

# City of Willoughby Hills

## RESOLUTION NO. 2009 – 1

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**A RESOLUTION IN OPPOSITION TO THE PROPOSED CHANGES OF THE ZONING CODE AND ZONING MAP OF THE CITY OF WILLOUGHBY HILLS, AS BEING BROUGHT FORTH TO THE CITY'S ELECTORS BY INITIATIVE PETITION (ORDINANCE NO. 2009-5), FOR SAID PROPOSED CHANGES ARE NOT CONSISTENT WITH THE ESTABLISHED PLANNING AND ZONING CODE AND ARE NOT IN ACCORDANCE WITH THE OBJECTIVES OF THE CITY'S MASTER PLAN.**

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**WHEREAS**, on November 5, 2002, the electors of the City of Willoughby Hills approved specific parcels of land, known as permanent parcel numbers 31A025000003 and 31A025000047, to be re-zoned and/or permitted a use change from Residential ("R") to a Residential Assisted Living Complex; thereby creating and establishing a Senior Citizen Residential Area ("SCR") within the City which remains undeveloped, and for which there are currently no plans submitted to the City for development of said parcels; and

**WHEREAS**, on June 12, 2003, Ordinance No. 2003-21 approved and adopted the March 2003 Master Plan for Comprehensive Land Use for the City of Willoughby Hills which serves as a guide for future land use decisions and states the City's goals for future partnerships and relationships having a direct effect on the quality of life and development in the City; and

**WHEREAS**, on May 2, 2006, the electors of the City of Willoughby Hills voted to adopt amendments to the Zoning Map to achieve the policies set forth by the Master Plan by effecting a change in the existing Municipal Zoning Districts by creating and defining the following Zoning Districts: R-1 – Traditional Single Family, R-2 – Attached Single Family Townhouse, SCR – Senior Citizen Residential, M-1 High Rise Apartments, B-1 – Limited Commercial, B-2 – Commercial Campus/Mixed Use, B-3 – High Density Mixed-Use Commercial, E – Research and Office and I-1 Light Industrial and thereby provided a change in the uses of property; and

**WHEREAS**, on May 25, 2006, the Council of the City of Willoughby Hills adopted Ordinance No. 2006-35 implementing the Zoning Text Amendments required to provide for the Zoning Map Amendments effecting a change in the Municipal Zoning Districts and the change in the uses of property; thereby in keeping with the policies set forth by the Master Plan; and

**WHEREAS**, Ordinance No. 2006-35 established rules, regulations, procedures and standards for planning, subdividing, and developing land within the City, known as the *City of Willoughby Hills Planning and Zoning Code*; and

**WHEREAS**, the Planning and Zoning Code established certain districts in the City and regulates and restricts the ways that land can be used and subdivided in order to promote the public health, safety, convenience, prosperity, and general welfare; specifically:

- (a) Promote the orderly and beneficial development of the City of Willoughby Hills in accordance with the City's land use policies.
- (b) Provide regulations, standards and procedures for the administration, amendment and enforcement of the City's Planning Code.
- (c) To preserve and strengthen the reasonable balance of commercial and industrial activities within the City, so long as they are consistent with the City's residential character, in order to serve the convenience of the inhabitants of the City and provide a strong economic and tax base to assure the City's ability to provide essential services to its inhabitants.
- (d) Encourage the most appropriate use of land to stabilize and preserve property values, to protect against congested and unsafe traffic conditions, to provide safety from hazards such as fire, flood, water and air contamination, and to provide adequate light and air and open space to all residents of the City.
- (e) Establish districts of such classification and number to implement any applicable plans, including the City's Master Plan; to encourage the most appropriate uses of the land; to guide the future development of the City; and to carry out the purposes of the City's Planning Code.

- (f) Regulate the location, bulk, height, design and land coverage of buildings to protect the Character and value of the City's residential, business, industrial, institutional, and recreational areas and to assure their orderly and beneficial development.
- (g) To accomplish the specific intents and purposes set forth in the introduction of the respective Chapters.
- (h) Ensure efficient traffic circulation, manage congestion on the streets and improve public safety by locating buildings and uses adjacent to streets in such a manner that they will cause the least interference with, and be damaged least by, traffic movements.
- (i) Regulate and limit the density of population to prevent overcrowding of the land and excessive concentration of the population.
- (j) Preserve unique natural features of land within the City.
- (k) Encourage compatibility between different land uses and protect the scale and character of existing development from the encroachment of incompatible uses.
- (l) To guide the future development of the City so as to bring about the gradual conformity of land and building uses in accordance with the objectives of the Master Plan of the City; and

**WHEREAS**, Ordinance No. 2009-5 was brought forth by an Initiative Petition and, as pursuant to law, Council was required to certify said Ordinance to the Board of Elections; and

**WHEREAS**, no development plans have been proposed formally or informally to City Officials with respect to this parcel of land; and

**WHEREAS**, it is the belief of the Council and Administration of the City of Willoughby Hills, that the changes brought forth by this Initiative Petition requesting to amend the Zoning Code and Zoning Map of the City of Willoughby Hills, specifically by changing the zoning of a certain parcel of land containing approximately 22.8065 acres from the classification of R-1 (Traditional Single Family) to SCR (Senior Citizen Residential District) with said property located at 36470 Maple Grove Road, west of River Road and East of S.R. 91, is not consistent with the specific purpose of The Planning and Zoning Code of the City of Willoughby and is certainly not in keeping with the policies and objectives of the Master Plan of the City.

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

**SECTION 1.** The Council and the Administration of the City of Willoughby Hills strongly supports the existing Planning and Zoning Code of the City of Willoughby Hills.

**SECTION 2.** It is the responsibility and the duty of this Council and Administration of the City of Willoughby Hills to encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses by establishing and maintaining districts of such classification and number to implement any applicable plans, including the City's Master Plan; to encourage the most appropriate uses of the land; to guide the future development of the City, and to carry out the intent and purposes of the City's Planning and Zoning Code.

**SECTION 3.** The Council and the Administration of the City of Willoughby Hills hereby opposes the proposed amendments to the Zoning Code and to the Zoning Map brought forth to the Electors of the City by this Initiative Petition, for said amendments are not consistent with the specific purpose of the Planning and Zoning Code and are not in keeping with the policies and objectives of the Master Plan of the City.

PASSED: February 12, 2009

Submitted to the Mayor for his approval on this 12 day of February, 2009

ATTEST:  
Victoria Ann Savage, CMC  
 Clerk of Council

Kevin D. Malecek  
 Kevin D. Malecek  
 President of Council

Approved by the Mayor  
February 12, 2009

Robert M. Weger  
 Robert M. Weger  
 Mayor