

Carrot and Stick:

Small Community Zoning Enforcement Tools

APA Cleveland's 27th 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

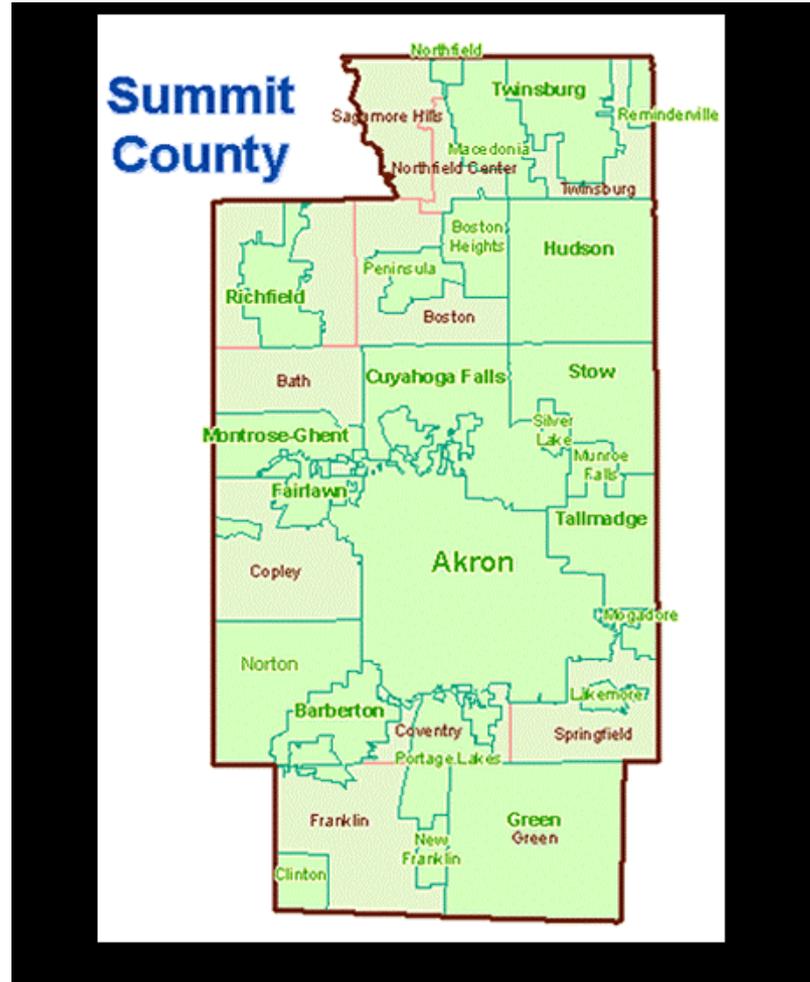
Carrot and Stick:

