

# Carrot and Stick:

## Small Community Zoning Enforcement Tools

APA Cleveland's 27<sup>th</sup> Annual  
Planning and Zoning Workshop  
Westlake, Ohio  
November 13, 2015

# Carrot and Stick:

## Small Community Zoning Enforcement Tools

### ITEMS COVERED

- About Twinsburg Township
- Administration
- Enforcement
- Tips
- Examples

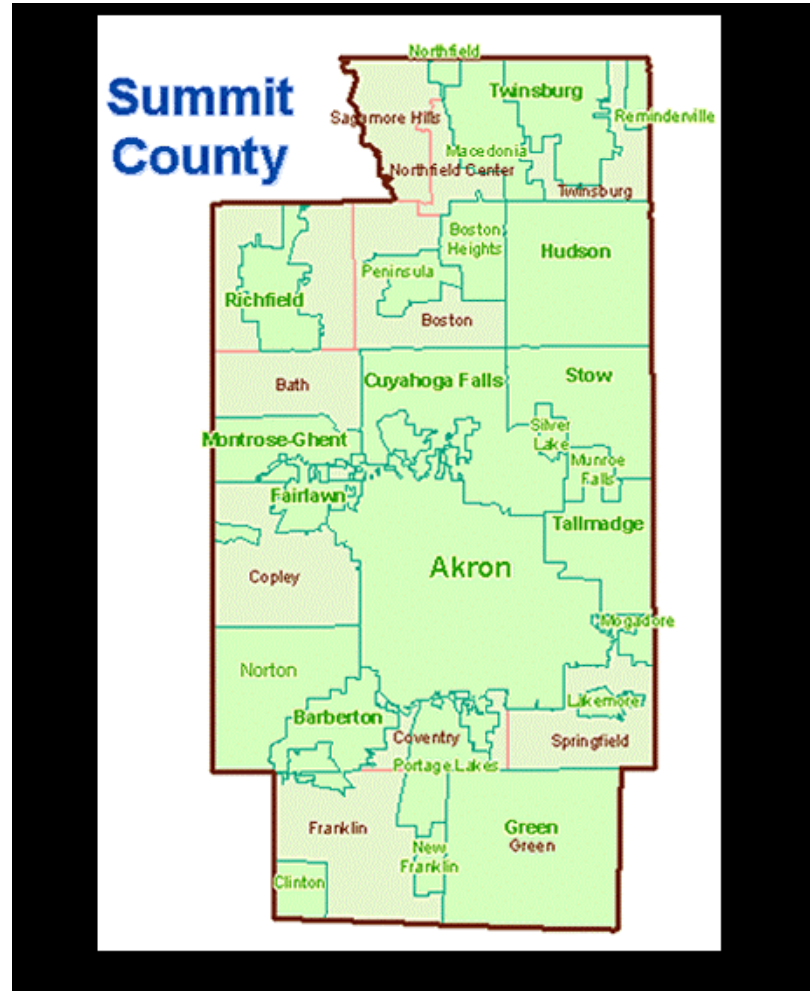
# Carrot and Stick:

## Small Community Zoning Enforcement Tools

- About Twinsburg Township
  - Small (just under 3,000 population as of 2010)
  - Surrounded by 4 cities and 1 village
  - Eaten up by annexation prior to 2000
  - Some remaining agricultural
  - Rural, suburban, and quasi-urban residential
  - Little commercial
  - Very healthy industrial (with JEDD)
  - Growing and fiscally sound

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## Small Community Zoning Enforcement Tools



