

**City of Wilmington, Ohio**  
**Codified Ordinances**



**Sec. 1135.05. - Site plan review.**

- (a) *Purpose.* The purpose of site plan review is to ensure compliance with the development and design standards of this Zoning Code and to encourage sound planning principles in the arrangement of buildings, the preservation of open space, the utilization of topography, and other site features and to promote overall quality development. A zoning permit shall not be issued for uses requiring site plan review until the site plan is approved pursuant to this section.
- (b) *Applicability.*
- (1) Except as specifically provided herein, no person shall commence any use or construct or alter any structure, or grade any lot or parcel in zones where a site plan is required without first obtaining an approved site plan pursuant to this section.
  - (2) Unless exempted by subsection (3) below, site plan review by the Planning Commission is required for the following types of development prior to the issuance of a zoning permit:
    - a. All non-residential development;
    - b. All residential development;
    - c. All conditional uses.
  - (3) The following uses and circumstances shall be exempt from site plan review:
    - a. All uses listed as not requiring site plan review in Section 1141.02 (Table of Principal Uses by Zoning District), including single-family and two-family dwellings;
    - b. Greenspace, open space, or other unimproved areas;
    - c. Any change in use or alteration that would otherwise also not require approval of a zoning permit, as provided in Section 1135.04(b)(4); and
    - d. Exterior alteration of a building used for an approved principal or accessory use which does not expand the building footprint by more than 25 percent.
- (c) *Application requirements.* The required application form, fee, and information to accompany the site plan must satisfy the following requirements, unless the Zoning Administrator determines otherwise:
- (1) *Site plan drawing format.* The site plan shall be drawn to a scale specified appropriate by the Zoning Administrator. Information must be clear and legibly drawn.
  - (2) *Number of copies.* Three folded copies of the site plan are required. The site plan must be drawn on sheets no greater than 24 inches by 36 inches.
  - (3) *Site plan minimum information.* The minimum information, which must be provided on the site plan and/or in other documents submitted for site plan review, unless determined otherwise by the Zoning Administrator, follows:
    - a. Name, address, phone number of the applicant site owner, and agent, if applicable, and the fax number and e-mail address of each, if available. If applicable, the name, identification number, and seal of the architect, landscape architect, engineer, or surveyor;
    - b. A title block giving a name for the proposed development, and a legend, notes, and/or labels explaining the drawn content shown on each drawing, and; a legal description, parcel identification number, and address of the property in question;
    - c. Notation of the month and year submitted and a place for noting revision date(s);

- d. Written and graphic scale of the plan drawing(s);
  - e. Vicinity map drawn to scale with a north arrow and in display of the site location in relation to the surrounding road network and local jurisdictions;
  - f. Legal and common description of the site boundary and the parcel(s) involved shown on the plan, detailing the bearing and dimension of each course of the boundary line;
  - g. The acreage and/or square footage of the site;
  - h. The zoning classification(s) of the site and of all abutting parcels;
  - i. Location and dimensions of existing and proposed streets, driveways, sidewalks, and any other walkway within the site, with notation of thoroughfare plan specified right-of-way, the pavement type, width, and construction design details noted and depicted for each;
  - j. Schematic depiction of existing and proposed locations of gas, electric, phone, fiber-optic, and other telecommunication lines and terminal facilities, sanitary sewer lines or septic system components, water service lines, wells, fire hydrants and emergency connections, storm water drainage management components, and sewer lines;
  - k. Location and dimensions of existing and proposed easements and notation of the percentage of the site occupied by the easements;
  - l. Existing and proposed topography on and in proximity to the site represented with elevation contour lines at intervals not exceeding:
    - 1. One foot for zero to six percent slopes;
    - 2. Two feet for six to 18 percent slopes; and
    - 3. Five feet for slopes over 18 percent.
  - m. Location of existing surface water features, natural or man-made, including lakes, ponds, runoff control basins, marshes, wetlands, rivers, creeks, streams, or other drainage ways;
  - n. A tree survey that includes information on all existing trees which have a six inches diameter at breast height (DBH) or larger. Information shall include the location, size, and condition of each tree. If the site is heavily wooded and large areas are to be protected, individual trees do not need to be surveyed. The survey shall indicate and distinguish areas based on the intended level of preservation, alteration, and/or disturbance;
  - o. The types of soils found on the site and seasonal wind directions;
  - p. All flood prone areas, using the 100 year flood plain as a standard; and
  - q. Any additional information that may be deemed necessary for proper and complete review when a proposed development presents difficult or unusual problems.
- (4) *Development specific information.* The following information, as determined applicable and necessary by the Zoning Administrator, must be provided on and/or accompany the site plan:
- a. Existing and proposed land development on and around the site.
  - b. Notation and depiction of any variance from this Code which has been secured.
  - c. A time schedule which indicates the anticipating starting and completion dates for construction. If the development is to be staged, indication shall be made as to how the staging is to proceed.
  - d. The location of each existing and proposed structure with notations of:
    - 1. The type, number, and size of each;
    - 2. The respective distances in feet from the boundary lines of the site;
    - 3. The lowest foundation opening and first finished floor elevations of each building;

