



Sheffield Village Building Department
4480 Colorado Avenue - Sheffield Village, Ohio 44054
(440) 949-6209 (440) 949-5371 fax

\$350 Application for Rezoning
See Planning & Zoning Code Chapter 1105: Review Procedures

Name of Business: _____
Address of Business: _____

Permanent Parcel Number: _____

Contact Person: Name: _____
 Address: _____
 Phone: _____
 Email: _____
 Website Link: _____

Nature of Business:

Included with Application:
• _____
• _____
• _____
• _____

Approvals

This certifies that the issuance of this Zoning Permit is in compliance with the Zoning Code as set forth in the Codified Ordinances of Sheffield Village.

Site Plan: Planning: _____
 Council: _____

Conditional Use: Planning: _____
 Council: _____

Variance: Planning: _____
 Council: _____

Joe Temkiewicz, Zoning Administrator

Chapter 1105: Review Procedures

1105.01 PURPOSE

In order to accomplish the purposes for which this code is adopted, it is essential that its regulations be soundly and consistently applied and that this code be vigorously administered. This chapter stipulates the procedures to be followed in obtaining required administrative and board-level approvals.

1105.02 COMMON REVIEW REQUIREMENTS

The requirements of this section shall apply to all applications and procedures subject to development review procedures established in this code unless otherwise stated.

(a) Summary of Review Procedures

[Table 1105-1](#) provides a list of all review procedures utilized in the administration and enforcement of this code, the applicable review authority, the type of review hearing or meeting, and the decision-making responsibility of each review authority.

TABLE 1105-1: SUMMARY OF REVIEW PROCEDURES					
Review Procedure	See Section:	Village Council	Planning Commission	BZA	Village Administrator
Code and Text Amendment	1105.03	PH/D	PM/R		
Conditional Use	1105.04	PM/C	AH/D		
Site Plan Review	1105.05	PM/C	PM/D		
Zoning Compliance Review	1105.06				D
Use Variance	1105.07	PM/C	AH/D		
Area/Dimensional Variance	1105.07	PM/C		AH/D	
Appeals of Administrative Decisions	1105.08	PM/C [1]		AH/D	
Minor Subdivision	1105.09				D
Major Subdivision: Preliminary Plat	1105.10	PM/D	PM/R		
Major Subdivision: Subdivision Modification	1105.10		PM/D		
Major Subdivision: Final Plat and Improvement Plans	1105.10		PM/D		
Major Subdivision: Acceptance of Improvements	1105.10	D			
Interpretation of the Code	1105.11				D
Abbreviations					
PH = Public Hearing		R = Recommendation			
AH = Adjudication Hearing		D = Decisions			
PM = Public Meeting		C = Confirmation			
NOTE:					
[1] The Village Council shall have a confirmation review of an appeal only where the BZA decides to overturn an administrative decision through the appeals process.					

(b) Authority to File Applications

- (1) Unless otherwise specified in this code, applications for development review procedures defined in this code may be initiated by:
 - A. An owner of the property that is the subject of the application; or
 - B. An agent authorized, in writing, by the owner, which may include a lessee of the property, manager, attorney, or other representative.
- (2) The Planning Commission or Village Council may initiate code text and map amendments under this code, with or without written authorization or application from the property owners who may be affected.

(c) Application Submission Schedule

The schedule for the submission of applications in relation to scheduled meetings and hearings of the review bodies shall be established by the Village Administrator and made available to the public.

(d) Application Contents

- (1) Applications required under this code shall be submitted to the office of the Village Administrator.
- (2) All applications shall be in a form and in such numbers as established by the Village Administrator and made available to the public as part of any application forms.
- (3) Applications shall be accompanied by a fee, if required, in accordance with the fee ordinance adopted by Village Council pursuant to Section [1105.02\(g\): Fees](#).

