



DEVELOPMENT PLAN PROCESS

GENERAL OVERVIEW

In an effort to: help guide the future development and re-development of the community; foster good development practices; determine and reduce, to the extent possible, the potential negative impact that a development or redevelopment project may have on the neighborhood adjoining the property and/or the community as a whole; ensure compliance with the applicable provisions of the Zoning Code; and to provide a thorough but reasonable review process to achieve these goals, the City of Wyoming has established a comprehensive zoning review and approval process for all structures other than single family residences. This process is known as the Development Plan review process and is set out in [Chapter 1133 of the City Code](#). This document is intended to provide property owners, potential developers, architects, engineers, and residents of the community, with an overview and understanding of the various requirements of the Code and to explain the review process that is used by the City to evaluate these types of proposals.

Depending on the scope of a project, the review/approval process and the information that must be submitted by the applicant can vary significantly. [Chapter 1133](#) has been designed to enable the timely review of projects that meet all of the requirements of the Zoning Code, and that have little or no physical or visual impact on the surrounding neighborhood. These smaller, less intrusive, projects may be submitted as Development Plan Exemption requests. Larger projects that can potentially have a greater impact on the immediate neighborhood or the community as a whole are directed through the more detailed Development Plan review process as discussed beginning on page 3 of this guide.

WHEN A DEVELOPMENT PLAN, EXEMPTION, OR CHANGE IS REQUIRED

A Development Plan, Development Plan Exemption, and/or a Development Plan Change must be approved before any building, other than a single family residence, is built, enlarged, structurally altered or changed in use to anything other than a single-family residence and before the development of any undeveloped tract of land is undertaken, unless the tract will be developed as a single family residence.

DEVELOPMENT PLAN EXEMPTIONS

A Development Plan Exemption Application is required in accordance with the above and is generally requested in lieu of a Development Plan application, when the owner/developer believes that their proposal meets all of the applicable provisions of the Zoning Code and will not have a significant impact on the surrounding neighborhood. Exemptions may be approved by the City Manager only when it is determined that the proposed construction or change in use, conforms in all respects to the Zoning Code, has little or no physical or visual impact on the surrounding neighborhood, and meets the applicable provisions of [Chapter 1133](#).

Submission Requirements

In order for the City Manager to determine the potential impact of a given project, three copies of the application, plans, and accompanying information must be submitted. This information should be submitted in the form of a letter of application and should provide sufficient detail to thoroughly explain the general purpose and scope of the proposed change(s). The application must also specifically address each of the items detailed in [Section 1133.03 \(a\) of the Code](#). Information such as the area map and other drawings or plans which may be required, should be included and referenced as attachments. If the project is likely to be approved at the administrative level as a Development Plan Exemption, the original submission does not have to include the area map and related information pertaining to the ownership, use, etc. of the adjoining properties as outlined in Section 1133.03 (a) (1) of the Code and as further detailed in Section 1 (a) through (e) of the "Administrative Checklist" (pages 10-12 of this guide). Applicants should consult with City Staff regarding which items to include with their submittal.

Review/Approval Procedures

Once submitted, the application will be reviewed for its completeness by the City Staff. Additionally, the proposals anticipated impact on the surrounding neighborhood, compliance with the Zoning Code, and compliance with the other applicable provisions of [Chapter 1133](#), will be assessed. If the application is complete, the proposal, along with an administrative recommendation, will be forwarded to the City Manager. The City Manager will consider the application and the administrative recommendation and act on the request. If incomplete, the application will be rejected and the applicant will be advised to submit the balance of the required information.

If the Development Plan Exemption is approved, the Zoning Certificate will be issued. Zoning Certificates authorize the applicant to file an application for a building permit with the City of Wyoming (residential up to three-family dwellings) or the Hamilton County Building Department (commercial, institutional, multi-family dwellings) as may be required. In these cases, the decision of the City Manager is generally rendered between seven and ten working days from the date that the complete application is filed.

If, in the City Manager's judgement, the Exemption request may be contrary to the provisions of [Section 1133.04](#), may potentially impact the surrounding neighborhood, or if the City Manager questions the proposals conformance with the Zoning Code, the application may be forwarded to the Architectural Review Board and/or to the Planning Commission for their recommendation(s) prior to approving or disapproving the request.

