



City of Willoughby Hills

To: Willoughby Hills Charter Review Commission
cc: Mayor Weger, Tom Lobe
From: Steve Roszczyk
Subject: Section 5.15
Date: July 16, 2014

The Mayor and one council member mentioned last night that they were not in favor of changing 5.15 at this time. While I understand their reasons, I would like to point out that as it now stands, Article V, section 5.15 puts the city at a competitive disadvantage with other cities in Lake County.

Of the nine cities, Willoughby Hills is one of only three requiring voter approval for zoning changes.

The other six, which happen to be our strongest competitors, can change zoning laws by a vote of its respective city council. This gives those municipalities the ability to react quickly when an opportunity presents itself.

As long as Article V, section 5.15 remains in effect, Willoughby Hills has little chance to attract meaningful development and compete effectively with our neighboring communities.

If the Commission would like to discuss the issue further with me, or if you need more information, please let me know.

Thank you for your consideration.

A handwritten signature in cursive script, appearing to read "Steve Roszczyk".

Steve Roszczyk
Economic Development Director
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Zoning Changes for cities in Lake County

Municipality	Council	Voters
Eastlake		✓
Kirtland		✓
Mentor	✓	
M-O-L	✓	
Painesville	✓	
Wickliffe	✓	
Willoughby	✓	
Willoughby Hills		✓
Willowick	✓	

PAINESVILLE

1147.02 PROCEDURE FOR CHANGE IN ZONING DISTRICT.

(a) Application. Application for any change of District boundaries or classification of property as shown on the Zoning Map shall be submitted on the forms made available by the Administrator and accompanied by:

(1) A legal description of the property proposed to be reclassified, evidence that the applicant is either the owner, contract owner, or agent for the owner of the property.

(2) The names and addresses of the of the owners of all properties within four hundred (400) feet of any part of the property the zoning classification is proposed to be changed.

The following data and information, as applicable, shall be submitted to insure the fullest practical presentation of facts for the permanent record:

- A. Location, size, height, and use of all buildings.
- B. The nearest buildings or other appurtenances on adjoining property.
- C. A description of the proposed use of the property.
- D. A site plan indicating the location of proposed buildings or the subdivision of land.
- E. Other such information as may be required by the Commission.

The applicant shall provide seven (7) copies of all information submitted on paper larger than 8 1/2" x 14".

(b) Notice to the Property Owners. The Administrator shall mail a written notice to all property owners within four hundred (400) feet of the property proposed to be reclassified by first class mail to the address of such owners appearing on the current tax roll. list or duplicate of the County or to the address of the property fifteen days prior to the meeting. The failure to notify as provided in this subsection shall not invalidate any recommendation adopted hereunder, it being the intent of this subsection to provide so far as is reasonably possible, due notice to the persons substantially interested in the proposed change that an application is pending.

(c) Action of the Commission. The Administrator shall forward the application to the Planning Commission for review at the next available meeting. The Commission shall make a recommendation to City Council within a reasonable time of receiving a completed application. The Commission may recommend that the application be approved as requested, it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. When the application includes the submission of a development plan, the Commission's recommendation may include reference to said plan. These recommendations shall then be certified to Council. The applicant may elect not to have a negative recommendation forwarded to City Council, provided the Administrator is notified in writing not less than thirty (30) days after the decisions of the Commission.

(d) Action of the Council.

- (1) The recommendation of the Commission along with any development plans submitted by the applicant shall be forwarded to City Council for their review. After receiving their recommendation and before the adoption of any such amendments, Council shall hold a public hearing thereon, at least thirty (30) days after the notice of the time and place has been given by publication in a newspaper of general circulation in the City.
- (2) The Council shall consider the Commissions recommendation and vote on the amendment after holding the public hearing. No ordinance which violates, differs from or departs from the plan or report submitted by the Commission shall take effect unless approved by not less than three-fourths of the membership of Council. No ordinance which is in accordance with the recommendation, plan or report submitted by the Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the members of Council.
- (3) When the Planning Commissions recommendation includes a development plan, the City Council may adopt there recommendation with reference to the plan or any portion thereof. Amendments to such plans may be filed with Council before final action and shall be considered by Council.

