

CONDITIONAL USE PERMIT PLANNING COMMISSION

The Blue Ash Zoning Code permits some land uses only with a recommendation from the Planning Commission and approval by City Council resolution. Conditional Uses are listed in Table 1133-1 and 1135-1.

SCHEDULE

Regular meetings take place on the first Thursday of each month at 7:00 p.m. in City Council Chambers, 4343 Cooper Road, Blue Ash, Ohio 45242.

The deadline to file an application is 13 business days in advance of the meeting date. DO NOT MISS THE FILING DEADLINE; call Community Development at 513-745-8528 to confirm meeting dates and application deadlines, particularly if the regular meeting date would fall on or near a holiday. The complete application must be submitted to Community Development by 5:00 p.m. on the due date.

The PC comprises five (5) regular members and one alternate member appointed by City Council; a quorum of three (3) must be present to transact business. The PC Chair runs the meeting. While every attempt is made to hold regularly scheduled meetings, meetings may be cancelled or rescheduled if necessary. Applicants will be notified by the City of any such changes.

MEETING

The applicant or another representative MUST attend the hearing, be able to explain the application, and answer questions from the PC about the application. Failure to have a representative at the meeting may result in the item being tabled to a later date or denied.

The typical meeting process is as follows:

1. The Chair will explain the process
2. The PC will open a hearing on the application
3. The applicant will explain the matter to the PC
4. The PC will ask questions about the application
5. The PC will close the hearing
6. The PC will discuss the application relative to the decision requirements
7. The PC will move to approve, approve with conditions, deny, or table the application

All Planning Commission meetings are open to the public.

CONSIDERATION & DECISIONS

The PC will review and make recommendations to City Council on applications based on direction provided in the Code.

1127.06 CONDITIONAL USE REGULATIONS

- (a) Permit Authorization and Issuance. Council, by conditional use permit, after public hearing, and subject to such protective restrictions as it deems necessary, may authorize the location, extension, or structural alteration of any one of the buildings or uses listed in each district as a conditional use. Conditional use permits may be issued to tenants and operators and/or property owners.

- (b) Application for Conditional Use Permit.
 - (1) A written application shall be filed with the Community Development Division, together with a filing fee, to obtain a conditional use permit for the uses listed in each district as a conditional use or for uses previously issued a special or conditional use permit where alteration or an extension is requested.
 - (2) Upon receipt of an application, together with a site plan and necessary descriptive material of the entire parcel, the Community Development Director or other authorized representative shall submit the application to the Planning Commission.
- (c) Planning Commission Review. The Planning Commission shall review the application based on the conditions set forth in Section 1127.06(e), along with any use-specific conditional use criteria that may be applicable, and shall approve, approve with modifications, or disapprove the application and submit a report of its recommendations to Council.
- (d) Council Action. No action shall be taken upon any applications for a proposed building or use referred to above unless the report of the Planning Commission has been filed; provided, however, that if no report is received from the Planning Commission within sixty (60) days, the Council may proceed with its action upon the application. Council shall vote on the conditional use permit following a public hearing on the proposal.
- (e) General Criteria for Reviewing Applications. In considering whether or not such application for a conditional use permit should be granted, it shall be the duty of the Planning Commission and Council to give consideration to the effect of the requested use on the health, safety, and general welfare of the residents of the area in the vicinity of the property in question and the residents of the City generally. In considering the conditional use, the Commission and Council should consider the following:
 - (1) The compatibility with surrounding uses and compatibility with the surrounding neighborhood, including, but not limited to, whether the adjacent property values may be adversely affected.
 - (2) The comparative size, floor area and mass of the proposed structure(s) in relationship to adjacent structures and buildings in the surrounding properties and neighborhood.
 - (3) The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area.
 - (4) The number of transit movements generated by the proposed use and relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood, not in terms of the street's capacity to absorb the additional traffic, but rather in terms of any significant increase in hourly or daily traffic levels.
 - (5) The capacity of adjacent streets to handle increased traffic in terms of traffic volume.
 - (6) The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood.
 - (7) The requirements for public services where the demands of the proposed use is in excess of the individual demand of adjacent land uses in terms of police and fire protection, and the presence of any potential or real fire or other hazards created by the proposed use.
 - (8) The effect on the general appearance of the neighborhood by the location of the proposed use on the parcel.
 - (9) The impact of night lighting in terms of intensity and duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood.
 - (10) The impact of the landscaping of the proposed use in terms of maintained landscaped areas versus areas to remain in a natural state, and the openness of landscaped versus the use of buffers and screens.
 - (11) The impact of a significant amount of hard-surfaced areas for buildings, sidewalks, drives, parking areas and service areas in terms of noise transfer, water runoff and heat generation.
 - (12) The potential for the proposed use to remain in existence for a reasonable period of time and not become vacant or unused. Consideration should also be given to unusual single purpose structures or components of a more temporary nature.