If this occurs, the proposal will be placed on the agenda of the next regularly scheduled meeting of the body to which it has been referred. Upon referral, the applicant will be required to submit the area map and all of the use and ownership information required by Section 1133.03 (a) (1). This enables the City to efficiently notify the property owners within a 200' radius of the subject site as required by the Code. Additional copies of the submission may also be required.

Upon reviewing the application, and after soliciting the opinions of the adjoining property owners and the Architectural Review Board as may be necessary, the Planning Commission may

recommend that the City Manager approve the project. Alternatively, the Planning Commission may recommend that a Development Plan be filed. If the filing of a Development Plan is required, the project will undergo the more detailed review as discussed in the "Development Plan" section of this document.

If, in the judgement of the City Manager, with or without obtaining comment from the Planning Commission and/or the Architectural Review Board, the application is not consistent with the provisions of [Section 1133.04](#), the application will be denied and the applicant will be so advised. A Development Plan Exemption Request, will be denied if it is determined that the proposal has a significant physical or visual impact on the surrounding neighborhood, or if it does not meet the applicable provisions of the Zoning Code. An application for a Development Plan application may then be filed in accordance with the provisions of [Chapter 1133](#).

Fees

While there is no fee for filing a Development Plan Exemption application, there is a fee for the required Zoning Certificate that results from the approval of the request. This fee shall be as prescribed by the current Schedule of Fees as established by City Council.

DEVELOPMENT PLANS

The Development Plan Review process is more comprehensive than the process used for a Development Plan Exemption. This more detailed process is the mechanism used to review any of the previously discussed construction types or projects when the construction has the potential to impact the surrounding neighborhood or the community in general. Due to the complexity of this process, applicants should allow approximately six months for the review to be completed. This generally allows: sufficient time for staff to perform the necessary administrative review(s); the Planning Commission to discuss the matter at two regular monthly meetings; adequate review and reporting time for the Architectural Review Board; three readings of the ordinance and a public hearing by City Council; and, a thirty day period of referendum, all of which are more thoroughly discussed below. This time frame can be significantly increased by several factors which include, the appropriateness and completeness (or lack thereof) of the original application, the applicant's ability and willingness to appropriately respond to input from the various reviewing bodies and the public, and the applicant's ability to expeditiously make the necessary revisions to the plans throughout the review process.

Original Submission

Five copies of the initial application and associated plans should be submitted to the City Manager for review. The application should include a cover letter which provides a comprehensive explanation of the project, the applicant's basis for the proposed changes, and any other relevant background information that will assist the City Manager, staff, and other reviewing bodies in determining the potential impact (both positive and negative) that the project will have on the neighborhood and the community. The plans and application must thoroughly address each aspect of [Section 1133.03 \(a\) of the Code](#) and should also provide sufficient detail to show compliance with [Section 1133.06 \(b\)](#).

REVIEW PROCESS

Administrative

Within fifteen days of receiving the application, the City Manager will determine if it is complete, and, if so, will forward the information to the Planning Commission for consideration. Ten additional copies of the application must be supplied by the applicant, upon referral to the Planning Commission. Any application that is determined to be incomplete will be rejected and a letter will be sent to the applicant detailing the problem(s) with the same.

Planning Commission

Within forty-five days of receiving the Development Plan application, the Planning Commission, after consultation with the Architectural Review Board, will vote to recommend the approval or denial of the Plan to City Council. "Receipt of the application by the Planning Commission" is considered the meeting at which the formal application is first placed on their agenda. With the consent of the owner/applicant, the reporting period may be extended to allow the Planning Commission to more fully consider the application and to resolve any issues that may arise.

All meetings of the Commission are open to the public and anyone interested in an agenda item is encouraged to participate. Meetings are held on the first Monday of the month unless this is a holiday. In these cases, the meetings are typically re-scheduled for the Tuesday following the holiday or for the following Monday. Meetings are held in the Council Chambers at the City Building at 800 Oak Avenue, and convene at 7:00 p.m.

The Planning Commission is an advisory body to City Council. As such, it does not have the authority to approve the Plan but rather, after thoroughly reviewing the proposal, considering the reports of the Architectural Review Board, various City Departments and other entities and consultants as may be necessary, and after obtaining public input, the Planning Commission will vote to recommend approval or disapproval of the application to City Council. Any additional recommendations, which are generally presented in report form, will be forwarded to City Council for its consideration.