When Council has approved the plan and the applicant has entered into a written contract with the City agreeing to use the property only in accordance with the development plan as approved by Council, the petition for zoning change shall be set for hearing provided by law. If the property is then rezoned, it shall be developed only in accordance with the contract. No building permit or certificate of compliance shall be issued in connection with the use of the property rezoned if there is any default in the performance of the provision of such contract. No change or variance to such contract can be authorized except by Council. This section does not apply to zoning changes initiated by the Planning Commission or City Council.

MENTOR

1137.01 INTENT.

Whenever the public necessity, convenience, general welfare, or good zoning practices require, City Council may by ordinance amend, supplement, change or repeal the regulations, restrictions, and boundaries contained in this Zoning Code provided that such action is in conformity with the provisions of this Zoning Code and that any such ordinance has been referred to the Planning Commission for its recommendation prior to adoption by City Council.

1137.07 ACTION BY CITY COUNCIL.

City Council may adopt, deny, or adopt with modifications the recommendation of the Planning Commission. The development plan along with any conditions or amendments to the application, upon adoption by Council, shall become part of said rezoning and shall be deemed incorporated by reference into legislation creating the zoning change. Said development plan, conditions and amendments shall bind any future development or use of the property in question.

M-O-L

1242.06 AMENDMENTS.

(a) Authorization. Whenever the public health, safety, necessity, convenience, comfort, prosperity or general welfare, or good zoning practice justifies such action, and after consideration and action by the Planning and Zoning Commission, Council may, by ordinance, amend the districts or the regulations established by this Zoning Code.

(b) Initiation. A proposed amendment of the Zoning Code or Map may be initiated by the Commission or Council. If initiated by Council, it shall be referred to the Commission. It may be initiated at the request of any person having a direct interest in the premises affected, in which event the proposed amendment shall be in the form of a petition and accompanied by a plan drawn to scale, addressed to and filed with the Commission.

(c) Action by Commission. The Commission shall be allowed not less than ten nor more than 90 days for consideration and action on a proposed amendment, unless Council, by resolution, extends such period.

(d) Action by Council. If the proposed amendment is approved, either in whole or in part, after 30 days' notice by publication in a newspaper of general circulation in the City, the first publication to be not less than 30 days prior to the hearing thereon, Council may adopt the ordinance amending the Zoning Code or Map by a majority vote of Council.

(Ord.79-O-14. Passed 7-24-79.)

WILLOUGHBY

1115.03 MAP AMENDMENTS INITIATED BY PROPERTY OWNER(S).

An application for a map amendment initiated by at least one owner or lessee of property or developer with an option to purchase such property within the area proposed to be changed or affected by said amendment shall be submitted and reviewed according to the following:

(a) Discussion with Planning Commission. Prior to submitting an application for an amendment to the Zoning Map, the applicant shall appear before the Planning Commission to informally discuss the proposed rezoning. However, no action shall be taken at such a meeting and no discussions, opinion, suggestions, or recommendations of the Planning Commission shall be relied upon by the applicant to indicate subsequent approval or disapproval by the Planning Commission.

(b) Application Requirements. Applications for amendments to the Zoning Map adopted as part of this Code shall contain at least the following information, unless otherwise instructed by the Planning Commission.

- (1) The name, address and phone number of the applicant and the property owner if other than the applicant;
- (2) An accurate legal description of the parcel(s) to be rezoned, drawn by a registered surveyor;
- (3) A statement of the reason(s) for the proposed amendment;
- (4) Present use and zoning district, and the proposed use and zoning district;
- (5) A vicinity map at a scale approved by the Building and Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Building and Zoning Inspector may require;
- (6) Existing topography at two foot contour intervals of the property to be rezoned and extending at least 300 feet outside the proposed site, and including property lines, easements, street rights-of-ways, existing structures, trees and landscaping features existing thereon;
- (7) The last known names and addresses of the owners of all properties lying within 300 feet of any part of the property on which the zoning map amendment is requested, as shown upon the records of Lake County. Where the property within 300 feet is under the same ownership as the property proposed to be changed, the names and addresses of the owners of all property adjoining that within which the area proposed to be changed is situated, shall also be furnished;
- (8) A statement on the ways in which the proposed amendment relates to the Comprehensive Plan;
- (9) The payment of the application fee as established by Council.

