

1103.05 ADMINISTRATIVE STAFF.

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Document type	section
Identifier	1103.05
Citation	§ 1103.05
Ordinances detected	S, 116-84, OF, 26-22, ER, INANCE
Original source	American Legal Publishing
Content hash	0509bfd2680fa497b71cfb2fbdc45bdc6ddf1abe4f3390382fab37c1a6b17def

- Skip to main content
- Search
- Sitemap
- Login
- Select Language
- Resources
- Skip to code content (skip section selection)
- 2025-04 (current)
- Sheffield Lake Overview
- Codified Ordinances of Sheffield Lake, OH
- CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- CERTIFICATION
- ROSTER OF OFFICIALS
- ADOPTING ORDINANCE NO. 116-84
- COMPARATIVE SECTION TABLE
- TABLES OF SPECIAL ORDINANCES OF SHEFFIELD LAKE
- CHARTER

PART ONE - ADMINISTRATIVE CODE

PART THREE - TRAFFIC CODE

PART FIVE - GENERAL OFFENSES CODE

PART SEVEN - BUSINESS REGULATION CODE

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

PART ELEVEN - PLANNING AND ZONING CODE

CHAPTER 1101 General Provisions

CHAPTER 1103 Administration and Decision-Making Bodies

1103.01 PURPOSE.

1103.02 REVIEW AUTHORITY NAMES, REFERENCES, AND DELEGATION.

1103.03 CITY COUNCIL.

1103.04 REVIEW BOARDS.

1103.05 ADMINISTRATIVE STAFF.

CHAPTER 1105 Review Procedures

CHAPTER 1107 Zoning Districts and Principal Use Regulations

CHAPTER 1109 Planned Residential Developments (PRD)

CHAPTER 1111 Accessory and Temporary Use Regulations

CHAPTER 1113 General Development Standards

CHAPTER 1115 Landscaping and Screening Standards

CHAPTER 1117 Parking and Access Standards

CHAPTER 1119 Signs

CHAPTER 1121 Subdivision Design Standards

CHAPTER 1123 Wind Energy Systems

CHAPTER 1125 Wireless Telecommunications

CHAPTER 1127 Nonconformities

CHAPTER 1129 Enforcement and Penalties

CHAPTER 1131 Definitions

PART THIRTEEN - BUILDING CODE

PART FIFTEEN - FIRE PREVENTION CODE

OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

1103.05 ADMINISTRATIVE STAFF.

CHAPTER 1103 Administration and Decision-Making Bodies

1103.04 REVIEW BOARDS.

For the purposes of this code, there shall be review boards established for the administration and enforcement of this code including the Planning Commission and the BZBA.

(a) General Rules and Regulations for All Review Boards. The following shall apply to the Planning Commission and BZBA:

(1) The composition of each board shall be as established in the City of Sheffield Lake Charter.

(2) Members shall be appointed, and may be removed, pursuant to the City of Sheffield Lake Charter.

(3) There is hereby established the position of Clerk of the Planning Commission and Clerk of the BZBA. Such positions shall be appointed by the Mayor and confirmed by City Council.

(4) The Planning Commission or BZBA may, by a majority vote of its entire membership, adopt bylaws or rules for the governance of said board, provided they are consistent with State law and

with any ordinances of the City.

(5) All meetings of the boards shall be open to the public, except for executive sessions consistent with State Law.

(6) The departments, divisions and agencies of the City shall cooperate with and assist the boards in implementing the purposes for which they are formed.

(7) Review boards may subpoena witnesses with the following limitations:

A. The review board issuing the subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena.

B. The subpoena must allow the person to whom it is issued a reasonable time to comply.

C. The subpoena must be pertinent to the subject matter area that is being heard or investigated by the body issuing the subpoena.

D. The subject matter area to which such subpoena relates must be one that the body issuing the subpoena is authorized to hear or investigate.

E. Prior to issuance, the subpoena must be approved as to form by the Sheffield Lake Law Director.

F. In any prosecution brought for the refusal to obey a subpoena, it shall be a defense that the subpoena was issued in violation of this section, that the subpoena subjects the person to undue expense or burden, or that the testimony to be compelled or books, documents, records or other evidence to be produced is protected from release or disclosure by common law privilege or by any federal, state or local law.

(8) Review boards may require the production of records in accordance with State Law.

(9) Nothing in this code shall give a review board the power to act for City Council as provided in Ohio R.C. 713.07 through 713.12.

(10) Alternates.