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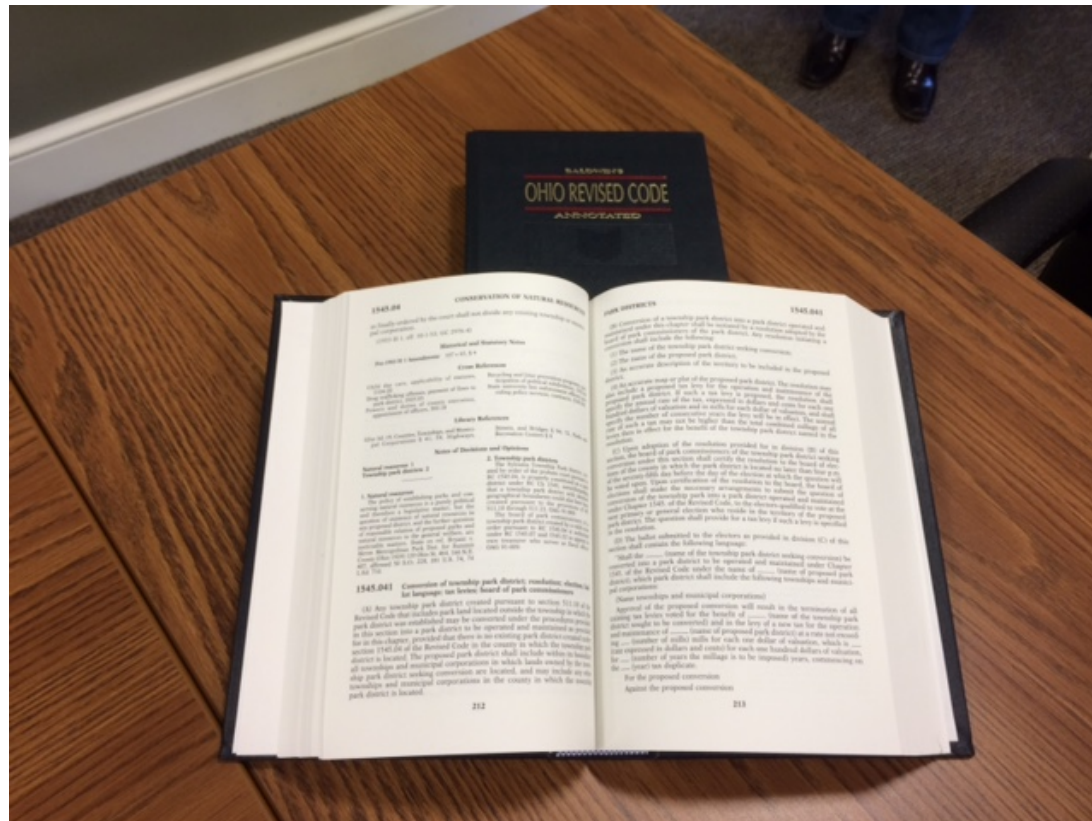
# Carrot and Stick:

## Small Community Zoning Enforcement Tools

- Administration
  - Enabling Laws (Statutes and/or Charter)
  - Local Laws (Resolution or Ordinance or Code)
  - Administrative Provisions
    - Permits
    - Approvals
    - Certificates
    - Inspections
    - Enforcement

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- Administration
  - Enabling Laws (Statutes and/or Charter)
    - ORC 519 (townships)
    - ORC 713 (municipalities)
    - Charter (charter municipalities)
    - ...oh yes, don't forget Ohio and U.S. Constitutions!



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## Small Community Zoning Enforcement Tools

- Administration
  - Local Laws (Resolution or Ordinance or Code)
    - Adopted and amended following public hearings
    - Community Rules
    - Individual Rights
    - Goals and Objectives (from local plan or not)

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## Small Community Zoning Enforcement Tools

- Administration
  - Administrative Provisions
    - Permits – applications, review, issuance, limits, fees
    - Approvals – site plans, variances, conditional uses
    - Certificates – making sure what happens is permitted
    - Inspections – construction, uses, and conditions
    - Enforcement – all of the above plus ongoing task

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- Enforcement
  - Permits
  - Approvals
  - Certificates
  - Inspections
  - Ongoing Tasks

# Carrot and Stick:

## Small Community Zoning Enforcement Tools

- Enforcement
  - Permits
    - Building/Structure Location and Size
    - Construction Commencement/Completion
    - Use Conformance

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## Small Community Zoning Enforcement Tools



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- Enforcement
  - Approvals
    - Site Plan Landscaping/Parking/Amenities
    - Conditional Use Conditions
    - Variance Conditions
    - Could be one-time or continuing items

# Carrot and Stick:

## Small Community Zoning Enforcement Tools

- Enforcement
  - Certificates
    - Building/Structure Location and Size
    - Construction Commencement/Completion
    - Use Conformance
    - ...used as a tool to permit occupancy upon completion



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## Small Community Zoning Enforcement Tools

- Enforcement
  - Inspections
    - Staking
    - Footers/Foundation
    - Survey as basis for location and setbacks
    - ...prepare for weather and site conditions

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## Small Community Zoning Enforcement Tools

- Enforcement
  - Ongoing Tasks
    - Complaint-based
      - Pro's: low key, least invasive, lower cost
      - Con's: inconsistent, incomplete, rewards tattletales
    - Patrol-based
      - Pro's: consistent, part of overall safety enforcement effort
      - Con's: big brother, nitpicky, unnecessary, higher cost
    - Hybrid

