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# City of Willoughby Hills

*Council*  
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DAVID M. FIEBIG  
FRANK A. GERMANO  
CHRISTOPHER HALLUM  
JOHN PLECNIK

## ORDINANCE NO. 2014-47

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### **AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE SEVEN – ZONING DISTRICT/USE REGULATIONS, CHAPTER 1137 – COMMERCIAL DISTRICT REGULATIONS, SECTION 1137.06 – OFF-STREET PARKING AND LOADING REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.**

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**WHEREAS**, the purpose and intent of Chapter 1137 – Commercial District Regulations is the establishment of the Commercial Districts (B-1, B-2, B-3) and their regulations in order to achieve, among other purposes, the goals and objectives in the City’s Master Plan, as well as the following: (a) to provide in appropriate locations, sufficient areas for business activities and the exchange of goods and services; (b) to protect residential neighborhoods adjacent to business uses by regulating the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences; (c) to provide for various economic development options that strengthen the diversity of uses found in the City; (d) to established design guidelines for new development or redevelopment to ensure that an aesthetically pleasing, and pedestrian friendly environment is created; and

**WHEREAS**, without compromising the purpose and intent of **Chapter 1137 – Commercial District Regulations**, the objective of the proposed amendments to **Section 1137.06 – Off-Street Parking and Loading Regulations of the Planning and Zoning Code** is to: (1) to promote safety by stimulating greater access to restricted parcels, including access by safety and service vehicles; (2) to limit the access points and traffic congestion resulting from narrow parcels to promote shared parking and (3) cross drives between similar uses and to stimulate comprehensive planning and minimizing overall development impact; and

**WHEREAS**, on April 7, 2014, the Planning and Zoning Commission & Architectural Board of Review submitted a letter to Council stating that as a result of the presentation of proposed changes to **Section 1137.06 – Off-Street Parking and Loading Regulations of the Planning and Zoning Code**, discussions by Members of the Planning and Zoning Commission, and a Public Hearing were held on March 20, 2014; a motion was drafted and approved at the Planning and Zoning Commission Meeting held on April 3, 2014 to submit said Section as amended to City Council; and

**WHEREAS**, on April 17, 2014 the proposed amendments to **Section 1137.06 – Off-Street Parking and Loading Regulations of the Planning and Zoning Code** were further reviewed and based on that review general typing corrections were made and an updated draft was provided to Council; and

**WHEREAS**, on May 26, 2014 the Planning and Zoning Commission & Architectural Board of Review submitted a letter providing to the Members of Council a timeline of the information submitted for the proposed changes, and recommended that the City Council of Willoughby Hills adopt the proposed Amendments to the Zoning Code set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, LAKE COUNTY, STATE OF OHIO, THAT:**

**SECTION 1.** The existing **Section 1137.06 – Off-Street Parking and Loading Regulations** of the Codified Ordinances of the City of Willoughby Hills is hereby amended to read and provide in its entirety as follows:

**“1137.06 OFF-STREET PARKING AND LOADING REGULATIONS.**

Off-street parking and loading areas shall be provided for Commercial (B) Districts in accordance with the provisions set forth in Chapter 1153, the parking setback requirements specified in Schedule 1137.04, and the regulations set forth below:

- (a) Cross Access to Off-Street Parking Lots. Parking lots shall be interconnected with non-residential parking lots on adjacent properties to the maximum extent feasible; to encourage shared parking and shared access points on public street circulation plans shall be prepared for all new mixed-use development and redevelopment which shall comply with the following:
  - (1) Except where exempt due to 1137.06(a)(8) internal vehicular circulation areas shall be designed to allow for one or more cross access points to adjacent lots as determined by the plan review process or, if applicable, a predetermined master plan for a development area on file with the Planning and Zoning Commission.
  - (2) A stub for cross accesses shall be constructed, with pavement to the property line from the vehicular use area to the following:
    - A. All stubs of ROW, access easements. Private drives, or parking lots;
    - B. All adjacent vacant land or any existing non-conforming uses.
  - (3) A minimum distance of 40 feet shall be recommended between a cross access way and any private driveway entrance apron.
  - (4) Cross Access Easements shall allow for two-way drive aisles in accordance with the zoning ordinance Section 1153.10.
  - (5) The applicant for new commercial development shall provide written notice via the (Public Notice Affidavit) to all property owners immediately adjacent to the proposed project. The written notice shall provide a visual and narrative explanation of any proposed cross access connection point.
  - (6) The applicant is responsible for constructing, improving and maintaining the easement to the adjacent property line prior to issuance of final site approval by the city Engineer for the new proposed use. A perpetual Cross Access Easement and Maintenance Agreement are required. Said agreement shall be the responsibility of the owner and adjacent applicants, or their legally appointed agents to draft and record prior to the issuance of the Commercial Zoning Certificate. Note: The City shall provide a template Cross Access Easement Agreement form available in the Building Department.
  - (7) The Cross Access Easement shall be recorded as part of a Deed Restriction and constructed prior to issuance of the first Certificate of Occupancy.
  - (8) If the Planning Commission upon the recommendation of the City Engineer or Safety Officials deems that a cross access is impractical on the basis of topography, the presence of natural features, other existing conditions, or vehicular safety factors, the requirement for cross access may be waived by the Planning and Zoning Commission provided that appropriate bicycle and pedestrian connections are constructed between adjacent developments or land uses. If an applicant disagrees with the decision of the Planning and Zoning Commission the applicant may appeal the decisions to the Board of Zoning Appeals.
  - (9) Any modifications or alterations to the access easement or maintenance agreement shall be submitted to the Building Commissioner in a language acceptable to the City's Law Director, City Engineer and the Planning and Zoning Commission to ensure availability of shared parking to users.
- (b) Setbacks for Joint Parking Facilities. When cross access between two parking areas is required or provided, the parking setback shall not be required in all other areas that abut the shared property line. When shared parking, which spans the mutual property line, is required or provided, the parking setback is not required to be provided.”

**SECTION 2.** All Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

**SECTION 3.** The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

**SECTION 4.** This Ordinance shall be in full force and effect at the earliest time permitted by law.

Passed: July 10, 2014

Submitted to the Mayor for his approval  
on this 10 day of July, 2014

ATTEST:

Victoria Ann Savage  
Victoria Ann Savage, CMC  
Clerk of Council

Raymond C. Somich  
Raymond C. Somich  
President of Council

Approved by the Mayor

July 10, 2014  
Robert M. Weger  
Robert M. Weger  
Mayor