(4) Complete Application Determination

- A. The Village Administrator shall only initiate the review and processing of applications submitted under this code if such application is determined to be complete.
- B. An application shall be determined to be complete if the applicant has submitted all of the forms, maps, and other submittal requirements required for the specified application. The Village Administrator may waive the submission of requirements if such requirements are not needed due to the type or scale of development or are unnecessary for determining compliance with this code. Such waiver shall be provided to the applicant in writing as part of the record.
- C. The Village Administrator shall make a determination of application completeness within five business days of the application filing.
- D. If the application is determined to be complete, the application shall then be processed according to the procedures and timelines set forth in this code.
- E. If an application is determined to be incomplete, the Village Administrator shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected, and the Village Administrator determines that the application is complete.
- F. The Village shall not be required to process an incomplete application, forward an incomplete application to any decision-making body, or be subject to any required timelines of review for incomplete applications.
- G. If the applicant fails to correct all deficiencies and submit a complete application within 60 days of the notice provided by the Village Administrator, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. The Village Administrator may grant one 60-day extension if just cause is shown upon written request by the applicant.
- H. No reconsideration of an incomplete application shall occur after the expiration of the 60-day period, and an applicant in need of further development approval under the code shall, pursuant to all of the original requirements of this chapter, submit a new application and a new filing fee.
- I. If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

(e) Simultaneous Processing of Applications

- (1) Whenever two or more forms of review and approval are required by review boards under this code, the Village Administrator shall determine the order and timing of the reviews.
- (2) The Village Administrator may authorize a simultaneous review of multiple applications so long as all applicable requirements are satisfied for all applications.

(f) Pre-application Conferences or Meetings

- (1) Prior to filing an application, an applicant may request a meeting with the Village Administrator or Zoning Administrator for a pre-application conference to discuss the proposed application or project.
- (2) An applicant may request a pre-application meeting with a review board for any review procedure in this chapter. The applicant may request such a meeting by submitting a written request to the Village Administrator for placement on the agenda of the next regularly scheduled meeting or any special meeting that may be called by the applicable review board.

- (3) The purpose of the pre-application conference or meeting shall be to discuss the proposed application or project, review submittal requirements, and discuss compliance with the provisions of this code and the Comprehensive Land Use Plan prior to the submission of an application.
- (4) No action can be taken by the administrative staff and/or any review boards until the applicant submits an actual application and/or plan to the Village pursuant to the laws and policies of the Village. Therefore, all discussions that occur between the applicant and/or applicant's representative(s) and staff, and/or Village review boards, that occur prior to the date the applicant submits an actual application and/or plan including, but not limited to, any informal meetings with Village staff, review boards, any pre-application conferences or meetings, are not binding on the Village and do not constitute official assurances or representations by the Village or its officials regarding any aspects of the plan or application discussed.

(g) Fees

- (1) Any application for a review procedure under this code shall be accompanied by such fee as shall be specified from time to time by an ordinance adopted by the Village Council. There shall be no fee, however, in the case of applications filed by the Mayor, Village Council, or any of the review boards.
- (2) The fees shall be in addition to any other fees that may be imposed by the Village, State, Lorain County, or any other agency having jurisdiction.
- (3) Such fees are adopted to cover the cost to the Village for investigations, legal advertising, postage, and other expenses resulting from the administration of planning and zoning activities.
- (4) Unless otherwise identified in the fee schedule adopted by Village Council, no application shall be processed or determined to be complete until the established fee has been paid.
- (5) If the Village determines that the costs of a particular application will exceed the filing fee as established by Village Council as a result of the preparation of legal descriptions, maps, studies, or other required information or as a result of the need for professional expert review, study, or testimony, the Village Administrator is authorized to collect such additional costs from the applicant.
- (6) Application fees are not refundable except where the Village Administrator determines that an application was accepted in error or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

(h) General Provisions for Attendance and Decisions

- (1) Whenever a provision of this code allows for or requires attendance at a meeting or hearing by the applicant, the applicant may attend in person, may have an authorized representative attend in their place, or may provide the Village Administrator written comments in advance of the meeting or hearing. If the applicant is represented by any person other than their attorney, then the speaker will be required to provide written authorization to speak on behalf of the applicant at the meeting or hearing.
- (2) Whenever a provision in this code requires a decision to be provided in writing, or communication in writing, then such provision shall be interpreted to allow for such communication by e-mail unless otherwise stated, required by law, or requested by the applicant.

