

1105.01 COMMON REVIEW REQUIREMENTS.

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

1105.01 COMMON REVIEW REQUIREMENTS.

CHAPTER 1105 Review Procedures

CHAPTER 1105

Review Procedures

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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 AND MEETING/HEARING TYPE

Review Procedure

City Council

Planning Commission

BZBA

Administrative Staff

Code and Text Amendment

PH/D

PM/R

Planned Residential Development Concept Plan

PH/D

PM/R

Planned Residential Development Zoning Map Amendment and Development Plan

PH/D

PM/R

Conditional Use

AH/D

AH/R

Minor Subdivision

D

Major Subdivision: Preliminary Plat

PM/D

PM/R

Major Subdivision: Final Plat

PM/D

PM/R

Site Plan Review

PM/D

Alternative Equivalent Review

PH/D

PM/R

Variance

AH/D

Zoning Permit

D

Appeals

AH/D

Interpretation of the Code

D

Abbreviations:

PH = Public Hearing

AH= Adjudication Hearing

PM = Public Meeting

R = Recommendation

D = Decision

(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, attorney, or other representative.

(2) Property owners or their authorized agents of all the lots subject to the review or submittal shall be required to sign the application or provide written documentation that all property owners wish to proceed with the application.

(3) The Planning Commission or City Council may initiate code text and map amendments under this code with or without written authorization or application from the property owner 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 City Clerk and made available to the public.

(d) Application Contents.

(1) Applications required under this code shall be submitted to the Zoning Inspector.

(2) All applications shall be in a form and in such numbers as established by the Zoning Inspector and made available to the public.

(3) Applications shall be accompanied by a fee as established by City Council pursuant to Section 1105.01(g): Fees.

(4) Complete Application Determination.

A. The Zoning Inspector shall only initiate the review and processing of applications submitted under this chapter 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.

C. The Zoning Inspector shall make a determination of application completeness within five (5) 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 Zoning Inspector 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 Zoning Inspector determines that the application is complete.

F. The City 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 sixty (60) days of the notice provided by the Zoning Inspector, 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 Zoning Inspector may grant one sixty (60)-day extension if just

cause is shown.

H. No reconsideration of an incomplete application shall occur after expiration of the sixty (60)-day period, and an applicant in need of further development approval under the code shall, pursuant to all of the original requirements this chapter, submit a new application, and submit 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 (2) or more forms of review and approval are required by review boards under this code, the Zoning Inspector shall determine the order and timing of review.

(2) The Zoning Inspector may authorize a simultaneous review of 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 Zoning Inspector or Director of Public Service for a pre-application conference to discuss the proposed application or project.

(2) Where a pre-application meeting with a review board is allowed as an optional task in the procedures of this section, the applicant shall submit a request for a pre-application meeting to the Zoning Inspector 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 adopted plans prior to the submission of an application.

(4) No action can be taken by the staff and/or any review boards until the applicant submits an actual application and/or plan to the City pursuant to the laws and policies of the City. Therefore, all discussions that occur between the applicant and/or applicant's representative(s) and staff, and/or City 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 City staff, review boards, any pre-application conferences or meetings, are not binding on the City and do not constitute official assurances or representations by the City or its officials regarding any aspects of the plan or application discussed.

(g) Fees.

(1) Any application for development review under this code shall be accompanied by such fee as shall be specified from time to time by ordinance of City Council. There shall be no fee, however, in the case of applications filed by the Mayor, City Council or the Planning Commission.

(2) The fees shall be in addition to any other fees that may be imposed by the City, State, Lorain County, or other agency having jurisdiction.

(3) Such fees are adopted to cover the cost to the City 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 City Council, no application shall be processed or determined to be complete until the established fee has been paid.

(5) If the City determines that the costs on a particular application will exceed the filing fee as established by City Council as a result of 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 Zoning Inspector is authorized to collect such additional costs from the applicant.

(6) Application fees are not refundable except where the Zoning Inspector 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) Public Notification for Public Meeting. For all public meetings required by this code, the City shall comply with this code and all applicable State notice requirements.
- (i) 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 1105.01(h): Public Notification for Public Meetings, above.
- (2) The clerk of the applicable review board 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, or by legal description;
 - D. Describe the nature, scope, and purpose of the application or proposal;
 - E. Identify the location (e.g., the offices of the Zoning Inspector) where the public may view the application and related documents;
 - F. Include a statement that the public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application; and
 - G. Include a statement describing where written comments will be received prior to the public hearing.
- (Ord. 26-22. Passed 4-26-22.)
- (4) Notice Requirements. Published and mailed notice for public hearings shall be provided as defined in Table 1105-2.

