

Fee: \$100.00

Date Pd. \_\_\_\_\_

Check # \_\_\_\_\_

## VILLAGE OF INDIAN HILL APPLICATION FOR GRANT OF SPECIAL EXCEPTION

To: The Indian Hill Planning Commission

The undersigned hereby applies for a grant of special exception to the regulations of the Indian Hill Zoning Ordinance.

### PART A General Information

- 1) Name, address and phone number of the person or organization making application:

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- 2) Name(s) of property owner(s):

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- 3) Address or location of property:

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- 4) District Classification:

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- 5) Type of special exception being requested:

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## NOTE TO APPLICANT

The information requested under the following items is required by the Indian Hill Zoning Ordinance.

It is suggested that the applicant consult with the City Manager's office for assistance in completing this form. Samples of completed forms are also available.

All items should be answered clearly and completely. (Additional sheets may be attached if space is not adequate.)

### ZONING ORDINANCE – VILLAGE OF INDIAN HILL, OHIO

Section  
101-4

#### Special Exceptions

101.41 Authority and Purpose The Commission, in accordance with the procedures and standards set forth below, shall have the power to grant special exceptions to the district regulations of this ordinance. Special exceptions are uses which are generally compatible with the other land uses permitted in a given zoning district, but which, because of their potential adverse impact on the use and enjoyment of nearby properties, require individual review of their location, site design, and/or operation, and the imposition of such conditions as the Commission may deem necessary in order to minimize potential adverse impacts on the particular exception and to ensure that the exception is consistent with the character of the neighborhood.

101.42 Special Exceptions Authorized Only the uses identified in this Section shall be allowed as special exceptions, provided that they meet the standards established in this Section and Section 101.43. Except as otherwise stated below, the following uses may be established as a special exception in any district:

- 1) The conversion or use of any accessory building for a separate family use if:
  - a) The existing or proposed dwelling meets or is made to meet all applicable provisions of the Building Code of the Village of Indian Hill;
  - b) Such dwelling and all other existing buildings and use on the same premises meet or are made to meet all applicable provisions of this ordinance;

- c) Vehicular access adequate, in the opinion of the City Manager, for ready access and safe use by fire fighting equipment and other public service vehicles is provided;
  - d) Such dwelling is rented by the owner when the owner is residing on the same premises;
  - e) It is agreed by the owner at the time of any application therefore, that any sale of such dwelling and later division of premises shall be subject to approval by the Planning Commission in accordance with provisions of the Subdivision Regulations of the Village of Indian Hill; and
  - f) The total area of land on which the accessory building and the principal dwelling are located is sufficient for both buildings meet the acreage requirements of this Zoning Ordinance for the District in which said buildings are located, if the accessory building is later sold.
- 2) Schools with a twenty percent (20%) minimum enrollment of students who reside within the Village of Indian Hill, places of worship, places of public assembly and Village of Indian Hill municipal offices and uses, including fire stations operating under a contract with the Village of Indian Hill.
  - 3) Golf courses and tennis courts, all of a non-commercial nature.
  - 4) Public utility uses without service or storage yards, and accessory uses or structures thereto.
  - 5) Cemeteries adjacent to, or in extension of existing cemeteries, all of a non-commercial nature.
  - 6) Extraction of earth products, all of a non-commercial nature.
  - 7) Commercial poultry farms, dog kennels, dairy farms, and horse boarding farms. However, such uses shall not be permitted as special exceptions in the "C" District.
  - 8) Stands for the display and sale of farm products raised on the premises, as an accessory use.
  - 9) Day care operations, as an accessory use provided that the principal use of the building is a school or place of worship.
  - 10) The substitution for a non-conforming use of another non-conforming use which, in the opinion of the Commission, is of the same or less

objectionable nature in respect to its effect on the neighborhood, provided no structural alterations, except as are required by law or ordinance, are made in any structure.

- 11) The extension of a non-conforming use of land or non-conforming use throughout a structure manifestly designed for such use, provided no structural alterations, except such as required by law or ordinance, are made therein.
- 12) The temporary use of a structure or of land in any district for the purpose or use which does not conform to the regulations prescribed by this ordinance for the district in which it is located, provided that such use be of a true temporary nature and does not involve the erection of substantial structures. A permit for such temporary nature and does not involve the erection of substantial structures. A permit for such temporary use shall be revocable and for not more than a period of twelve (12) months, subject to such conditions as will safeguard the public health, safety, convenience, comfort, morals, and general welfare.
- 13) The special exception hereinbefore specified in Section 86.

101.422 The listing or designation of a special exception above does not constitute an assurance or presumption that such special exception will be approved. Rather, each proposed special exception shall be evaluated by the Commission on an individual basis, in relation to its compliance with the standards for the district in which it is located, in order to determine whether approval of the special exception is appropriate at the particular location and in the particular manner proposed.