4. Existing structures or part(s) thereof which are to be altered or removed;
  5. For residential proposals: a site summary indicating the number of dwelling unit(s) within each building, the number of bedrooms per unit, floor plans, floor area square feet, density computation, recreation facilities and open spaces;
  6. For non-residential proposals: the number of offices and number of employees; the number of floors, floor plans, floor area square feet, total square footage, and exterior elevations; and
  7. The number of floors, floor plans, floor area square feet, total square footage, and exterior elevations.
- e. The height of each proposed structure as measured in accordance with Section 1151.03(j) (Height measurement) and Section 1151.03(k) (Height measurement exceptions).
  - f. Off-street parking provisions: the total number, typical dimensions and square footage of the parking spaces, handicapped use designation, widths and turning radii dimensions of all driveways, and pavement material.
  - g. Off-street loading/unloading provisions, showing the locations and noting the dimensions and square footage of each space.
  - h. The location of outdoor storage, waste disposal and/or trash containment area along with detailed screened and/or buffered plans for each.
  - i. The location of fences and walls, and cross-section diagram for proposed fences and walls.
  - j. Landscaping plan, with details of plantings for buffers and screening in accordance with requirements of this Code.
  - k. The location, type, intensity, height, and orientation of all building exteriors.
  - l. Documentation of site lighting, along with a photo-metric analysis.
  - j. Depiction and description of the location, type, number, and size of display faces, height, setback, and illumination, if any, of all existing and proposed signs.
- (5) *Supplementary information.* Additional information may be required if deemed necessary by the Planning Commission or Zoning Administrator. Such additional information may include, but is not limited to, their requirement of a traffic impact study (TIS), market analysis, environmental assessment, condominium documents, and any study or report in evaluation of the proposed impact on public facilities and services. The following information may be required as determined applicable and necessary by the Zoning Administrator:
- a. Front, side, and rear elevation drawings of structures; drawn with sufficient details to evaluate visual appearance and function;
  - b. Written certification of the required sewage disposal permits having been issued or able to be issued by the applicable authority;
  - c. Certification by the City Engineer or Ohio Department of Transportation (ODOT), and the City of Wilmington Fire Department, that the sight-distance location, configuration and number of existing and/or proposed street and/or driveway access intersections for the development are acceptable;
  - d. Certification from the City Building Department, City Engineer, and Federal Emergency Management Agency (FEMA) that proposed structure(s) and/or fill within 100 year floodplain is compliant with applicable regulations and requirements;
  - e. Stormwater drainage quantity and quality management provisions to the approval of the City Engineer;
  - f. Soil erosion and sedimentation control measures as may be required. Control measures address pre- and post-development, soil type boundaries, pre-development land cover, clearing limits, wooded areas proposed to remain or be cleared, and soil stockpiling and sediment trap basins;