A. City Council may appoint up to two (2) alternate members to each review board for a term of two (2) years each.

B. An alternate member shall take the place of an absent regular member at any meeting of the applicable review board.

C. An alternate member shall meet the same appointment criteria as a regular member.

D. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for and provided the member attended all pertinent public meetings or hearings.

E. When a vacancy occurs, alternate members do not automatically become full members of the applicable review board. Alternate members have to be appointed to replace a full member upon a vacancy.

(11) Meetings.

A. Each board shall hold such meetings as it may require for conducting its business. Prior to the end of each year, the members shall, by motion, determine the dates of its regular meetings for the succeeding year.

B. The Chairperson of each board may cancel a meeting if there is no pending business to be conducted and where no notice of a public hearing has been published, after consulting with the Zoning Inspector.

C. Special meetings may be called by the chairperson or by two (2) members of the individual board upon written request to the Zoning Inspector, or by a vote of the applicable board at its regular meeting.

D. At either the first meeting or the last regular meeting of each year, each board shall elect

a Chairperson who shall serve for one-year terms. The boards may also elect a Vice-Chairperson. These officers shall be elected from among the members of the applicable boards. During the temporary absence of the Chairperson, the Vice-Chairperson, where elected, shall fulfill the duties of the Chairperson.

(12) Quorums and Decisions.

A. Any combination of three (3) or more regular or alternate members of the Planning Commission or BZBA shall constitute a quorum.

B. A motion made on a decision shall carry when at least three (3) members of the review board concur.

C. Non-decision items, such as continuance or approval of minutes, shall only require a majority of the quorum of the individual board to concur.

D. A member of a board shall not be qualified to vote if that member did not attend the public hearing of the applicable case subject to a decision unless he or she has read or listened to the transcript of the public hearing.

(b) Roles, Powers, and Special Provisions of the Planning Commission.

(1) Rules and Powers of the Planning Commission. The Planning Commission shall have the following roles and powers:

A. Initiate, hear, review, and make recommendations to City Council for a comprehensive plan and other plans for the future physical development and improvement of the City, based upon utility, convenience and beauty, physical needs, density and the social welfare and physical well-being of the people;

B. Initiate, hear, review, and make recommendations to City Council related to amendments to the text of this code or the zoning map;

C. Hear, review, and make recommendations or decisions related to Planned Residential Developments;

D. Hear, review, and make decisions on conditional uses in the respective zoning district;

E. Review and make decisions on the preliminary subdivision plats and final subdivision plats for major subdivisions;

F. Review any proposed construction, alteration, opening, widening, narrowing, relocation, vacation or change in publicly owned property which is not in conformity with plans adopted by the City;

G. Consider, investigate, and report upon any special matter or question coming within the scope of its work as requested by City Council, or the administration; and

H. Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code, by ordinance of City Council, and/or the ORC.

(2) Special Provisions for Planning Commission Hearings Related to Conditional Use Review. As established in this code, a conditional use shall be reviewed through an adjudication hearing that allows the Planning Commission to have the additional powers as part of the review of any conditional use application:

A. The Planning Commission shall make findings and conclusions which support its decisions. The findings and conclusions shall set forth and demonstrate the manner in which the decision carries out and helps to administer and enforce the provisions of this code including the application of any review criteria for the subject application.

B. The Planning Commission may subpoena witnesses and require the production of records.

C. The privilege of cross-examination of witnesses shall be accorded all interested parties or their counsel in accordance with the rules of the Planning Commission.

(c) Roles, Powers, and Special Provisions of the Zoning Board of Appeals (BZBA).

(1) Roles and Powers of the BZBA. The BZBA shall have the following roles and powers to:

- A. Hear, review, and decide on appeals of any administrative decision or variances of this code as provided for in the charter;
- B. Resolve any disputes with respect to the precise location of a zoning district boundary, using, where applicable, the standards and criteria of Section 1107.02(d): Interpretation of Zoning District Boundaries;
- C. To permit the completion, restoration, reconstruction, expansion or extension of a nonconforming use where the enforcement of the regulations pertaining to nonconforming lots or buildings will result in unnecessary hardship; and
- D. Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code, or the ORC.

(2) Special Provisions for BZBA Hearings.

- A. In making its decisions, the BZBA shall include reasonings that demonstrate the manner in which the decision carries out and helps administer and enforce the provisions of this code, including the application of any review criteria for the subject application.
- B. The BZBA may subpoena witnesses and require the production of records.
- C. The privilege of cross-examination of witnesses shall be accorded all interested parties or their counsel in accordance with the rules of the BZBA.

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

1103.05 ADMINISTRATIVE STAFF.

(a) Zoning Inspector.

