

1105.05 MAJOR SUBDIVISIONS.

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1105.05 MAJOR SUBDIVISIONS.

CHAPTER 1105 Review Procedures

1105.04 MINOR SUBDIVISIONS.

(a) Purpose. The purpose of the minor subdivision process is to allow for small subdivisions of land, consolidation of lots, or transfer of a portion of a lot to an adjacent lot where there will not be the creation of a new street, dedication of right-of-way, or a need for any public improvements.

(b) Applicability.

(1) For the purposes of these regulations, a minor subdivision is a lot split, lot consolidation, or

transfer of land between adjacent property owners that complies with all of the following requirements:

- A. The subdivision shall not result in or create more than five (5) lots, including the remainder of the original lot (e.g., four (4) new lots and the remainder of the original lot);
- B. The subdivision shall be in compliance with all applicable site development standards in this code or with any approved variance from such standards;
- C. All lots resulting from the minor subdivision shall have frontage and access on an existing street and shall not require the construction, expansion, or improvement of any street;
- D. The subdivision shall not require any public improvements or the dedication of rights-of-way;
- E. The property has been surveyed and a survey sheet or record plan, in the form provided for in this code, and a full legal description of the changes resulting from the split, are submitted with the application; and
- F. No landlocking of parcels shall occur as a result of the minor subdivision.

(2) A minor subdivision also includes the recombination of land, consolidation of lots, transfer of property from one lot to an adjacent lot, and for the dedication of additional land for the widening of existing streets, where no new lots are created.

(c) Sale of Land in Subdivisions; Start of Construction.

(1) No owner, or authorized agent, of any land located within a subdivision shall transfer, sell, or agree to sell any land by reference to, by exhibition of, or by the use of, a plan or plat of a subdivision, nor proceed with any construction work before such plan or plat has been approved and recorded in the manner prescribed in these regulations. Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.

(2) The Zoning Inspector shall not issue zoning permits for any structure or activity on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed in these regulations.

(d) Minor Subdivision Review Procedure. The review procedure for a minor subdivision shall be as follows:

(1) Step 1 - Application.

A. The applicant shall submit an application in accordance with Section 1105.01: Common Review Requirements, and with the provisions of this section.

B. The application shall include a deed or other instrument of conveyance in compliance containing an accurate and current legal description based on a boundary survey, of each proposed new lot.

C. If the minor subdivision involves the transfer of land area from one lot to an adjacent lot, both property owners shall be required to authorize the application instruments of conveyance shall be submitted for both resulting lots.

(2) Step 2 - Review and Decision.

A. Within thirty (30) days of the determination that the application (Step 1) is complete, the Zoning Inspector shall review the application and make the decision to approve or deny the application for a minor subdivision based on the review criteria established below. An extension on the decision may be granted with approval from the applicant.

B. If the Zoning Inspector denies an application for a minor subdivision, the Zoning Inspector shall provide the applicant with written finding for the denial.

C. If the application is approved, the Zoning Inspector shall be required to sign the conveyance.

(3) Step 3 - Recording.

A. If the application is approved, the Zoning Inspector and City Engineer shall sign and date all required deeds in the minor subdivision, or other forms of conveyance allowed by the Lorain County Auditor.

B. The conveyance shall include a notation that no additional lot splits shall be permitted on any of the lots without approval as a major subdivision.

C. The subdivider shall then be responsible for submitting the signed conveyance with the Lorain County Auditor for the transfer of property and to the Lorain County Recorder for the recording of the lots as legal lots of record and providing a copy of said conveyance to the Zoning Inspector, after recording.

D. In the case of a transfer of land between two (2) adjacent lots, the recording of the revised lots shall take place simultaneously.

E. Within thirty (30) days after all required deeds are recorded in the office of the County Recorder, the applicant shall provide the Zoning Inspector and the Director of Public Service with all new permanent parcel numbers assigned to the new lots by Lorain County.

