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OH
Sheffield Lake
Codified Ordinances of Sheffield Lake, OH
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1101.01 PURPOSE.

It is the purpose of this Planning and Zoning Code to promote and protect the public health, safety, comfort, convenience, and general welfare of the people of Sheffield Lake through the establishment of minimum regulations governing the subdivision, development, and use of land. Furthermore, the more specific purpose of this Planning and Zoning Code is to:

(a) Implement the plans and policies adopted by the City as it relates to the development of land and improvements;

(b) Encourage the most appropriate use of land;

(c) Conserve and stabilize the character and the values of the residential, business, industrial and recreational areas and to assure the orderly and beneficial development of these areas;

(d) Provide adequate open spaces for light and air;

(e) Prevent and fight fires;

(f) Prevent undue concentration of population;

(g) Lessen congestion on streets;

(h) Facilitate adequate but economical provisions for community utilities and facilities such as water, transportation, sewerage, schools, parks and other public requirements; and

(i) Improve the quality of life through protection of the City's total environment, including, but not limited to, the prevention of air, water and noise pollution;

(j) Avoid the inappropriate subdivision or development of lands and provide for adequate drainage, curbing of erosion, and reduction of flood damage; and

(k) Foster a more rational pattern of relationship between agricultural, conservation, residential, business, commercial industrial and institutional uses for the mutual benefit of all.

(Ord. 26-22. Passed 4-26-22.)

1101.02 SHORT TITLE.

These regulations shall be known and may be cited as the "Planning and Zoning Code of the City of Sheffield Lake" or referred to as the "Planning and Zoning Code" or the "code." This code may also be referred to as Part 11 of the Codified Ordinances of the City of Sheffield Lake, Ohio. (Ord. 26-22. Passed 4-26-22.)

1101.03 SCOPE AND AUTHORITY.

(a) General Authority and Scope.

(1) The authority for the preparation, adoption, and implementation of this code is derived from Ohio Revised Code (ORC) Chapters 711 and 713, which permits the adoption of uniform rules and regulations governing the zoning and subdivision of land, and by the Charter of the City of Sheffield Lake.

(2) Nothing in this code shall be construed to limit City Council in the exercise of all of the powers to zone or redistrict now or hereafter authorized by the Ohio Constitution, Ohio statutes, or the Charter of the City of Sheffield Lake.

(b) References to the Ohio Revised Code or the Ohio Administrative Code. Whenever any provision of this code refers to or cites a section of the Ohio Revised Code (as amended) or the Ohio Administrative Code (as amended), and that section is later amended or superseded, this code shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

(Ord. 26-22. Passed 4-26-22.)

1101.04 EFFECTIVE DATE.

This code was originally adopted by City Council on November 7, 1961, as amended (effective January 1, 1962). The effective date of any amendment shall be in accordance with the applicable provisions of the charter.

(Ord. 26-22. Passed 4-26-22.)

1101.05 APPLICABILITY.

(a) General Applicability.

(1) The provisions of this code shall apply to all land, buildings, structures, and uses of land, buildings, and structures, or portions thereof, located within the municipal boundaries of the City of Sheffield Lake. The provisions of this code are the minimum requirements adopted to meet the purposes of this code as established in Section 1101.01: Purpose.

(2) The regulations established for each district in this code shall apply uniformly to each class or type of use, land, building, or structure, unless modified, varied, or waived as provided herein.

(3) No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(b) Essential Services Exempted.

(1) The erection, construction, alteration, or maintenance by public utilities or municipal departments, boards, or commissions, of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communications (except for wireless telecommunication facilities as regulated in this code), supply or disposal systems, including mains, sanitary sewers, water lines, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department, board, or commission or for the public health, safety, or general welfare, shall be exempt from the regulations of this code. Provided, however, that the installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.

(2) Buildings required in conjunction with an essential service identified in Subsection (1) above shall be subject to the regulations of this code and shall be reviewed as a principal use in accordance with Section 1107.04: Allowed Principal Uses. Utility structures, as defined in Chapter 1131: Definitions, shall also be reviewed as an accessory use (in the right-of-way) in accordance with Section 1111.01: Accessory Use Regulations.

(Ord. 26-22. Passed 4-26-22.)

1101.06 INTERPRETATION AND CONFLICT.

(a) Interpretation of Provisions. The provisions of this code shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, comfort, morals, convenience, and general welfare.