- (13) Any other physical or operational feature or characteristic that may affect the public health, safety and welfare.
- (f) Extension and Revocation. Council may grant an extension of all or any part of a conditional use permit if any approved conditional use permit granted by Council is not exercised and put into use within twelve (12) months of the date of approval. Council, after a public hearing, may revoke a conditional use permit for failure of compliance with the regulations and restrictions of the Zoning Code or the requirements of the conditional use permit.
- (g) Minor Variations. The Planning Commission has jurisdiction to approve minor variations from the conditional use plan provided that the variations shall remain in harmony with the general purpose and intent of the approved plan and the ordinance approving such plan.

APPLICATION SUBMITTAL

Submit one (1) copy of the Conditional Use Permit Application Form (the last page of this packet). Submit eight (8) printed copies of the submittal (collated and stapled in sets) and an electronic copy in PDF format. **All printed plans must be to scale.**

There is a \$500 non-refundable application fee due at the time of submittal (Res. 2020-67).

Any person may file a Conditional Use Permit Application.

The Zoning Code does not provide specific guidance on what materials and information should be submitted with an application, but it does provide decision criteria on which the PC will base its decision.

Generally, the application should include whatever information is necessary to explain the request and to address the decision criteria that the PC will consider. This may include:

- A written description of whatever is proposed
- Scaled, dimensioned plans of existing and proposed buildings, the site, and other planned improvements
- Detailed information about the proposed conditional use, including a description of operations
- Landscaping, parking, and lighting plans
- A plan for signs and other graphics, including ground and building mounted signs
- Site photos

You will have an opportunity to explain your application and answer questions at the hearing, but the submittal should be thorough enough to clarify all aspects of the application and to make clear why you believe the PC and City Council should approve the Conditional Use Permit.

In cases where a survey is not necessary to establish a precise location in advance of the hearing, site plans can be developed from information available on CAGIS Online:

<http://cagisonline.hamilton-co.org/cagisonline/index.html>

QUESTIONS

If you have any questions, please contact the Community Development Department for assistance at 513-745-8542.

The Zoning Code is online: http://blueash.com/government/code_of_ordinances.php.



CONDITIONAL USE PERMIT PLANNING COMMISSION

	APPLICANT	PROPERTY OWNER*
Name		
Company (if applicable)		
Address (if applicable)		
City, State ZIP		
Phone Numbers		
Fax Number		
E-mail Address		

*If more than one owner, submit additional sheet containing all pertinent information and signatures.

PROJECT DESCRIPTION

SUBJECT PROPERTY

Address (if applicable)	
Tax Parcel Numbers	
Total land area	
Current zoning district	

I acknowledge the following: I have read and understand all of the laws and administrative requirements that apply to this application; incomplete or false application information may result in a postponed hearing or the application being tabled or denied; any consultation or advice with City Staff or other City representatives either before or after filing this application shall not compel the Planning Commission in any way relative to action on the application.

SIGNATURE

DATE

Applicant	
Property Owner	

Submit to the Community Development Office at 4343 Cooper Road, Blue Ash, Ohio 45242

CITY USE ONLY (record hearing and other notes here)