Prior to recommending approval of an application, the Planning Commission must determine that:

1. The applicable requirements of Sections 1133.03 and 1133.05 have been satisfied;
2. The following conditions are fully met:
 - a) The proposal conforms to the objectives of the officially adopted Master Plan of the City;
 - b) The establishment, maintenance, or operation of the proposal will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - c) The proposed use or development will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair property values in the neighborhood;

- d) Adequate utilities, parking, access roads, drainage, landscape planting and other essential facilities and amenities have been provided;
- e) Adequate measures have been taken to minimize traffic congestion in the public streets;
- f) The proposal conforms to all applicable provisions of the Zoning Code except as specifically waived or modified.

As indicated in section (f) above, the Planning Commission has the authority to recommend that City Council waive or modify the provisions of the Zoning Code. The Commission will only consider this action if the applicant shows good cause for doing so and can demonstrate that such a deviation will not have an adverse impact on the neighborhood or in fact, may have positive consequences. Any deviation from the Code must be detailed in the application and will also be detailed in the Planning Commission's report to City Council.

Upon disposition of the matter by the Planning Commission, the applicant is required to submit 15 sets of the revised application including any mandated modifications resulting from this review. This information will be forwarded to City Council with the Planning Commission report.

Architectural Review Board

The Architectural Review Board, (ARB), is an advisory body to the Planning Commission and their reporting relationship is much like that of the Planning Commission to City Council. The Planning Commission relies on the ARB for opinions and recommendations on development matters, including the review of Development Plan applications. The ARB is charged with evaluating such things as, the architectural characteristics and design features of building(s), site lighting, signage, parking and circulation, landscaping, and the potential impact of the project on the neighboring properties. As its input is held in high regard by the Planning Commission, applicants are encouraged to work very closely with the ARB to refine the details of the plan. It is often necessary to have several meetings with the ARB to accomplish this.

The written recommendations of the Architectural Review Board are forwarded to the Planning Commission for its consideration and often times a member of the ARB will make a verbal presentation of its findings to, and field questions from, the Planning Commission.

Meetings of the Architectural Review Board are also open to the public and resident input is welcomed. ARB meetings generally less formal than those of the Planning Commission and City Council and often evolve into work sessions between the applicant/property owner/developer as the Board attempts to resolve issues of concern. Meetings are scheduled on an as needed basis, are generally held in the early evening hours at the convenience of the members. They typically convene in the conference room in the City Building.

Other Boards, Commissions, Agencies, and Consultants

The City Manager, Planning Commission, and/or City Council may refer an application to any other Board or Commission of the City if they believe their input is appropriate or necessary. More complex developments may require that the City engage the services of paid consultants to review

certain technical areas of the plan where "in house expertise" is not available. These areas may include the review of storm water management systems, larger, more complex land use planning issues, traffic engineering, and others.

City Council

Three readings of an Ordinance are required for the passage of a Development Plan as it is considered an amendment to the Zoning Code. One such reading is held at each of three consecutive monthly meetings of City Council. The passage of an ordinance approving a Plan generally occurs at the third reading, although Council does have the authority to expedite the process by suspending the normal rules and adopting the ordinance sooner. This action is rare however and is very unlikely to happen if any opposition or unresolved issue is evident. Additionally, City Council may delay disposition of the matter to obtain additional information, or they may refer the matter back to the Planning Commission or to another Board or Commission to resolve any outstanding issues. The following process is what should be considered the "normal" procedure.

Once the Planning Commission has voted on an application, its report will be placed on the City Council agenda of its next regularly scheduled meeting. Council meetings typically fall on the third Monday of the month and are consequently held, two weeks after the Planning Commission acts on a given proposal. Council will formally receive or adopt the Planning Commissions written report and recommendation(s) and will typically receive a verbal presentation of the same by a member of the Commission. The application and plans are provided to Council in advance of this meeting along with the other agenda items. Although a proposal may have been under consideration by the City for several months by the time it is forwarded to City Council, this is generally the first formal submission of this information to the members of Council. Members of Council will, in turn, ask questions of the Planning Commission concerning its review and recommendations.

