

1101.12 BURDEN OF PROOF.

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

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PART ELEVEN - PLANNING AND ZONING CODE

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or parts of ordinances in conflict with this code or inconsistent with the provisions of this code are hereby repealed to the extent necessary to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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- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- EFFECTIVE DATE
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