

SUBJECT: Proposed text amendments §1429-17 Appeals.

PURPOSE:

To obtain approval from the City Planning Commission (CPC) on text amendments related to the appeal process for decisions made by the Planning Commission on A Final Development Plan for a Planned Development.

PROPOSED TEXT AMENDMENT:

§ 1429-17. Appeal.

The City Planning Commission's approval or denial of a request for renewal or revision of a final development plan or approval of a final development plan is subject to appeal to Council pursuant to §111-3 of the Municipal Code.

Any party with standing may appeal a decision of the City Planning Commission to City Council within 30 days of the decision. For purposes of the Cincinnati Zoning Code a party with standing will include:

- (a) **The Applicant.** Any applicant or owner of property that is the subject of a final decision of the City Planning Commission.
- (b) **Person Affected.** Any person affected by a final decision on an application made following a public hearing and who expressed in writing a position prior to the hearing, or testified at the hearing, including any owner or occupant of the subject property, any owner or occupant of property abutting or otherwise substantially affected by the decision, any community or neighborhood association or organization whose boundaries include or abut the subject property.
- (c) **Community Organization.** A community organization recognized by the Council as representing the area that includes the subject property and that has prepared a community plan accepted by the council, regardless of whether the organization expressed an opinion in writing prior to the hearing or having testified through a representative at the hearing.

JUSTIFICATION:

The appeal process for Planned Developments is not clear. A recent legal opinion of the Law Department determined that any affected party with standing could appeal a decision made by the Planning Commission on a Final Development Plan. This amendment codifies the legal opinion.

PUBLIC STAFF CONFERENCE:

A Public Staff Conference was held February 13, 2008. There were no issues with this specific text amendment.

RECOMMENDATION:

The City Planning Department staff recommends that the City Planning Commission approve the text amendment as written.

RESPECTFULLY SUBMITTED BY:

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REVIEWED BY:

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City Planning Department

12/13/07, 1/10/08
ZTAC

APPROVED:

Charles C. Graves, III
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