

**WILMINGTON CITY COUNCIL – REGULAR MEETING
DRAFT AGENDA**

September 5th, 2024

7:00 P.M. – COUNCIL CHAMBERS

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. MOMENT OF SILENCE**
- 5. PRESIDENT OF COUNCIL – M. PURKEY**
 - a. Review and approval of the agenda
 - b. Review and approval of the August 15th, 2024 regular council meeting minutes
- 6. MAYOR- P. HALEY**
 - a. Proclamation- Constitution Week 2024
- 7. AUDITOR – M. VANCE**
- 8. LAW DIRECTOR- J. DICKMAN**
- 9. SERVICE DIRECTOR – M. CROWE**
 - a. Three readings on Resolution R-24-48 Authorizing the advertising for bids for Emergency Water Construction Services and for contracting for same
- 10. SAFETY DIRECTOR- N. EVELAND**
- 11. COUNCIL COMMITTEE REPORTS AND ACTION**
 - a. **CITY SERVICES COMMITTEE – D. WELLS**
 - b. **FINANCE COMMITTEE– B. OSBORN**
 - i. Three readings on Ordinance O-24-44 Making supplemental appropriations
 - ii. Three readings on Resolution R-24-46 Declaring it necessary to light the streets, lanes, alleys, lands, squares and public place in the City of Wilmington, Ohi with electric lights, and for special assessments to be levied to pay the costs thereof for the year 2025; and declaring an emergency
 - iii. Three readings on Resolution R-24-47 A Resolution authorizing the Mayor to enter into an Economic Development Services Agreement with the Clinton County Port Authority
 - c. **JUDICIARY COMMITTEE – J. SCHLABACH**
 - i. Third reading on Ordinance O-24-37 Implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of a Community Reinvestment Area (CRA) in the City of Wilmington, designating a Housing Officer to administer the program, and creating a Community Reinvestment Housing Council and a Tax Incentive Review Council
 - ii. First reading on Ordinance O-24-45 Repealing Ordinance No. 3587 of 1995 and No.. 5111 of 2013 being title One Subdivision Regulations and replacing with Sections 1111.01 to 1127.06 pursuant to Ohio Revised Code 711.01, Et Seq. and 713.01 Et Seq. and establishing Subdivision Regulation for the City of Wilmington, Ohio
 - d. **PUBLIC WORKS/ENTERPRISE COMMITTEE – M SNARR**
- 12. REPORTS TO COUNCIL**
 - a. Income Tax Report- August 2024
- 13. COMMENTS FROM MEMBERS OF THE PUBLIC**
- 14. ADJOURNMENT**

RESOLUTION NO. R-24-48

AUTHORIZING THE ADVERTISING FOR BIDS FOR EMERGENCY WATER CONSTRUCTION SERVICES AND FOR CONTRACTING FOR SAME

WHEREAS, the City of Wilmington seeks to provide a timely remedy in the event of a water infrastructure related failure that endangers or impedes the public; and

WHEREAS, the scope of work shall include furnishing all materials, labor, equipment, and supplies necessary to provide emergency excavations, temporary restorations, and pipe repair services for the City of Wilmington.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That the Director of Public Service be, and he hereby is, authorized to advertise for bids for the Emergency Water Construction Services.

Section 2. That the Director of Public Service is hereby authorized, upon approval of the Board of Control, to contract for the Emergency Waer Construction Services with the lowest and best bidder thereof after advertisement for such bids for not less than two consecutive weeks in the Wilmington News Journal, a newspaper of general circulation within the City.

Section 3. That this resolution shall be in full force and effect at the earliest period allowed by law.

Passed this 5th day of September, 2024.

President of Council

ATTEST:

Clerk of Council

Approved by me this Passed this 5th day of September, 2024.

Mayor

ORDINANCE NO. O-24-44

MAKING SUPPLEMENTAL APPROPRIATIONS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON,
STATE OF OHIO:

Section 1. That in addition to the sums heretofore appropriated, certain sums be
and the same hereby are, appropriated as follows:

- a. From the General Fund to 110.120.5236 "Admin Direct Deductions" the sum
of \$45,000.00
- b. From the Police Fund to 510.211.5236 "Direct Deductions" the sum of
\$10,000.00
- c. From the Fire Fund to 520.221.5236 "Direct Deduction" the sum of \$4,500.00
- d. From the Emergency Ambulance Fund to 530.212.5236 "Direct Deductions"
the sum of \$8,000.00
- e. From the Fire/Emergency Ambulance Fund to 535.214.5236 "Direct
Deductions" the sum of \$500.00
- f. From the Sugargrove Cemetery Fund to 580.500.5236 "Direct Deductions"
the sum of \$5,500.00
- g. From the Retain Hotel Lodging Tax Fund to 292.110.5410 "Admin
Incidentals" the sum of \$20,000.00
- h. From the General Fund to 110.132.5291 "Service Payments (TIF)" the sum of
\$7,600.00
- i. From the General Fund to 110.131.5414 "Pension Correction" the sum of
\$58,940.00
- j. From the General Fund to 110.120.5231 "Economic Development
Partnership" the sum of \$35,000.00
- k. From the General Fund to 110.122.5234 "Bldg Dept – Inspection Consultant
Services" the sum of \$5,100.00

Section 2. That this ordinance is hereby declared to be an emergency measure
necessary to the immediate preservation of the public health, safety and welfare, and
accordingly, shall be in full force and effect immediately upon approval of the amended
certificate by the Clinton County Budget Commission.

Passed this 5th day of September, 2024.

President of Council

ATTEST:

Clerk of Council

Approved by me this 5th day of September, 2024.

Mayor

RESOLUTION NO. R-24-46

DECLARING IT NECESSARY TO LIGHT THE STREETS, LANES, ALLEYS, LANDS, SQUARES AND PUBLIC PLACES IN THE CITY OF WILMINGTON, OHIO, WITH ELECTRIC LIGHTS, AND FOR SPECIAL ASSESSMENTS TO BE LEVIED TO PAY THE COSTS THEREOF FOR THE YEAR 2025; AND DECLARING AN EMERGENCY

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO, Three-Fourths of all members elected thereto concurring.

Section 1: That it is necessary to light the streets, lanes, lands, alleys, squares, and public places of the City of Wilmington, Ohio, with electric lights in accordance with specifications for the same prepared and recommended by the Director of Public Service of said City, which have heretofore been approved, and adopted and ordered filed.

Section 2. That all of the real estate in said City be and it is hereby declared to be specially benefited by said lighting aforesaid.

Section 3. That the annual cost of said lighting is to be borne by special assessments for the calendar year of 2025, less two percent (2%) thereof, and shall not exceed the sum of Two Hundred, Seventy Seven Thousand dollars (\$277,000) annually, which shall be assessed by a percentage of the tax value thereof upon the properties in said City, and the costs of said lighting shall include the expenses of printing and publishing notices, resolutions and ordinances required and all other necessary expenditures incident thereto.

Section 4 That the assessments so to be levied to be paid in equal semi-annual installments due and payable at the same time as general real estate taxes on said lands; provided, however, that the owner of any property assessed may, at their option, pay such an assessment in cash within thirty (30) days after the passage of the assessing ordinances.

Section 5: That the remainder of the entire cost of said lighting not specially assessed shall be paid by the City out of the General Fund thereof.

Section 6: That notes of said City of Wilmington may be issued annually in anticipation of collection of assessments as herein provided, and in the amount equal thereto, up on resolution of Council determining the issuance of such notes to be necessary.

Section 7: That Clerk of this Council is hereby directed to cause notice of the passage of this resolution to be given in the Wilmington News Journal in accordance with the provisions of Section 727.14, Revised Code.

Section 8: That this resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, safety, and welfare, and accordingly, shall be in full force and effective immediately upon its passage.

Passed this 5th day of September, 2024.

President of Council

ATTEST:

Clerk of Council

RESOLUTION NO. R-24-47

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN ECONOMIC DEVELOPMENT SERVICES AGREEMENT WITH THE CLINTON COUNTY PORT AUTHORITY

WHEREAS, the City of Wilmington, Ohio, desires the continued assistance of the Clinton County Port Authority in facilitating economic development with the stated objective to both improve the economic welfare and nurture economic opportunities for the people of Clinton County, generally and the residents of the City of Wilmington, Ohio, specifically; and

WHEREAS, pursuant to Ohio Revised Code Section 4582.431(A), a political subdivision that has participated in the creation of a port authority, or is within, or adjacent to a political subdivision that is within, the jurisdiction of a port authority, may enter into an agreement with the port authority to accomplish any of the authorized purposes of the port authority and such may set forth the extent to which the port authority shall act as the agent of the political subdivision; and

WHEREAS, the City of Wilmington is a political subdivision within the meaning of Ohio Revised Code Section 4582.431(A); and

WHEREAS, consistent with the aforementioned objectives, the City of Wilmington desires to enter into a multi-party ECONOMIC DEVELOPMENT SERVICES AGREEMENT with said Port Authority, in conjunction with Clinton County, the Clinton County Convention and Visitors Bureau and the Community Improvement Corporation of Wilmington,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That the Mayor for the City of Wilmington is hereby authorized to enter into the aforementioned ECONOMIC DEVELOPMENT SERVICES AGREEMENT, incorporated herein by reference and attached hereto as **Exhibit A**.

Section 2. That the Mayor is further authorized to enter into any peripheral or ancillary agreements necessary to ensure that any and all obligations of the City pursuant to said agreement are fulfilled.

Section 3. That this resolution shall be in full force and effect from and after the earliest period allowed by law.

Passed this 5th day of September, 2024.

President of Council

ATTEST:

Clerk of Council

Approved by me this 5th day of September, 2024.

Mayor

**ECONOMIC DEVELOPMENT SERVICES AGREEMENT
BETWEEN THE BOARD OF CLINTON COUNTY COMMISSIONERS,
THE CITY OF WILMINGTON, OHIO, COMMUNITY IMPROVEMENT
CORPORATION OF WILMINGTON, CLINTON COUNTY CONVENTION AND
VISITORS BUREAU, AND THE CLINTON COUNTY PORT AUTHORITY**

This Economic Development Services Agreement (the “**Agreement**”) is made and entered into as of the date last signed by the Parties hereto by and between the Board of Clinton County Commissioners, 46 S. South Street, Suite 213, 2nd Floor Courthouse, Wilmington, OH 45177 (the “**County**” or the “**Board**”), the City of Wilmington, Ohio 69 N. South St., Wilmington, Ohio 45177 (the “**City**”), the Community Improvement Corporation of Wilmington, c/o 1088 Xenia Avenue, Wilmington, OH 45177 (“**Wilmington CIC**”), the Clinton County Convention and Visitors Bureau, 13 N. South St., Wilmington, Ohio 45177 (the “**Visitors Bureau**”), and the Clinton County Port Authority, Wilmington Air Park, 1113 Airport Road, Wilmington, OH 45177 (the “**Port Authority**”) (collectively, the “**Parties**” or individually, a “**Party**”).