(i) Public Notification for Public Meetings

For all public meetings required by this code, the Village shall comply with this code and all applicable State notice requirements.

(j) Public Notification for Public Hearings

- (1) Applications for development approval that require public hearings, including all adjudication hearings, shall comply with all applicable State requirements and the public meeting notice requirements established in Section [1105.02\(i\)](#) above.
- (2) The Sheffield Village Fiscal Officer shall be responsible for providing the required notice as specified in [Table 1105-2](#).
- (3) **Content**

Notices for public hearings, whether by publication or mail (written notice), shall, at a minimum:

- A. Provide the name of the applicant or the applicant's agent;
- B. Indicate the date, time, and place of the public hearing;

- C. Describe the land involved by street address, Lorain County parcel identification number (as applicable), or by legal description; and
- D. Describe the nature, scope, and purpose of the application or proposal.

(4) Notice Requirements

Published and mailed notice for public hearings shall be provided as defined in [Table 1105-2](#).

TABLE 1105-2: NOTICE REQUIREMENTS		
Review Procedure	Published Notice	Written (Mailed) Notice
Code Text Amendment	Published notice required a minimum of 30 days before the scheduled public hearing of the Village Council.	No written notice is required for a text amendment.
Zoning Map Amendment		Written notice shall be sent to all applicants and all owners of property within 200 feet of the boundary of all properties subject to the application. The notice shall be required a minimum of 10 days before the scheduled public hearing of the Village Council.
Planned Unit Developments		Written notice shall not be required where the application involves more than ten individual lots.
Conditional Use, Appeals, and Variances	No published notice is required	Written notice to all applicants and all property owners within 200 feet of the boundary of all properties subject to the application. The notice shall be required a minimum of 10 days prior to the scheduled public hearing.

(5) Published Notice

- A. Any required published notice shall be provided in a newspaper of general circulation. The Village may also provide additional published notice by the posting of the notice in Village buildings or by electronic media, including, but not limited to, posting online at the Village's website.
- B. The content and form of the published notice shall be consistent with the requirements of this section and State law.

(6) Written (Mailed) Notice

- A. Written notification of property owners shall apply only to the initial presentation of the application for the public hearing in front of the applicable review board.
- B. Written notice shall be postmarked no later than the number of days specified in [Table 1105-2](#) prior to the hearing date at which the item will be considered.
- C. Notice to the applicant shall be sent to the addresses given on the application; otherwise, the notice shall be sent to the address in the last assessment roll for the applicable properties.

(7) Constructive Notice

- A. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in the notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the department having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this code and such finding shall be made available to the decision-making body prior to final action on the request.

- B. When the records of the Village document the publication, mailing, and/or posting of notices as required by this chapter, it shall be presumed that notice of a public hearing was given as required by this section.

(k) **Conduct of Public Hearing**

(1) **Rights of All Persons at Public Hearings**

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, and if appearing on behalf of a person or organization, state the name of the person or organization being represented.

(2) **Continuance of a Public Hearing or Deferral of Application Review**

- A. An applicant may request that a review board's consideration of an application at a public hearing be deferred by submitting a written or verbal request for deferral to the Village Administrator prior to the publication of any notice, as may be required by this code. The Village Administrator may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.
- B. A request for deferral of consideration of an application received by the Village Administrator after the publication of notice of the public hearing, as required by this code, shall be considered as a request for a continuance of the public hearing and may only be granted by the applicable review board.
- C. The review board conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place, provided the date, time, and place are publicly announced at the time of continuance. No additional written or published notice shall be required.

(l) **Withdrawal of Application**

- (1) Any request for withdrawal of an application shall be either submitted in writing to the Village Administrator or made through a written request by the applicant prior to action by the review or decision-making body.
- (2) After a request for withdrawal has been received, the Village Administrator will then withdraw the application from any agenda, and no further action will be taken. Any future request for action will require a new application and fee in accordance with this code.

(m) **Examination and Copying of Applications and Other Documents**

Documents and/or records related to applications may be inspected and/or copied as provided for by State law.

