



INSTRUCTIONS TO FILE FOR A **CONDITIONAL USE APPLICATION**

Introduction – What is a Conditional Use?

A “Conditional Use” is defined within the Hamilton Zoning Ordinance (HZO) as a use that is not outright permitted or appropriate within a specific zoning district unless the applicant can demonstrate to the Planning Commission and the City Council that the proposed use will not be detrimental to the public health, safety, or welfare of the City of neighborhood in which the proposed Conditional Use will be located.

Please refer to the Hamilton Zoning Ordinance, Zoning Use Chart for specific zoning districts with uses requiring a Conditional Use Approval, (marked as “C”):

- Zoning Use Chart – [Section 1250](#)

The operation of a business listed as a Conditional Use, including any site work / improvements associated with the proposed Conditional Use, is not permitted until the approval is granted through the issuance of a Conditional Use Certificate.

Approval of Conditional Use Applications is **not** guaranteed. To receive a Conditional Use Certificate, an application must receive a favorable recommendation from the Planning Commission at a public hearing as well as final approval from the City Council. All applications are reviewed for compliance with the review criteria located on page 9 of this document.

Introduction – What is a Variance?

A variance is a minor relief granted from the rules of the zoning ordinance. Variances can be granted due to unusual conditions of a property, where following specific Zoning Ordinance regulations would result in practical difficulty or undue hardship. The applicant must prove the need for a variance.

Variances may be requested along with a Conditional Use application provided the relief being requested corresponds directly to the Conditional Use that is being applied for.

A variance can be reviewed and approved with a conditional use should they meet the criteria for approval of variances per the HZO. Approval of a variance is **not** guaranteed. All applications are reviewed for compliance the criteria located on page 10 of this document.



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Review Track for Applications

The Review Track for Conditional Use Applications, with or without variance(s), contains the following benchmarks. The process typically takes three (3) to four (4) months to complete for approved applications.

- *Pre-Application Meeting*
- *Application Submittal*
 - Applications are required to be submitted three weeks prior to the public hearing
- *Staff Review & Processing*
- *Public Hearing - Planning Commission Meeting*
 - If the Planning Commission makes a favorable recommendation, the application continues to the City Council (Below) for final review and consideration
- *City Council*
 - City Council examines the merits of the submitted application and testimony provided at the Planning Commission and takes final action to deny, approve, or approve and application with conditions.

If an application is denied at any point during the review track (above), no similar application shall be accepted for a period exceeding one (1) year from the date of the denial.

Pre-Application Meeting

Prior to the application process, set up a *Pre-Application* meeting with City of Hamilton Planning Staff by contacting 513-785-7350. The pre-application meeting is critical as it provides a forum for staff and applicant(s) to:

- Outline what sections of the Zoning Ordinance apply to your project.
- Outline the process and what to expect.
- Answer questions.
- Review required submittal materials.

Application Submittal

Following the pre-application meeting, an interested applicant(s) will submit their application to the Planning Department at 345 High Street, Suite #350.

The processing fee for Conditional Use Applications (with or without variance(s)) is \$200.00.

An application shall be considered filed when the application is completed, signed by the appropriate parties, and received by the Planning Department office along with all of the required submittal information (*Application Checklist, Page 5*) including the application fee.

For questions or more information, please contact Planning at 513 785-7350 | www.hamilton-oh.gov/planning



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No application will be accepted or reviewed without receipt of payment.

All information should be typewritten or printed legibly in ink, and signed by the applicant and the property owner. The application should include the following items:

- A completed application
- A copy of all relevant plans (*professionally drawn or drawn in a similar, legible layout*)
- A copy of all written supporting documentation.

Staff Review & Processing

Once an application has been deemed complete, Planning Staff will process the information and notify the required parties which includes you the applicant, and all property owners located within 500 feet of the subject property.

After notification, staff will send the application for interdepartmental review to allow other city departments to provide comments, if applicable, pertaining to their respective scope of authority. The information and comments are compiled into a report by staff and sent to applicants as well as the Planning Commissioners one (1) week prior to the public hearing.

Public Hearing - Planning Commission Meeting

The Planning Commission meeting is a forum for the public to provide input or ask questions about a specific project or application. The role of the Planning Commission is to make a recommendation on Conditional Use applications in a manner that best serves the public health, safety, and welfare. In making their decision to approve or deny an application, the Planning Commission is required to utilize specific *Decision Making Criteria* (See page 7).

You, as the applicant, and/or your representative should be present at the meeting in order to have the case considered.

The following provides an overview of what to expect at your hearing.

- Planning Department Staff will present your case to the Planning Commission.
- You and/or your representative may then present any information or testimony that is relevant to the Conditional Use to the Planning Commission.
- The Planning Commission will then hear from any other interested parties in what is known as the public hearing portion of the meeting.
- After considering all information presented, the Planning Commission renders a decision of favorable or denial.
- The Planning Commission may attach conditions to the approval of the application.