WHEREAS, the County, the City, Wilmington CIC, and the Visitors Bureau (collectively, the “**Contracting Parties**”) desire the assistance of the Port Authority in operating their programs of economic development to promote the economic welfare and to improve economic opportunities for the people of Clinton County;

WHEREAS, the Port Authority desires to provide that assistance to the Contracting Parties;

WHEREAS, pursuant to Ohio Revised Code Section 307.07(A)(3), the Board may enter into an agreement with a public or private non-profit organization to carry out the functions and duties of a director of economic development;

WHEREAS, pursuant to Ohio Revised Code Section 4582.431(A), a political subdivision that has participated in the creation of a port authority, or is within, or adjacent to a political subdivision that is within, the jurisdiction of a port authority, may enter into an agreement with the port authority to accomplish any of the authorized purposes of the port authority and such may set forth the extent to which the port authority shall act as the agent of the political subdivision;

WHEREAS, pursuant to Ohio Revised Code Section 4582.431(B), a port authority may enter into an agreement with one or more contracting political subdivisions, whereby the port authority or any contracting subdivision undertakes, and is authorized by the port authority or any contracting political subdivision, to exercise any power, perform any function, or render any service, on behalf of the port authority or a contracting subdivision, which the port authority or the contracting subdivision is authorized to exercise, perform, or render;

WHEREAS, the County is a political subdivision that participated in the creation of the Port Authority and the City and the Visitors Bureau are political subdivisions that are within the jurisdiction of the Port Authority within the meaning of Ohio Revised Code Section 4582.431(A); and

WHEREAS, economic development is an authorized purpose of the Port Authority.

NOW, THEREFORE, for and in consideration of the promises, covenants, and agreements contained herein, the parties mutually agree as follows:

SECTION I. SCOPE OF SERVICES

The Port Authority shall assist the Contracting Parties in the economic development of Clinton County, Ohio. The services to be performed by the Port Authority are described in the Scope of Services which is attached hereto as Exhibit A and made a part hereof by reference. The services described in this Agreement (including Exhibit A) are sometimes referred to as the “Services”.

SECTION II. TERM

The Services to be performed by the Port Authority shall commence on June 1, 2024, and shall be completed on or before December 31, 2029 (the “**Term**”). At the expiration of the Term, this Agreement may be renewed by agreement of the Parties.

SECTION III. COMPENSATION AND PROCEDURES FOR DISBURSEMENT

A. Each of the Contracting Parties agree to pay the Port Authority for the Services in the annual amounts set forth on Exhibit B.

B. Payments shall be due upon invoice from the Port Authority.

SECTION IV. CONFLICT OF INTEREST

No officer, employee, or agent of the Parties who exercises any functions or responsibilities in connection with the planning and carrying out of Clinton County business, nor any immediate family member, close business associate, or organization which is about to employ any such person, shall have any personal financial interest, direct or indirect, in this Agreement.

SECTION V. PERSONNEL AND EXTENT OF AGREEMENT

A. **Personnel.** Port Authority accepts the relationship established between Port Authority and the Contracting Parties by this Agreement. Port Authority represents that it is experienced in providing the Services and that it has and will employ/contract with individuals who possess that experience. The Port Authority has the sole responsibility for the selection and staffing of personnel to perform the Services who may be employees of the Port Authority or independent contractors. Port Authority agrees that it will furnish efficient and effective professional Services and exercise its professional skill and judgment in the performance thereof.

B. Entire Agreement. This Agreement, including all of its Exhibits, represents the entire agreement between the Parties with respect to the Services. This Agreement may be amended only by a written agreement, executed by the Parties.

SECTION VI. ASSIGNABILITY

Port Authority shall not assign any interest in this Agreement nor shall it transfer any interest in the same, without prior written consent of the Parties. However, the Port Authority may engage such employees, contractors, and agents as it deems appropriate to accomplish the Services described herein.

SECTION VII. REPORTS AND INFORMATION

Port Authority, at such times and in such form as the Contracting Parties may require, shall furnish the Contracting Parties with reports pertaining to the work or services undertaken pursuant to this Agreement, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Agreement. Specific reports to be provided are detailed in Exhibit A. Port Authority also grants access to inspect any and all Port Authority records which are public records in accordance with Ohio law.

SECTION VIII. TERMINATION

A. Termination for Convenience. Any Party may terminate this Agreement for convenience by giving the other Parties at least ninety (90) days prior written notice thereof. In such event, the Contracting Parties shall pay Port Authority such proportions of the compensation amount set forth in Section III herein, either prorated or as are properly earned in compliance with the terms of the Agreement, as the case may be, as of the date of termination.

B. Termination of Agreement for Cause.

- i. If, through any cause, Port Authority shall fail to fulfill in timely and proper manner its obligations under this Agreement, or if Port Authority shall violate any of the covenants, agreements, or stipulations of this Agreement, the Contracting Parties shall thereupon have the right to terminate this Agreement by giving written notice to Port Authority of such termination specifying with particularity the failures and/or violations of Port Authority giving rise to the termination, the effective date thereof, at least thirty (30) days before the effective date of such termination.
- ii. The termination of this Agreement shall be the sole and exclusive remedy of the Contracting Parties.
- iii. Should any of the Contracting Parties fail to make, on time, a payment required of it under this Agreement, Port Authority shall thereupon have the right to terminate this Agreement by giving written notice to the Parties of such termination specifying the effective date thereof at least thirty (30) days before the effective date of such termination. The termination of this Agreement shall be the sole and

exclusive remedy of the Port Authority provided that such termination shall not relieve any Contracting Party for amounts owed under this Agreement prior to the time of such termination and not paid.

C. Mutual Termination. The Parties may mutually terminate this Agreement at any time under such terms and conditions as the Parties may agree in writing.

SECTION IX. SEVERABILITY

In the event that any provision of this Agreement is declared or determined to be unlawful, invalid, or unconstitutional, such declaration shall not affect, in any manner, the legality of the remaining provisions, and each provision of the Agreement shall be and is deemed to be separate and severable from each other provision.

SECTION X. GOVERNING LAW

This Agreement, and any modifications, amendments, or alterations, shall be governed, construed, and enforced under the laws of the State of Ohio. Venue shall be deemed to be in Clinton County, Ohio.

SECTION XI. SIGNATURES

Signatures hereon shall act as express representations that the signing agents are authorized to bind their respective principals to all rights, duties, remedies, obligations, and responsibilities incurred by way of this Agreement.

[signature pages follow]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the dates below.

BOARD OF CLINTON COUNTY COMMISSIONERS

Dated: _____

President, Mike McCarty

Commissioner Brenda K. Woods

Commissioner Kerry R. Steed

CITY OF WILMINGTON, OHIO

Dated: _____

Name: Pat Haley
Title: Mayor

COMMUNITY IMPROVEMENT CORPORATION OF WILMINGTON, OHIO

Dated: _____

Name: Jeffrey B. Linkous
Title: President

CLINTON COUNTY CONVENTION AND VISITORS BUREAU

Dated: _____

Name: Susan Valentine Scott
Title: Executive Director

CLINTON COUNTY PORT AUTHORITY

Dated: _____

T. Alex Beres
Executive Director

APPROVED AS TO FORM:

Name: Brian A. Shidaker
Title: Assistant Prosecutor, Clinton County

Name: Justin D. Dickman
Title: Law Director, City of Wilmington

EXHIBIT A
SCOPE OF SERVICES

**ECONOMIC DEVELOPMENT SERVICES
PROVIDED TO CLINTON COUNTY**

I. Assistance to business and industry expanding, commencing operations, or locating in Clinton County

- A. The Port Authority will serve as the primary point of contact – inbound and out-bound – for economic development activity. This will include coordination of out-bound marketing, electronic, print, and social media presence, participating in trade shows and consultant calls, and coordination of all new investment and/or expansion inquiries.
- B. The Port Authority will maintain, and update, an inventory of existing development sites, available facilities, and site/facility data relevant to same – to the extent such data is available and/or made available. These data will be maintained and managed locally and on the JobsOhio “Zoom Prospector” electronic database.
- C. The Port Authority will coordinate efforts to maximize collaboration and integration of services with local, regional, and statewide economic development channel partners including, but not limited to:
 - The Clinton County Board of Commissioners
 - The City of Wilmington
 - The Community Improvement Corporation of Wilmington
 - The Clinton County Regional Planning Commission
 - The Clinton County Workforce Collaborative
 - The Wilmington-Clinton County Chamber of Commerce
 - The Clinton County Convention and Visitors Bureau
 - Main Street Wilmington
 - The Blanchester Chamber of Commerce
 - The Small Business Development Center at Miami University
 - The Dayton Development Coalition
 - JobsOhio
 - And other such parties, as necessary and appropriate
- D. The Port Authority will work to maximize the utilization of applicable regional, state, and federal economic development-related programs and initiatives available to businesses operating, or considering locating operations in, Clinton County and/or units of government within Clinton County.
- E. The Port Authority will coordinate and manage contracting with the Small Business Development Center for additional small business outreach and technical assistance.