(n) **Effect of any Approvals**

- (1) The issuance of any approval or permit under this code shall authorize only the particular development, alteration, construction, or use approved in the subject application.
- (2) All approvals shall run with the land or use and shall not be affected by a change in ownership, provided there is no change in use and all conditions of approval continue to be met.
- (3) Any approval of a variance or conditional use shall be tied expressly to the related, approved site plan, building permit, or authorization to proceed following zoning compliance review, whichever is applicable.

(o) **Modifications or Amendments of Approved Applications**

- (1) For any review procedure, the Village Administrator is authorized to allow minor changes related to the design of an approved application where the change is insignificant and has minimal impact on the overall design of the development or subdivision, does not increase density, or is necessary to address minor technical issues. This shall not give the Village Administrator the authority to vary the requirements of this code or any conditions of approval.
- (2) Where the Village Administrator determines that the proposed modification, amendment, or change is not minor, as stated above, the applicant shall be required to resubmit an application and payment of additional fees for the application to be reviewed in accordance with the procedures and standards established for its original approval.

(p) Reapplication after Denial of an Application

If an application is denied, the applicant may:

- (1) Appeal the decision in accordance with the applicable appeals procedure established for the procedure in this code, or as granted by State Law; or
- (2) Make changes to the application that will fully address all issues and findings identified for the denial and resubmit a new application, including any required fees. Any such resubmission shall contain evidence that shows how the new application has substantially changed to address each of the findings of the original decision. The Village Administrator shall have the authority to determine if the evidence submitted substantially changes the application to address all issues as part of the complete application determination in [1105.02\(d\)\(4\)](#). If it does not, the Village Administrator shall return the application, with reasons for their determination, along with any submitted fees;
- (3) Submit the same application after a 24-month waiting period; or
- (4) Submit a new application if the proposed use and design of the site will be entirely different than the denied application.

(q) Subsequent Development

- (1) Development authorized by any approval under this section and this code shall not be carried out until the applicant has secured all other approvals required by this code or any other applicable provisions of the Village's Codified Ordinances.
- (2) The granting of any approval or permit shall not guarantee the approval of any other required permit or application.
- (3) The Village shall not be responsible for reviewing the application for compliance with any permits, certificates, or other approvals that may be required by Lorain County, the State, or other agencies having jurisdiction.

(r) Records

The Village shall maintain permanent and current records of all applications and the decisions related to those applications at the village offices.

(s) Computation of Time

- (1) In computing any period of time prescribed or allowed by this code, the date of the application, act, decision, or event from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included unless it is a Saturday, a Sunday, or a legal holiday observed by Sheffield Village where the Village administrative offices are closed for the entire day, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.
- (2) When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).
- (3) When the Village offices are closed to the public for the entire day, which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next succeeding day, which is not a Saturday, a Sunday, or a legal holiday observed by Sheffield Village in which the Village administrative offices are closed for the entire day.
- (4) If a timeframe does not specify business or calendar days, such timeframe shall be interpreted to be calendar days.

1105.03 CODE TEXT AND MAP AMENDMENTS

(a) Purpose

The purpose of the code text and zoning map amendment procedure is to provide a process for amending the zoning map and/or text of this code.

(b) Applicability

This section shall apply to requests to amend the text of this code or amend the Official Zoning District Map of Sheffield Village, Ohio.

(c) **Initiation**

- (1) For a zoning map amendment of a specific property, any person who has the authority to file an application (See Section [1105.02\(b\)](#).) for such property may initiate an amendment by filing an application with the Village Administrator.
- (2) Only Village Council or the Planning Commission may initiate code text amendments. However, any member of the public may request that the Planning Commission or Village Council consider a text amendment during their respective public meetings.
- (3) Village Council may initiate a code text or map amendment by passing a resolution that refers a recommendation on an amendment to the Planning Commission.
- (4) The Planning Commission may initiate a code text or map amendment by adopting a motion to make such an amendment.