(e) Review Criteria. In order for a minor subdivision to be approved, the Zoning Inspector shall review and make a decision after making an affirmative decision on the following:

(1) That the minor subdivision complies with all applicable provisions of this code including, but not limited to, the lot and principal building standards of Section 1113.06: Lot and Principal Building Standards;

(2) That the City Engineer has no objections to the minor subdivision that cannot be resolved by revisions;

(3) That the minor subdivision complies with all other applicable regulations of the City; and

(4) That all valid objections to the minor subdivision raised by the departments of the City have been or will be satisfactorily resolved by the applicant.

(f) Variances. If the proposed subdivision requires a deviation from the minimum lot and building standards (e.g., lot area, lot width, etc.) or other standards mandated by this code, the applicant will be required to apply for and receive approvals (See Section 1105.08: Variances.) prior to approval of the minor subdivision.

(g) Time Limit. The minor subdivision approval shall expire one (1) year after the Zoning Inspector signs and dates the minor subdivision unless the minor subdivision is recorded in the office with the Lorain County Recorder during said period.

(h) Appeals. Any person or entity claiming to be injured or aggrieved by any final action with respect to the proposed minor subdivision shall have the right to appeal the decision to the BZBA as established in Section 1105.10: Appeals.

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

1105.05 MAJOR SUBDIVISIONS.

(a) Purpose. The purpose of the major subdivision process is to provide a method of review for any subdivision that exceeds the scope of a minor subdivision.

(b) Applicability. Any subdivision of land or replat of an existing subdivision that does not meet the applicability requirements of a minor subdivision in Section 1105.04(b): Applicability, shall be subject to the requirements of this section.

(c) Sale of Land in Subdivisions; Start of Construction.

(1) No owner, or authorized agent, of any land located within a subdivision shall transfer, sell,

agree to sell any land by reference to, by exhibition of, or by the use of, a plan or plat of a subdivision, nor proceed with any construction work before such plan or plat has been approved and recorded in the manner prescribed in these regulations. Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.

(2) The Zoning Inspector shall not issue a zoning permit for any structure or activity on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed in these regulations.

(d) Major Subdivision Review Procedure. The review procedure for a major subdivision shall be as follows:

(1) Step 1 - Pre-Application Meeting (Optional). An applicant may request to have a pre-application meeting with staff or with the Planning Commission to informally discuss the application and any concept plans. Such meeting shall be subject to Section 1105.01(f).

(2) Step 2 - Application and Filing of the Preliminary Plat.

A. The applicant shall submit an application, including a preliminary plat, in accordance with Section 1105.01: Common Review Requirements, and with the provisions of this section.

B. The preliminary plat shall be prepared, signed, and sealed by an engineer or surveyor who is qualified and registered in the State of Ohio.

(3) Step 3 - Review and Recommendation on the Preliminary Plat by the Planning Commission.

A. The Planning Commission shall review the preliminary plat application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.

B. In making its recommendation, the Planning Commission shall make a recommendation to approve, approve with conditions, or deny the preliminary plat. The Planning Commission may also continue the meeting if questions regarding the plat are not satisfactorily addressed by the applicant.

C. The Planning Commission shall make a recommendation within sixty (60) days of the filing of the preliminary plat (Step 2) unless the Planning Commission and subdivider agree to an extension of this time frame. If the Planning Commission fails to act within the sixty (60) days or there is no agreement for an extension of time, the application for a preliminary plat will be considered denied.

D. The Planning Commission shall forward their recommendation to the Clerk of Council.

(4) Step 4 - Review and Decision on the Preliminary Plat by the City Council.

A. The City Council shall review the preliminary plat application at its next regularly scheduled meeting, or at a special meeting, after Planning Commission's recommendation.

B. In making its decision, the City Council shall approve, approve with conditions, or deny the preliminary plat. The City Council may also continue the meeting if questions regarding the plat are not satisfactorily addressed by the applicant.

C. Appropriate legislation that incorporates the total acreage and number of sublots and number of phases in the proposed subdivision shall be drafted by the Law Director for consideration by City Council.

D. The City Council shall make a decision by its second regularly scheduled meeting following receipt of the Planning Commission's recommendation (Step 4) unless the City Council and subdivider agree to an extension of this time frame.