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If the Planning Commission chooses to make a favorable recommendation of the application at the hearing, it will then be forwarded to the City Council for review and to take final action.

If a Conditional Use application is denied, the Applicant will be unable to submit for the same conditional use for a period of one (1) year.

City Council

City Council will examine the merits of the submitted application and testimony provided at the Planning Commission at a Caucus Meeting. At this meeting Council will take action to deny or approve the application.

Revocation of Conditional Use Certificate/Approval

A Conditional Use Certificate runs with the property for which it is approved and can be transferred to a new owner unless otherwise stipulated as a specific condition of approval. The Certificate can be revoked in accordance with zoning statutes in the following ways:

- The operation of the use associated with the Conditional Use Certificate has not occurred within a six (6) month period from the date of approval. This includes proposed site work (interior and exterior) which may require the issuance of a Certificate of Occupancy (COO) from the Building Department. An extension may be requested through the Planning Commission for approval; to be submitted one (1) month prior the expiration of the six (6) month period.
- The existing business associated with an approved Conditional Use Certificate is discontinued or abandoned for a period exceeding six (6) months.
- The breach by the applicant, successors, or assignees, of any condition, safeguard, or requirement expressed or referred to on the Conditional Use approval. Such breaches shall constitute a violation of the Zoning Ordinance.

CONDITIONAL USE APPLICATION

Applicants: Please provide sufficient information pertaining to your Conditional Use, including site plans and building elevations. The checklist below outlines the items that are generally required for a Conditional Use application. Please use the list to indicate your submission of required application items.

Insufficient or incomplete applications may be refused or may be postponed by Planning Staff or the Planning Commission, resulting in delay of your project.

I. APPLICATION REQUIREMENTS:

☐ General Requirements:

- Pre-Application Meeting [Required] (Date of Meeting _____)
- Complete Conditional Use Application Form
- Required Application Fee – (\$200)
- Required Application Material
 - (a) See Checklist.

Applicant Checklist

II. PROJECT OVERVIEW

☐ Description of Request(s)

- Conditional Uses
- Variances (where applicable)

☐ Project Description

- Introduction / Background to proposal
- Scope of business operations
- Description of how project addresses review criteria
 - (a) Conditional Use Criteria – Section 1300.4 (see page 9)
 - (b) Variances – Section 1300.4 (see page 10)
- How does the project address the requirements specific to your proposed conditional use? (Please review Section 1250, “Zoning Use Chart” and Section 1310+ “Conditional Uses”.)

CONDITIONAL USE APPLICATION

Applicant Requirements (continued)

III. SITE PLANS

- ☐ **Basic drawing and location information**
 - North orientation arrow
 - Drawing scale information
 - Property lot lines
 - Street locations and names
- ☐ **Proposed, location, dimensions, height, areas, and setbacks to property lines:**
 - Buildings
 - Signage
 - Fencing
 - Parking
 - Dumpster enclosure
 - Accessory structures
- ☐ **Access and circulation on the site**
 - Vehicles
 - Pedestrians
- ☐ **Location of off-street parking:**
 - Off-street parking areas
 - Driveways
 - Parking locations
 - Parking space dimensions
 - Surface materials
- ☐ **Signage**
 - Location
 - Setbacks
 - Area and Height
- ☐ **Location of landscaping areas & totals of proposed landscaping**
- ☐ **Fencing height and materials (if applicable)**

CONDITIONAL USE APPLICATION

Applicant Checklist (continued)

IV. BUILDING PLANS:

- ☐ Color exterior building elevation drawings
- ☐ Building elevations showing:
 - Building heights
 - Building materials
 - Architectural details
 - Features
- ☐ Interior floor plan showing:
 - Room/area uses
 - Interior room dimensions
- ☐ Location of areas/facilities relevant to the conditional use
- ☐ Other

V. LANDSCAPING PLAN:

- ☐ Plans showing number, type, and location of:
 - Trees – Conditional Uses must have the required number of trees (*1 tree per 5,000 square feet of lot area of the property*), and other required trees (*such as landscape buffers, etc.*)
 - Shrubs
 - Perennials / Flowering Plants

VI. LIGHTING PLAN (If Applicable):

- ☐ Plans showing:
 - Location of building facade lighting
 - Location of lighting on the site
 - Photometric plan / Amount of light generated by site



CONDITIONAL USE APPLICATION

Note: Staff correspondence pertaining to updates on your application, including reports and notifications, is conducted via email. Please be sure to include an email address for each of the contacts below. Staff is also able to notify additional individuals by providing their name and email address on a separate page titled "Additional Contacts" which should be included within your application.