(1) Establishment. The position of City of Sheffield Lake Zoning Inspector shall be established to aid in the administration and enforcement of this code. The Zoning Inspector may be provided with the assistance of such other persons as the Mayor may direct.

(2) Roles and Powers of the Zoning Inspector. The Zoning Inspector shall have the following roles and powers to:

- A. Enforce the provisions of this code. The Zoning Inspector shall have all necessary authority on behalf of the City to administer and enforce the provisions of this code. Such authority shall include the ability to order, in writing, the remedy of any condition found in violation of this code and the ability to bring legal action to ensure compliance with the provisions including injunction, abatement, or other appropriate action or proceeding. All officials and employees of the City may assist the Zoning Inspector by reporting to the Zoning Inspector any new construction, reconstruction, land uses, or violations that are observed;
- B. Review and make decisions on zoning permits and other permits reviewed in the manner of the zoning permit as may be allowed by this code;
- C. Review and make decisions on questions of interpretation related to this code;
- D. Accept, review for completeness, and respond to questions regarding review procedure applications established in this code;
- E. Participate in any pre-application meetings as may be requested by a property owner or potential applicant in accordance with this code;
- F. Review and make decisions on minor subdivision applications pursuant to the procedures established in this code;
- G. Maintain in current status the official zoning map of the City of Sheffield Lake;
- H. Refer requests for appeals of decisions to the BZBA pursuant to the procedures established in this code;

I. Provide such technical and consultation assistance as may be required by the BZBA, the Planning Commission, and City Council, in the exercise of their duties relating to this code;

J. Review, inspect property, and make decisions on compliance with the provisions of this code;

K. Investigate complaints and issue citations or other forms of enforcement and penalties for any violations and keep adequate records of all violations;

L. Order discontinuance of any illegal work being done;

M. Revoke a permit or approval issued contrary to this code or based on a false statement or misrepresentation on the application; and

N. Take any other action authorized by this code to ensure compliance with or to prevent violation(s) of this code.

(3) Decisions of the Zoning Inspector. A decision of the Zoning Inspector may be appealed to the BZBA in accordance with Section 1105.10: Appeals unless another appeals board is established by this code.

(b) Director of Public Service.

(1) Establishment. The position of the City of Sheffield Lake Director of Public Service shall be established to aid in the administration and enforcement of this code in addition to any provisions established in the charter. The Director of Public Service may be provided with the assistance of such other persons as the Mayor may direct including a City Engineer or contracted firms to provide services related to this code.

(2) Roles and Powers of the Director of Public Service. In addition to any other authority granted to the Director of Public Service by charter, ordinance, or State law, the Director of Public Service shall have the following powers and duties related to this code:

A. Develop and recommend the City of Sheffield Lake engineering requirements, stormwater management standards, and other documents related to subdivision improvement specifications that may be adopted or approved outside of this code;

B. Review and make recommendations to the Zoning Inspector on minor subdivision applications and signing of the final conveyance;

C. Maintain in current status the "Official Zoning District Map" of the City of Sheffield Lake;

D. Review and make decisions on improvement plans and construction drawings for major subdivisions;

E. Participate in any pre-application meetings requested by a property owner or potential applicant in accordance with this code;

F. Maintain permanent and current records of all public improvements and improvement plans that are part of major subdivision applications; and

G. Inspect, or cause to be inspected, all construction or installation work related to public improvements as required by these regulations.

(3) Decisions of the Director of Public Service. A decision of the Director of Public Service may be appealed to the BZBA in accordance with Section 1105.10: Appeals unless another appeals board is established by this code.

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

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- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
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- ORDINANCES OF SHEFFIELD LAKE
- ordinances of the City
- ords or other evidence to be produced is protected from release or disclosure by common law privilege or by any federal, state or local law
- ords in accordance with State Law
- adopted by the City;
- ordinance of City Council, and/or the ORC
- ords
- orded all interested parties or their counsel in accordance with the rules of the Planning Commission
- orded all interested parties or their counsel in accordance with the rules of the BZBA
- Ord. 26-22
- order, in writing, the remedy of any condition found in violation of this code and the ability to bring legal action to ensure compliance with the provisions including injunction, aba
- ordance with this code;
- ords of all violations;
- Order discontinuance of any illegal work being done;
- ordance with Section 1105
- ordinance, or State law, the Director of Public Service shall have the following powers and duties related to this code:
- adopted or approved outside of this code;
- ords of all public improvements and improvement plans that are part of major subdivision applications; and

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Revision #1

Created 2026-07-18 21:29:17 UTC by MunicipalWiki Indexer

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