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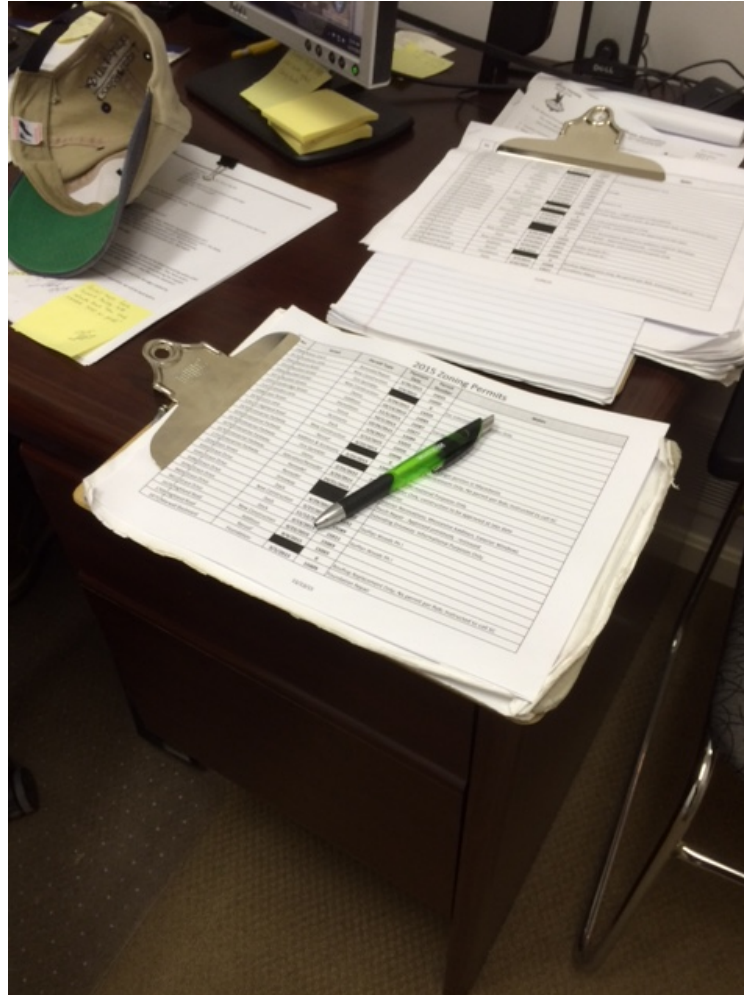
# Carrot and Stick:

## Small Community Zoning Enforcement Tools

- Communication
  - On-Site
  - Telephone (and e-mail)
  - Counter
  - Written
  - Legal

# Carrot and Stick:

## Small Community Zoning Enforcement Tools



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# Carrot and Stick:

## Small Community Zoning Enforcement Tools

- Communication

- On-Site

- No substitute for knock on door
    - If home leave card with a note on it or attached to it
    - If home introduce yourself and explain...
      - That there is zoning in the community and why
      - What the specific rule is that you are there to talk about
      - What the problem is
      - What needs to be done to fix the problem
    - Keep a record of on-site visits

# Carrot and Stick:

## Small Community Zoning Enforcement Tools

- Communication
  - Telephone (and e-mail)
    - Call only after attempting personal contact
    - Always leave a message – people have caller ID
    - If you reach someone offer to meet them
    - If they can't meet then handle it on the phone
    - Return all calls and messages within 24 hours
    - Keep a record of calls and messages

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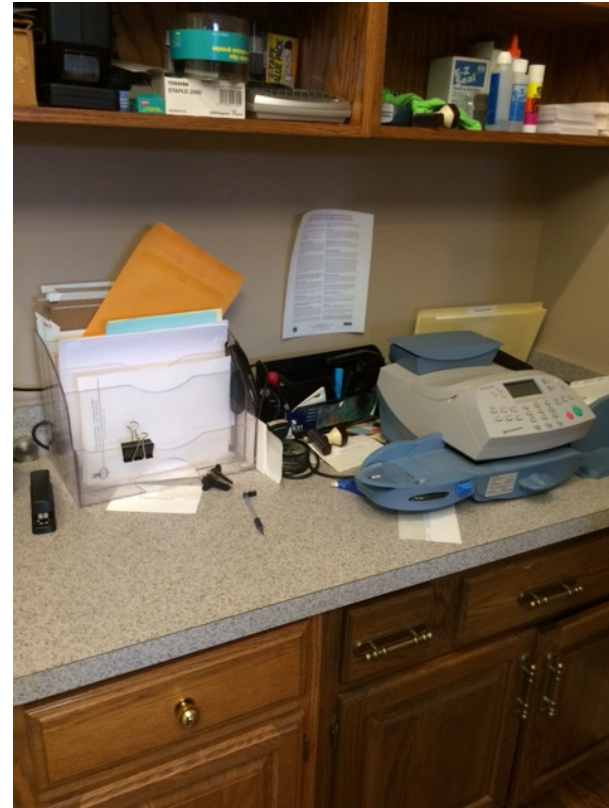
- Communication