(b) Conflict with Other Public Laws, Ordinances, Regulations, or Permits. This code is intended to complement other City, State, and Federal regulations that affect land use and the division of land. This code is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this code are more restrictive than comparable standards imposed by any other public law, ordinance, or

regulation, the provisions of this code shall govern.

(c) Repeal of Conflicting Ordinance. All ordinances or parts of ordinances in conflict with this code or inconsistent with the provisions of this code are hereby repealed to the extent necessary to give this code full force and effect.

(Ord. 26-22. Passed 4-26-22.)

1101.07 RELATIONSHIP WITH THIRD-PARTY AGREEMENTS.

(a) This code is not intended to interfere with or abrogate any third-party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, where this code proposes a greater restriction or imposes higher standards or requirements than such easement, covenant, or other private third-party agreement, then the provisions of this code shall govern.

(b) Nothing in this code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this code.

(c) In no case shall the City be obligated to enforce the provisions of any easements, covenants, or other agreements between private parties, even if the City is a named party in and has been granted the right to enforce the provisions of such agreement.

(Ord. 26-22. Passed 4-26-22.)

1101.08 SEVERABILITY.

(a) If any court of competent jurisdiction invalidates any provision of this code, then such judgment shall not affect the validity and continued enforcement of any other provision of this code.

(b) If any court of competent jurisdiction invalidates the application of any provision of this code to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other property, structure, or situation not specifically included in that judgment.

(c) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

(Ord. 26-22. Passed 4-26-22.)

1101.09 TRANSITIONAL RULES.

(a) Purpose. The purpose of these transitional rules is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, on the effective date of this code.

(b) Violations Continue.

(1) Any violation that existed at the time this amendment became effective shall continue to be a violation under this code and is subject to penalties and enforcement under Chapter 1129: Enforcement and Penalties unless the use, development, construction, or other activity complies with the provisions of this code.

(2) Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under this code.

(c) Nonconformities Continue.

(1) Any legal nonconformity that existed at the time this amendment became effective shall continue to be a legal nonconformity under this code as long as the situation that resulted in the nonconforming status under the previous code continues to exist, and shall be controlled by Chapter 1127: Nonconformities.

(2) If a legal nonconformity that existed at the time this amendment became effective

becomes conforming because of the adoption of this amendment, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

(d) Processing of Applications Commenced or Approved Under Previous Regulations.

(1) Pending Projects.

A. Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this code, shall be reviewed in accordance with the provisions of the regulations in effect on the date the application was deemed complete by the City.

B. If a complete application is not filed within the required application filing deadlines in effect prior to the adoption of this code, the application shall expire and subsequent applications shall be subject to the requirements of this code.

C. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

D. An applicant with a pending application may waive review available under prior regulations through a written letter to the City and request review under the provisions of this code.

(2) Approved Projects.

A. Approved planned residential developments, site plans, variances, conditional uses, zoning permits, or other approved plans or permits that are valid on the effective date of this code shall remain valid until their expiration date, where applicable.

B. Any building or development for which a permit, certificate, or approval was granted prior to the effective date of this code shall be permitted to proceed to construction, even if such building or development does not conform to the provisions of this code, as long as the permit, certificate, or approval remains valid.

C. If the development for which the permit, certificate, or approval is issued prior to the effective date of this code fails to comply with the time frames for development established for the permit or certificate, the permit or certificate shall expire, and future development shall be subject to the requirements of this code.

(e) Vested Rights. The transitional rule provisions of this section are subject to Ohio's vested rights laws. (Ord. 26-22. Passed 4-26-22.)

1101.10 RESTORATION OF UNSAFE BUILDINGS.

Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

(Ord. 26-22. Passed 4-26-22.)

1101.11 USE OF GRAPHICS, ILLUSTRATIONS, FIGURE, AND CROSS-REFERENCES.

(a) Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.

(b) In some instances, cross-references between chapters, sections, and subsections are provided that include the chapter, section, or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.

(c) A table shall be considered text for the purposes of this code unless specifically identified as a figure.

(Ord. 26-22. Passed 4-26-22.)

1101.12 BURDEN OF PROOF.

The burden of demonstrating that an application or any development subject to this code complies with applicable review and approval standards shall be on the applicant. The burden is not on the City or other parties to demonstrate that any specific application complies with the requirements of this code.

(Ord. 26-22. Passed 4-26-22.)

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- Ordinances of Sheffield Lake, OH
- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- EFFECTIVE DATE
- Effective date
- adopted by the City as it relates to the development of land and improvements;
- orderly and beneficial development of these areas;
- Ord. 26-22
- Ordinances of the City of Sheffield Lake, Ohio
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