

# City of Willoughby Hills

## ORDINANCE NO. 2009-12

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### **AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE THREE – CODE ADMINISTRATION, CHAPTER 1111 – DEVELOPMENT PLAN REVIEW PROCEDURES, SECTION 1111.05 – MINOR ALTERATIONS REVIEWED BY ZONING ADMINISTRATOR 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 1111 is to “provide adequate review by the Planning and Zoning Commission and the Architectural Board of Review of proposed developments in those zoning districts where the uses permitted are of such a nature, because of their size, scale or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety and general welfare of the community”; and

**WHEREAS**, without compromising the purpose and intent of the Zoning Code, it is necessary to simplify and streamline, for the benefit of the public, the zoning and building permit approval process by eliminating unnecessary and burdensome requirements imposed upon applicants when there is no discernable risk to the public health, safety and general welfare of the community; and

**WHEREAS**, the City’s Zoning Administrator should possess the ability to examine applications and building plans in a fair and objective manner while understanding the importance of the purpose and intent of the Zoning Code, and when applicants propose minor building modifications that are of such nature that they are materially inconsequential to the purpose and intent of the Planning and Zoning Code, he should have the necessary latitude to waive the formalities of said Code; and

**WHEREAS**, the Planning and Zoning Committee of Council met on January 12, 2009 and again on January 20, 2009 to review and discuss the current requirements of **Section 1111.05 – Minor Alterations Reviewed by Zoning Administrator**, and recommends to Council that **Chapter 1111 – Development Plan Review Procedures**, be amended as set forth within this Ordinance.

**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 1111.05 – Minor Alterations Reviewed by Zoning Administrator** of the Codified Ordinances of the City of Willoughby Hills is hereby amended to read and provide in its entirety as follows:

**“1111.05 MINOR ALTERATIONS REVIEWED BY ZONING ADMINISTRATOR.**

When a minor alteration is proposed to an existing building, structure or site arrangement on a zoning lot otherwise subject to development plan review pursuant to Section 1111.02, the Zoning Administrator may make a determination that such a proposal is not subject to development plan review or strict interpretation of the Zoning Code.

- (a) For the purposes of this Section, a minor alteration shall include:
  - (1) Small, incidental alterations of existing off-street surface parking lots;
  - (2) Small incidental construction of accessory structures;
  - (3) Incidental additions or alterations to principal buildings on large-zoning lots; and

- (4) Minor design modifications that will have no discernible impact on neighboring properties, the public, or those intended to occupy or use the proposed development.
- (b) The applicant shall submit a scaled drawing indicating the proposed minor alteration.
- (c) The Zoning Administrator shall review the proposal to determine that it is not contrary to the spirit of this Planning and Zoning Code and will not result in any material adverse impact to the site or surrounding areas, in which case he may approve such request without involving formal action of the Planning and Zoning Commission.
- (d) Alternately, the proposal may be placed on the agenda of the next regularly scheduled Planning and Zoning Commission meeting for handling in the customary manner.
- (e) The Zoning Administrator shall report to the Planning and Zoning Commission, at their next regularly scheduled meeting, all instances where the authority granted in Section 111.05(c) has been exercised."

**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.

Public Hearing Advertised: March 16, 2009

Public Hearing Held: April 23, 2009

First Reading: March 26, 2009

Second Reading: April 9, 2009

Third Reading: April 23, 2009

Passed: June 23, 2009

Submitted to the Mayor for his approval  
on this 23rd day of June, 2009

ATTEST:

Victoria Ann Savage, CMC  
Victoria Ann Savage, CMC  
Clerk of Council

Kevin D. Malecek  
Kevin D. Malecek  
President of Council

Approved by the Mayor  
April 23, 2009

Robert M. Weger  
Robert M. Weger  
Mayor