

October 13, 2021

To: Mayor and Members of City Council 202102920

From: Paula Boggs Muething, City Manager

Subject: Emergency Ordinance – Text Amendments to Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code” of the Cincinnati Municipal Code

Transmitted is an Emergency Ordinance captioned:

MODIFYING Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code,” of the Cincinnati Municipal Code, by **AMENDING** the provisions of Sections 1401-01-A8, “Animal Keeping,” 1403-05, “Land Use Regulations,” 1409-07, “Land Use Regulations,” 1411-05, “Land Use Regulations,” 1413-05, “Land Use Regulations,” 1422-05, “Development Regulations,” 1422-07, “Maintenance and Storage,” 1425-19, “Off-Street Parking and Loading Requirements,” 1437-05, “Establishment of UD Overlay Districts,” 1437-07, “Applications Subject to Review,” 1437-09, “Development Standards in UD Overlay Districts,” 1437-11, “Approval,” 1437-13, “Appeal,” 1439-07, “Zoning Hearing Examiner,” 1439-11, “Zoning Board of Appeals,” 1703-2.40, “T3 Estate,” 1703-2.50, “T3 Neighborhood,” 1703-2.60, “T4 Neighborhood Medium Footprint,” 1703-2.70, “T4 Neighborhood Small Footprint,” 1703-2.80, “T5 Main Street,” 1703-2.90, “T5 Neighborhood Large Setback,” 1703-2.100, “T5 Neighborhood Small Setback,” 1703-2.110, “T5 Flex,” 1703-2.120, “T6 Core,” 1703-5.50(D), “Parking,” 1703-5.80(E), “Permanent Signs,” 1703-5.80(L), “Directory Sign,” 1703-5.80(O), “Pole/Monument Sign,” 1703-5.80(S), “Wall Sign,” 1703-5.80(T), “Wall Mural Sign,” 1703-5.100, “Additional Standards for Specific Uses,” 1703-8.50, “Administration and Procedures,” 1703-9.10(E), “Definitions,” 1703-9.10(F), “Definitions,” 1703-9.10(H), “Definitions,” 1703-9.10(N), “Definitions,” 1703-9.10(O), “Definitions,” and 1703-9.10(P), “Definitions,” and by **REPEALING** Sections 1401-01-C14, “Community Gardens,” 1419-41, “Community Gardens,” 1703-5.110, “Accessory Uses,” and 1703-5.120, “Temporary Uses,” to provide greater clarity and to correct scrivener’s errors in the City’s zoning codes, and to promote efficient and complementary development throughout the City.

The City Planning Commission recommended approval of the amendments at its August 20, 2021 and October 1, 2021 meeting.

Summary

In February 2019, the Department of City Planning received a written request from the Walnut Hills Redevelopment Foundation as representatives of one of the four neighborhoods to adopt Form Based Code (FBC) (Exhibit B). The letter served as a formal request from College Hill, Madisonville, Walnut Hills, and Westwood to begin conversations with the Department of City Planning and Engagement, and the Department of Buildings and Inspections, specifically the Zoning Division and

Urban Conservator's Office, to address scrivener errors, clarifications, and internally illuminated signage.

In addition to the above referenced and requested amendments, the City of Cincinnati conducted a review of the Title XIV, "Zoning Code of the City of Cincinnati," and Title XVII, "Land Development Code" of the Cincinnati Municipal Code to identify related and necessary text amendments. Of the areas identified, it was determined that Title XVII, "Land Development Code," as it relates to urban agriculture, horticulture, and animal keeping, needs to be amended to reflect the recently adopted Chapter 1422, "Urban Agriculture: Horticulture and Animal Keeping" of the Zoning Code. The proposed text amendments also include modifications to the Urban Design Overlay District review standards as there have been an increase in applications for development in these districts, and it has been determined that added clarity is necessary to these standards and procedures. The proposed text amendments to modify specific sections of Title XIV, "Zoning Code of the City of Cincinnati," and Title XVII "Land Development Code" is intended to add consistency to the Cincinnati Municipal Code, continue to build streamlined and cohesive development processes, and add transparency to city requirements and development procedures.

The City Planning Commission recommended the following on August 20, 2021 to City Council:

APPROVE the proposed text amendments to modify Title XIV, "Zoning Code of the City of Cincinnati," and Title XVII, "Land Development Code," of the Cincinnati Municipal Code, by AMENDING the provisions of Sections 1401-01-A8, "Animal Keeping," 1403-05, "Land Use Regulations," 1409-07, "Land Use Regulations," 1411-05, "Land Use Regulations," 1413-05, "Land Use Regulations," 1422-05, "Development Regulations," 1422-07, "Maintenance and Storage," 1425-19 "Off-Street Parking and Loading Requirements," 1703-2.40, "T3 Estate," 1703-2.50, "T3 Neighborhood," 1703-2.60, "T4 Neighborhood Medium Footprint," 1703-2.70, "T4 Neighborhood Small Footprint," 1703-2.80, "T5 Main Street," 1703-2.90, "T5 Neighborhood Large Setback," 1703-2.100, "T5 Neighborhood Small Setback," 1703-2.110, "T5 Flex," 1703- 2.120, "T6 Core," 1703-5.50(D), "Parking," 1703-5.80(E), "Permanent Signs," 1703-5.80(L), "Directory Sign," 1703-5.80(O), "Pole/Monument Sign," 1703-5.80(S), "Wall Sign," 1703- 5.80(T), "Wall Mural Sign," 1703-5.100, "Additional Standards for Specific Uses," 1703-8.50, "Administration and Procedures," 1703-9.10(E), "Definitions," 1703-9.10(F), "Definitions," 1703-9.10(H), "Definitions," 1703-9.10(N), "Definitions," 1703-9.10(O), "Definitions," and 1703-9.10(P), "Definitions,"; and REPEALING Sections 1401-01-C14, "Community Gardens," 1419-41, "Community Gardens," 1703-5.110, "Accessory Uses," and 1703-5.120, "Temporary Uses," to provide greater clarity and to correct scriveners errors in the City's zoning codes, and to promote efficient and complementary development throughout the City.

The City Planning Commission recommended the following on October 1, 2021 to City Council:

APPROVE the proposed text amendments to modify Title XIV, "Zoning Code of the City of Cincinnati" of the Cincinnati Municipal Code, by AMENDING the provisions of Sections 1437-05, "Establishment of UD Overlay Districts," 1437-07, "Applications Subject to Review," 1437-09, "Development Standards in UD Overlay Districts," 1437-11, "Approval," 1437-13, "Appeal," 1439-07, "Zoning Hearing Examiner," and 1439-11, "Zoning Board of Appeals," to provide greater clarity and to promote efficient and complementary development throughout the City.

ADOPT the following condition to the approval above:

1. The text amendments to Sections 1437-05, "Establishment of UD Overlay Districts," 1437-07, "Applications Subject to Review," 1437-09, "Development Standards in UD Overlay Districts," 1437-11, "Approval," 1437-13, "Appeal," 1439-07, "Zoning Hearing Examiner," and 1439-11, "Zoning Board of Appeals," shall take effect and be in force from and after approximately six months from the date of City Council approval.

cc: Katherine Keough-Jurs, AICP, Director, Department of City Planning and Engagement