The first reading of an ordinance approving the Development Plan is scheduled to follow the presentation of the Planning Commission report. This is one of the formal actions required of Council but does not mean that they are satisfied with, or have thoroughly considered, the Plan. In accordance with the rules of Council, input from the public is not typically taken at this point in the process.

Upon the conclusion of the first reading of the ordinance, City Council will schedule the second reading of the ordinance and will also schedule a public hearing. This action is taken in order to ensure that the proposal advances as required. The second reading of the ordinance and the public hearing are generally scheduled for the next regular monthly meeting of Council. City staff and/or the developer are generally requested to make a presentation of the Plan to Council and for the benefit of the public at this time. Interested parties are encouraged to provide formal input to City Council during the Public Hearing. The Mayor will open the hearing and ask those who wish to speak, to state their name, address, and then their question(s) or concern(s). All comments should be directed to City Council. Public Hearings are not intended to engage debate, but rather to provide interested individuals with the opportunity to ask questions, express opinions and to provide information and other relevant input. Council will generally take this opportunity to ask

questions of the Developer.

Upon the conclusion of the public hearing and after the second reading of the ordinance, the third reading is generally scheduled for the next Council meeting. The third reading of the ordinance provides members of Council a final opportunity to express any unresolved concerns that they may have to the developer before bringing the matter to a vote. At the conclusion of the discussions, City Council will vote to approve or deny the proposed Plan. At the developer's request, additional time may be granted to resolve any outstanding matters that might otherwise result in the denial of the application, or, as previously discussed, City Council may refer the application back to the Planning Commission if the members feel that it warrants further consideration.

In accordance with the City Charter, if approved, the ordinance will not go into effect until the passage of a thirty-day time period. This time frame permits the filing of a referendum. If the request is denied, the applicant may file an appeal with the Court of Common Pleas.

As a condition of approval, the owner will be required to execute a Deed of Acceptance that becomes an amendment to the Zoning Code. The deed will be recorded in the office of the Hamilton County Recorder and the owner will be bound to develop, operate, and maintain the property in accordance with the approved plans and specifications. Thirty days after the passage of the Ordinance, the Wyoming Building Department can legally issue a Zoning Certificate. Upon receiving the Zoning Certificate, the applicant may file for a Building Permit with the City of Wyoming, in the case of two and three family residences, or with the Hamilton County Building Department for all other structures.

Fees

A filing fee will be collected upon the submission of the application in accordance with the Schedule of Fees established by City Council.

The cost of the services of any outside consultants that may be retained by the City, as discussed in the "Other Boards, Commissions, Agencies, and Consultants" section of this document, will be passed on to the property owner/developer/applicant.

Additionally, upon approval, the fee for the requisite Zoning Certificate will also be collected as established by the Schedule of Fees adopted by City Council.

DEVELOPMENT PLAN CHANGES

Any change(s) to a previously approved Development Plan must be submitted to the City Manager and must be approved prior to the implementation of the change in accordance with [Section 1133.07 of the Code](#).

The submission, review, and approval process parallels that of the Development Plan Exemption process. Initially, the applicant will submit three copies of the Development Plan Change request to the City Manager. The City Manager may approve the request if it is found to be consistent with the requirements of Chapter 1133 and does not change the concept or overall design of the project.

The City Manager may refer the matter to the Planning Commission and/or to the Architectural Review Board in order to obtain their opinions/recommendations.

If the application is found to be contrary to the provisions of Chapter 1133 or if, in the opinion of the City Manager, the Development Plan Change request is not consistent with the concept or overall design of the project, the request will be denied and the applicant may then file an amended Development Plan application. This application will follow the process outlined in the "Development Plans" section of this document.

PENALTIES FOR NON-COMPLIANCE WITH THE APPROVED PLAN

Any deviation from the Plan, while the project is under construction or at any time thereafter, executed prior to obtaining approval in accordance with [Section 1133.07](#), may result in the issuance of a Stop Work Order, or Legal Orders requiring the correction of the violation, or both. Additionally, the property owner, his/her architect, contractor, sub-contractor or other agent or individuals found guilty of violating the provisions of Chapter 1133, or the terms of the approved Development Plan, may be subject to a fine of up to \$500.00 or imprisonment of up to 60 days per violation per day or both and organizations found guilty of violating the provisions of Chapter 1133, may be subject to fines of up to \$3,000.00 per day.