E. If the Planning Commission recommends a denial of the preliminary plat application, then

approval by City Council shall require an affirmative vote of no less than two-thirds (2/3) of the full membership of City Council to approve the preliminary plat.

F. If the City Council denies the preliminary plat, the applicant shall not move forward in the review process until a preliminary plat is approved by City Council.

G. In the event the City Council denies the preliminary plat or approves with conditions, the Clerk of Council, on behalf of the City Council, shall provide the subdivider with a statement in writing setting forth the reasons for the denial or the conditions of approval.

H. Approval of the preliminary plat by the City Council does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plat and improvement plans.

(5) Step 5 - Submission of Improvement Plans and Final Plat.

A. The applicant shall submit the final plat and related improvement plans and specifications in accordance with Section 1105.01: Common Review Requirements, and with the provisions of this section.

B. The improvement plans shall be prepared, signed, and sealed by an engineer or surveyor who is qualified and registered in the State of Ohio.

C. If a preliminary plat has been previously approved, the final plat shall have incorporated all changes required in the preliminary plat approval.

D. The applicant shall submit all necessary improvement plans and a final plat for review within one (1) year of the decision on the preliminary plat unless an alternative schedule is approved as part of the preliminary plat approval or the subdivider can show just cause for extending the deadline. For phased subdivisions, the deadline shall apply to the first phase of the subdivision. Failure to submit the final plat within this time frame shall void the preliminary plat approval and the subdivider will be required to submit a new application in accordance with these regulations.

E. If the applicant proposes to provide a financial guarantee for the public improvements in lieu of installing all public improvements prior to approval of the final plat, the applicant shall be required to provide all information required as part of Section 1121.05: Bond Required.

F. Upon determination by the Zoning Inspector that the final plat has been properly submitted, the final plat shall be accepted as being filed.

G. In cases where the applicant proposes to develop the subdivision in phases, the final plat and improvement plans shall be submitted for each individual phase.

(6) Step 6 - City Engineer Review and Decision on Improvement Plans.

A. Once the all comments have been collects, the City Engineer shall make a decision to approve, approve with modifications, or deny approval of the improvement plans.

B. If the City Engineer approves with modifications, the applicant shall be required to revise the improvement plans in accordance with all comments and resubmit the plans prior to proceeding with the final plat review.

C. If the City Engineer denies approval of the improvement plans, the applicant shall not proceed with final plat review and shall be required to resubmit new improvement plans (Step 6) or resubmit a new preliminary plat (Step 2).

(7) Step 7 - Review and Recommendation on the Final Plat by the Planning Commission.

A. The Planning Commission shall review the final plat at its next regularly scheduled meeting, or at a special meeting, after the improvement plans have been approved by the City Engineer and the applicant has submitted revised improvement plans.

B. The Planning Commission shall make a recommendation to approve, approve with

conditions, or deny the final plat. The Planning Commission may also continue the meeting if questions regarding the plat are not satisfactorily answered by the applicant.

C. The Planning Commission shall make a recommendation within sixty (60) days of the submission of approved improvement plans (Step 8) unless the Planning Commission and subdivider agree to an extension of this time frame. If the Planning Commission fails to act within the sixty (60) days or there is no agreement for an extension of time, the application for a final plat will be considered denied.

D. If the Planning Commission denies the final plat, the applicant shall not move forward in the review process until a final plat is approved by the Planning Commission.

E. In the event the Planning Commission denies the final plat or approves with conditions, the Planning Commission shall provide the subdivider with a statement in writing setting forth the reasons for the denial or the conditions of approval.

F. Approval of the final plat by the Planning Commission shall not be an acceptance by the public of the offer of dedication of any street, or other public ways or open space on the final plat unless they are accepted by City Council in the form of the adoption of an ordinance.

G. The final plat shall be held until acceptance of all improvements in Step 10. No final plat shall be recorded until all improvements and areas offered for parks, open space, or public rights-of-way have been accepted by City Council.