II. Community Economic Development

- A. The Port Authority will administer Clinton County's Enterprise Zone Program, including coordination and submittal of required annual reports to the State of Ohio on behalf of the Board and other Clinton County jurisdictions, as requested.
- B. The Port Authority will administer Community Reinvestment Areas in the unincorporated areas of Clinton County, as requested by those jurisdictions and/or the Board.
- C. The Port Authority will provide specific and intensive economic development services to Clinton County communities on an as-needed basis, and facilitate a strategic plan for county-wide economic development.
- D. The Port Authority will make recommendations with respect to any tax increment financing ("TIF") area and shall be responsible for drafting and presenting to the appropriate legislative body any resolutions, ordinance or agreements necessary for the implementation of any TIF, in the unincorporated areas of Clinton County, as requested by those jurisdictions and/or the Board.
- E. The Port Authority will make recommendations with respect to any TIF area within the City of Wilmington, and/or the municipalities throughout Clinton County. Responsibility for drafting and presenting to the appropriate legislative body any resolutions, ordinance or agreements necessary for the implementation of any TIF shall be coordinated between the Port Authority and the respective municipality's legal counsel in which TIF is being considered.
- F. The Port Authority will facilitate workforce development collaboration among relevant public, private, and educational partners.
- G. The Port Authority will administer Clinton County's business retention and expansion program, and coordinate visits and data with the Dayton Development Coalition and other appropriate partners.
- H. The Port Authority will be the sole and exclusive issuer of conduit bonds for economic development for projects in Clinton County.

III. Long Range Development Planning

A. Provide – from time-to-time and as warranted – gap-analysis of, and best practices to address, public infrastructure and utility deficiencies in Clinton County and/or units of government within Clinton County.

B. Lead, in conjunction with partners, an economic development strategic plan for Clinton County, building on and enhancing existing planning documents. The cost to perform an

economic development strategic plan shall be determined and budgeted separately from this agreement.

IV. Required Reporting

A. The Port Authority shall provide the following information to its partners, and make same publicly available to other interested parties:

An activity report, provided, on a quarterly basis, providing an overview of economic development activity undertaken by the Port Authority, to include:

- Inquiries from and responses to prospective businesses, categorized by type
- Retention and Expansion visits conducted (number and community)
- General economic indicators
- Running collective totals of project investments, job creation/retention for projects undertaken during that calendar year
- Business project leads and/or private investment opportunities that were unable to be captured, or lost, and the reason(s) why
- Other activities germane to the collective community economic development effort
- Inclusion of these activities, in summary fashion, within the Port Authority annual report

B. The Port Authority shall provide monthly in-person updates to its partners (as desired and requested by the partners) to provide additional incremental economic development activity undertaken by the Port Authority.

EXHIBIT B

Annual Compensation

The County	\$150,000
The City	\$95,000
The CIC	\$25,000
The Visitors Bureau	\$25,000

ORDINANCE NO. O-24-37

IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF A COMMUNITY REINVESTMENT AREA (CRA) IN THE CITY OF WILMINGTON, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVE REVIEW COUNCIL

WHEREAS, the Council of the City of Wilmington (hereinafter “Council”) desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of the City of Wilmington that have not enjoyed reinvestment from remodeling or new construction; and

WHEREAS, a survey of housing, a copy of which is on file in the office of the Mayor as required by Ohio Revised Code (ORC) Section 3735.66 has been prepared for the area to be included in the proposed Community Reinvestment Area (CRA); and

WHEREAS, the maintenance of existing and construction of new structures in such area would serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and

WHEREAS, the remodeling of existing structures or the construction of new structures in this Community Reinvestment Area constitutes a public purpose for which real property exemptions may be granted.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF WILMINGTON, CLINTON COUNTY, OHIO, THAT:

Section 1: That the area designated as the Wilmington Community Reinvestment Area constitutes an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged:

Section 2: That pursuant to ORC Section 3735.66, the Wilmington Community Reinvestment Area, is hereby established in the following described area:

All parcels currently within the corporation limits of the City of Wilmington as shown on the map attached hereto and incorporated herein by reference as “**Exhibit A.**”

- A. The Community Reinvestment Area is approximately depicted as the crosshatched area on the map attached to this Ordinance (see **Exhibit A**) and by this reference incorporated herein.
- B. Only residential properties consistent with the applicable zoning regulations within the designated Community Reinvestment Area will be eligible for exemptions under this Program.
- C. Residential properties being leased or rented are not eligible for exemptions under this Program.

Section 3: That all residential properties identified in “**Exhibit A**” as being within the designated Community Reinvestment Area are eligible for this incentive. This proposal is a public/private partnership intended to promote and expand conforming uses in the designated area. As part of the project, the City of Wilmington intends to undertake supporting public improvements in the designated area.

Section 4: That for residential property, a tax exemption on the increase in the assessed valuation resulting from the improvements as described in ORC Section 3735.67 shall be granted upon application by the property owner and certification thereof by the designated Housing Officer for the following periods:

- a. Ten (10) years, for the remodeling of every residential dwelling unit, either one (1) housing unit, or containing not more than two (2) housing units

converted into one (1) housing unit and upon which the cost of remodeling is at least \$2,500, as described in ORC Section 3735.67, and with such exemption being one-hundred percent (100%) for each of the ten (10) years.

- b. Twelve (12) years, for the remodeling of every residential dwelling unit containing more than two (2) housing units converted into one (1) housing unit and upon which the cost of remodeling is at least \$5,000, as described in ORC Section 3735.67, and with such exemption being one-hundred percent (100%) for each of the twelve (12) years.
- c. Fifteen (15) years, for the construction of dwellings containing not more than one (1) housing unit, as described in ORC Section 3735.67, on existing lots with existing utility services present, with such exemption being one-hundred percent (100%) for each of the fifteen (15) years.
- d. Five (5) years, for the construction of dwellings containing not more than one (1) housing unit, as described in ORC Section 3735.67, on new lots with no existing utility services present, with such exemption being one-hundred percent (100%) for each of the five (5) years.
- e. The period of exemption for a dwelling described in item a or b of this section may be extended by City Council for up to an additional ten (10) years if the dwelling is a structure of historical or architectural significance or is a certified historic structure that has been subject to federal tax treatment under 26 U.S.C. 47 and 170(h).

For the purposes of the above described Community Reinvestment Area, structures exclusively used for residential purposes and composed of six (6) and fewer units shall be classified as residential structures.

If remodeling qualifies for an exemption, during the period of the exemption, the exempted percentage of the dollar amount of the increase in market value of the structure shall be exempt from real property taxation. If new construction qualifies for an exemption, during the period of the exemption the exempted percentage of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.

Section 5: That to administer and implement the provisions of this Ordinance, the City Service Director is designated as the Housing Officer as described in Sections 3735.65 through 3735.70.

Section 6: That a “Community Reinvestment Area Housing Council” composed of seven (7) members shall be created and shall be appointed as follows: Two (2) members appointed by the Mayor of Wilmington, two (2) members appointed by the Council of the City of Wilmington and one (1) member appointed by the Planning Commission of Wilmington. The majority of the members shall then appoint two (2) additional members who shall be residents within the area.

Of the original seven (7) members, the two (2) members appointed by the Mayor of Wilmington and the one (1) member appointed by the Planning Commission shall be appointed to serve for three (3) years, the two (2) members appointed by the Council of the City of Wilmington shall be appointed to serve for two (2) years, and the two (2) members appointed by the CRA Housing Council shall be appointed for one (1) year. Terms of these members shall expire on January 1 of the first, second, or third year, respectively, following their appointment. Thereafter, as terms expire, each new appointment shall be for a term of three (3) years. An unexpired term resulting from a vacancy in the CRA Housing Council shall be filled in the same manner as the initial appointment was made. The CRA Housing Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Section 3735.67 of the ORC. The CRA Housing Council shall also hear appeals under Section 3735.70 of the ORC.

Section 7. A Tax Incentive Review Council shall be established pursuant to ORC Section 5709.85 and shall consist of three representatives appointed by the Board of County Commissioners, two representatives of the municipal corporation, appointed by the Municipal CEO with Council concurrence, the county auditor or designee and a representative of each affected Board of Education. At least two members must be residents of the City of Wilmington. The Tax Incentive Review Council shall review annually the compliance of all agreements involving the granting of exemptions for commercial or industrial real property improvements under Section 3735.671, of the ORC and make written recommendations to the Council as to continuing, modifying or terminating said agreement based upon the performance of the agreement.

Section 8: That City Council reserves the right to re-evaluate the designation of the Wilmington Community Reinvestment Area after December 31, 2025, at which time City Council may direct the Housing Officer not to accept any new applications for exemptions as described in Section 3735.67 of the ORC.

Section 9: That the Community Reinvestment Area Housing Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Section 3735.67 of the ORC. The CRA Housing Council shall also hear appeals under 3735.70, of the ORC.

Section 10: That City Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, that all deliberations of this Council and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the ORC.

Section 11: That the Mayor of the City of Wilmington is hereby directed and authorized to petition the Director of the Ohio Development Services Agency to confirm the findings contained within this Resolution.

Section 12: That this ordinance shall take effect and be enforced from and after the earliest period allowed by law and upon confirmation by the Director of the Ohio Development Services Agency of the findings in this Resolution.

Passed this _____ day of _____, 2024.

President of Council

ATTEST:

Clerk of Council

Approved by me this _____ day of _____, 2024.

Mayor

ORDINANCE NO. O-24-45

REPEALING ORDINANCE NO. 3587 of 1995 AND NO. 5111 OF 2013 BEING TITLED ONE SUBDIVISION REGULATIONS AND REPLACING WITH SECTIONS 1111.01 TO 1127.06 PURSUANT TO OHIO REVISED CODE 711.01, ET SEQ. AND 713.01 ET SEQ. AND ESTABLISHING SUBDIVISION REGULATIONS FOR THE CITY OF WILMINGTON, OHIO

WHEREAS, the Council of the City of Wilmington (hereinafter “Council”) desires to repeal existing Subdivision Regulations establish new Subdivision Regulations, pursuant to R.C. 711.01 et seq and 713.01 et seq; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF WILMINGTON, CLINTON COUNTY, OHIO, THAT:

Section 1: That the City of Wilmington adopted Subdivision Regulations pursuant to Ohio R.C. 711.01 et seq. and 713.01 et seq previously in Section 1111.01 to 1127.06 pursuant to Wilmington City Ordinances No. 3587 of 1995 and Ordinance No. 5111 of 2013.

Section 2: That Council repeal Wilmington City Ordinances No. 3587 of 1995 and Ordinance No. 5111 of 2013 and replace with the Subdivision Regulations attached in **Exhibit A**, creating newly modified Sections of Wilmington Municipal Code Sections 1111.01 to 1127.06.

Section 3: That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Ordinance is effective as earliest permitted by law.

Passed this ____ day of _____, 2024

President of Council

ATTEST:

Clerk of Council

Approved by me this _____ day of _____, 2024.

Mayor

TITLE ONE. SUBDIVISION REGULATIONS

CHAPTER 1111. GENERAL PROVISIONS¹

Sec. 1111.01. Purpose.