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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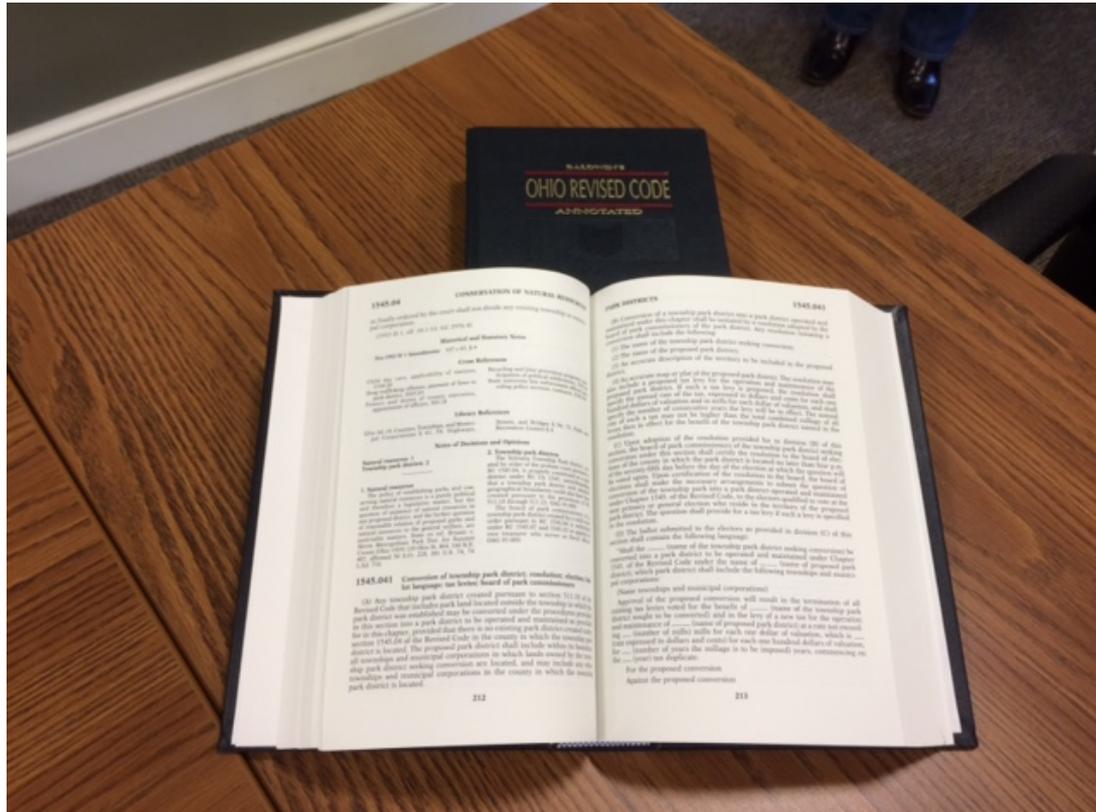


Carrot and Stick:

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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Carrot and Stick:

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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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- 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)

Carrot and Stick:

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:

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

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Carrot and Stick:

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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

Carrot and Stick:

Small Community Zoning Enforcement Tools

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

Carrot and Stick:

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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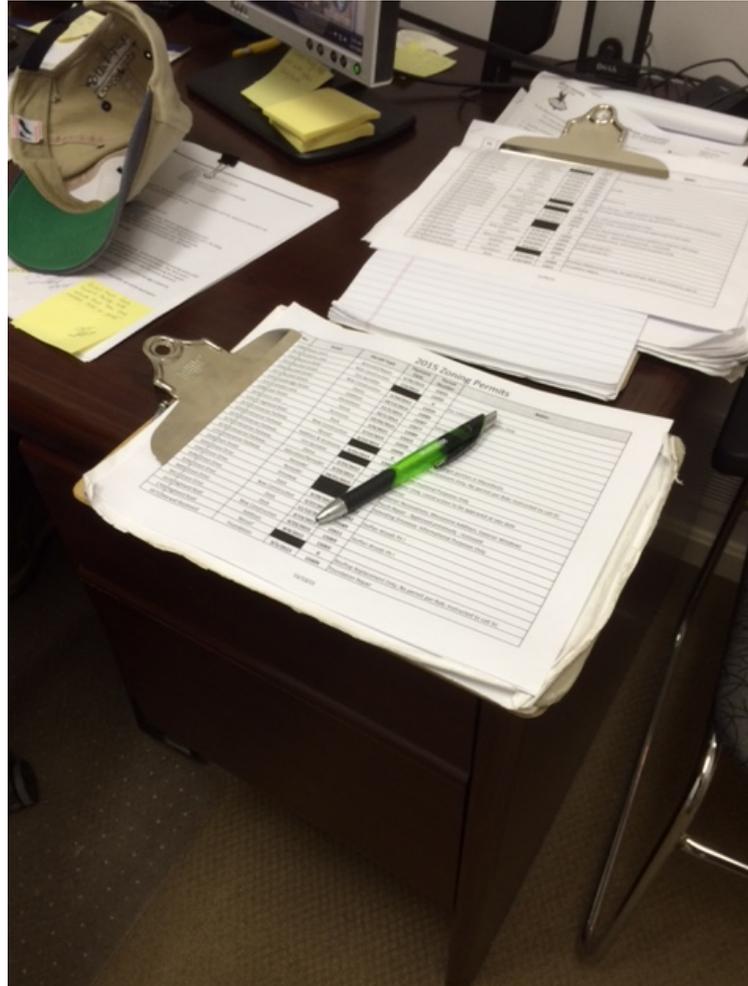


