

April 3, 2024

TO: Mayor and Members of Council

FROM: Sheryl M.M. Long, City Manager

202401017

SUBJECT: Fee Waivers for Community Organizations Applying for Zoning Map Amendments

Reference Document #202301902

The City Council at its session on September 13, 2023, adopted the following item:

MOTION, submitted by Vice Mayor Kearney, WE MOVE that the Department of Planning and Community Engagement waive the \$1,500 fee for First Baptist Church of Walnut Hills' application for historical landmark designation.

The Department of City Planning and Engagement oversees the City's urban planning functions, including the development and implementation of city and neighborhood plans and the development and oversight of amendments to the City's official zoning map. Changes to the zoning map are more commonly known as "zone changes." Zone changes may have many effects, including: (i) allowing a single parcel or several adjacent parcels to be used for a newly proposed land use, (ii) designating an area of adjacent parcels for desired future land uses, (iii) applying an overlay district over an area to provide special rules or protections (e.g., hillside or interim development control districts), or (iv) protecting a historic landmark or district.

The application for most zone changes has a fee of \$1,500, and certain specialized zone changes may have higher fees. These generally applicable fees cover a portion of the cost for staff time from the Department of City Planning and Engagement, the Law Department, and any other departments involved in the zone change process; printing and mailing of public notices; and any printing or other costs associated with the review of the application. All applicants are required to pay the application fee in order for the application to be deemed complete; however, an effective exemption from this fee is currently available if a City Councilmember agrees to sponsor the application of a community group as his or her own legislative proposal.

Community organizations frequently raise concerns that the City's application fees are prohibitive. They believe the fee makes it difficult for neighborhood leadership to proactively pursue the designation of potentially historic landmarks and districts, pursue zoning studies, or implement zone changes recommended in Neighborhood Plans. However, as noted, fees are an important source for recovering costs the City incurs in connection with the zone change process, and these fees are charged equally to all applicants because those costs are not otherwise budgeted.

In September 2023, Cincinnati City Council adopted the above Motion and Vice Mayor Kearney became a co-applicant for the application for the historic landmark designation of the First Baptist Church of Walnut Hills. Several City Council members requested that the City Administration propose a more permanent and sustainable solution to this issue.

The Department of City Planning and Engagement and the Law Department collaborated to consider a legally defensible solution. A preferred solution would balance the Administration's workload with the ability for recognized community organizations to pursue map and text amendments for the benefit of their community. To balance the competing interests outlined above, the Department of City Planning and Engagement will build into its annual work plan a number of zone changes in each calendar year. These zone changes, including the creation of historic landmarks and districts, may be requested by a recognized community organization (such as a Community Council or Community Development Corporation) as an initial means to implement an approved neighborhood plan or as part of a neighborhood plan process.

Zone changes under these circumstances would be provided at no cost to the requestor because they would be treated as part of the department's ordinary long-range planning process and not as one-off zone-change applications. Zone changes implemented through this process have the additional benefit of having been initially assessed by the City Planning Commission and City Council due to their inclusion in an approved city or neighborhood plan. Finally, this process will help communities implement their neighborhood plans while ensuring that the Department of City Planning and Engagement appropriately budgets within its administrative and operational capacity and costs to ensure its continued delivery of superior public services.

Also, this proposal would not remove the option for Council members to be co-applicants for other desired amendments not reflected in a Neighborhood Plan.

RECOMMENDATION

Beginning with the 2025 budget cycle, the Department of City Planning and Engagement will implement this process change by developing an annual work plan that incorporates a number of zone changes annually to implement this community plan-oriented approach within the department's long-range planning processes.

cc: William "Billy" Weber, Assistant City Manager
Katherine Keough-Jurs, FAICP, Director, Department of City Planning and Engagement