The purpose of these subdivision regulations shall be to promote and protect the public health, safety, and general welfare by:

- (1) Establishing standards of design which will promote a healthful and stable community;
- (2) Providing safe and convenient traffic circulation;
- (3) Assuring efficient, adequate, and economic supply of utilities and public services;
- (4) Providing ample open spaces for schools, recreational and other public purposes; and
- (5) Obtaining accurate surveying of land, and to coordinate land development in accordance with the zoning regulations, thoroughfare plan and other plans of the City.

Sec. 1111.02. Jurisdiction.

The rules and regulations governing subdivisions of land contained herein shall apply to the real estate within the incorporated boundaries of the City of Wilmington.

Sec. 1111.03. Administration.

The City Planning Commission is hereby designated as the platting authority of and for the City and is charged with the duty of making investigations and recommendations on the design and improvement of proposed subdivisions, and is hereby authorized to approved, conditionally approved, or disapproved proposed subdivisions.

Sec. 1111.04. Effective Dates.

- (1) These subdivision regulations shall be effective upon their adoption by the City Council. Any preliminary plat which does not comply with these regulations shall not be approved after the effective date. No final plat which does not comply with these regulations shall be approved after the effective date, whether a preliminary plat for such subdivision has been approved prior to the effective date of these regulations.

¹ Cross reference(s)—Authority to adopt Subdivision Regulations - see Ohio R.C. 711.101; Violation of rules and regulations - see Ohio R.C. 711.102; Definitions - see P. & Z. Ch. 1125; Variances and Appeals - see P. & Z. Ch. 1117

- (2) The official submittal date of the plat for a major or minor subdivision shall be considered the date of the meeting of the Planning Commission in which the plat of the subdivision is first discussed. On that date, the statutory period required for formal approval or disapproval shall commence.

Sec. 1111.05. Relation to other Laws.

The provisions of these subdivision regulations shall supplement any and all laws of the State of Ohio, other codes and ordinances of the City, and/or any and all rules and regulations formulated by authority of such law or ordinance relating to the purpose and scope of these regulations. Whenever the requirements of these regulations are at variance with the requirements of the Zoning Code or any other adopted ordinance of the City, the provisions of the most restrictive of such ordinances or laws shall govern.

Sec. 1111.06. Severability.

If any part, section, provision, clause, or portion of these Subdivision Regulations is adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of these Subdivision Regulations as a whole, or of any other part or section.

Sec. 1111.07. Penalty.

Any person who violates any provision of these subdivision regulations shall be served by the City Service Director with written notice, ~~by certified mail~~, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person who continues any violation beyond the time limit provided for herein shall be guilty of a minor misdemeanor on the first offense. Any person who is found guilty of two or more violations of these subdivision regulations shall be guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

Sec. 1111.08. Fees.

- (1) The City Council shall establish a schedule of fees applicable to the filing of plats for both major and minor subdivisions and for any other submission pertaining to these regulations. The fee schedule may be amended from time to time by approval of the City Council.
- (2) Until all applicable fees have been paid in full, no action shall be taken on any application for approval of plats regarding these regulations.
- (3) The applicant shall be responsible for the actual cost to the city of all inspections, engineering review, and testing of materials and soil for the subdivision whether performed by the city or others. Such costs may be billed to the subdivider periodically

as the work progresses and/or the Director of Public Services may require a deposit to cover such costs.

(4) Plats shall not be recorded until all required fees are paid by the applicant.

CHAPTER 1113. SUBDIVISION PROCEDURES²

Sec. 1113.01. Purpose.

The purpose of this chapter is to establish the procedure for review and approval of subdivisions, planned unit developments, and similar large scale developments as authorized under Section 711 of the Ohio Revised Code.

Sec. 1113.02. Applicability.

- (1)** All persons or corporations proposing to make an application for a subdivision within the city, or has made an application for a subdivision within the city, shall not enter into any contract for the sale of such subdivision, or any part thereof, or proceed with any construction work on the proposed subdivision, including grading, until approval of the preliminary plat of the subdivision by the Planning Commission and approval of construction plans by the City Service Director have been obtained.
- (2)** The approval of the final plat by the Planning Commission shall not constitute or effect an acceptance by the public of the responsibility for construction or maintenance of any street, other proposed public way, space shown on such plat, or any other improvements.
- (3)** Approval of the final plat by the Planning Commission shall not authorize a waiver of any officially adopted design and construction requirements which may have been inadvertently omitted during the technical review of the final plat.

Sec. 1113.03. Overview.

The subdivision procedure shall conform to the following steps, as indicated on the flow chart, and which are further explained in the following sections.

² Cross reference(s)—Fee of designated public land to vest when plat recorded - see Ohio R.C. 711.01, 711.07; Plat acknowledgement and recording - see Ohio R.C. 711.06; Planning Commission established - see Ohio R.C. 713.01; Planning Commission powers and duties - see Ohio R.C. 713.02, 713.06; Minor Subdivisions - see P. & Z. Ch. 1115



Pre-Application Meeting

- Pre-application meeting with City Staff is encouraged, but not required prior to submittal
- The purpose of the meeting is to review the proposed subdivision and provide initial comments



Preliminary Plat

- Applicant submits Preliminary Plat
- Preliminary Plat reviewed by City Staff
- Plat is forwarded to Planning Commission for their review and decision

**Submit 30 days prior
to PC Meeting Date**



Construction Plans

- Applicant submits Construction Plans
- Construction Plans are reviewed and decided upon by City Staff
- Applicant completes construction of the required improvements per the Construction Plans
- Applicant submits a performance bond for all incomplete improvements
- Applicant submits a maintenance bond when all improvements are completed



Final Plat

- Applicant submits Final Plat
- Final Plat reviewed by City Staff
- Plat is forwarded to Planning Commission for their review and decision
- The Final Plat must be recorded with the Clinton County Recorder within 60 days of approval

**Submit 30 days prior
to PC Meeting Date**

Sec. 1113.04. Pre-Application Meeting (Step 1).

- (1) Prior to submitting the primary plat, the applicant is encouraged to meet with the City Service Director.
- (2) The purpose of the pre-application meeting is to:
 - (a) Discuss the proposed subdivision layout;
 - (b) Review the design, development, and submittal requirements; and
 - (c) Discuss the location of existing and proposed public facilities including roadways, utilities, parks, playgrounds, sidewalks, drainage facilities, etc.

Sec. 1113.05. Preliminary Plat (Step 2).

(1) Submission

- (a) The applicant shall apply for a preliminary plat of the proposed subdivision to the Secretary of the Planning Commission 30 days prior to the date of the Planning Commission's meeting.
- (b) The submitted preliminary plat shall include all information required in the application.

(2) Review by Staff

- (a) Once the preliminary plat is submitted, the Secretary of the Planning Commission will transmit copies to the City Service Director who will determine whether the application and plat are complete.
- (b) The preliminary plat will be reviewed for compliance with the master plan of the city, the Ohio Revised Code, the subdivision regulations herein, the planning and zoning code for the city, and any other applicable regulations.
- (c) The City Service Director may transmit copies of the preliminary plat to other City departments or consultants to the City for their review. Any comments produced shall be transmitted to the applicant to allow for plan revisions. Any outstanding issues shall be forwarded to the Planning Commission for their consideration.

(3) Review and Decision by Planning Commission

- (a) The preliminary plat shall be forwarded to the Planning Commission for their review and decision once the application has been deemed complete and following the review by any other City departments or consultants to the City.
- (b) The Planning Commission shall review and approve, approve with conditions, or disapprove the submitted preliminary plat. The Planning Commission shall make their determination within 45 days of the official submission of the plat which shall be the date on which the Planning Commission first considers the plat at a meeting.

(4) Following the Approval

- (a) After approval of the preliminary plat by the Planning Commission, the City Service Director may modify any engineering or construction details proposed by the applicant, whenever required for the protection of the public interest.
- (b) The preliminary plat is valid for two years from the date of approval.

Sec. 1113.06. Construction Plans (Step 3).**(1) Submission**

- (a) Following the approval of the preliminary plat, the applicant shall prepare construction and grading plans, specifications, and cost estimates of the required site improvements.
- (b) The items of the estimates shall be grouped as follows:
 - i. Street and parking area improvements, including curb, pavement, sidewalks, street lighting, and storm drainage;
 - ii. Water mains, including lines, valves, and hydrants;
 - iii. Sanitary sewers, including manholes, Y's, Tee's, and cleanout; and
 - iv. Site improvements, including seeding and sodding.
- (c) All improvements and utilities will be satisfactorily installed within one year from the date of approval of the construction plans or within such time schedule as presented and approved by Council as part of the Final Plat approval.

(2) Required Improvements. The owner or their designee shall provide and pay the entire cost of improvements, except as agreed upon through a public-private partnership or a development agreement. The improvements shall meet the requirements of the City Standard Plans and Specifications as adopted by City Council. The required improvements are as follows:

- (a) Streets and parking areas, graded full width and paved, including drainage structures, bridges, sidewalks, and curbing;
- (b) Sanitary sewers, including manholes, services, and all appurtenances;
- (c) Water distribution system including mains, services, valves, fire hydrants, and all other appurtenances;
- (d) Monuments and stakes;
- (e) Street signs designating the name of each street at each intersection within the development. Street signs shall conform to the standards established by the City;
- (f) Street lighting including poles, underground conduits, and appurtenances;
- (g) Utilities, including electric and cable television services;
- (h) Any temporary facilities or improvements as required by the Planning Commission and City Service Director;
- (i) All other improvements shown on the plans as approved by the City Service Director;
- (j) Streets, water mains, sanitary sewers, and storm sewers as described above shall be extended by the owners across the full length or width of the subdivision

properties and all adjacent properties of the owners in a manner to be determined by the City Service Director, exempting only such properties of the owner as are outside the proposed subdivision and which in the opinion of the City Service Director would create an extraordinary hardship for the owner.

(3) Review and Decision by Staff. Lots, parcels, and tracts shall not be transferred from the proposed development, nor shall any construction work on such development, including grading, be started that may affect the arrangements of public streets or other public improvements until the construction plans have been reviewed and approved by the City Service Director.

(4) Bonding Requirements

- (a)** To guarantee the construction of required improvements prior to the approval and recording of the final plat, the developer shall be required to provide a performance bond per Section 1119.02.
- (b)** To guarantee the maintenance of required improvements prior to the approval and recording of the final plat, the developer shall be required to provide a maintenance bond per Section 1119.03.