(c) Referral to Planning Commission. After the filing of an application by an owner, lessee of property or developer with an option to purchase such property, the Building

and Zoning Inspector shall transmit the application to the Planning Commission for its consideration and recommendation.

(d) Recommendation by Planning Commission. The Planning Commission shall recommend one of the following: (1) that the amendment be approved as requested, (2) that the amendment be approved as modified by the Planning Commission as the Commission may deem reasonable or necessary, or (3) that the amendment be denied. If no action has been taken by Planning Commission within forty-five days from the first regular meeting following receipt of the application, unless extended by the Planning Commission with written consent of the applicant, then the proposed amendment shall be deemed to have been denied by the Planning Commission. The secretary of the Planning Commission shall forthwith transmit to the Clerk of Council either the recommendation of the Commission, or the fact that the Commission has not made a recommendation on such application within its allotted time period.

(e) Public Hearing and Notice by Planning Commission. Within the forty-five day period, or extension thereof, as set forth in subsection (d) hereof, the Planning Commission shall hold a public hearing. A written notice of the hearing shall be mailed by the Planning Commission, by first class mail, at least fifteen days prior to the date of the hearing, to all owners of property within 300 feet of the area proposed to be changed, using for this purpose the names and addresses of such owners as shown upon the records of Lake County or the list of property owners furnished by the applicant under subsection (b). The Commission shall further cause publication of notice to such hearing to be made at least once in a newspaper of general circulation, at least fifteen days prior to the date of the hearing. The published notice shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that opportunity to be heard will be afforded to any person interested.

(f) Public Hearing and Notice by Council. Upon receipt of the recommendation from the Planning Commission, Council shall set a time for a public hearing on the proposed amendment. Notice of the public hearing shall be given by Council by at least one publication in one or more newspapers of general circulation in the City. Said notice shall be published at least fifteen days before the date of the required hearing. The published notice shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that opportunity to be heard will be afforded to any person interested. During such fifteen days, the text of the proposed ordinance or amendment, the maps or plans, if applicable, and the recommendations of the Planning Commission shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by Council.

(g) Notice to Property Owners by Council. If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least fifteen days before the day of the public hearing to all owners of property within 300 feet of such area proposed to be rezoned or redistricted to the names and addresses of owners as shown upon the records of Lake County, or the list of property owners furnished by the applicant. The notice shall contain the same information as required of notices published in newspapers as specified in subsection (f) hereof. Failure of delivery of such notice shall not invalidate any such amendment.

(h) Action by Council. After the public hearing required by subsection (f) hereof, Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event Council adopts the recommendation of the Planning Commission, concurrence by a majority of the full Council members shall be required. In the event Council elects to overrule the recommendation of the Planning Commission, concurrence by two-thirds of the full Council members shall be required. Wherein Council fails to obtain such two-thirds vote, the recommendation of the Commission shall be considered as approved.

Any such proposal may be amended prior to the voting thereon by Council without further notice or postponement, if such amendment to the proposal shall be germane to the subject matter thereof and is in accordance with the recommendation of the Commission. Council approval, with modification of the recommendation of the Commission, shall not be considered as overruling such Commission recommendation.

(Ord. 1997-117. Passed 9-16-97.)

KIRTLAND

Section 5. Mandatory Zoning Referendum.

Any ordinance or resolution enacted by the Council of the City of Kirtland which changes the zoning classification or zoning district from one land use to another land use shall be, after passage by Council, submitted to the electors for approval or disapproval at the next general or primary election which occurs at least ninety (90) days after the passage of said ordinance or resolution.

If the ordinance is approved by fifty-five percent (55%) of those voting in the election, the ordinance shall become law on the first Monday after the results of the election are certified to the City by the Board of Elections of Lake County.

In the event the ordinance is disapproved by the electors, the ordinance or issue set forth therein shall not be submitted to the Planning and Zoning Commission for consideration or acted upon by Council until three hundred sixty-five (365) days have elapsed since the date of the election in which the ordinance or regulation was disapproved.