H. At the completion of construction, and before acceptance of the public improvements, the developer shall furnish the City a set of record or "as-built" reproducible drawings as well as a digital copy that is compatible with the Director of Public Service's software showing the locations of all public improvements including the sizes and elevations of all underground utilities.

(8) Step 8 - City Council Decision on the Final Plat and Acceptance of Improvements.

A. The City Council shall review the final plat application at its next regularly scheduled meeting, or at a special meeting, after Planning Commission's recommendation.

B. In making its decision, the City Council shall approve, approve with conditions, or deny the preliminary plat. The City Council may also continue the meeting if questions regarding the plat are not satisfactorily addressed by the applicant.

C. Appropriate legislation shall be drafted by the Law Director for consideration by City Council.

D. The City Council shall make a decision by its second regularly scheduled meeting following receipt of the Planning Commission's recommendation (Step 9) unless the City Council and subdivider agree to an extension of this time frame.

E. If the Planning Commission recommends a denial of the final plat application, then approval by City Council shall require an affirmative vote of no less than two-thirds of the full membership of City Council to approve the preliminary plat.

F. If the City Council denies the final plat, the applicant shall not move forward in the review process until a final plat is approved by City Council.

G. In the event the City Council denies the preliminary plat or approves with conditions, the Clerk of Council, on behalf of the City Council, shall provide the subdivider with a statement in writing setting forth the reasons for the denial or the conditions of approval.

H. If the final plat is approved, the City, through action by the City Council, may accept public improvements made by a subdivider that meet the following conditions:

i. The public improvements have been made in accordance with the requirements of this code, and any other manuals or documents referenced in Chapter 1121: Subdivision Design Standards;

ii. Installation of the public improvements has been completed in accordance with the applicable design standards;

iii. All final inspections required by these regulations have been carried out by the City, and said public improvements were found to be acceptable by the Director of Public Service; and

iv. After all public improvements have been installed to the satisfaction of the City, the subdivider shall submit an original copy of as-built improvement plans (showing how all public improvements were actually installed) to the Director of Public Service in a format acceptable to the Director of Public Service.

I. After all public improvements have been installed in accordance with the subdivision agreement and these regulations and the subdivider has complied with this section, the City Council may, by ordinance, accept the public improvements for maintenance with any applicable financial guarantee.

(9) Step 9 - Disposition of Approved Plat and Recordation.

A. All required deeds, agreements, and other required legal instruments shall be submitted to the Zoning Inspector within forty-five (45) days from the date of the Planning Commission's approval or such approval shall thereafter be rendered null and void. Such submission shall be required in order to have time for mandatory signatures.

B. Before an approved plat can be recorded, it shall be signed by the Planning Commission Chairman, the City Engineer, the Clerk of Council, and the Law Director only provided that all conditions imposed by the Planning Commission and Council, as applicable, have been met. Any plat recorded which has not been approved according to the regulations in this chapter shall be considered invalid.

C. The subdivider shall then be responsible for submitting the signed plat to the Lorain County Recorder for the recording of the lots as legal lots of record and providing a copy of said plat to the City after recording.

D. The approval of a plat shall expire within 120 days after City Council approval is effective unless the plat has been duly filed and recorded, by the applicant as required by law, and the original tracing of the plat has been filed with the Zoning Inspector.

(e) Review Criteria. In order to approve a major subdivision, the Planning Commission and City Council, as appropriate, shall determine the following:

(1) That the major subdivision complies with all applicable provisions of this code;

(2) That the major subdivision does not conflict with other regulations, plans, or policies of the City;

(3) That the proposed subdivision is designed to be harmonious with the existing immediate or surrounding area or in keeping with the intended character of such area;

(4) That the proposed streets are in accordance with adopted plans and policies, and have been coordinated with existing streets and that adequate measures have been taken to provide ingress and egress so as to minimize traffic congestion in public streets;

(5) That the proposed subdivision will not adversely affect the delivery of governmental services;

(6) That applicable review agencies have no objections that cannot be resolved by the applicant; and

(7) That the final plat and improvement plans conform to the approved preliminary plat, if submitted and approved.

(f) Amendments and Withdrawal of Application.

