main building.

(2) Side and rear. Accessory off-street parking, loading or driveways shall be permitted no closer than ten feet from a side or rear property line or 30 feet from a U-1, U-2 or U-4 District. This area shall be a landscaped buffer, with screening provided according to Section 1274.03.

(d) Height Regulations. Height of buildings (exclusive of towers, steeples, cornices, antennas, or similar features as approved by Council) shall not exceed the following:

(1) Thirty-five feet when set back 50 feet from side or rear property lines.

(2) Forty-five feet when set back 100 feet from side or rear property lines.

(e) Frontage and Location Regulations.

(1) Subject to all other provisions of this chapter, special use permits may be permitted only on land fronting on the following streets: Cedar Road, Warrensville Center Road, South Taylor Road, Fairmount Boulevard, North Park Boulevard, Green Road.

(2) A special use permit may be issued by the Planning Commission for land fronting on other streets where the applicant demonstrates by clear and convincing evidence that the use will benefit and not impair surrounding property values or

uses, vehicular parking and pedestrian congestion or traffic conditions, noise pollution and will not be otherwise contrary to the public health, safety or welfare, subject to the approval of a majority of Council.

(f) Prohibitions. Except for existing approved uses,

(1) No building may be used for the uses defined in this chapter unless originally designed and approved for such use.

(2) The conversion of a residence, store or other building, for a use defined in Section 1274.01 is prohibited.

(3) All uses defined in Section 1274.01 must have frontage on one of the streets referred to in division (e) hereof.

(4) No use permitted herein shall include sleeping or residential use accommodations on any part of the site.

(5) No variance from any of the requirements or prohibitions under Chapter 1274 may be granted without the approval of the Planning Commission and the approval of Council, each following public hearings at which the applicant demonstrates a clear benefit to the community and that denial will result in an unnecessary hardship to the applicant.

(1982 Code, § 1124.02) (Ord. 99-45. Passed 12-20-1999.)

1274.03 LANDSCAPING AND SCREENING REQUIREMENTS.

(a) All portions of the site not devoted to buildings and pavement shall be landscaped and screening shall be provided in order to: remove, reduce, lessen or absorb the impact between one use or zone and another; reduce the impact of parking areas; and obscure the view of waste receptacles, parking areas and loading areas.

(b) Required Open Space. A minimum of 50% of the site shall be devoted to open space and shall be landscaped according to the requirements of this section.

(1) Landscaped areas having a width of ten feet or more, including but not limited to areas devoted to required setbacks and interior parking lot landscaping, shall be included as satisfying the open space requirement.

(2) Landscaped areas having a width of less than ten feet, but not less than five feet, which are located adjacent to buildings may be included as meeting the open space requirement when the Planning Commission determines that the area is of sufficient size and shape to provide for a suitable landscaped area.

(3) Landscaped areas having a width of less than five feet shall not be included as satisfying the open space requirement.

(c) Landscaping Along Street Frontage. All areas within the required building and parking setback, excluding driveway openings, shall be landscaped. The following minimum plant materials shall be provided and maintained:

(1) One major shade tree, for every 50 linear feet of the lot frontage or fraction thereof, not including drive entrances. Each tree, at the time of installation, shall have a clear trunk height of at least six feet and a minimum caliper of two inches.

(2) One shrub for every ten linear feet of lot frontage or fraction thereof, not including drive entrances.

(3) Grass, ground covers or other live landscape treatment, excluding paving or gravel.

(d) Screening of Parking Lots Along Public Streets. Whenever parking areas consisting of five spaces or more are located such that the parked cars will be visible from a public street, screening shall be provided and maintained between the parking area and the street right-of-way. To the extent that the provisions of Section 1274.03(b) have not satisfied the provisions of this section, additional screening shall have a minimum height of three feet and shall be placed along the perimeter of the parking area to effectively obscure a minimum of 50% of the view of the parking area.

(e) Landscaping on the Interior of Parking Lots. For any parking area that is designed to accommodate 40 or more vehicles, a minimum of 10% of the parking lot area shall be planted as landscaped island areas, developed and reasonably distributed throughout the parking lot so as to provide visual and climatic relief from broad expanses of pavement.