(d) **Code Text or Map Amendment Review Procedure**

The review procedure for a code text or map amendment shall be as follows:

(1) **Step 1 – Pre-Application Meeting (Optional)**

An applicant may request to have a pre-application meeting with the Village Administrator, Zoning Administrator, and/or Planning Commission to informally discuss the application and any concept plans. Such a meeting shall be subject to Section [1105.02\(f\)](#).

(2) **Step 2 – Application**

- A. For amendments that are not initiated by the Planning Commission or Village Council, the applicant shall submit an application in accordance with Section [1105.02: Common Review Requirements](#) and with the provisions of this section.
- B. Amendments initiated by Village Council shall be referred to the Planning Commission for initiation of review.

(3) **Step 3 – Village Administrator Review**

- A. Upon determination that a text or zoning map amendment application is complete, the Village Administrator shall forward the application to the Planning Commission and may distribute the application to other departments or agencies for review and comment.
- B. Upon receipt of comments, the applicant shall have the option to make revisions to the application and plans based on the comments prior to being forwarded to the Planning Commission or may request that the application be forwarded to the applicable review board without revisions.
- C. The Village Administrator shall place the amendment application on the agenda for the next Planning Commission meeting, provided notice is given, or may work with the Planning Commission to set a special meeting to review the amendment application.

(4) **Step 4 – Planning Commission Review and Recommendation**

- A. Notification of the public meeting shall be provided in accordance with Section [1105.02\(h\)](#).
- B. In reviewing the application, Planning Commission shall, at a minimum, consider the review criteria of this section.
- C. The Planning Commission shall make a recommendation to Village Council, on the application, in the form of a resolution to cause legislation to be written in accordance with such recommendation. In making its recommendation, the Planning Commission may recommend approval, approval with some modification, or denial of the application.
- D. If the Planning Commission fails to make a recommendation within 45 days of submission of a complete application, or an extended timeframe approved by the applicant, the application will move forward to Step 5 with a recommendation of denial.

(5) Step 5 – Village Council Review and Decision

- A. Following receipt of the recommendation from the Planning Commission (Step 4), the application shall be placed on Village Council's agenda for the next regularly scheduled meeting, if in compliance with notification requirements, or Village Council shall set a time for a public hearing on the proposed amendment that is no more than 60 days from receipt of the Planning Commission's recommendation, or an extended timeframe approved by the applicant.
- B. Notification of the public hearing shall be provided in accordance with Section [1105.02\(j\)](#).
- C. Village Council shall review a text or zoning map amendment application during the public hearing. In reviewing the application, Village Council shall, at a minimum, consider the recommendation from the Planning Commission and the review criteria of this section.
- D. Village Council shall adopt, adopt with some modification, or deny the recommendation of the Planning Commission.
 - i. If Village Council moves to make any of the following decisions, such action shall only require the concurring vote of a simple majority of the Village Council:
 - a) Approve the recommendation of the Planning Commission;
 - b) Approve the recommendation of the Planning Commission with some modification; or
 - c) Deny the application following a recommendation for approval from Planning Commission.
 - ii. If Village Council moves to overturn a recommendation for denial from the Planning Commission, such action shall require three-fourths of the Village Council membership to concur.

(e) Review Criteria

The review of code text or map amendment applications by the Planning Commission and Village Council shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

- (1) The proposed amendment is consistent with the comprehensive land use plan, other adopted or approved Village plans, and the stated purposes of this code;
- (2) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
- (3) The proposed amendment will promote the public health, safety, and general welfare;
- (4) The proposed amendment, if amending the zoning map, is consistent with the stated purpose of the proposed zoning district;
- (5) The proposed amendment, if amending the zoning map, follows lot lines or the centerlines of streets, railroads, or other rights-of-way.
- (6) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated;
- (7) The proposed amendment will not constitute spot zoning, where special treatment is given to a particular property or property owner that would not be applicable to a similar property under the same circumstances; and/or
- (8) The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract.

1105.04 CONDITIONAL USES

(a) Purpose

The purpose of a conditional use procedure is to allow consideration for certain uses that, due to their unique and special nature relative to location, design, size, operations, circulation, and general impact on the community, need to be evaluated on a case-by-case basis.