- Counter

- Could be actual counter or simply your office or house
    - Keep information handy to distribute
    - Make sure whoever is at counter is fully briefed
    - Multiple people should be familiar with everything
    - Keep a record of counter visits and conversations

# Carrot and Stick:

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# Carrot and Stick:

## Small Community Zoning Enforcement Tools

- Communication

- Written

- Only after ALL other methods exhausted
    - Last resort – best enforcement involves no letters
    - If necessary, be clear and concise
    - Outline rule, problem, solution, and timetable
    - Send certified with return receipt requested
    - Keep a copy of all letters when sent

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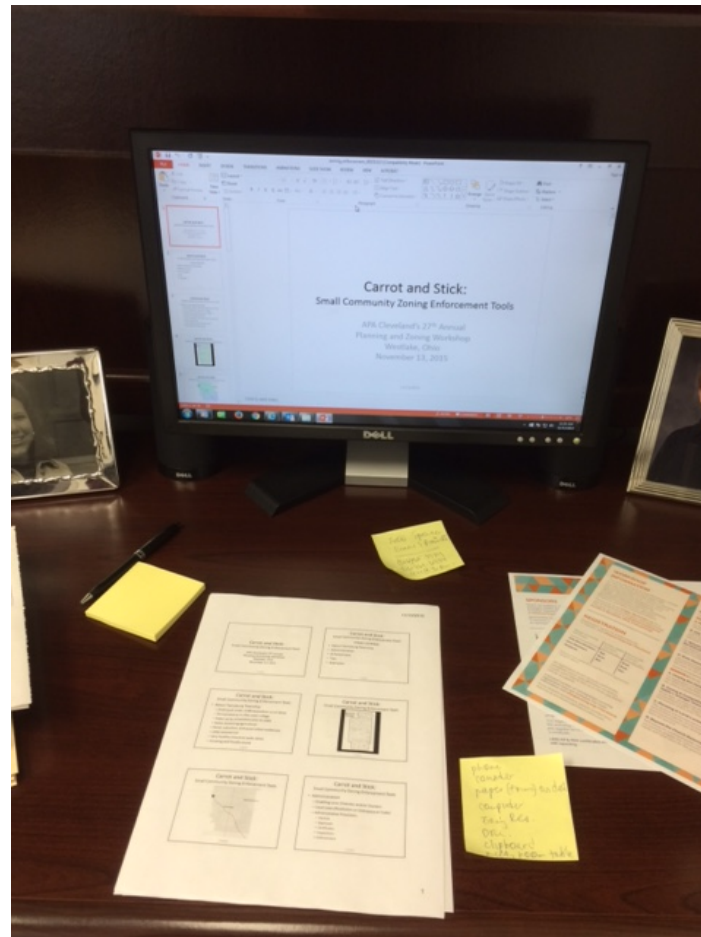
- Communication

- Legal

- Only after ALL methods exhausted including written
    - Time to involve the attorney/prosecutor
    - Hand off file – complete with all documentation
    - Almost never need this – hopefully never!

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# Carrot and Stick:

## Small Community Zoning Enforcement Tools

- Tips
  - Identification – Vehicle, Clothing, ID Card/Lanyard
  - No Favorites – Geographic, Personal, etc.
  - Good Cop vs. Bad Cop
  - Record Keeping
  - Understanding
  - Patience

# Carrot and Stick:

## Small Community Zoning Enforcement Tools

- Examples and Questions
  - Identification – Vehicle, Clothing, ID Card/Lanyard
  - No Favorites – Geographic, Personal, etc.
  - Good Cop vs. Bad Cop
  - Record Keeping
  - Understanding
  - Patience

# EXAMPLES? QUESTIONS?

Robert S. Kagler, AICP, Associate AIA,  
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Twinsburg Township, Summit County, Ohio  
June 5, 2015