PROCEDURE TO INITIATE A CHANGE OF ZONING

Purpose: This is an abstract of rules and regulations concerning rezoning property in the City of Cincinnati. It has been created as a means of simplifying the explanation of the process and is not the officially adopted rules of the City Council or City Planning Commission. The officially adopted regulations are contained in the City Charter, the Cincinnati Municipal Code, and the City Planning Commission Rules and Procedures.

Initiation of a Zone Change
A request for a change of zoning may be initiated by one of the following three methods:
1. Petition to City Council
2. Petition to the City Planning Commission
3. By a member of City Council

The process for each method is outlined below.

1. PETITION TO CITY COUNCIL (City Charter Article VII-6, Cincinnati Municipal Code 111-1).
A property owner, or owners, may petition City Council for a change of zoning on the property. The petition is submitted to the Department of City Planning and Buildings. The following materials are required in the submittal:

- Petition - Two copies of a petition to City Council (attached)
- Description- Two copies of a metes and bounds description of the area to be rezoned.
- Plat - Twelve copies of a plat reproduced from an original drawing (no auditor plats accepted at any scale), not to exceed 30 x 30 inches, at a scale of at least one inch equals on hundred feet (1:100), showing:
  - Street right-of-way lines
  - Existing zone lines
  - The last name of the owner of each property
  - The dimensions of the property being petitioned
  - Area of proposed rezoning shall be shaded in or crosshatched and the zone change stated in the legend.
  - Scale (1:100, 1:50, 1:20)
  - North arrow
- Fee: a non-refundable filing fee of $1,500.00. Checks should be payable to the "City of Cincinnati."
- A Concept Plan and Development Program Statement are also required in the event of a Planned Development (PD) District. (See Chapter 1429 of the Cincinnati Zoning Code).

2. PETITION TO CITY PLANNING COMMISSION [Rules and Procedures for the Cincinnati City Planning Commission Article VIII Section 1(B)].

A. A majority of owners of twelve or more contiguous properties may petition the City Planning Commission for a change of zoning on their property provided that they are all within the zoning district which they desire changed and that they supply the City Planning Commission with the following materials as required by the rules of the Commission.

   - A Petition to the City Planning Commission requesting a change of zoning signed by a majority of owners of twelve or more contiguous properties stating the present zone and the requested zone, along with the purpose for the requested change.
   - A plat or map showing the area covered by the petition.

B. The City Planning Commission may authorize the staff to present a report and recommendation on a proposed change of zoning where no petition exists. The City Planning Commission as an official action of that body must make such authorization.

3. ZONE CHANGE INITIATED BY A COUNCILMEMBER. A City Council member may initiate a change of zoning on any property in the City, as an elected member of City Council. Such action or motion is referred to the City Planning Commission under the requirements of the City Charter.

SUMMARY OF ZONE CHANGE PROCESS

After the request is filed:

Preliminary Step: All petitioners are encouraged to discuss the proposed change of zoning with the officially recognized Community Council for the neighborhood in which the change of zoning is requested. Most Community Councils will request a formal presentation and conduct a vote at a meeting of the full Community Council. This can take place any time after the request is filed, and is recommended to occur prior to the recommendation to City Planning Commission. In most cases, this activity occurs between Steps 1 and 2. **A delay in this activity can cause delays further in the process.** *(Time varies depending on petitioner/Community Council)*

Step 1: Staff Conference *(Approximately 2 – 4 weeks)*
The staff of the Department of City Planning and Buildings will schedule a Staff Conference to discuss the zone change and gather information. Staff will notify the petitioner, the agent, all property owners within 400 feet of the proposed change, and the local community organization. Interested parties will be invited to attend the Staff Conference or send written statements concerning the proposed change. Notices must be mailed at least 14 days prior to the Staff Conference.

Step 2: City Planning Commission *(Approximately 4 – 6 weeks)*
A written staff report including the summary, statements, staff analysis, and a recommendation is presented to the City Planning Commission. Notice of the Planning Commission meeting is sent to the petitioner, the agent, all property owners within 400 feet of the proposed change, and the local community organization, as well as all parties who participated in the Staff Conference in person, by phone, email, or in writing. Those persons are given an opportunity to speak to the subject after the staff presentation is made. The City Planning Commission votes to either approve or disapprove the proposed change of zoning.

Step 3: City Council *(Approximately 4 – 14 weeks)*
Planning staff requests an Ordinance from the Solicitor's Office. *(Ordinance preparation can take 2 – 4 weeks).* Planning staff transmits City Planning Commission's recommendation along with the Ordinance to City Council and asks for the Clerk of Council to schedule a Public Hearing. The Public Hearing must be scheduled at least 14 days from the date of the first day of publication in the City Bulletin. *(Transmittal and schedule of public hearing can take 2 - 4 weeks).*

The Neighborhoods Committee of City Council will hold a public hearing on the proposed change. The same persons notified for the Staff Conference and Commission meeting will be notified by the Clerk of Council for the Council hearing. The Neighborhoods Committee will vote and make a recommendation to City Council. This may occur at the public hearing, or if desired by the Chair of the Neighborhoods Committee, at a later meeting. *(Recommendation can take up to two weeks if the item is held until a later calendar date.)*