PUBLIC INPUT

Public input and participation is welcomed throughout this process and may be achieved in several manners. Participation at any public meeting is encouraged. This participation will be governed by the rules of order of the particular Board or Commission. Interested individuals who are unable to attend a meeting, can send a letter expressing their concerns to the City Manager or any member of the Board or Commission reviewing a proposal or to City Council.

HOW TO GET MORE INFORMATION ABOUT A PROPOSED PLAN

The best way to get accurate and up to date information about a project is to contact the City Administration. The City Manager and/or the Community Development Director follow these projects through the entire process and may even be involved in the preliminary stages of an application prior to the submission of the official Development Plan. You may contact them during regular business hours to discuss a development matter, ask questions, obtain the facts, or to schedule a time to review the application if needed. All of these documents are public information and are available for review during regular business hours. Additionally, the City typically places a copy of the documents for larger, potentially controversial projects, at the Wyoming Branch Library so that residents can review them beyond the normal administrative office hours. Occasionally, a resident will request a copy of the plans and other documents. Copies can be made upon request however the actual reproduction costs for plans, or requests that exceed several pages, will be passed on to the individual requesting the information.

The agendas of the various public meetings are available upon request and are also posted in the lobby of the Municipal building and on the City's web site at wyomingohio.gov. Individuals who would like to be notified of a meeting dealing with a specific topic may request that they be placed on a mailing list by calling the City administrative offices at (513) 821-7600. The City also provides

information about individual developments and Development Plans under consideration in the monthly newsletter. Meeting minutes are available upon request and are also available on the City's web site. Individuals relying on the newsletter and/or meeting minutes in an effort to keep abreast of a project must understand that the information is generally two to four weeks old.

Often times residents ask questions of City Council regarding a particular development. While this is certainly appropriate, and while your elected officials will endeavor to provide the best information available, depending on where the application is in the review process, members of Council may not be the best source of information. For example, while members of City Council are provided with copies of the meeting minutes from the various boards and commissions, they are not generally provided with the Development Plan application itself until it is forwarded to them by the Planning Commission. For this reason, it is recommended that questions be directed to the administration or the body reviewing the proposal at that time, e.g. the Planning Commission, Architectural Review Board, etc. Once this information is presented to Council for consideration, members will be in a much better position to address your specific concern(s).

ASSISTANCE

City Staff, through the Community Development Director, are available to discuss any potential project with property owners, developers, or their agents, and will assist in ensuring that they have an understanding of the process. Preliminary discussions at this level generally result in more complete submissions and fewer difficulties during the review process. To initiate such discussions, contact Megan Statt Blake, Community Development Director, at (513) 821-7600 or mstattblake@wyomingohio.gov.

As discussed in the "Public Input" section of this document, City Staff is always willing to discuss or meet with residents or other individuals interested in a project.

FILING AN APPLICATION

The following "Administrative Check List" has been developed to assist individuals in the formatting and filing of an application. The intent of this form is to ensure that the application contains the necessary information and also serves as an administrative guide to review the applications. Individuals are strongly encouraged to thoroughly review the Code and to review this information prior to submitting an application.

Project Address :
Project Name:
Owner Address:

Review Date:
Owner:

ADMINISTRATIVE CHECK LIST FOR A DEVELOPMENT PLAN

Development Plan applications are required for buildings, other than single family residences, which are being erected, enlarged, structurally altered or changed in use to a use other than a single-family residence. The initial application must include six copies of all of the following information as well as a filing fee in accordance with the current Schedule of Fees as established by City Council. The application should include a cover letter which provides a general understanding of the overall concept of the project, the basis for the proposed changes, and any other relevant background information that will assist the City in making its decision.