Sec. 1113.07. Final Plat (Step 4).

(1) Submission

- (a)** The applicant shall apply for the final plat of the proposed subdivision to the Secretary of the Planning Commission 30 days prior to the date of the Planning Commission's meeting.
- (b)** Any application for a final plat shall be submitted within two years of the date of approval of the preliminary plat.
- (c)** The submitted final plat shall include all information required in the application.

(2) Review by Staff

- (a)** Once the preliminary plat is submitted, the Secretary of the Planning Commission will transmit copies to the City Service Director who will determine whether the application and plat are complete.
- (b)** The final plat will be reviewed by the City Service Director and forwarded to the Planning Commission once it has been determined that:
 - i. The final plat conforms to the provisions of the Ohio Revised Code and the Subdivision Regulations contained herein;
 - ii. The final plat is consistent with the preliminary plat and any modifications made by the Planning Commission;
 - iii. Satisfactory provisions have been made regarding site improvements and costs as required in Section 1113.06.
- (c)** The City Service Director may transmit copies of the final plat to other City departments or consultants to the City for their review. Any comments produced

shall be transmitted to the applicant to allow for plan revisions. Any outstanding issues shall be forwarded to the Planning Commission for their consideration.

(3) Review and Decision by Planning Commission

- (a)** The final plat shall be forwarded to the Planning Commission for their review and decision once it has been determined that:
 - i. The final plat conforms to the provisions of the Ohio Revised Code and the Subdivision Regulations contained herein;
 - ii. The final plat is consistent with the preliminary plat and any modifications made by the Planning Commission;
 - iii. Satisfactory provisions have been made regarding site improvements and costs as required in Section 1113.06.
- (b)** The Planning Commission shall review and approve, approve with conditions, or disapprove the final plat. The Planning Commission shall make their determination within 45 days of the official submission of the plat which shall be the date on which the Planning Commission first considers the plat at a meeting.
- (c)** If the Planning Commission fails to act upon the final plat within 30 days after the submission of the plat for approval or within an extended timeframe as agreed to by the applicant, the final plat shall be considered approved.
- (d)** Approved final plats shall be signed by the Secretary of the Planning Commission.

(4) Recording of Plat. Within 60 days following the approval of the final plat by the Planning Commission, the plat shall be filed and recorded by the applicant in the office of the Clinton County Recorder. The applicant shall submit the City of Wilmington with proof of recording. Lots shall not be sold until the final plat has been recorded.

(5) Invalidation of the Plat. The following shall render the approval of the final plat by the Planning Commission null and void:

- (a)** Failure by the applicant to file and record the final plat in the office of the Clinton County Recorder within the timeframe specified by Section 1113.07(4).
- (b)** Modifying the final plat after approval of the Planning Commission.

(6) Appeals. Any party may appeal a decision of the Planning Commission to City Council after filing formal notice of such appeal with the Clerk of Council within 10 days after such action by the Commission. Such appeal shall be heard by City Council at the first regular meeting occurring at least 15 days after the appeal is filed.

Sec. 1113.08. Modifications Due to Hardships.

- (1)** Where the Planning Commission finds that extraordinary and unnecessary hardship may result from strict compliance with these Subdivision regulations, due to exceptional topographic or other physical limitations of the particular land involved, the Planning Commission may vary the regulations so as to relive such hardship. The varied standards shall meet the following criteria:

 - (a)** There will not be any detriment to the public interest;
 - (b)** It will not impair the intent and purpose of these subdivision regulations; and
 - (c)** It will not disrupt the desirable development of the neighborhood and community in accordance with the city's adopted comprehensive plan, thoroughfare plan, zoning code, and any other adopted codes or plans.
- (2)** The Planning Commission shall record any modification granted in the official minutes of the board, setting forth the reasons which the requested modification is justified.

CHAPTER 1115. MINOR SUBDIVISIONS AND REPLATS

Sec. 1115.01. Minor Subdivision.

(1) **Purpose.** The purpose of a minor subdivision is to allow for small-scale subdivisions that will not result in new public roads or major extensions of infrastructure.

(2) **Applicability**

- (a) A subdivision is a minor subdivision if it meets all of the following conditions:
 - i. The subdivision will result in no more than five lots after the original tract has been completely subdivided;
 - ii. The tract to be subdivided is five acres or less;
 - iii. The subdivision will occur along an existing public street;
 - iv. The subdivision will not result in the opening, widening, extension or improvement of any roadway, or installation of any public utilities;
 - v. The subdivision complies with the Zoning Code, the Subdivision Regulations contained herein, and the City's Thoroughfare and Open Space Plan.
- (b) Minor Subdivisions include lot splits or lot consolidations that conform to the regulations.

(3) **Review and Decision by Minor Subdivision Review Committee**

- (a) Minor subdivision applications shall be submitted to the Building and Zoning Department. Such applications shall be approved or disapproved by the Minor Subdivision Review Committee, as established in the Planning and Zoning Code, within seven days of submission.
- (b) In addition to the minor subdivision application, only such drawings and information as determined necessary by the Committee to determine compliance with pertinent platting, zoning, and other regulations needed to be submitted for approval.
- (c) If a minor subdivision does not meet all requirements set forth in these Subdivision Regulations, it shall be forwarded to the Planning Commission for their review and decision.

(4) **Recording of Plat**

- (a) Within 60 days following the approval of the minor subdivision, including lot splits and lot consolidations, by the Minor Subdivision Review Committee, the plat shall be filed and recorded by the applicant in the office of the Clinton County Recorder. The applicant shall submit the City of Wilmington with proof of recording.

(5) Invalidation of the Plat. The following shall render the approval of the final plat by the Planning Commission null and void:

- (a)** Failure by the applicant to file and record the final plat in the office of the Clinton County Recorder within the timeframe specified by Section 1115.01(4).

Sec. 1115.02. Replats.

- (1)** Any minor subdivision that involves the consolidation of lots or the adjustment of boundaries between lots that are located within existing platted subdivisions shall be subject to the review and approval of the City Service Director.
- (2)** Any subdivision of land within a previously platted subdivision which results in one to five additional conforming lots shall be subject to the review and approval of the City Service Director.
- (3)** Any subdivision of land within a previously platted subdivision which results in six or more additional lots shall adhere to the subdivision requirements as set forth in Chapter 1113.

CHAPTER 1117. VARIANCES AND APPEALS³

Sec. 1117.01. Variances.

The following regulations shall govern the granting of variances:

- (1)** Where the Planning Commission finds that extraordinary and unnecessary hardship may result from strict compliance with these Subdivision Regulations, due to exceptional topographic or other physical limitations of the particular land involved, it may vary the regulations so as to relieve such hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these Regulations or the desirable development of the neighborhood and community. Such variances shall not have the effect of nullifying the intent and purpose of these regulations, the master plan, or the Zoning Code. Any variance which is approved shall represent the minimum or least possible modification of the standard or standards in question which alleviate the hardship.
- (2)** Additionally, the requirements of these regulations may be modified when a plat is submitted for a complete community or neighborhood, which ensures that adequate public spaces, circulation, recreation, light and air will be provided, and the needs of the entire community or neighborhood will be met, provided such modifications are consistent with the master plan for the City.
- (3)** In granting variances or modifications, the Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.
- (4)** The Commission, at its discretion, may waive any or all of the City's subdivision standards and substitute the current standards of the Clinton County subdivision regulations for subdivisions outside the City corporation limits in such cases where the Commission deems that the proposed subdivision is clearly beyond the growth pattern of the City. The Commission shall consult the City Master Plan as a significant guide in making such determination.

Sec. 1117.02. Appeals.

Any party may appeal a decision of the Planning Commission to Council after filing formal notice of such appeal with the Clerk of Council within ten days after such action by the Commission. Such appeal shall be heard by Council at the first regular meeting occurring at least 15 days after the appeal is filed.

³ Cross reference(s) – Planning Commission as platting authority – see P. & Z. 1111.03

CHAPTER 1119. SUBDIVISION BONDS

Sec. 1119.01. General Requirements.

- (1)** To guarantee the construction and/or maintenance of required improvements prior to the approval and recording of the final plat, the applicant shall be required to provide a performance guarantee in accordance with the following:
 - (a)** Performance bonds and maintenance bonds shall be approved by the City Law Director. The applicant shall post a bond, by a surety company, in accordance with the terms as noted herein. Under no circumstances shall the required performance bond be tied to, or be considered a portion of, the applicant's financing for the development. Any refinancing, restricting, expiration, sale, or transfer of a developer's debt or obligations related to these performance guarantees must be approved in advance by the City Law Director.
 - (b)** The applicant may make a deposit with the city, with an escrow agent, or a trust company approved by the City Law Director.
 - (c)** Any and all performance guarantee measures detailed herein shall be in the favor of the city, and the city may utilize these guarantees for the construction and maintenance of the improvements as well as the ongoing removal of ice and snow from the dedicated roadways according to the approved construction plans. In addition to the performance guarantee, the developer shall carry liability and other insurance as appropriate in the minimum amount of \$1,000,000.

Sec. 1119.02. Performance Bonds.

- (1) Submittal of the Performance Bond.** All improvements must be completed according to the approved construction plans before the final plat is signed and recorded. If not all improvements are completed, the applicant shall submit a performance bond in compliance with the following:
 - (a)** The applicant shall post a performance bond in the amount of 130 percent of the estimated cost of all incomplete improvements plus 20 percent of the estimated cost of all completed improvements.
 - (b)** The applicant shall post a separate performance bond in an amount equal to the estimated cost plus 30 percent of all temporary facilities and improvements required by the Planning Commission and City Service Director.
 - (c)** Once the bond has been posted, the final plat may be signed and recorded.
 - (d)** The performance bond shall be in conformance with the type of bond and requirements in Section 1119.01.
- (2) Release of the Performance Bond.** After all the construction work is completed, it shall be inspected by the city to ensure that the work has been correctly performed. Any deficiencies shall be recorded, and a list forwarded to the applicant for correction. Once

the deficiencies have been corrected and checked by the city, a maintenance bond shall be posted, and the performance bond released. In no case shall the performance bond exceed two years.

Sec. 1119.03. Maintenance Bonds.