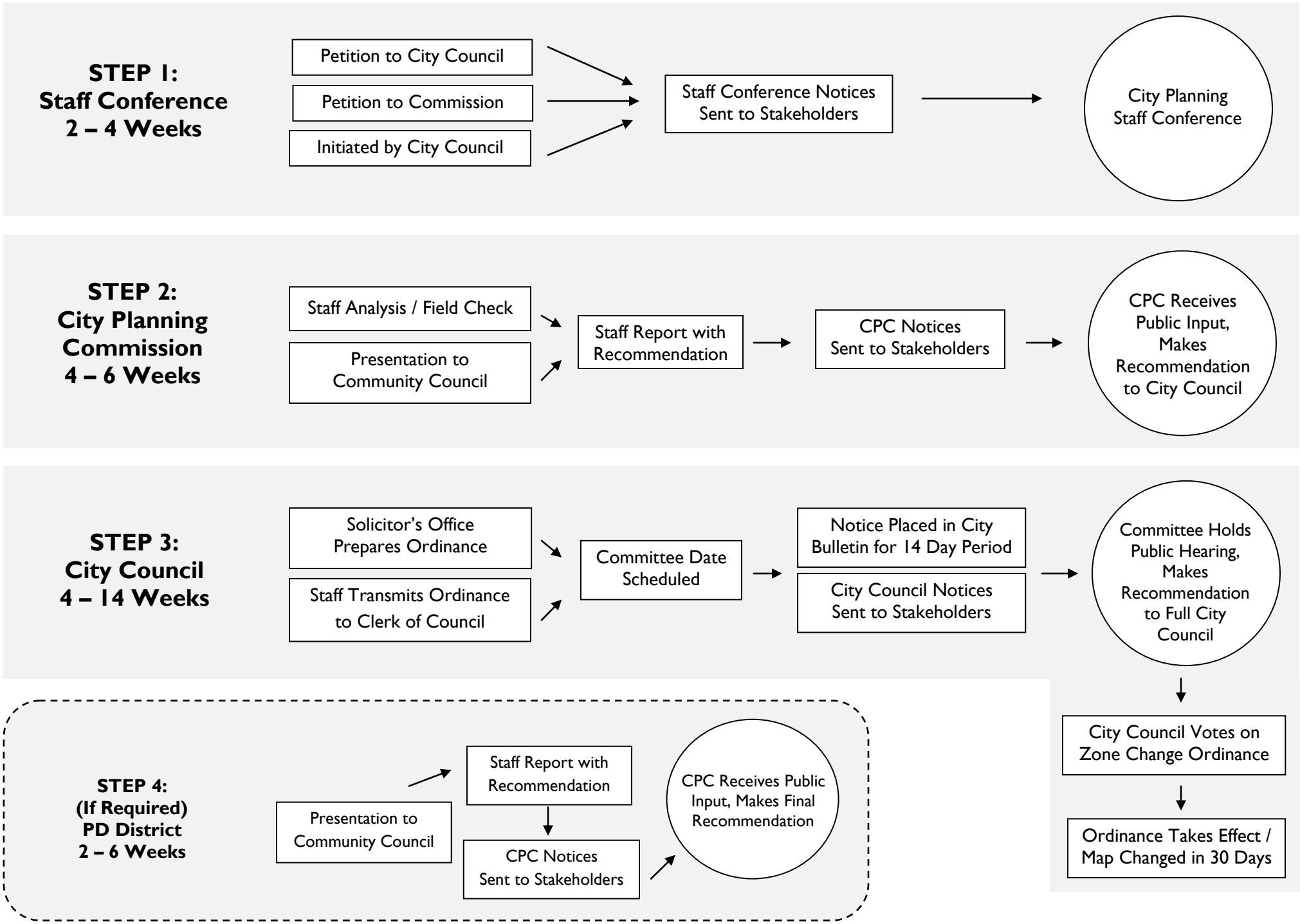
City Council will make the final decision on all zoning petitions. (If the City Planning Commission fails to approve a zone change, City Council must have at least a two-thirds vote (6) of all members to overrule such failure to approve and adopt the proposed zone change).

The zone change goes into effect 30 days after the approval of the Ordinance by City Council. The zoning map is not changed until that time, and no permits can be acted upon for construction or uses that require the new zoning designation. An Ordinance that is approved as an Emergency Ordinance goes into effect immediately.

Step 4: Planned Development Districts *(Approximately 2 – 6 weeks)* IF REQUIRED
In the event that the change of zoning features a Planned Development (PD) District, the Final Development Plan must be approved by City Planning Commission. A Staff Conference is not required but Community Council notification is.

See Attached Application and Flow Chart

City of Cincinnati Zone Change Process



PETITION FOR CHANGE OF ZONING OF PROPERTY LOCATED IN THE CITY OF CINCINNATI, OHIO

Date: _____

TO: The Honorable Council
Of the City of Cincinnati

I hereby respectfully petition your Honorable Body to amend Building Zone Map Number

_____ of the Zoning Code of the City of Cincinnati by changing from the

_____ Zone District to the _____ Zone District for the

area described in the attached legal description and depicted on the enclosed plat.

Location of property (street address): _____

_____

Area contained in property (excluding streets): _____

Present use of the property: _____

_____

Proposed use of property and reason for change: _____

_____

Property Owner's Signature: _____

(Name Typed) _____

Address: _____ Phone: _____

Agent Signature: _____

(Name Typed) _____

Address: _____ Phone: _____

<u>Please Check if the Following Items are Attached:</u>

Application Fee ____

12 Copies of Plat ___

2 Copies of Metes and Bounds ___