



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final-revised Equitable Growth & Housing

Chairperson, Reggie Harris
Vice Chairperson, Meeka Owens
Councilmember, Jeff Cramerding
Councilmember, Mark Jeffreys
Councilmember, Liz Keating
Vice Mayor, Jan-Michele Kearney
Councilmember, Victoria Parks
Councilmember, Scotty Johnson

Tuesday, March 1, 2022

1:00 PM

Council Chambers, Room 300

PUBLIC HEARING

ROLL CALL

PRESENTATIONS

Proposed Designation of the Benjamin Stewart Home in Madisonville

Jesse Urbancsik, City Planner

Cincinnati Zoning Code Chapter 1422 Urban Agriculture: Horticulture and Animal Keeping Text Amendments

Caroline Kellam, Senior City Planner

AGENDA

START OF PUBLIC HEARING

1. [202200272](#) **ORDINANCE** submitted by John P. Curp, Interim City Manager, on 2/9/2022, **DESIGNATING** the Benjamin Stewart Home located at 5540 Madison Road in the Madisonville neighborhood as a historic landmark.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
[Exhibit D](#)
[Legislative Record](#)
[CPC Memo to Clerk](#)
2. [202200268](#) **ORDINANCE** submitted by John P. Curp, Interim City Manager, on 2/9/2022, **MODIFYING** Title XIV, "Zoning Code of the City of Cincinnati, "of the Cincinnati Municipal Code, by AMENDING the provisions of Sections 1403-05, "Land Use Regulations," 1405-05, "Land Use Regulations," 1422-03, "Land Use Regulations," and 1422-05, "Development Regulations," to modify the process for establishing certain agricultural facilities in residential zoning districts.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[CPC Memo to Clerk](#)
[Legislative Record](#)
3. [202200505](#) **PRESENTATION** submitted by John P. Curp, Interim City Manager, dated 3/1/2022, regarding the presentation for the proposed local historic landmark designation of the Benjamin Stewart Home building located at 5540 Madison Road in the Madisonville neighborhood.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Presentation](#)
4. [202200525](#) **PRESENTATION** submitted by John P. Curp, Interim City Manager, dated 3/1/2022, regarding text amendments to Chapter 1422 of the Cincinnati Zoning Code for Urban Agriculture.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Presentation](#)

END OF PUBLIC HEARING

5. [202200480](#) **ORDINANCE (EMERGENCY)**, submitted by Mayor Aftab Pureval, from Andrew W. Garth, City Solicitor, **MODIFYING** a provision of Chapter 209 of the Cincinnati Municipal Code, "Housing Advisory Board," by AMENDING Section 209-5, "Composition of Board," for the purpose of increasing the membership of the Housing Advisory Board to consist of up to 14 members for the purpose of broadening community engagement by ensuring deeper representation of community, business, and neighborhood stakeholders.

Sponsors: Mayor

Attachments: [Transmittal](#)
[Ordinance](#)

6. [202200501](#) **MOTION**, submitted by Councilmember Jeffreys, **WE MOVE** that the Administration report to Council with any criteria that communities may want to consider when pursuing landmark designations. These criteria may include best practices and any other, tangentially related considerations that may be pertinent to the landmark designation process. (STATEMENT ATTACHED)

Sponsors: Jeffreys

Attachments: [Motion](#)

7. [202200543](#) **COMMUNICATION** submitted by Councilmember Harris, dated 02/25/2022, regarding Tackling Cincinnati's Housing Crisis, Together: A Multi-Faceted Framework for Envisioning Equitable, Sustainable, & Resilient Growth.

Sponsors: Harris

Attachments: [Communication](#)

ADJOURNMENT

February 9, 2022

To: Mayor and Members of City Council 202200272
From: John Curp, Interim City Manager
Subject: Designating the Benjamin Stewart Home at 5540 Madison Avenue in Madisonville

Transmitted is an Ordinance captioned:

DESIGNATING the Benjamin Stewart Home located at 5540 Madison Road in the Madisonville neighborhood as a historic landmark.

The City Planning Commission recommended approval of the designation at its February 4, 2022 meeting.

Summary:

On November 2, 2021, a complete local historic landmark designation application was submitted to the Department of City Planning and Engagement for the Benjamin Stewart Home by the Madisonville Community Council and PLK Communities. According to the Cincinnati Zoning Code, an application for the designation of a local historic landmark shall be forwarded to the City Planning Commission following a public hearing of the Historic Conservation Board.

On December 20, 2021, the Historic Conservation Board (HCB) held a public hearing on the local historic landmark designation application. The Historic Conservation Board members present throughout the hearing and constituting a quorum, voted unanimously to recommend Benjamin Stewart Home Building to the City Planning Commission and City Council for approval.

The City Planning Commission voted unanimously to approve and forward the application to City Council after considering the relationship of the proposed designation to the comprehensive plans of the city and of the community in which the proposed local historic landmark is located; the effect of the proposed designation on the surrounding areas and economic development plans of the city; and other planning and historic preservation considerations.