(1) Submittal of the Maintenance Bond

- (a) After all the construction is complete and approved by the City Service Director, the applicant must maintain and keep in good repair all improvements for a period of one year, known as the maintenance period.
- (b) The applicant shall post with the city a maintenance bond to secure the required maintenance of the improvements. The bond excludes ordinary wear and tear but includes:
 - i. Any and all defects and deficiencies in workmanship and materials;
 - ii. The cost of all labor, materials, equipment, and other incidentals required to maintain, repair, and replace any or all of such improvements and to maintain them in good and proper condition; and
 - iii. Filling trenches and restoring lawns, sidewalks, yards, streets, sewer pipelines, vales, boxes, etc.
- (c) The City Service Director is authorized to permit the applicant, or their successors, to transfer from the performance bond period to the maintenance bond period if all the improvements have been completed in accordance with all of the conditions of the performance bond. In no case shall a subdivision be accepted for maintenance without all improvements being completed per the approved construction plans.
- (d) The applicant shall post a performance bond in the amount of five percent of the total cost of the improvements.

(2) Release of the Maintenance Bond

- (a) At the termination of the one-year maintenance period, the subdivision shall again be inspected by the city. Any issues that are identified will be forwarded to the applicant for correction.
- (b) It shall be the responsibility of the applicant to request such an inspection. If the inspection is not requested, the maintenance period shall not expire, and the applicant shall be responsible for all defects found in the subdivision whether or not the one-year period has expired.
- (c) If the inspection is requested and when all defects have been corrected, a request shall be submitted to the City Council for the acceptance of the subdivision.
- (d) The final release of all maintenance bonds shall be by approval of the City Law Director, following subdivision acceptance.

CHAPTER 1121. SUBDIVISION DESIGN STANDARDS⁴

Sec. 1121.01. General Applicability.

- (1) Conformity with Standards.** The design standards and requirements of this chapter shall apply to all subdivisions of land as defined in Chapter 1123. All public improvements undertaken in any subdivision shall conform to the improvement standards of this chapter and the City Standard Plans and Specifications.
- (2) Streets.** The arrangement, character, width and location of all arterial and collector thoroughfares or extensions thereof shall conform to the thoroughfare plan. The Planning Commission shall have the authority and responsibility to interpret both the text and maps of the thoroughfare Plan to determine the most appropriate precise locations and alignments for proposed thoroughfares, to select from among alternatives, and to provide for appropriate substitutions and additions. Thoroughfares not contained in said Plan shall conform to the recommendations of the Commission based on the design standards set forth in this Chapter and Chapter 1123, and on currently accepted levels of quality for neighborhood and site planning and design as supported by publications of the American Planning Association or other professionally recognized urban planning organizations as such publications are interpreted by the Commission.
- (3) Zoning.** No final plat of land within the area in which an existing zoning code or resolution is in effect shall be approved unless it conforms with such code or resolution.

Sec. 1121.02. Land Suitability.

If the Planning Commission finds that land proposed for subdivision development is unsuitable due to flooding, poor drainage, topography, inadequate public facilities and/or other condition that may be detrimental to the general health, safety or welfare of the public, and if it is determined that the land should not be developed for the purpose proposed, the Commission shall not approve such subdivision unless adequate methods are proposed by the applicant/owner for alleviating the problems that would be created by development of the land.

- (1) Land Subject to Flooding.** The Commission shall not allow subdivision of land or lands subject to flooding, as defined in Chapter 1125, unless the following requirements are met:
 - (a)** No subdivision or part thereof shall be approved if the proposed subdivision development will, individually or collectively, significantly increase flood flows, heights, or damages.

⁴ Cross reference(s)—Street improvements - see P. & Z. 1123.02; Sanitary sewer improvements - see P. & Z. 1123.03; Water system improvements - see P. & Z. 1123.04

- (b) No subdivision, or part thereof, shall be approved for floodway fringe areas which will substantially affect the storage capacity of the flood plain.
- (c) Building sites used or intended to be used for human occupation shall not be permitted in floodway areas. Sites for these uses may be permitted outside the floodway if the sites are elevated to a height at least one foot above the 100-year base flood elevation, as established by the Ohio Department of Natural Resources, or provisions are otherwise made for elevating structures to achieve the same result. Required fill areas shall extend 15 feet beyond the limits of the structure(s).
- (d) When the Commission determines that only part of a proposed plat can be developed in compliance with these requirements, it shall limit development to only that portion, and shall require that the method of development is consistent with its determination.
- (e) The Commission may attach other reasonable conditions as is appropriate to the approval of plats within areas subject to flooding. Such conditions may include, but are not limited to, requirement for the construction of dikes, levees, or other similar measures, or floodproofing of structures.
- (f) It shall be the responsibility of the land owner or their designee to submit engineering analysis, acceptable to the City Service Director, regarding the likelihood of any proposed fill or obstruction in the flood plain to significantly increase flood flows, heights or damages, whether such fill or obstruction is for the purpose of creating building sites or for any other purpose.

- (2) **Lands Subject to Airport Noise.** Lands proposed for subdivision which contain residential uses located within the established 65 Ldn noise contour of the Wilmington Air Park, as shown on the Wilmington Air Park Noise Contour map as maintained on file with the Wilmington City Service Director, shall have a notice of potentially high aircraft noise affixed to and recorded with the final plat (or, in the case of a minor subdivision, the deed). Suggested wording for said notice is as follows:

"NOTE: All or part of this is located in an area potentially subject to aircraft noise levels high enough to annoy users of the property, and to interfere with its unrestricted use. Contact local airport, zoning or subdivision authorities for information regarding the calculated levels of current and forecast aircraft noise levels on the property."

Sec. 1121.03. Surface Runoff and Storm Drainage.

- (1) **Outlets.** No subdivision shall be approved by the Planning Commission unless there is an adequate outlet for stormwater as determined by the City Service Director. Generally, it will be necessary to pipe storm water to an adequate watercourse, stream or existing storm system which has the capacity to accommodate the flow, or to utilize acceptable on-site water retention methods adequate to minimize excessive off-site stormwater

flows. Street rights-of-way shall generally be located and designed so that all storm sewers and other drainage facilities can be and are located within such street rights-of-way.

- (2) **Preservation of Natural Drainage Courses.** No natural drainage course shall be altered, and no fill, buildings or structures shall be located unless provision is made for the flow of surface water, in a manner satisfactory to the City Service Director. An easement shall be provided on both sides of the existing surface drainage course adequate for the purpose of fixture widening, deepening, enclosing or otherwise improving said drainage course. If such drainage course crosses private property, easements must be obtained by the developer for construction and immature maintenance. These easements shall be shown on the construction plans. A copy of the recorded easement shall be shown on the final plat or incorporated by reference to the volume and page number of the recorded easement.
- (3) **Grades.** All surface areas not covered by a hard surface improvement or stone shall be seeded or sodded and sloped to drain according to the following:
- (a) Grass areas shall have a minimum slope or grade of eight-tenths percent.
 - (b) Grass areas next to buildings shall slope away from the building at not less than five percent for a minimum of ten feet.
 - (c) Ditches or swales in grassed areas with a bottom slope or grade between two percent and seven percent shall be sodded.
 - (d) Ditches or swales with a bottom slope or grade greater than seven percent shall have a paved or stone gutter as required by the City Service Director.
- (4) **Submittal of Drainage Data.** Information and data pertaining to water volumes and velocities for all watersheds entering and on the property, along with calculations to show that proposed drainage improvements will adequately address such flows, shall be submitted to the City Service Director along with required construction plans. Storm drainage systems shall generally be designed so that the peak rate of stormwater runoff from the site after development does not exceed the peak rate of runoff before development and meet the requirements of the City of Wilmington Stormwater Management & Erosion Control Specifications.
- (5) **Culverts.** All culverts utilized in subdivisions shall have the appropriate headwalls and other structures and improvements to protect the facility, as determined by the City Service Director.

Sec. 1121.04. Streets.**(1) Conformity and Alignment**

- (a) The arrangement, classification and location of all streets shall conform to the thoroughfare plan and to currently accepted levels of quality for neighborhood and site planning and design. The Planning Commission shall make the final determination as to the classification of any street upon which there is disagreement, based on the character and potential development of the surrounding area, and the street classification system of these subdivision regulations and the City Standard Plans and Specifications.
- (b) The street pattern shall make provision for the continuance of streets into all adjoining areas and properties and for the connection to existing rights-of-way in adjacent areas.
- (c) If a subdivision adjoins or contains an existing or proposed principal arterial street or minor arterial street, the Commission shall require marginal access streets or reverse frontage with a planting strip of a minimum width of 20 feet on the rear of those lots abutting the streets and no vehicular access across the strip. Exceptions may be allowed by the Commission for very low density residential or industrial development where sight distances along the arterial street or highway are sufficient relative to the expected speeds and volumes of traffic.
- (d) Local streets shall be laid out so as to discourage use by through traffic. Traffic calming solutions may be required by the City Service Director.
- (e) Streets shall intersect one another at 90 degrees, or as near to 90 degrees as possible, but in no case less than 85 degrees. The approaches to the intersection shall be maintained at the angle of intersection for a minimum distance of 100 feet from the closest right-of-way line.
- (f) Street jogs shall be discouraged. Where such jogs are unavoidable, in no case shall the centerlines be offset by less than 125 feet.
- (g) The curb at intersections shall be rounded to a minimum radius of 15 feet.
- (h) The maximum length of a cul-de-sac shall be 500 feet, measured from the centerline of the intersecting street to the middle of the turn around.
- (i) Half streets shall be prohibited.
- (j) Street intersections shall be located and designed so as to give careful attention to sight distances along all streets and roads. The Commission shall not approve any intersection which in the opinion of the Commission does not allow safe accessibility for vehicles or pedestrians.
- (k) All subdivisions shall have two or more connections to existing streets, located in such a manner as to allow maximum opportunity for quick access to all parts of the subdivision by emergency vehicles. Exceptions shall be allowed only for very small subdivisions with no more than 30 single family residential lots or 100 multi-family housing units in which such connections are not feasible. In allowing such exceptions the Commission shall require larger than minimum right-of-way

and pavement widths for the entrance street or other special provisions which optimize the accessibility of emergency vehicles in a variety of emergency situations.