TABLE 1105-2: NOTICE REQUIREMENTS

Development Review Procedure

Published Notice

Written (Mailed) Notice

Zoning Map Amendment

All notice shall be provided in accordance with Article IV, Section 12 of the City Charter

Code Text Amendment

Published notice required a minimum of 10 days before the initial public hearing of Planning Commission and City Council

None Required

Planned Residential Developments Concept Plan

Published notice required a minimum of 10 days before the public hearing

Written notice to the applicant and all adjoining, adjacent and abutting property owners of all properties subject to the application shall be required a minimum of 10 days prior to the hearing.

Planned Residential Development Zoning Map and Development Plan

All notice shall be provided in accordance with Article IV, Section 12 of the City Charter

Conditional Use

Published notice required a minimum of 10 days before the public hearing

Written notice to the applicant and all adjoining, adjacent and abutting property owners of all properties subject to the application shall be required a minimum of 10 days prior to the hearing.

Variances, Appeals, or Alternative Equivalent Review

No published notice is required

Written notice to the applicant and all adjoining, adjacent and abutting property owners of all properties subject to the application shall be required a minimum of 10 days prior to the hearing.

(Ord. 22-24. Passed 6-6-24.)

(5) Published Notice.

A. Published notice shall be provided in a newspaper of general circulation and the City may also provide additional published notice by electronic media including, but not limited to, posting online at the City'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. The City shall provide written notice for all hearings, where required.

B. 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.

C. Written notice shall be postmarked no later than the amount of days specified in Table 1105-2 prior to the hearing date at which the item will be considered.

(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 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 City 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.

(j) 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, state his or her address, and if appearing on behalf of a person or organization, state the name and mailing address 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 or decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the Zoning Inspector prior to the publication of notice as may be required by this code. The Zoning Inspector 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 Zoning Inspector after 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 review or decision-making body.

C. The review or decision-making body 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 provide the date, time, and place is publicly announced at the time of continuance.

(k) Withdrawal of Application. Any request for withdrawal of an application shall be either submitted in writing to the Zoning Inspector or made through a verbal request by the applicant prior to action by the review or decision-making body.

(1) The Zoning Inspector shall approve a request for withdrawal of an application if it has been submitted prior to publication of notice for the public hearing on the application in accordance with this code.

(2) If the request for withdrawal of an application is submitted after publication of notice for the public hearing in accordance with this code, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body.

(l) Examination and Copying of Application and Other Documents. Documents and/or records may be inspected and/or copied as provided for by State law.

(m) 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 change in ownership.

(n) Modifications or Amendments of Approved Applications.

(1) For any review procedure, the Zoning Inspector is authorized to allow minor changes related to design of an approved application where the change is insignificant and has minimal impact to the overall design of the development or subdivision. This shall not give the Zoning

Inspector the authority to vary the requirements of this code or any conditions of approval.

(2) Where the Zoning Inspector determines that the proposed modification, amendment, or change is not minor, 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.

(o) 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 in this code; 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 Zoning Inspector 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 Section 1105.01(d)(4). If it does not, the Zoning Inspector shall return the application, with reasons for their determination in writing, along with any paid fees; or

(3) Submit a new application if the proposed use and design of the site will be entirely different than the denied application.

(p) 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 City'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 City 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.

(q) Records. The City shall maintain permanent and current records of all applications and the decisions related to those applications in City Hall.

(r) 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 the City of Sheffield Lake where the City 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 (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).

(3) When the City 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 the City of Sheffield Lake in which the City administrative offices are closed for the entire day.

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

1105.02 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 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 the City of Sheffield Lake, Ohio, hereafter referred to as the "zoning map."

(c) Initiation.

(1) For a zoning map amendment of a specific property, any person who has authority to file an application (See Section 1105.01(b): Authority to File Applications.) for such property may initiate a zoning map amendment by filing an application with the Zoning Inspector.

(2) City Council may initiate a code text or map amendment by referring a recommendation on an amendment to the Planning Commission.