1. An Area Map Showing:
 - a) All properties within 200 feet of the subject site in every direction
 - b) The Hamilton County Auditors book, plat, & parcel numbers of the properties identified above
 - c) The names and mailing addresses of the owners of the properties identified above
 - d) The addresses of the properties identified above
 - e) The uses of the properties identified above, (e.g. One-family, multi-family, retail, etc.)
2. Engineering and architectural drawings and a narrative description of the project in sufficient detail to show the following attributes of the buildings and grounds:
 - a) Height
 - b) Area
 - c) Architectural and visual quality
 - d) Material components
 - e) Landscaping and screening
 - f) Paving and parking arrangements
 - g) Site lighting
 - h) Signage
 - i) Utilities
3. A written description, detailing any proposed change in use (e.g. from a restaurant to a retail store, etc.)
4. A detailed statement explaining the impact of the proposal on:
 - a) Traffic
 - b) Environmental considerations
 - c) Surface water run-off
 - d) Sewage
 - e) Soil stability
 - f) Visual character

5. A statement detailing the effect on:

- a) Schools
- b) Fire and police protection
- c) Recreational facilities
- d) Water service and distribution

6. The proposed completion date of the project

7. The duration of the plan

Within fifteen days of receiving the application, the City Manager or his/her representative, will determine its sufficiency and, if complete, will advise the applicant that the plan will be forwarded to the Planning Commission for consideration. Twelve additional copies of the application must be supplied for this phase of the review. Any applications determined to be incomplete will be rejected and the applicant will be advised of the deficiencies.

Within forty-five days of receiving a Development Plan application, the Planning Commission, after consultation with the Architectural Review Board, will recommend approval or denial of the plan to City Council. With the consent of the owner/applicant, the reporting period may be extended to permit the modification of the plan.

When considering the application, the Planning Commission, and ultimately City Council, must determine that:

1. The applicable requirements of Sections 1133.03 and 1133.05 have been satisfied;
2. The following conditions are fully met:
 - a) The proposal conforms to the objectives of the officially adopted Master Plan of the City
 - b) The establishment, maintenance, or operation of the proposal will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare
 - c) The proposed use or development will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair property values in the neighborhood
 - d) Adequate utilities, parking, access roads, drainage, landscape planting and other essential facilities and amenities have been provided
 - e) Adequate measures have been taken to minimize traffic congestion in the public streets
 - f) The proposal conforms to all applicable provisions of the Zoning Code except as specifically waived or modified.

Within thirty-five days of receiving the Planning Commission's report, City Council will hold a public hearing and as soon thereafter as possible, make a decision on the Development Plan submitted. Three readings of an Ordinance are required for the passage of a Development Plan and the passage of a plan generally occurs at the third reading. The first reading generally coincides with City Council's receipt of the Planning Commission report. The public hearing is generally held in conjunction with the second reading of the ordinance and the third reading typically occurs at the next monthly meeting of City Council. As the Planning Commission and City Council meet on a monthly basis, applicants should allow approximately six months for the Development Plan review and approval process.

As a condition of approval, the owner will be required to execute a Deed of Acceptance which becomes an amendment to the Zoning Code. Once approved by City Council, the deed will be recorded in the office of the Hamilton County Recorder and the owner will be bound to develop, operate, and maintain the property in accordance with the approved plans and specifications. Any deviation from the plan, while under construction or any time thereafter, executed prior to obtaining approval in accordance with Section 1133.07, may result in the issuance of a Stop Work Order and Legal Orders requiring correction of the violation, or both. Additionally, the property owner, his/her architect, contractor, sub-contractor or other agent or individuals found guilty of violating the provisions of Chapter 1133, or the terms of the approved Development Plan, may be subject to a fine of up to \$500.00 or imprisonment of up to 60 days per violation per day or both and organizations found guilty of violating the provisions of Chapter 1133, may be subject to fines of up to \$3,000.00 per day.

Thirty days after the passage of the Ordinance, the Wyoming Building Department is authorized to issue a Zoning Certificate. Upon receipt of the Certificate, an application for a Building Permit may be filed with the City of Wyoming, in the case of two and three family residences, or with the Hamilton County Building Department for all other structures.

Any change(s) to the approved plans must be submitted to the City Manager and approved prior to the implementation of the change. Approval may be granted by the City Manager when it is determined that the change meets all of the requirements of Chapter 1133 and does not change the concept or overall design of the project. Any changes not in conformance with the above will be referred to the Planning Commission and City Council for review in accordance with the provisions of Sections 1133.05 and 1133.06 of the City of Wyoming Zoning Code.