PROPERTY ADDRESS: _____

Property Owner: _____

Owner's Mailing Address: _____

Email Address: _____ Phone Number: _____

Applicant's Name (If different from owner): _____

Applicant's Mailing Address: _____

Email Address: _____ Phone Number: _____

Architect / Engineer: _____

Mailing Address: _____

Email Address: _____ Phone Number: _____

Previous Legal Use of Property: _____

Date Previous Use Discontinued: _____

Proposed New Use of Property: _____

PLEASE NOTE:

Incomplete applications or applications missing the required materials necessary to conduct a review will not be reviewed by staff nor will they be placed on the agenda to be heard by the Planning Commission until all required information has been submitted.

CERTIFICATION:

I certify that all of the information contained in this Application is complete, true, and accurate.

Applicant's Signature: _____

Date: _____

Property Owner's Signature: _____

Date: _____

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CONDITIONAL USE APPLICATION

Conditional Use Review Criteria

Section 1300.4., C., of the Hamilton Zoning Ordinance states that in reviewing an application for a Conditional Use, the Planning Commission and City Council shall consider whether there is adequate evidence that the proposed Conditional Use is consistent with the following General Standards.

In reviewing an application for a Conditional Use, the PC shall consider whether there is adequate evidence that the proposed Conditional Use is consistent with the following General Standards.

(Please address these criteria in a separate sheet included in your application (see Project Overview Section of the Applicant Checklist))

- (1) The proposed Conditional Use is to be located in a district wherein such use may be permitted, subject to the requirements of this Section and the Zoning Ordinance.
- (2) The proposed Conditional Use will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.
- (3) The proposed Conditional Use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.
- (4) The proposed Conditional Use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools. If not, the applicant shall be responsible for the extension or establishment of any public facilities and services to effectively service the proposed Conditional Use.
- (5) The proposed Conditional Use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding streets.
- (6) The proposed Conditional Use will comply with all applicable development standards, except as specifically altered in the approved Conditional Use.
- (7) The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses.
- (8) The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.
- (9) The proposed Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (10) State how the proposal relates to existing land use of the vicinity, or to the City of Hamilton Comprehensive Plan. If the proposed use is inconsistent with the land uses in the surrounding area, justify the proposed deviation.

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CONDITIONAL USE APPLICATION

Variance Review Criteria

Section 1300.4., D., of the Hamilton Zoning Ordinance states that no variance to which this Ordinance is applicable shall be recommended for approval by the Planning Commission, or authorized by the City Council, unless the Commission and Council find, that practical difficulties exist sufficiently to warrant a variance. In making this determination the Board shall consider and weigh the following factors:

In the event your proposed conditional use project or property conditions cannot meet the requirements of the Hamilton Zoning Ordinance, you may ask for variances for your proposed conditional use. ***If variance requests are applicable, please address these provisions in a separate sheet included in your application (see Project Overview Section of the Applicant Checklist).***

- i. Will the property yield a reasonable return or can there be a beneficial use of the property without the Variance?
- ii. Is the Variance substantial?
- iii. Would the Variance cause a substantial alteration in the essential character of the neighborhood or cause a substantial detriment to the adjoining properties?
- iv. Would the Variance adversely affect the delivery of governmental services?
- v. Did the property owners purchase the property with the knowledge of the zoning restriction?
- vi. Could the problem be solved in some other manner other than the granting of the Variance?
- vii. Would the Variance preserve the spirit and intent of the zoning requirement and substantial justice be done by granting the variance?

2024 Hamilton Planning Commission Meeting Calendar

First and Third Thursday of every month, except scheduled City Holidays.

First Thursday Meeting of every month is at 1:30 pm:

Third Thursday Meeting of every month is at 6:00 pm:

Meetings are in the City Council Chambers, Municipal Building. 1st floor, 345 High Street.

NOTE: Submitting the application to the Planning Office does not guarantee inclusion on an upcoming Planning Commission Agenda. Applications must be reviewed by Staff, must be complete, accurate, must address and adhere to the relevant sections of the Hamilton Zoning Ordinance including Conditional Use/Specific Use, and PD requirements where applicable, and all planning application fees paid.

Meeting Date	Application Deadline
January 4, 2024	December 11, 2023
January 18, 2024	December 18, 2023
February 1, 2024	January 8, 2024
February 15, 2024	January 22, 2024
March 7, 2024	February 12, 2024
March 21, 2024	February 26, 2024
April 4, 2024	March 11, 2024
April 18, 2024	March 25, 2024
May 2, 2024	April 8, 2024
May 16, 2024	April 22, 2024
June 6, 2024	May 13, 2024
June 20, 2024	May 29, 2024
CANCELLED (July 4, 2024)	
July 18, 2024	June 24, 2024
August 1, 2024	July 8, 2024
August 15, 2024	July 22, 2024
September 5, 2024	August 12, 2024
September 19, 2024	August 26, 2024
October 3, 2024	September 9, 2024
October 17, 2024	September 23, 2024
November 7, 2024	October 14, 2024
November 21, 2024	October 28, 2024
December 5, 2024	November 11, 2024
December 19, 2024	November 25, 2024
January 2, 2025	December 9, 2024
January 16, 2025	December 23, 2024