(1) No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision

after final approval has been given by the Planning Commission and an endorsement is made in writing on the plat, unless the plat is first resubmitted and the changes approved by the Planning Commission.

(2) If the applicant finds, in the process of preparing improvement plans, that the approved preliminary plat, if submitted, is not workable and changes in layout are required, the applicant shall inform the Director of Public Service. The Director of Public Service may require that a revised preliminary plat be submitted for re-approval following the review procedure in Section 1105.05(d): Major Subdivision Review Procedure, above if the changes significantly alter the design of the subdivision. If the proposed changes are technical or minor and do not substantively alter the approved preliminary plat, the Director of Public Service may approve the revisions. Failure to submit and receive approval of a revised preliminary plat shall void approval of the preliminary plat and any new submission shall be subject to a new application.

(3) During the final plat process, the Director of Public Service are authorized to allow minor changes related to the public improvements or design where there is minimal impact to the overall design of the subdivision. This shall not give the Director of Public Service the authority to vary the requirements of this code.

(4) Before approval of the final plat, the submitted plat may be withdrawn or modified. If modified, the review process shall be repeated. If the application is withdrawn, any application fees shall be forfeited.

(5) If during the course of construction, any changes or modifications are encountered that are not in conformance with the original approved improvement plans, the subdivider shall submit the modified improvement plans (which have now become as-built drawings) to the Director of Public Service, who, if in agreement with such modifications, shall sign these drawings to indicate approval of the modifications. If the Director of Public Service does not approve the modifications, the applicant shall be required to bring the improvements into compliance with the approved improvement plans or the City may utilize the financial guarantee to correct the issue.

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

1105.06 SITE PLAN REVIEW.

(a) Purpose. The purpose of the site plan review procedure is to ensure that multi-family residential development and all nonresidential developments comply with the development and design standards of this code. Zoning permits for any building, structure, expansions, or use of land subject to this section, shall not be issued without an approved site plan.

(b) Applicability. The following forms of development shall require site plan review by the Planning Commission in accordance with this section:

(1) New construction, structural alterations, and site improvements of all uses in nonresidential zoning districts and in R-2 and R-3 Districts;

(2) All conditional uses, in all zoning districts;

(3) Any proposal to alter, reconstruct, or otherwise modify any existing or previously approved site plan for a permitted use, conditional use, or similar use that increases the number of dwelling units in a multi-family development; or changes the use in a manner which requires an increase in the amount of parking or a change in the site's circulation.

(4) Exemptions. The following forms of development within the above zoning districts shall be exempt from site plan review:

A. Single-family dwellings; and

B. Re-occupancy of an existing building or the internal construction or change in floor area of a building or structure that does not increase the gross floor area, increase the intensity of use,

or affect parking or landscaping requirements on a site that meets all of the development standards of this code; and

C. Accessory and temporary uses as established in Chapter 1111: Accessory and Temporary Use Regulations.

(c) Site Plan Review Procedure. The site review procedures shall proceed as follows:

(1) Step 1 - Pre-Application Meeting (Optional). An applicant may request to have a pre-application meeting with staff or the Planning Commission to informally discuss the application and any concept plans. Such meeting shall be subject to Section 1105.01(f).

(2) Step 2 - Application. The applicant shall submit an application in accordance with Section 1105.01: Common Review Requirements, and with the provisions of this section.

(3) Step 3 - Planning Commission Review and Decision.

A. The Planning Commission shall review the site plan application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.

B. In reviewing the application, the Planning Commission shall at a minimum, consider the review criteria of this section.

C. Within sixty (60) days of the Zoning Inspector determining that the application is complete, the Planning Commission shall make a decision on the application. In making its decision, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application.