#### 101.43

#### Standards for Special Exceptions; Additional Conditions

101.431 Standards The Commission shall not grant a special exception unless, in each case, it makes written findings of fact and conclusions, directly based on and supported by the particular evidence presented to it in the application and at the hearing, that the proposed special exception meets each of the following standards:

- 1) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, convenience, comfort, morals, or general welfare;
- 2) The special exception is not inconsistent with the Village's adopted Land Use Objectives and Policies;

- 3) The special exception, either alone or in conjunction with other special exceptions previously granted or otherwise existing, will not injure, diminish, or impede the use, enjoyment, or normal and orderly development of other property in the immediate vicinity of the parcel proposed for development;
- 4) The special exception is consistent with the residential character of the immediate vicinity of the parcel proposed for development;
- 5) The special exception will not substantially diminish or impair property values within the neighborhood;
- 6) Adequate utilities, drainage, wastewater treatment, and/or other facilities necessary to serve the proposed special exception already exist or will be provided;
- 7) Adequate access roads, entrance and exit drives, and off-street parking spaces already exist or will be provided and designed so as to prevent traffic safety hazards, to minimize traffic conflicts and congestion in the streets and to maintain the rural residential character of existing roadways in the Village, without requiring improvements that will increase the capacity of existing roadways or will encourage their use by through-traffic;
- 8) The special exception will not adversely affect a known archaeological, historical, or cultural resource;
- 9) The applicant has represented to the Commission that it has the capacity to complete, maintain, and operate the special exception as proposed and approved, and has made or will make adequate legal provision to guarantee the provision and development of any buffers, landscaping, public open space, and other improvements associated with the proposed development;
- 10) The special exception shall in all other respects conform to the applicable regulations of the zoning district in which the property is located, except where the Planning Commission in a particular case grants a variance from the regulations pursuant to Section 101.5 or, if the regulations are of a type that may not be varied under Section 101.52, where the Council in a particular case waives or modifies the

regulations pursuant to the recommendations of the Commission;

11) All exterior lighting fixtures will be designed, directed, or shaded so that no direct light is cast upon any other property; and all driveways and off-street parking areas will be designed and screened to minimize the illumination of adjacent residential properties by automobile headlamps; and

12) All buildings and structures located within 25 feet of the minimum front yard, side yard, or rear yard required under Section 63.1 or Section 73.1 will be screened by landscaping of a type, nature, and seasonal character that will ensure the privacy of adjacent dwellings and will ensure that the visual character of the use will be compatible with surrounding uses; and all accessory outdoor storage areas, mechanical equipment, and waste disposal facilities will be screened from the view of adjacent dwellings.

101.432 Conditions The Commission may attach to the approval of a special exception such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special exception as the Commission deems necessary to secure compliance with standards set forth in this section and to carry out the purpose of this ordinance. Such conditions may include, but are not limited to the following: requiring larger yard depths for buildings, structures, or parking areas; requiring or placing restrictions on landscaping, signage, or outdoor lighting; requiring the provision of adequate ingress, egress, or off-street parking; limiting the duration of the approval of the special exception; limiting the hours and frequency of the operation of the use; and requiring measures to mitigate the impacts of the special exception on the natural environment.

**PART B** Answer the following items as thoroughly as possible.

1) Describe the special exception for which this application is made (see Sections 101.41 "Authority and Purpose," 101.42 "Special Exception Authorized," and 101.43 "Standards for Special Exceptions, Additional Conditions" of the Zoning Ordinance):

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2) Explain how the requested special exception conforms to each of the standards set forth in Section 101.43 of the Zoning Ordinance.

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- 3) List any permits or licenses required by any governmental agency for this use. Attach a copy of any such permit or license or explain why such permit or license is not available:

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- 4) State the hours during which it is proposed to conduct the use for which the special exception is sought and the number of persons to be employed:

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- 5) State the number and types of vehicles which will be used in connection with the proposed use:

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- 6) State whether flammable or explosive materials will be used or stored on the property:

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- 7) Furnish a statement of (I) the impact of the proposed use upon significant natural environmental features on the property; (II) the methods proposed



to preserve such features; and (III) the adverse environmental impacts which cannot be avoided if the special exception is granted:

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8) List number and types of all exterior lights. If such illumination is proposed, the location of each light must be clearly marked upon the site plan:

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9) State nature and type of utility and drainage facilities which will be provided:

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10) State the type of vegetation and landscaping to be used for screening the proposed use from nearby properties. In addition, mark site plan of the location of such vegetation and landscaping:

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11) Give names and addresses of all owners of property and residents within 500 feet of the property for which the special exception is being sought:

Name

Address

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12) Additional information if required by Planning Commission:

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13) Attach to this application eight (8) copies of a site (plot) plan, prepared by a draftsman, and drawn to the scale of either one inch (1") equals fifty feet (50') or one inch (1") equals one hundred feet (100').

Such site plan shall show the actual location and dimension of the lot as recorded, contour lines, significant vegetation and other natural environmental features; the use, height, location, and ground area of all present and proposed buildings and structures; the location of all vehicular entrances to and exits from the property; the location of all off-street parking areas and number of spaces provided therein; the number, type, size, and location of all present and proposed signs; and the existing district classification of the property. Show names and addresses of all owners of property adjacent to each property line of the property.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Review by City Manager:

I have examined this application and its attachments and find that it complies with the requirements of Section 101.42 and 101.44 of the Zoning Ordinance.

Said application for Special Exception No. \_\_\_\_\_, is herewith forwarded to the Planning Commission for consideration.

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date

cc: Planning Commission Members  
Donald L. Crain  
Applicant/Property Owner