- g. Identification of local airport airspace and indication that the proposed development meets Federal Aviation Administration (FAA) and/or the Ohio Division of Aviation standards; and
  - h. A statement documenting potential impacts to groundwater and air quality, and other environmental impacts.
- (d) *Review procedure.*
- (1) *Step 1—Consultation with Zoning Administrator.*
    - a. Prior to submitting a site plan application, the applicant or property owner shall first consult with the Zoning Administrator.
    - b. The purpose of this informal consultation is to:
      - 1. Discuss applicable standards and technical issues pertinent to the proposal;
      - 2. Comment on required compliance of the proposal to standards of this Code; and
      - 3. Comment on whether or not the site plan application is the necessary and appropriate process for making a decision on the proposed development.
    - c. The applicant or Zoning Administrator may request input on the proposal from staff or other potentially involved regulatory authorities or consultants.
    - d. A concept sketch plan is not required at this time, but it would be helpful for the applicant to explain:
      - 1. The location of the project;
      - 2. The proposed development (in general terms);
      - 3. The proposed layout of buildings, parking, access points, open spaces, and drainage facilities;
      - 4. The relationship to existing surrounding development; and
      - 5. Any other conditions/items relevant to the processing of the application.
  - (2) *Step 2—Formal submittal and processing.*
    - a. The applicant shall formally submit the required application to the Zoning Administrator in accordance with the requirements specified in Section 1135.05(c) (Application requirements).
    - b. The Zoning Administrator has the duty to determine whether the application is complete within ten working days of receipt of the application.
    - c. If the Zoning Administrator determines that the application is not complete, the applicant shall be notified, in writing, of the specific deficiencies of the application including any additional information that must be supplied. The applicant shall be informed that no further action will be taken by the City on the application until the deficiencies are corrected.
    - d. Upon receipt of a complete application, the Zoning Administrator shall notify the applicant of completeness. The Zoning Administrator shall then provide the accepted application to applicable authorities/departments involved for review of the plan and allow 15 days to respond and receive comments before the zoning staff report is sent to the Planning Commission.
  - (3) *Step 3—Review and action.* The Planning Commission shall hold a public meeting to consider comments and recommendations regarding the site's development. The board shall within a reasonable amount of time choose to approve or deny the site plan application as submitted, or to approve with conditions. Conditions may include plan revisions and safeguards to be performed by the applicant. Appeal of the Planning Commission decision is to the Court of Common Pleas.
- (e) *Review considerations.* The Planning Commission shall review the site plan in the interest of public health and safety, as well as public convenience, comfort, prosperity, or general welfare, as applicable, by considering the following factors:

- (1) To protect the long-term public interest by reviewing the internal and external relationship of development that may have considerable potential significance and impact to the City;
  - (2) To ensure the application of quality design principles within new and redevelopment projects;
  - (3) To determine the impact on the public, including, but not limited to, the neighboring properties;
  - (4) To ensure that new development contains elements of internal cohesiveness and factors that promote good neighborhood atmosphere;
  - (5) Suggestions of the Comprehensive Plan;
  - (6) To promote the orderly and safe flow of vehicular and pedestrian traffic;
  - (7) To confirm that all requirements of this Code applicable to the development and operation of the use are satisfied; and
  - (8) To confirm that the proposed plan satisfies other County, State, and/or Federal standards which are applicable to permitting the proposed development.
- (f) *Review criteria.* The site plan review is conducted to determine anticipated impacts on the public health and safety, as well as the public convenience, comfort, prosperity, or general welfare, as applicable. Factors to be considered include those in Section 1135.05(e) (Review Considerations), and the following additional criteria:
- (1) *Adequacy of information and compliance with Zoning Code.*
    - a. The plan contains the Code required information and is presented in an understandable manner that provides an accurate description of the proposed development, structure(s), site improvements, and impacts.
    - b. The plan complies with all applicable requirements of the Zoning Code pertinent to the proposal.
  - (2) *Design layout sufficiency and compatibility.* The design components proposed and used are considered sufficient and compatible with respect to the following features:
    - a. Site topography;
    - b. Drainage;
    - c. Parcel configuration;
    - d. Adjacent properties;
    - e. Traffic operations;
    - f. Adjacent streets and driveways;
    - g. Pedestrian access; and
    - h. The type, size, and location buildings.
  - (3) *Design character, operational compatibility, and coordination.*
    - a. The appearance and design character of the proposed development and all corresponding operational activities are considered compatible and coordinated with surrounding, existing, and planned developments.
    - b. The proposed structures must also be identified as either primary or secondary, and must be coordinated to function with internal operations of the site.
  - (4) *Preservation of significant features.* The plan preserves:
    - a. Architecturally, historically, and/or culturally significant buildings;
    - b. Wetland(s);
    - c. Floodplain(s);