(3) The Planning Commission may initiate a code text or map amendment by adopting a motion to make such 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 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.

A. For amendments that are not initiated by the Planning Commission or City Council, the applicant shall submit an application in accordance with Section 1105.01: Common Review Requirements, and with the provisions of this section.

B. Amendments initiated by City Council shall be referred to the Planning Commission for initiation of review.

(3) Step 3 - 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, Planning Commission shall at a minimum, consider the review criteria of this section.

C. Within sixty (60) days of the from the date an application is deemed complete or a resolution is adopted by City Council to amend the code text or zoning map, the Planning Commission shall make a recommendation to City Council on the application. 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 the established timeframe, or an extended timeframe approved by the applicant, the application will move forward to Step 4 with a recommendation of approval.

(4) Step 4 - City Council Review and Decision.

A. Following receipt of the recommendation from the Planning Commission (Step 3), 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 amendment that is no more than sixty (60) days from receipt of the Planning Commission's recommendation.

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 a text or zoning map amendment 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 amendment 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. The effective date of any amendment shall be in accordance with the applicable provisions of the Charter.

(e) Review Criteria. Recommendations and decisions on code text or map amendment applications 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 adopted City 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 to 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, storm water 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.

(f) Limited Use Rezoning.

(1) Any application for a zoning map amendment that proposes to rezone properties to an R-2, R-3, B-1, B-2, B-4, or B-5 District may be granted on a limited use basis.

(2) If an application for a zoning map amendment is for one of the applicable district above, the application shall include a preliminary development plan as part of the application. Such plan shall show the layout of the total area to be included in the proposed district and shall indicate and be accompanied by documentary evidence to the satisfaction of the Planning Commission showing that in addition to the review criteria in Section 1105.02(e), the proposed plan shall demonstrate that:

A. The appropriate use and value of property adjacent to the area included in the plan will be safeguarded;

B. The capacity of existing or proposed utilities, streets and thoroughfares is adequate to absorb the additional burden created by the special use district;

C. The developments will consist of a harmonious grouping of buildings or other structures, adequate service, parking and open spaces, planned as a single and common operating and

maintenance unit, as applicable;

D. The uses included are limited to those permitted in such districts where the special use district is applicable;

E. All buildings will be served by adequate storm and sanitary sewers, public water supply and public utilities, as determined by the City Engineer; and

F. If the development is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions and the intent of this code shall be fully complied with at the completion of any stage.

(3) Every such zoning map application, when approved by City Council either as submitted or as resubmitted in modified form, shall constitute an agreement by the petitioner or owner that such installation shall be made, completed and operated as indicated by the approved plan and in accordance with the provisions of this section and that the area which has been rezoned shall lose its new classification and revert to its former classification in either of the following events:

A. If construction of approved buildings and improvements is not undertaken within one (1) year after the approval of the detailed plans or within such additional time as may be authorized by City Council; or

B. If there is a failure to complete construction or to comply or to continue to comply with the specified conditions listed in the approved plan and in this section, or with conditions imposed by City Council hereunder in the zoning of the area, provided, however, that after a period of at least five (5) years has elapsed the petitioner or owner, his successors or assigns, may petition the Planning Commission to request reasonable changes in the specified conditions of the zoning approval and the Planning Commission may recommend such changes to City Council for its approval if it finds such changes are reasonably warranted in the light of changed conditions since the adoption of the rezoning ordinance.

(4) Development approved through a limited use zoning shall still be subject to site plan and zoning permit review, as applicable.

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

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- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- ording to the procedures and timelines set forth in this code
- order and timing of review
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- Ord. 26-22
- ordance with Article IV, Section 12
- Ord. 22-24
- ords of the City 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 b
- ordance with this code
- ordance with this code, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body
- ords may be inspected and/or copied as provided for by State law
- ordance with the procedures and standards established for its original approval
- ordance with the applicable appeals procedure established in this code; or
- Ordinances
- ords
- ords of all applications and the decisions related to those applications in City Hall
- ordance with Section 1105
- adopted by City Council to amend the code text or zoning map, the Planning Commission shall make a recommendation to City Council on the application
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- adopted City plans, and the stated purposes of this code;
- ordance with the provisions of this section and that the area which has been rezoned shall lose its new classification and revert to its former classification in either of the followi
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