Carrot and Stick:

Small Community Zoning Enforcement Tools

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

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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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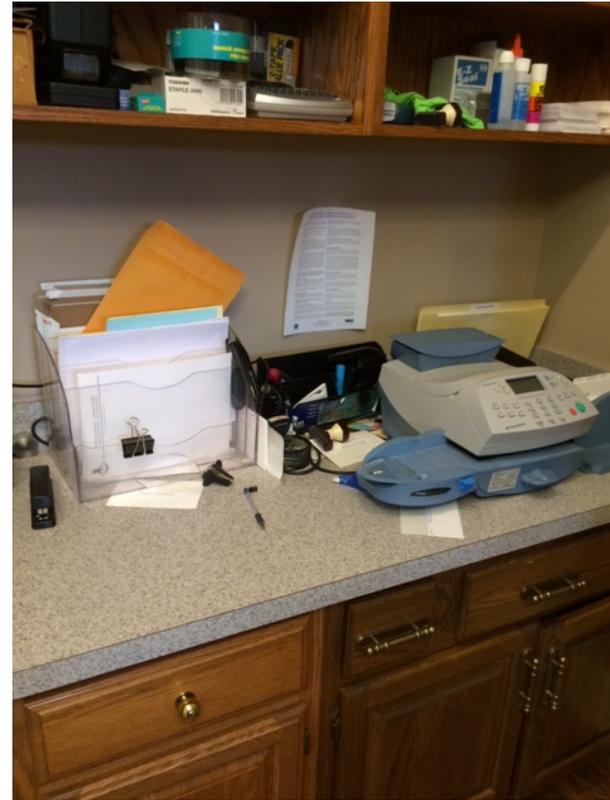
- Communication

- 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:

Small Community Zoning Enforcement Tools



Carrot and Stick:

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- 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

Carrot and Stick:

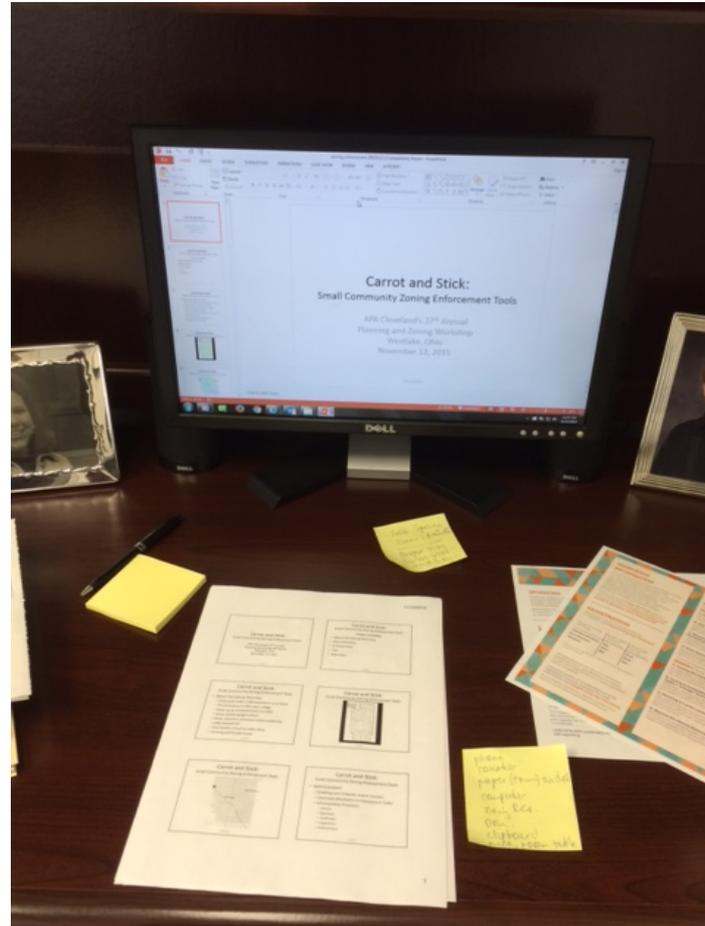
Small Community Zoning Enforcement Tools

- 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:

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- 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?

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