- d. Streams;
  - e. Aquifer recharge areas;
  - f. Soil(s) areas with severe limitations for use;
  - g. Steep slopes; and
  - h. Tree lines, hedge-rows, wooded areas, and trees that are determined valuable to retain.
- (5) *Pedestrian access and circulation.* The plan proposes provision of pedestrian circulation and access. Determination of adequacy is based on such provisions being designed to be safe, comfortable, compatible, connected, conflict-free, and compliant with applicable Americans with Disabilities Act (ADA) regulations.
- (6) *Vehicular access and circulation streets.* Driveways, parking aisles, and other related elements designed for vehicle access and circulation demands are determined sufficient per evaluation by the City Engineer and Fire/EMS department. These elements are evaluated for safety and function.
- (7) *Parking and loading.* Off-street parking and loading provisions are determined sufficient based upon the proposed number, size, location, and arrangement of parking spaces and provisions for shared-parking and for compliance with Title 11, Chapter 1171 (Parking and Circulation).
- (8) *Signage.* Signage is evaluated for compliance with Title 11, Chapter 1173 (Signs).
- (9) *Landscaping and screening.* Landscaping and screening are evaluated based on the design and effectiveness of landscaping/building material to screen and mitigate negative visual impacts and for compliance with Title 11, Chapter 1165 (Buffering and Landscaping)
- (10) *Exterior lighting.* Lighting is evaluated for compliance with Title 11, Chapter 1167 (Lighting).
- (11) *Public service impact.* The impacts to the following public services facilities and utilities are evaluated in terms of their capacity to accommodate the proposed development:
- a. Water;
  - b. Sanitary sewer;
  - c. Natural gas;
  - d. Electricity;
  - e. Telephone and cable;
  - f. Roadways;
  - g. Police protection;
  - h. Fire and EMS protection;
  - i. Sidewalks and bikeways; and
  - j. Public schools.
- (12) *Stormwater drainage and management plan.* The site plan is evaluated based on the quantity and quality of runoff, impact on upstream or downstream property, and a maintenance plan, to the approval of the City Engineer.
- (13) *Soil erosion and sediment control.* Provisions for minimizing soil erosion during development and preventing sedimentation during and after development are determined acceptable.
- (14) *Emergency access and service facilities and public safety.* The plan provides for emergency access and service facilities (fire lanes, hydrants, and suppression supply connections) within the site as determined necessary per evaluation by the Fire/EMS Department in conjunction with the Building Department. The proposed development does not pose a threat to public safety.

- (15) *Building design.* Building design is found harmonious in character with the surrounding area with regard to scale, mass, and orientation.
  - (16) *Compliance with public health and safety.* The application must provide plan of procedures to mitigate nuisances to surrounding areas such as, but not limited to, odors, excess noise, and/or unsanitary operations. Any externalities must be with the realm of public health, safety, and wellness.
- (h) *Case file record.*
- (1) Application files maintained by the Zoning Administrator shall contain all written information submitted. The application file is numbered by the year in which the application was reviewed and consecutive to other applications within the same year.
  - (2) Written meeting minutes and/or audio recording(s) of the proceedings of a hearing may be referenced at the offices of the City.
  - (3) The letter of the Planning Commission in decision of the site plan is placed in the case file and provided to the applicant.
- (i) *Post site plan approval requirements.*
- (1) *Permits or approvals from other involved authorities.* The applicant is responsible to obtain necessary permits or approvals from any other applicable authority before issuance of a Zoning Permit.
  - (2) *Development and maintenance.* Per the approved site plan the property owner is responsible for the improvement and maintenance of the site in accordance with the approved site plan and all conditions of approval. Failure to comply with the approved site plan and all conditions of approval may result in an enforcement action being brought in a court of competent jurisdiction.
  - (3) *Expiration and extension of plan.*
    - a. If development has not commenced within two years following the site plan approval, the approval shall become null and void, requiring re-application.
    - b. The applicant may only request an extension prior to the site plan approval expiration date. A written request for an extension shall be submitted to the Zoning Administrator.
    - c. The Planning Commission may grant up to 12 months in extension of its initial approval of the plan and entertain subsequent extensions thereafter.
- (j) *Modification of the approved site plan.*
- (1) *Minor modifications.* The following are considered minor modifications allowable for approval by the Zoning Administrator:
    - a. Changes made during development to improve safety, protect natural features, and/or accommodate unanticipated site constraints or to comply with further requirements of other authorities. These changes should not affect surrounding property or the approved plan layout.
    - b. Changes in landscaping species that is consistent with the standards of this Code and that do not reduce the total amount of landscaping or buffering required.
    - c. Change in the boundary or arrangement of a structure that does not violate minimum zoning required setbacks nor affect locations of other components of the approved site plan requirements or conditions.
    - d. Adjustments in the alignment of vehicular and pedestrian access and circulation components for purposes of improved safety or to eliminate conflict with other components in the site which will not create off-site conflicts.
    - e. Reduction in signage or changes in lighting which will not negatively affect off-site properties.

- (2) *Major modifications.* Any proposed change to a site plan that does not meet the minor modification qualification criteria specified above in Section 1135.05(i)(1) shall be considered a major modification and is subject to approval of a revised site plan by the Planning Commission.

( [Ord. No. O-18-68](#), § 3(Exh. A), 12-20-18)