(Amended 11-4-1980; 11-6-1990)

EASTLAKE

1165.02 CHANGE BY ORDINANCE.

Whenever the public health, safety, necessity, convenience, comfort, prosperity or general welfare, and compliance with the Master Plan or good zoning practice justify the action, and after consideration by the Planning Commission, Council may change by ordinance the districts

or the regulations established by this Zoning Code, subject to the provisions of Article VIII, Section Three of the Charter.

SECTION VIII-3. MANDATORY REFERRAL.

Any change to the existing land uses cannot be approved unless and until it shall have been submitted to the Planning Commission, for approval or disapproval. In the event the City Council should approve any of the preceding changes, whether approved or disapproved by the Planning Commission it shall not be approved or passed by the declaration of an emergency, and it shall not be effective, but it shall be mandatory that the same be approved by a majority vote of all votes cast of the qualified electors of the City of Eastlake at the next regular Municipal election, if one shall occur not less than sixty (60) or more than one hundred and twenty (120) days after its passage, otherwise at a special election falling on the generally established day of the primary election. Said issue shall be submitted to the electors of the City only after approval of a change of an existing land use by the Council for an applicant. Should the land use request not be affirmed by a majority vote it cannot be presented again for one full year and a new request must be made at that time.
(Amended June 3, 1980)

WICKLIFFE

1341.40 ACTION BY COUNCIL.

Upon receiving the recommendation of the Commission on a proposed amendment, or after not receiving a recommendation from the Commission within the allowed time, Council shall advertise for and hold a public hearing. For all proposed text or map amendments, at least one notice shall be given in a newspaper of general circulation in the City at least thirty days before the date of the hearing.

If a map amendment proposes to rezone or redistrict ten contiguous parcels or less, notice of the hearing shall also be mailed by the City Clerk, by first class mail, at least twenty days before the hearing date, to owners of property within and contiguous to, and directly across the street from, the parcel or parcels subject to the proposed amendment. The addresses of such owners shall be obtained from the addresses appearing on the County Auditor's tax list or the County Treasurer's mailing list. The failure to mail notices to owners whose names do not appear on such lists, as well as the failure of delivery of such notice, shall not invalidate any such amendment.

The published and mailed notification shall set forth the time and place of the public hearing and a summary of the proposed amendment. During the thirty days preceding the hearing, a copy of the text of such amendment, and/or the map showing the area proposed to be changed and reports submitted by the Commission shall be on file for public inspection in the office of the City Clerk.

After the public hearing Council may adopt the proposal as recommended by the Commission by majority vote of its members. If Council modifies the proposal, it may resubmit the proposed modification to the Commission for further consideration, or it may adopt the proposed amendment without the approval of the Commission by a vote of not less than a two-thirds majority of Council membership. The City Clerk shall submit to the Commission a copy of any action taken by Council in regard to the Ordinance.
(Ord. 1961-103. Passed 12-29-61.)

WILLOWICK

1131.05 AMENDMENTS.

(a) Council may, by ordinance, from time to time on its own motion, or on petition, amend the regulations established in this Zoning Code. Every such proposed amendment shall, after it has been introduced, be referred by Council to the Planning Commission for report. The Commission shall conduct a public hearing on such proposed amendment, and notice of such hearing shall be published in a newspaper having a general circulation in the City at least ten days prior to the date of such public hearing. The hearing before the Commission on proposed amendments may be continued from time to time without further notice.

(b) The Commission may approve or suggest changes in the proposed amendment, and shall submit its report to Council. The form of the report shall be as determined by the Commission. Any such amendment that has failed to receive the approval of the Commission shall not be passed by Council except by five votes of Council. Amendments proposed by the Commission under authority conferred by the City Charter on that body shall be subject to the same procedure as outlined above, except that such amendments need not be introduced by Council before the hearing of the Commission.
(Ord. 58-76. Passed 3-18-59; Ord. 2001-37. Passed 7-10-01; Ord. 2009-8. Passed 3-3-09; Ord. 2009-17. Passed 5-5-09.)