- (2) **Blocks.** Blocks shall not exceed 1,500 feet in length except where specific topographic conditions require a greater length.
- (3) **Street names.** The names of new streets shall not duplicate names of existing dedicated streets except that new streets which are extensions of existing streets shall bear the names of such existing streets.
- (4) **Street width and grades.** Street widths and grades shall be as specified in Chapter 300 of the City of Wilmington Standard Construction Drawings and Specifications Manual (Chapter 300). While it is the intent of these Regulations that the dedication of additional street right-of-way be required also for subdivisions along existing streets where such streets are currently below the minimum standards in Chapter 300, the Planning Commission or the Minor Subdivision Review Committee may waive all or part of the additional dedication requirements where in the opinion of the Commission or Committee the street frontage of such street has already been developed to such an extent that future widening of the street in this vicinity is not feasible.
- (5) **Curbs, gutters, and sidewalks.** Curbs, gutters, and sidewalks shall be required in all subdivisions except that the Commission may waive all or part of such requirement: for low density residential development outside the City corporation limits where the Commission deems that the proposed subdivision is clearly beyond the growth pattern of the City as provided in Section 1117.01(4); or for streets generally serving only industrial or industrial/commercial areas.
- (6) **Driveways**
 - (a) No driveway shall be approved providing direct access from a single or two family residential lot to a street designated on the Thoroughfare Plan as a principal arterial or minor arterial street, except where no alternative access is available.
 - (b) Driveway approaches shall be constructed in conformity with Chapter 903 of the Codified Ordinances and with Chapter 300 of the City of Wilmington Standard Construction Drawings and Specifications Manual.

Sec. 1121.05. Lots.

- (1) All lots shall have a minimum frontage on an improved public street or an approved private street of 40 feet measured at the street right-of-way line and all lots shall have an average lot width of at least 50 feet. The size, location, and configuration of lots shall

comply with currently accepted levels of quality for neighborhood and site planning and design.

- (2) Lots in subdivisions located within the City shall meet the dimension and area requirements of the zoning district in which such subdivision is located.
- (3) All residential lots shall be approximately rectangular in shape and should not have a depth in excess of three times their width, except where extra depth is necessary due to topography and/or natural conditions, or to meet the requirements of Sections 1121.02, 1121.03(2), 1123.02, and 1123.03(b).
- (4) Double frontage and reverse frontage lots should be avoided, except where required to provide separation from arterial streets, or to overcome specific conditions of topography and/or orientation. In such cases, an open space easement shall be provided along the rear lot line across which there shall be no vehicular access.
- (5) Whenever possible, side lot lines should be at right angles or radial to street lines.
- (6) Except where alleys are provided for such purpose, or where it is not feasible to locate all utilities in the street right-of-way, each lot shall have necessary easements along the side and rear lot lines for utility lines. Such easements shall not be less than six feet wide on each lot.
- (7) Easements shall be provided on both sides of any open drainage courses for the purposes of widening, deepening or general maintenance. Such easements shall be a minimum of 12 feet wide on both sides from the design width of the drainage course.
- (8) All new lots shall have minimum building setback lines of at least 60 feet from the centerline of the street pavement. New lots fronting on a collector street as shown on the Thoroughfare Plan shall have minimum setback lines of at least 85 feet from the centerline of the street pavement; those fronting on a minor arterial street shall have minimum setbacks of 125 feet; and those fronting on a principal arterial street shall have minimum setback lines of 150 feet.

Sec. 1121.06. Sanitary Sewers.

- (1) Sanitary sewer lines should be located in the street right-of-way, except under special conditions, when this requirement may be waived by the Planning Commission, upon recommendation of the City Service Director.
- (2) Sanitary sewers should be designed to maintain a minimum velocity of two feet per second. The design of the overall sewer system should be in conformance with the

requirements of the City Standard Plans and Specifications, and Title Three of Part 9 of the Codified Ordinances of the City.

Sec. 1121.07. Water Lines.

- (1) Water lines should be located within the street right-of-way, except under special circumstances, when this requirement may be waived by the Planning Commission, upon recommendation of the City Service Director.
- (2) Water lines shall be sized and designed, and fire hydrants located, so that adequate fire flow to each structure, based on the current guidelines of the Insurance Services Office (ISO) can be met, subject to the approval of the City Fire Department. The design of the overall water system should be in conformance with the requirements of Chapter 900 of the City Standards Plans and Specifications.

Sec. 1121.08. Underground Utilities and Street Lighting.

- (1) Underground utilities shall be required for all subdivisions within the subdivision jurisdiction of the City. Such utilities should be located in a utility easement beyond the street right-of-way. If a utility easement does not exist, underground utilities may be placed in the street right-of-way upon approval by the Planning Commission with the recommendation of the City Service Director.
- (2) Street lights shall be required for all subdivisions within corporate boundaries of the City, and for all subdivisions where the total number of residential lots exceeds ten, or where the lots average 100 feet or less of frontage, as shown on the preliminary plat.
- (3) The type of street light fixtures to be used shall be reviewed by the Commission and shall be of a type consistent with the scale and character of the proposed subdivision. Streetlights shall be located not less than 200 feet nor more than 350 feet apart. Lights shall be placed within 200 feet from the closed end of each cul-de-sac, and at each street intersection. Photometric analysis shall be submitted for review by the City Service Director.

Sec. 1121.09. Public Sites and Open Space.

- (1) **Relationship to master plan.** Where a proposed park or school site as shown on the thoroughfare and open space plan is located in whole or in part within a proposed subdivision, the planning Commission shall require the dedication, to a public entity approved by the Commission, of the park or school site or such portion of such site as the Commission interprets as being called for by the open space plan.

Where neither a proposed park nor school site as shown on the thoroughfare and open space plan is proposed in whole or in part within a proposed subdivision, the landowner shall be required to meet the provisions of subsections (2) and (3) hereof.

Whereas the purpose of the thoroughfare and open space plan is to propose the most ideal locations for neighborhood school sites and neighborhood park sites in patterns best serving the creation of small city neighborhood formations, and whereas such locations are intended to be somewhat approximate and flexible, the Commission shall have the authority and responsibility to interpret both the text and map(s) of the City's Plan to determine the most appropriate precise location and sizes of the proposed open spaces, to select from among various alternatives, and to provide appropriate substitution or additions. It may, at its discretion, invoke the provisions of any one or more of provisions of subsections (1), (2) or (3) hereof in combination for any one subdivision. At its discretion the Commission may also invoke the dedication provisions of subsection (1) hereof on properties not included in the proposed subdivision but under the same ownership and nearby where in the opinion of the Commission such dedication is necessary and reasonable to provide the needed open space for the proposed subdivision in a timely manner. In no case, however, shall the owner of a subdivision be required to dedicate or pay fees in lieu of dedication for an individual or combined amount exceeding the value of five percent of the land within the proposed subdivision.

- (2) **Minimum dedication requirements.** The owner/developer shall be required to reserve a minimum of five percent of the total area of the land included in the proposed plat as permanent open space. The open space shall either be dedicated to a public agency which has expressed a desire to accept and maintain the open space or shall be transferred to a private association or entity. If the open space is transferred to a private association or entity, acceptable provisions for the perpetual maintenance of the open space shall be stated on the plat.

Land proposed for open space shall be suitable for recreational purposes. The Commission shall have the authority to determine whether or not the proposed open space and maintenance provisions are acceptable. Lands used for the purposes of utilities shall not be considered open space for the purposes of these regulations.

- (3) **Fee in Lieu of Dedication.** Where the Commission determines that the open space dedication is not desirable within the proposed subdivision, the owner/developer shall be required to pay an amount equal to five percent of the total market value of the land within the proposed subdivision, as shown on the current tax records, to the City. This payment in lieu of dedication shall be placed in a separate fund to be used by the City only for the purposes of open space acquisition or improvement of public open space and recreational facilities for the benefit of the residents of the proposed subdivision.

Sec. 1121.10. Monuments.

- (1) Location.** Monuments shall be placed at each change of direction of a subdivision, dedication, or development boundary, at the point of intersection of the centerlines of all streets, at the beginning and end of each street centerline curve and at the center of each cul-de-sac. Monuments in the street centerlines shall be placed upon the completion of paving. Monuments outside of the street pavement shall be placed or verified upon the completion of work in the immediate area of the location of the monument.
- (2) Standards.** Monuments and markers shall be set approximately one-fourth inch above finished grade and shall be:

 - (a)** Concrete monuments cast in place using a copper or iron dowel pin insert for the point marker. The cast-in-place concrete shall be approximately six inches in diameter and 36 inches deep. The dowel shall be embedded at least three inches into the concrete.
 - (b)** Iron or steel bars with a diameter of one-half inch to one inch and a length not less than 36 inches.

*CHAPTER 1123. SITE IMPROVEMENTS⁵***Sec. 1123.01. General.**

The improvements required by these subdivision regulations shall conform to the City Standard Plans and Specifications, and other applicable portions of the Codified Ordinances of the City, and shall be designed, furnished, and installed by the owner/developer of the subdivision. The owner/developer shall be responsible for the costs of all tests required by the City Service Director to establish that the materials and methods utilized in construction of the improvements meet the specifications. Subdivisions shall be provided with the same improvements whether the streets are public or private, except in special situations as approved by the Planning Commission and only as justified by the variance provisions of Section 1117.01.

Sec. 1123.02. Streets.

- (1) Street Grading.** No street grading shall be permitted until the final construction plans have been approved by the City Service Director and all fees have been paid. No street grading shall be commenced without a 24 working hour notice to the City Service Director.
- (2) Street Subgrade.** All streets shall be graded to their full width, including side slopes. No obstructions shall be placed or allowed to remain in the street right-of-way. The subgrade shall be free of sod and/or vegetative or organic matter. Soft clay and other unsuitable material shall be cleared to a depth as determined by the City Service Director. The subgrade shall be shaped and compacted subject to the requirements of the City Service Director, and no fill shall be placed until said subgrade has been inspected and approved.
- (3) Pavement Application.** No pavement shall be placed until the prepared subgrade has been inspected and approved. The finish pavement course shall not be placed over the base course until a period of time as specified by the City Service Director, normally one year, has elapsed. All failures in the base course must be repaired prior to installation of the finish course.
- (4) Street Signs.** The owner/developer shall provide and install street name and parking signs at intersections and other locations as designated by the City Service Director. The material, graphics and content are subject to approval by the City Service Director.

⁵ Cross reference(s)—Street design standards - see P. & Z. 1121.04; Sanitary sewer design standards - see P. & Z. 1121.06; Water line design standards - see P. & Z. 1121.07; Street width and grades - see Chapter 300 of the City of Wilmington Standard Construction Drawings and Specifications Manual

Sec. 1123.03. Sanitary Sewers.

