

Sponsor: Mayor Richard Headen

First Reading: June 13, 2016
Second Reading: Suspended, 2016
Third Reading: Suspended, 2016
Adopted: June 13, 2016

**VILLAGE OF LINCOLN HEIGHTS
HAMILTON COUNTY, OHIO
ORDINANCE NO. 2016-O-6**

**ORDINANCE AMENDING SECTION 153.216 OF THE
ZONING CODE REGARDING SPECIAL EXCEPTION PERMITS**

WHEREAS, Council for the Village of Lincoln Heights finds that persons desiring to apply for a special exception permit pursuant to Title XV, Chapter 153, Section 153.216 of the Code of Ordinances for the Village of Lincoln Heights should bear the actual costs incurred by the Village for processing such application.

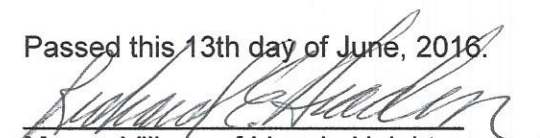
NOW, THEREFORE, BE IT ORDAINED by the Council for the Village of Lincoln Heights, Hamilton County, Ohio, that:

SECTION I. Title XV, Chapter 153, Section 153.216(C), a copy of which is attached hereto as **Exhibit A**, shall be amended to read as follows (new language in italics):

(C) Application. An application for special use shall be filed with the Village Council. The application fee for requesting a special exception permit shall be \$250 per application, plus actual costs incurred by the Village for processing such application. Accordingly, an additional \$250 refundable deposit shall be made for the anticipated costs of processing the special permit application. The Village Council shall process such applications in the manner prescribed herein for amendments to this chapter


SECTION II. Upon passage, the modified text contained in Section I shall be substituted for Title XV, Chapter 153, Section 153.216(C), of the Code of Ordinances for the Village of Lincoln Heights and shall be codified therein. The Clerk of Council is hereby directed to forward this Ordinance upon passage to the codification service provider for the Village of Lincoln Heights and to instruct said provider to codify this Ordinance in accordance with this Section II.

Passed this 13th day of June, 2016.



Mayor, Village of Lincoln Heights

Attested:



Clerk of Council

RECORD OF VOTES CAST

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Richard Headen	x	_____	_____	_____
Vice-Mayor Jeannie Stinson	x	_____	_____	_____
Phyllis Baber	x	_____	_____	_____
Linda Childs-Jeter	x	_____	_____	_____
Kathy A. Goodwin-Williams	x	_____	_____	_____
Ruby Kinsey-Mumphrey	x	_____	_____	_____
Deborah Seay	_____	_____	_____	x

CERTIFICATION OF PUBLICATION

I hereby certify that I have published the foregoing legislation beginning on June 13, 2016 in accordance with Section 2.12 of the Charter for the Village of Lincoln Heights, Hamilton County, Ohio, by posting a complete copy of the legislation for at least 14 days after its adoption in 5 conspicuous places in the Village, to wit: 1) Healthcare Connection; 2) Seven Hills Seniors; 3) Friendship Plaza; 4) Centennial Apartments; and 5) Oak Park.



 Clerk of Council

604629.1

EXHIBIT A

§ 153.216 SPECIAL EXCEPTIONS PERMITS.

(A) *Purpose.* The development and execution of the Zoning Code is based on the division of the village into districts, within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses which, because of their unique character, cannot be properly classified into any particular district or districts without consideration in each case of the impact of those uses on neighboring lands, and on the public need for the particular use of the particular location. Such special uses fall into two categories:

(1) Uses operated by a public agency or publicly-regulated utilities, or uses traditionally affected with a public interest; or

(2) Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact on neighboring property or public facilities.

(B) *Authorization.* Special uses shall be authorized only by the Village Council, provided that no application for a special use shall be acted on by the Village Council until after a public hearing is scheduled and notice posted and thereafter held by the Planning Commission and its findings and recommendations are reported to the Village Council.

(C) *Application.* An application for special use shall be filed with the Village Council. The Village Council shall process such applications in the manner prescribed herein for amendments to this chapter.

(D) *Standards.* No special use shall be granted by the Village Council unless the special use:

(1) Is deemed necessary for the public convenience at that location;

(2) Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected; and

(3) Will not cause substantial injury to the value of other property in the neighborhood in which it is located.

(E) *Conditions.* The Planning Commission may recommend and the Village Council may provide such conditions and restrictions on the construction, location, and operation of a special use, including, but not limited to, location of points of vehicular ingress and egress, off-street parking and loading, and building setbacks, as may be deemed necessary to promote the general objectives of this chapter, and to minimize any injury to the value of property in the neighborhood. Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of the permit for such special use.

(F) *Expiration of a special exception.* Unless otherwise specified by the Council, a special exception shall expire if the applicant fails to obtain a building permit or use and occupancy permit, as the case may be, within six months from the date of authorization thereof.
(1995 Code, § 153.216) (Ord. 68-15, passed 8-22-1968)