(1) Each landscaped island shall be a minimum of ten feet in any horizontal dimension.

(2) Within the landscaped islands, there shall be provided one major shade tree for every ten parking spaces. Each tree, at the time of installation, shall have a clear trunk height of at least six feet and a minimum caliper of two inches.

(3) Landscaped areas adjacent to the perimeter of the parking area shall not be counted as interior parking lot landscaped areas.

(f) Screening Adjacent to Residential Districts. Screening shall be provided within the required setback areas adjacent to residential districts in compliance with the following:

(1) Screening shall consist of one or a combination of the following:

A. A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer.

B. A solid non-living opaque structure such as a masonry wall or a solid fence constructed of materials approved by the Architectural Review Board.

C. A fence with openings through which light and air may pass together with a landscaped area at least 20 feet wide.

D. A landscaped mound or bean at least 20 feet wide with a maximum height of three feet.

(2) The height of screening shall be in accordance with the following:

A. Visual screening walls, fences, or mounds and fences in combination shall be a minimum of six feet high measured from the natural grade.

B. Vegetation at the time of installation shall be a minimum of six feet high measured from the natural grade.

(g) Screening of Waste Receptacles. Waste receptacles shall be screened from view on all sides by building walls and by supplemental opaque fences, walls, or landscaping having a minimum height of six feet.

(h) Screening of Loading Areas. Loading areas shall be screened from view from public streets, parking areas, and adjacent lots by a wall or dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer, having a minimum height of eight feet.

(i) Flexibility in the Arrangement and Placement of Landscaping and Screening. The standards and criteria in divisions "(a)" through "(f)" establish the City's objectives and levels of landscaping intensity expected. However, in applying these standards, the Planning Commission may exercise discretion and flexibility with respect to the placement and arrangement of the required elements to assure that the objectives of this district and the proposed development or redevelopment are best satisfied.

(1982 Code, § 1124.03) (Ord. 99-45. Passed 12-20-1999.)

1274.04 PARKING FACILITIES.

(a) Parking facilities shall be planned and developed for total off-street use with adequate ingress and egress in such manner as to interfere as little as possible with the use and enjoyment of neighboring residential properties and with pedestrian and vehicular traffic on neighboring streets.

(b) Parking facilities shall be located on the same lot as the main building or use served.

(c) In addition to ingress and egress driveways, parking spaces shall be provided by applying the greater of divisions (1), (2) and (3) hereof.

(1) One parking space for each 200 square feet of gross floor area of the entire building or use, but not less than 30 parking spaces.

(2) One parking space for each two seats provided or to be provided within any and all rooms used for assembly such as auditorium, chapel, meeting rooms, dining rooms, cafeteria or lunch room.

(3) One parking space for each two persons allowed as the maximum occupancy under applicable State fire laws, rules or regulations.

(4) For exceptional circumstances or in cases of clear hardship, the Planning Commission, may, after consideration of the proposed building or use, recommend a parking variance subject to the approval, modification or rejection of Council, and provided that such variance will not violate the spirit or intent of this chapter and provided further that a more harmonious and beneficial use of the property will result.

(d) The gross floor area of a building shall be the total area of all the floors, including the basement, measured from the exterior faces of the building.

(Ord. 89-26. Passed 7-6-1982.)

(e) The City of University Heights requires that parking spaces are not less than the dimensional guidelines published in the latest edition of the Institute of Transportation Engineer's, Traffic Engineering Handbook, chapter on “Parking and

Terminals", exclusive of drives and turning spaces which shall be added parking area.

(Ord. 2001-14. Passed 3-19-2001.)

(f) All parking areas and driveways shall be provided with an asphalt, concrete or other similar hard surface as shall be approved by the Building Commissioner. All parking areas and driveways shall provide adequate grading and drainage so that all water is drained within the lot on which the parking area or driveway is located in such manner that water shall not drain across public or private property. Concrete or stone curbs at least six inches above the level of the surface of the parking area and at least 18 inches below the surface shall be provided to define the limits of the parking area except at exits and entrances. Such curbs shall be at least six inches thick.