D. If the Planning Commission fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed approved.

(d) Review Criteria. In order to approve a site plan, the Planning Commission shall determine that:

(1) The proposed development is consistent with all the requirements of this code, and other related codes and ordinances of the City;

(2) The proposed development is in compliance with the applicable zoning district regulations;

(3) The proposed development complies with any established standards or requirements in any adopted City plans;

(4) The proposed development meets all the requirements or conditions of any applicable development approvals (e.g., previously approved Planned Residential Developments, conditional use approvals, variance approvals, etc.);

(5) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property;

(6) The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this code;

(7) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;

(8) The development will provide adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas;

(9) The building materials are appropriate to ensure that they can withstand weathering and they are consistent with material used for adjacent buildings;

(10) The architectural details and ornaments are meaningful to the overall design and appropriate for the size and scale of the building and for weathering;

(11) Lighting, signs, and landscaping are all appropriately sized and located in relation to the proposed development;

(12) Points of ingress/egress to the development shall be controlled and designed in such manner as to minimize conflicts with adjacent properties and developments;

(13) Adequate provision is made for emergency vehicle access and circulation; and

(14) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing criteria are complied with at the completion of each stage.

(e) Significance of an Approved Site Plan.

(1) An approved site plan shall become, for the proposed development, a binding commitment of the specific elements approved for development. The approved site plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. Such a transfer shall occur only upon approval of the Zoning Inspector. A request for such a transfer or change of ownership shall be presented to the Zoning Inspector and granted only if the new ownership entity satisfies the administrative, financial, legal, and all other financial guarantees approved with the original site plan.

(2) All construction and development under any zoning permit and building permit shall be in accordance with the approved site plan. Any departure from such plan shall be cause for revocation of the zoning permit and/or building permit, and the property owner or other responsible parties are subject to penalties as prescribed by this code.

(f) Time Limit.

(1) The applicant shall submit a completed application for a zoning permit within one (1) year of the date the site plan was approved or the site plan approval shall expire.

(2) Upon expiration of a site plan approval, a new application, including all applicable fees, shall be required before a new site plan will be reviewed.

(3) Upon written request, one extension of six (6) months may be granted by the Planning Commission if the applicant can show good cause for a delay.

(g) Appeals. Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall have the right to appeal the decision to the BZBA as established in Section 1105.10: Appeals.

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

1105.07 ALTERNATIVE EQUIVALENT REVIEW.

(a) Purpose. Alternative equivalent review is a procedure that allows applicants to propose unique design options as an alternative to a development standard established in this code provided it meets or exceeds the intent of the design-related provisions of this code. It is not a variance, waiver, or weakening of regulations; rather, this procedure permits a site-specific plan that is equal to or better than the strict application of a design standard specified in this code. Alternative equivalent compliance shall apply only to the specific site for which it is requested and does not establish a precedent for assured approval of other requests.

(b) Applicability. The alternative equivalent review procedure shall be available only for the following sections of this code:

(1) Section 1113.08: Exterior Lighting;

(2) Chapter 1115: Landscaping and Screening Standards; and

(3) Chapter 1117: Parking and Access Standards.

(c) Review Timing. A request for alternative equivalent review shall be made concurrently with a site plan review.

(d) Alternative Equivalent Review Procedure. The review procedure for any alternative equivalent review application shall be as follows:

(1) Step 1 - Application. The applicant shall submit an application in accordance with Section

1105.01: Common Review Requirements, as part of a site plan review application, and in addition to any other provisions of this section.

(2) Step 2 - Planning Commission Review and Recommendation.

A. The Planning Commission shall review the code text or map amendment application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.

B. In reviewing the application, the Planning Commission shall at a minimum, consider the comments from staff and the review criteria of this section.

C. The Planning Commission shall make a recommendation on the application. In making its recommendation, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application.

D. If approved, any zoning permit or other related applications shall demonstrate compliance with the alternative equivalent review approval.

(3) Step 3 - City Council Review and Decision.

A. Following receipt of the recommendation from the Planning Commission (Step 2), the application shall be placed on City Council's agenda for the next regularly scheduled meeting, if in compliance with notification requirements, or City Council shall set a time for a public hearing on the proposed alternative equivalent review.

B. Notification of the public hearing shall be provided in accordance with Section 1105.01(i): Public Notification for Public Hearings.

