

1105.03 CONDITIONAL USES.

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

1105.03 CONDITIONAL USES.

CHAPTER 1105 Review Procedures

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.)

1105.03 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 an individual basis.

(b) Applicability. This section shall apply to all applications for establishment of a conditional use as may be identified in this code.

(c) Conditional Use Review Procedure. The review procedure for a conditional use review 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. 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 Recommendation.

A. The Planning Commission shall hold a public hearing on the conditional use application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.

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

C. See Section 1103.04(b)(2) for special provisions provided to the Planning Commission as part of a conditional use review.

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

E. Within sixty (60) days of the close of the public hearing, the Planning Commission shall either make a decision to deny the application or may make a recommendation to City Council to approve or approve with modifications or supplementary conditions.

F. If Planning Commission makes a decision to deny the application, the case will be closed and the conditional use will be formally denied without forwarding to City Council.

G. If the Planning Commission makes a recommendation to approve or approve with modifications or supplementary conditions, the recommendation will be forwarded to City Council for review pursuant to Step 4.

H. 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.

(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 conditional use.

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 conditional use 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 City Council decides to overturn or modify the recommendation of Planning Commission, then the decision to overturn or modify the recommendation shall require an affirmative vote of no less than two-thirds (2/3) of the full membership of City Council.

ii. If City Council decided to approve the recommendation of Planning Commission, without modification, then approval by City Council shall only require concurring vote of a simple majority of the full membership of City Council.

(d) Review Criteria. Decisions on a conditional use application shall be based on consideration of the following review criteria. All conditional uses shall be subject to review under the criteria of this section, as applicable, and may be subject to additional use-specific standards in Section 1107.05:Use -Specific Standards.

(1) The proposed conditional use is established as an allowed conditional use in the applicable zoning district;

(2) The proposed use is consistent with the spirit, purpose and intent of the adopted City plans, the general purpose of this code, and the purpose of the zoning district in which the conditional use will be located;

(3) The proposed use complies with any use-specific standards as may be established for the use;

(4) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;

(5) The proposed use will comply with all applicable development standards;

(6) The proposed use will be harmonious with the existing or intended character of the general vicinity, and such use will not change the essential character of the same area;

(7) The conditional use will not be hazardous or disturbing to the existing and future use and

enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;

(8) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

(9) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

(10) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets; and considering the proximity of access drives to street intersections relative to the anticipated volume of traffic.

(11) The design of the buildings, structures, and site will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;

(12) The establishment of the conditional use will not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;

(13) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible; and

(14) Wherever no specific areas, frontage, height, or setback requirements are specified for a specific conditional use, then such use shall be subject to the lot and site regulations for the applicable zoning district.

(e) Additional Criteria and Conditions. The Planning Commission and City Council may impose such conditions, guarantees, and safeguards as it deems necessary to protect the general welfare and individual property rights, and to ensure that the conditional use will meet the intent and purposes of this code.

(f) Revocation of a Conditional Use Approval. The breach of any condition, safeguard, or requirement shall automatically invalidate the conditional use approval, and shall constitute a violation of this code. Such violation shall be punishable as specified in Chapter 1129: Enforcement and Penalties.

(g) Time Limit.

(1) A conditional use approval shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than one (1) year.

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

(3) Upon expiration of a conditional use approval, a new application, including all applicable fees, shall be required before a conditional use application will be reviewed.

(4) Upon written request, one extension of one (1) year may be granted by the Planning Commission if the applicant can show good cause for a delay.

(h) Appeals. Any person or entity claiming to be injured or aggrieved by any final action of Planning Commission (initial denial) or City Council (overturning of Planning Commission's recommendation of approval) shall have the right to appeal the decision the Court of Common Pleas. (Ord. 26-22. Passed 4-26-22.)

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.)

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Detected legislative history

- Ordinances of Sheffield Lake, OH
- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- ordinance 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
- effective date of any amendment shall be in accordance with the applicable provisions of the Charter
- adopted City plans, and the stated purposes of this code;
- ordinance 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
- 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
- adopted City plans, the general purpose of this code, and the purpose of the zoning district in which the conditional use will be located;
- ordinance 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
- ordinance in the manner prescribed in these regulations
- ordinance
- ordinance for the recording of the lots as legal lots of record and providing a copy of said conveyance to the Zoning Inspector, after recording
- ordinance of the revised lots shall take place simultaneously
- ordinance 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
- ordinance for a minor subdivision to be approved, the Zoning Inspector shall review and make a decision after making an affirmative decision on the following:
- ordinance in the office with the Lorain County Recorder during said period
- ordinance with these regulations
- ordinance with all comments and resubmit the plans prior to proceeding with the final plat review
- ordinance. G
- ordinance until all improvements and areas offered for parks, open space, or public rights-of-way have been accepted by City Council
- ordinance 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
- ordination
- 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:
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