- (1) **Concrete Encasement.** Concrete encasement shall be used when required for the sanitary sewer to withstand trench loadings, when rock is encountered in the trench bottom or when the cover is less than two-and-one-half feet.
- (2) **Testing.** Leakage tests are required for all sanitary sewers except building sewers. Deflection tests are required for all sewers utilizing PVC pipe.
- (3) **Building Sewers.** Building sewers shall be constructed at no expense to the City. Before any building sewer is constructed, a tap permit shall be obtained from the City. Installation of building sewers shall conform to applicable regulations of the City and/or the Clinton County Health Department. An "S" shall be stamped into the face of the curb at the location of any building sewer tap.

Sec. 1123.04. Water Systems.

- (1) **Water Service Lines.** All water service lines shall be installed not less than 42 inches below the ground or pavement surface. No water service line shall be installed in the same trench with a sewer line. Services shall be constructed after the street is rough graded and prior to the installation of paved surfaces and curbs.
- (2) **Curb Boxes.** Curb boxes shall be located between the sidewalk and the curb. All curb boxes shall be adjusted to the finished ground surface. A "W" shall be stamped into the face of the curb opposite each curb box before the concrete has set.

Sec. 1123.05. Certification of Improvements.

Upon the completion of construction, and prior to acceptance by the City, the owner/developer's engineer shall provide the City with a letter which certifies that the construction is in conformance with the approved construction plans and the City Standard Plans and Specifications.

Sec. 1123.06. Responsibility and Liability during Construction.

No streets or public improvements shall be the responsibility of any public entity prior to formal acceptance. Until such time as such improvements have been approved and accepted, the owner/developer shall assume full responsibility and liability for all areas dedicated to the public, and the improvements thereon. The owner/developer shall agree to indemnify and hold harmless the City until such time as the improvements are accepted.

CHAPTER 1125. DEFINITIONS⁶

Sec. 1125.01. Interpretation.

For the purpose of these subdivision regulations, certain terms and words are to be defined as found in this chapter. Words and terms not specifically defined carry their customarily understood meanings. The word "shall" is mandatory, the word "may" is permissive. The City Planning Commission shall have the authority to interpret the meanings of all words and phrases in these regulations in a manner determined by the Commission to be most consistent with the intent of these subdivision regulations in so far as such interpretations are not otherwise in conflict with these regulations or the Ohio Revised Code.

Sec. 1125.02. Definitions.

A. _____

Alley. Means a permanent public right-of way providing secondary access to abutting property.

B. _____

Block. Means the property abutting one side of a street and lying between two consecutive intersecting streets.

Building Line. means the line nearest the street right of way, upon which the front or side of a building may be erected.

C. _____

City. Means the City of Wilmington, Ohio.

City Service Director. Means the Service Director of the City of Wilmington, Ohio, or their designated agent.

City Standard Plans and Specifications. Means the standards for streets, curbs, water lines, sewer lines, and other public improvements, as promulgated by and on file with the City Service Director.

Commission. Means the Planning Commission of the City of Wilmington, Ohio.

Cul-de-sac. (See "Street")

D. _____

Driveway. Means a private roadway providing access for vehicles to a parking space, garage, dwelling, structure, or other use of a property.

⁶ Cross reference(s)—Plat and subdivision defined - see Ohio R.C. 711.001

E. _____

Easement. Means a right or privilege of use of land, as distinct from fee simple ownership.

F. _____

Floodway. Means the portion of land subject to flooding that comprises the channel of a watercourse, and the adjacent lands, that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Fringe. Means that portion of land subject to flooding that is outside the floodway.

I. _____

Improvements. Means any addition to the natural state of land which increases its value or utility, including buildings, street pavements, sidewalks, crosswalks, water mains, sanitary sewers, storm sewers, landscaping, street lighting, street trees, public utilities, paved parking areas, and other appropriate items.

Improvements, Public. Means all improvements financed entirely or in part by public funds or which have been dedicated to public use by plat, easement, or deed of transfer.

Improvements, Site. Means the improvements made to the land outside the exterior limits of a structure or structures.

L. _____

Land Subject to Flooding. Means those lands adjacent to a watercourse subject to a one percent or greater chance of flooding in any given year. For the purposes of these regulations, such lands shall be as identified by the Federal Emergency Management Agency (FEMA) as within the floodway or floodway fringe on the flood boundary and floodway maps and dates as follows:

390075 005C (August 24, 1979)

390764 004B (September 16, 1984)

390764 001B (September 16, 1984)

Any subsequent revision to the above maps is hereby adopted by reference.

Lot. Means a parcel of land which was or is intended to be created for the purpose, whether immediate or fixture, of transfer of ownership or for building development. All lots to be created through the subdivision process shall have frontage on an improved public street, or on a private street approved by the Planning Commission, and all such lots shall be of sufficient size to meet the requirements of these Regulations and those of the Zoning Code applicable to such political jurisdiction.

M.

Master Plan. Also known as a comprehensive plan, means a generalized physical development plan for the preservation and growth of public and private development in the City and surrounding area, projecting forward in time approximately 20 years or more, including a plan or plans for the major streets or thoroughfares and for parks and other open public grounds, such plan or plans adopted by the Planning Commission, subject to subsequent amendment

P.

Person. Means any individual, corporation, company, business partnership, association, or legal entity.

Plan. Means a drawing showing the proportion and relation of parts of improvements to each other and their surroundings.

Plans, Construction. Means a plan which gives information required to construct improvements including plan views, sections, profiles, details, quantities, reference specifications and standard drawings.

Plat. Means a plan of a tract or parcel of land made by a surveyor registered in the State of Ohio showing public dedication, property lines, lot lines, and such other information as is required herein.

R.

Right-of-Way. Means a strip of land lying between property lines of a street, parkway, alley, or easement dedicated or otherwise acquired for use by the public.

S.

Sidewalk. Means a paved portion of a street lying outside the curb lines or edge of pavement of a roadway, intended for pedestrian use.

Street. Means the full width of the right-of-way between two property lines, both paved and unpaved, intended to provide principal means of access to an abutting property.

Street, Collector. Means a thoroughfare which primarily carries vehicular traffic from local streets to arterial streets.

Street, Cul-de-sac. Means a short, minor, or residential street having one end open for motor traffic and the other end terminated by a vehicular turn-around or backaround. For the purposes of these subdivision regulations a cul-de-sac street shall at least meet the requirements of a "local street."

Street, Local. Means a street on which the majority of the traffic originates or terminates in the abutting properties.

Street, Minor Arterial. Means a highway that interconnects and augments principal arterial streets. The minor arterial street places more emphasis on land access than the principal arterial street and offers a lower level of traffic mobility.

Street, Principal Arterial. Means a highway serving the major centers of activity in the City. This street carries the largest volume of traffic usually on a continuous route. Service to the adjacent land is subordinate to the provision of travel service.

Street, Private. Means a strip of privately-owned land providing access to abutting properties. For the purposes of these subdivision regulations a "private street" shall at least meet the street requirements of a "local street."

Street, Public. Means a strip of land providing access to abutting property as dedicated upon a plat which has been duly approved, filed and recorded in the office of the County Recorder. Public streets shall normally be classified as either local streets, collector streets, minor arterial streets or principal arterial streets and shall meet the street requirements of the most appropriate classification.

Street, Access, or Service. Means a minor street parallel to a thoroughfare to afford abutting property owners access to the thoroughfare at limited points. The Planning Commission shall determine the most appropriate street requirements for service or access roads on a case-by-case basis.

Subdivision. Means:

- (1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or fixture, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites and where the lots resulting are not reduced below minimum sizes required by law, shall be exempted; or
- (2) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures, the division or allocation of land as open spaces for common use by owners, occupants or leaseholders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

Subdivision, Major. Any subdivision not classified as a minor subdivision.

Subdivision, Minor. A division of a parcel of land that conforms to the applicability standards of Chapter 1115.

T.

Thoroughfare Plan. Means the component of the master plan or comprehensive plan, now or hereafter adopted, which sets forth the location, alignment and/or classification of existing proposed streets. Such thoroughfare plan may also be identified herein as the thoroughfare and open space plan to the extent that such plan also contains a plan for parks and other open public grounds.

Z.

Zoning or Zoning Code. Means the City regulations limiting the height, area, and use of buildings, structures, and/or areas.

APPENDIX A

*Required Statements and Signatures on Final Plats
For Final Plats of Subdivisions within the Corporation
Limits of the City of Wilmington⁷*

(1) Planning Commission Approval

Under authority provided by acts of the General Assembly of the State of Ohio, and ordinances adopted by Council of the City of Wilmington, Ohio, this plat was given approval by the City of Wilmington as follows:

Approved by City Planning Commission at a meeting held _____, 19____.

Chairman

Secretary

(2) Engineer or Surveyor Certification

I, _____, hereby certify that I am a Professional Engineer or Surveyor, licensed in compliance with the laws of the State of Ohio, that this plat correctly represents a survey made or supervised by me, and that all monuments shown thereon actually exist at their locations.

Engineer - Surveyor

Registration No.

Date

(3) Dedication Certification

⁷ For final plats of subdivisions not within the corporation limits required statements and signatures shall be as directed by the City Service Director.

We the undersigned _____, and _____, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided and do hereby lay off, plat and subdivide said real estate in accordance with this plat, and do hereby agree that we will abide by all requirements of the City Standard Plans and Specifications of the City of Wilmington, Ohio.

This subdivision, to be known as _____, shall be an addition to the City of Wilmington, Ohio, and all streets, alleys, and public areas shown and not heretofore dedicated, are hereby dedicated to public use.

All easements shown as a part of this plat are dedicated to the use of private utilities (i.e., cable, telephone and gas) or public utilities for the installation, maintenance and replacement of utility lines and appurtenances. Any and all water and sewer lines and their appurtenances and any lift stations which may be located within said easements are also dedicated and conveyed to the City of Wilmington, Ohio. No structures shall be placed within an easement and any trees, flowers or other objects upon the easement are placed there at the property owner's risk.

After construction and grading is completed, monuments shall be placed on all lot corners where they do not exist at that time.

(4) Engineer's Approval

I have checked this plat, find the bearings and distances plat satisfactorily, and find no conflict with the City Subdivision Regulations.

City Engineer

Date