

INSTRUCTIONS FOR APPLICATIONS REQUESTING A CONDITIONAL USE APPROVAL

Applicants requesting a conditional use approval must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-05 and 1445-21. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a conditional use approval:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Zoning Hearing Examiner to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-05 and 1445-21, an applicant must show:
 - a. the conditional use is specifically listed in the applicable zoning district use regulations;
 - b. the project meets any limitations specifically listed in the applicable zoning district use regulations; and
 - c. the project’s location, design, configuration and special impact on the area will prevent or limit potential adverse effects on the immediate neighborhood.

INSTRUCTIONS FOR APPLICATIONS REQUESTING APPROVAL FOR A DD DISTRICT PHASED DEVELOPMENT

Applicants requesting approval for a DD District Phased Development must provide all information required by Cincinnati Municipal Code 1411-45.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for approval of a DD District Phased Development:

1. For projects that intend to phase development by first erecting a building and then enlarging that building or erecting one or more additional buildings or both, the applicant must:
 - a. provide a site master plan to the Zoning Hearing Examiner. The site master plan must be a schematic of the intended development of the entire site showing the locations, uses, heights and gross floor areas of every building. The master plan must contain such other information as necessary to determine whether the intended development conforms to the requirements of the zoning code. The master plan may be amended from time to time, provided any amended master plan be filed with the Zoning Hearing Examiner; **and**
 - b. comply with all other applicable requirements set forth in Cincinnati Municipal Code 1411-45.

INSTRUCTIONS FOR APPLICATIONS REQUESTING AN EXPANSION OR SUBSTITUTION OF A NONCONFORMING USE

Applicants requesting an expansion or substitution of a nonconforming use must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1447-17. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for an expansion or substitution of a nonconforming use:

1. To meet the standard outlined in Cincinnati Municipal Code 1447-17, an applicant must demonstrate how the proposed project meets **one or more** of the following standards:
 - a. consistency with the general purposes and intent of the zoning code;
 - b. promotion of the safe and efficient use of land;
 - c. compatibility with other adjacent land uses and buildings existing in the surrounding area;
 - d. consistency with the purposes of the zoning district in which the use is located and does not negatively impact the value of surrounding property; or
 - e. location in a building that is specially equipped or structurally designed for that use.

***INSTRUCTIONS FOR APPLICATIONS REQUESTING
DEVELOPMENT PERMISSION IN A HILLSIDE
OVERLAY DISTRICT***

Applicants requesting development permission in a Hillside Overlay District must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1433-19 AND Cincinnati Municipal Code 1433-23. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for development permission in a Hillside Overlay District:

1. To meet the standard outlined in Cincinnati Municipal Code 1433-19, an applicant must demonstrate whether the proposed project complies with all base development requirements for a Hillside Overlay District. The list of base development requirements is found in Cincinnati Municipal Code 1433-19.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1433-23, an applicant must demonstrate the proposed project is in harmony with adjacent buildings and the hillside environment. A list of standards considered by the Zoning Hearing Examiner to determine whether the proposed project is in harmony with adjacent buildings and the hillside environment is found in Cincinnati Municipal Code 1433-23.

*****Please note that applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.**

INSTRUCTIONS FOR APPLICATIONS REQUESTING A SPECIAL EXCEPTION

Applicants requesting a special exception must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 **AND** Cincinnati Municipal Code 1445-19. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a special exception:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Zoning Hearing Examiner to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-19, an applicant must demonstrate **all** of the following:
 - a. the zoning code allows for a special exception in the district in which the property is located;
 - b. the proposed project meets any special standards for the specific special exception requested; **and**
 - c. the proposed project will meet **all** of the following standards:
 - i. be consistent with the purposes of the zoning code and the district where the use is located;
 - ii. not substantially diminish or impair the value of property within the neighborhood in which it is located;
 - iii. not have an adverse effect on the character of the area or the public health, safety and general welfare, and be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accord with applicable district regulations; **and**
 - iv. comply with all other standards imposed on it by this zoning code.

***INSTRUCTIONS FOR APPLICATIONS REQUESTING
DEVELOPMENT PERMISSION IN AN URBAN DESIGN
OVERLAY DISTRICT***

Applicants requesting development permission in an Urban Design Overlay District must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1437-09. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for development permission in an Urban Design Overlay District:

1. To meet the standard outlined in Cincinnati Municipal Code 1437-09, an applicant must demonstrate whether the proposed project complies with the development standards found in Cincinnati Municipal Code 1437-09 that apply to the particular overlay district in which the proposed project will be located.

INSTRUCTIONS FOR APPLICATIONS REQUESTING A USE VARIANCE

Applicants requesting a use variance must demonstrate through “CLEAR AND CONVINCING EVIDENCE” in the form of credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-16. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a use variance:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Zoning Hearing Examiner to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-16, an applicant must show that the applicant will suffer unnecessary hardship if strict compliance with the terms of the Code is required. An applicant can show this by providing clear and convincing evidence demonstrating all of the following criteria are met:
 - a. the property cannot be put to any economically viable use under any of the permitted uses in the zoning district;
 - b. the variance requested stems from a condition that is unique to the property at issue and not ordinarily found in the same zone or district;
 - c. the hardship condition is not created by actions of the applicant;
 - d. the granting of the variance will not adversely affect the rights of adjacent property owners or residents;
 - e. the granting of the variance will not adversely affect the community character, public health, safety or general welfare;
 - f. the variance will be consistent with the general spirit and intent of the zoning code; and
 - g. The variance sought is the minimum that will afford relief to the applicant.

INSTRUCTIONS FOR APPLICATIONS REQUESTING A VARIANCE

Applicants requesting a variance must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 **AND** Cincinnati Municipal Code 1445-15. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a variance:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Zoning Hearing Examiner to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-15, an applicant must show:
 - a. neither the owner nor any of its predecessors caused the condition requiring a variance; **and**
 - b. how the project meets either of the following conditions:
 - i. special circumstances or conditions pertaining to the property cause the strict application of the zoning code to be unreasonable and would result in practical difficulties; **or**
 - ii. a variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same district or vicinity.