C. City Council shall review an alternative equivalent review application during a public hearing. In reviewing the application, City Council shall at a minimum, consider the recommendation from Planning Commission and the review criteria of this section.

D. Within a reasonable time after the close of the public hearing, City Council shall adopt, adopt with some modification, or deny the recommendation of the Planning Commission.

i. If the Planning Commission recommends a denial of the conditional use application, then approval by City Council shall require an affirmative vote of no less than two-thirds (2/3) of the full membership of City Council.

ii. In all other cases, then approval by City Council shall only require concurring vote of a simple majority of the full membership of City Council.

(e) Review Criteria. Decisions on an alternative equivalent review application shall be based on consideration of the following criteria:

(1) That the proposed alternative achieves the intent of the subject design or development standard to the same or better degree than the subject standard;

(2) That the proposed alternative achieves the goals and policies of the comprehensive plan to the same or better degree than the subject standard;

(3) That the proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard; and

(4) That the proposed alternative imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this code.

(f) Conditions. The Planning Commission or City Council may impose conditions on an approval for alternative equivalent review provided such conditions are related to ensuring the performance of the alternative equivalent review to meet or exceed the subject standard. Such conditions may include, required timeframes, amendments or revisions to the proposal, or the ability to revoke an approval for alternative equivalent review.

(g) Decisions. Any decision on an alternative equivalent review application shall not be binding

on the City related to future applications requesting an alternative to any of the applicable standards. Each case shall be review and decided upon based on the individual circumstances.

(h) Time Limit.

(1) An approval of an alternative equivalent review application shall expire if the zoning permit expires.

(2) Upon expiration of an alternative equivalent review approval, a new application, including all applicable fees, shall be required before a new application will be reviewed.

(i) Appeals. Any person or entity claiming to be injured or aggrieved by any final action of City Council shall have the right to appeal the decision the Court of Common Pleas.

(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
- ord plan, in the form provided for in this code, and a full legal description of the changes resulting from the split, are submitted with the application; and
- orded in the manner prescribed in these regulations
- ordance with Section 1105
- ording
- order for the recording of the lots as legal lots of record and providing a copy of said conveyance to the Zoning Inspector, after recording
- ording of the revised lots shall take place simultaneously

- ordered in the office of the County Recorder, the applicant shall provide the Zoning Inspector and the Director of Public Service with all new permanent parcel numbers assigned to the n
- order for a minor subdivision to be approved, the Zoning Inspector shall review and make a decision after making an affirmative decision on the following:
- ordered in the office with the Lorain County Recorder during said period
- Ord. 26-22
- ordinance with these regulations
- ordinance with all comments and resubmit the plans prior to proceeding with the final plat review
- ordinance. G
- ordered until all improvements and areas offered for parks, open space, or public rights-of-way have been accepted by City Council
- ord or "as-built" reproducible drawings as well as a digital copy that is compatible with the Director of Public Service's software showing the locations of all public improvements inc
- ordinance with the requirements of this code, and any other manuals or documents referenced in Chapter 1121: Subdivision Design Standards;
- ordinance with the applicable design standards;
- ordinance with the subdivision agreement and these regulations and the subdivider has complied with this section, the City Council may, by ordinance, accept the public improvements for
- ordation
- order to have time for mandatory signatures
- ordered, it shall be signed by the Planning Commission Chairman, the City Engineer, the Clerk of Council, and the Law Director only provided that all conditions imposed by the Planning
- ordered which has not been approved according to the regulations in this chapter shall be considered invalid
- order for the recording of the lots as legal lots of record and providing a copy of said plat to the City after recording
- effective unless the plat has been duly filed and recorded, by the applicant as required by law, and the original tracing of the plat has been filed with the Zoning Inspector
- order to approve a major subdivision, the Planning Commission and City Council, as appropriate, shall determine the following:
- ordinance with adopted plans and policies, and have been coordinated with existing streets and that adequate measures have been taken to provide ingress and egress so as to minimize tra
- ordinance with this section:
- order to approve a site plan, the Planning Commission shall determine that:
- ordinances of the City;
- adopted City plans;
- ordinance with the approved site plan
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