(g) The location and width of entrance and exit driveways to parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets. Whenever possible, the centerline of the access driveways on the frontage street shall be at least 40 feet from the right-of-way line of the nearest intersecting street and spaced at not less than 120 feet intervals measured from the centerline of the driveways. Parking areas of 15 spaces or less shall have at least one single lane driveway and shall be designed so that vehicles can be driven forward into the street. Those having 16 or more spaces shall have two single-lane driveways, if possible, or at least one two-lane driveway.

(h) Entrances and exits shall be limited to three lanes. The width of such entrances and exits, measured at the setback line, shall conform to the following schedule:

	Width (in feet)	
Lanes	Min.	Max.
One	10	12
Two	18	24
Three	27	33

In all cases, the radius of the edge of the apron shall be at least 12 feet so that a car entering from the curb lane shall be perpendicular to the setback line at the driveway without obstructing vehicles in other traffic lanes.

(i) Sources of light for illumination of buildings or grounds shall be shielded so as not to be objectionable or hazardous to owners or users of adjacent property or public streets.

(1982 Code, § 1124.04) (Ord. 82-26. Passed 7-6-1982; Ord. 99-45. Passed 12-20-1999.)

1274.05 DEVELOPMENT PLANS.

(a) Submission of Plans. Preliminary and final site plans shall be prepared for all types of proposed uses governed by this chapter and submitted to the Planning Commission. The plans include:

(1) Survey. A property line and topographic survey, showing the land owned and the proposed development and use.

(2) Buildings. The locations, size, heights and use of all main and accessory buildings and their general design and color, together with estimated maximum occupancy during usage.

(3) Traffic. The proposed system of circulation of vehicular traffic, including delivery trucks; details for connections to present streets; type of pavement; estimates of traffic volume; plans for control of traffic in and around the development.

(4) Utilities. The plans for all utility installations and connections and estimates required.

(5) Parking areas. A layout and estimate of the number of spaces, design features, type of pavement, locations and type of lighting fixtures.

(6) Site developments. Other site developments, including grading and drainage, designs of landscaped yards, planting areas and strips adjoining residential areas.

(7) Signs. The size, location, direction and nature of outdoor signs, subject to standards provided in other sign regulations contained in the Planning and Zoning Code.

(8) Occupancy requirements for applicant's maximum use, including usual time in use, number of occupants, number of grants and number of invitees.

(9) Fees and copies. A fee of one hundred dollars ($100.00) shall be paid to the Division of Building Engineering and Inspection and six copies of all plans and other documents shall be filed.

(b) Approval of Plans. If the Planning Commission finds the plans are in accord with this chapter and with the Planning and Zoning Code and other ordinances of the City, the final development plan shall be referred to the City Architect for study and approval. The plan may be modified by the same procedure. No building permits shall be issued by the Building Inspector until such development plan has been approved as provided herein and until all other City and State requirements have been met.

(c) Time Limit. Failure to begin the construction of all or any independent component of the plan within six months after the issuance of a permit shall void the plan as approved unless an extension of time is granted by Council.

(1982 Code, § 1124.05) (Ord. 82-26. Passed 7-6-1982; Ord. 99-45. Passed 12-20-1999.)

1274.06 OCCUPANCY.

No use or occupancy shall be permitted until the plan as originally submitted and approved is completed and a certificate of occupancy is obtained from the Building Inspector as provided in the Building Code.

(Ord. 82-26. Passed 7-6-1982; Ord. 99-45. Passed 12-20-1999.)

1274.07 RENEWAL; FEE.

(a) Use permits granted under this chapter shall be renewed annually upon payment of a renewal fee and certification by the Building Commissioner to the Planning Commission that there has been no material change in the use or conditions upon which the use permit was granted. No permit granted hereunder shall be transferable or assignable.

(b) The renewal fee for annual inspections required herein shall be $50.00.

(1982 Code, § 1124.07) (Ord. 82-26. Passed 7-6-1982; Ord. 99-45. Passed 12-20-1999.)