The City Planning Commission recommended the following on February 4, 2022 to City Council:

- 1) **APPROVE** the proposed designation of the Benjamin Stewart Home as a Local Historic Landmark at 5540 Madison Road under Criterion 2 and 3 of the Cincinnati Zoning Code (§1435-07-1a) and;
- 2) **ADOPT** the conservation guidelines for the Benjamin Stewart Home.

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



EMERGENCY

DBS

AWB

City of Cincinnati

An Ordinance No. _____

- 2022

DESIGNATING the Benjamin Stewart Home located at 5540 Madison Road in the Madisonville neighborhood as a historic landmark.

WHEREAS, the Madisonville Community Council and PLK Communities (“Petitioners”) have applied to designate the structure commonly known as the Benjamin Stewart Home and located at 5540 Madison Road in the Madisonville neighborhood as a local historic landmark; and

WHEREAS, the Benjamin Stewart Home is a two and a half story American bond brick building that was constructed between 1837-1844 at the intersection of Madison Road and Stewart Road by Benjamin Stewart, a prominent businessperson who played an integral role in the development of Madisonville; and

WHEREAS, the land that contains the Benjamin Stewart Home was granted to Joseph Ward, the first permanent settler of Madisonville, by the U.S. government for his services in the Patriot Army during the Revolutionary War, and it was eventually sold by Ward to Benjamin Stewart; and

WHEREAS, the Benjamin Stewart Home is architecturally significant as one of the oldest standing examples of the Greek Revival architectural style in the Madison-Stewart Historic District containing features such as columns that mimic marble, entablatures, trim between the roof and columns, multi-paneled windows, pilasters, and doric columns on the covered front porch; and

WHEREAS, following a public staff conference, the Historic Conservation Board, at its regularly scheduled meeting on December 20, 2021, and upon considering the factors set forth in Cincinnati Municipal Code Section 1435-07-1, recommended designation of the Benjamin Stewart Home as a local historic landmark and further recommended adoption of conservation guidelines governing the maintenance, rehabilitation, and modification of the proposed historic landmark; and

WHEREAS, upon receipt of the recommendation of the Historic Conservation Board, the City Planning Commission, at its regularly scheduled meeting on February 4, 2022, and upon considering the factors set forth in Cincinnati Municipal Code Section 1435-07-2-B(c), recommended the designation of the Benjamin Stewart Home as a historic landmark and the adoption of conservation guidelines governing the maintenance, rehabilitation, and modification of the proposed historic landmark; and

WHEREAS, a committee of Council held a public hearing to review and consider the proposed designation following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1; and

WHEREAS, the Council finds that the Benjamin Stewart Home has historic significance pursuant to Cincinnati Municipal Code Section 1435-07-01(a)(2) for its association with the lives of persons significant in our past, particularly Joseph Ward and Benjamin Stewart; and

WHEREAS, the Council additionally finds that the Benjamin Stewart Home has historic significance pursuant to Cincinnati Municipal Code Section 1435-07-01(a)(3) because it embodies the distinctive characteristics of a type, period, and method of construction, namely the Greek Revival Style of architecture; and

WHEREAS, the Council finds that the historic designation of the Benjamin Stewart Home is in accordance with the *Plan Cincinnati* (2012) goal to “[p]reserve our natural and built environment” (p. 193); and

WHEREAS, the Council finds that the historic designation of the Benjamin Stewart Home conforms to the *Madisonville Neighborhood Business District Urban Renewal Plan* (2002) and its Strategy to “[e]mpower local development entities such as private developers, Madisonville Community Urban Redevelopment Corporation (MCURC), local church groups and other organizations and non-profits to renovate or upgrade existing vacant and underutilized properties throughout the neighborhood business district” (p. 14); and

WHEREAS, the Council considers the designation of the Benjamin Stewart Home as a historic landmark and the adoption of related conservation guidelines to be in the best interest of the City and the general public’s health, safety, and general welfare; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Council approves the Designation Report for the structure located at 5540 Madison Road (“Benjamin Stewart Home”), which report is attached hereto as “Exhibit A,” and specifically adopts as its own findings that the Benjamin Stewart Home, depicted on the attached “Exhibit B” and located on the real property more particularly described on the attached “Exhibit C,” has historic significance and qualifies in all respects for designation as a historic landmark under Chapter 1435 of the Zoning Code of the City of Cincinnati (“Zoning Code”); specifically, Council designates the Benjamin Stewart Home as a local historic landmark under Zoning Code Sections 1435-07-1-(a)(2) and 1435-07-1-(a)(3). By reference, Exhibits A, B, and C are incorporated herein and made a part hereof.

Section 2. That the Zoning Map of the City of Cincinnati is amended to superimpose over the existing underlying zoning district the designation of the Benjamin Stewart Home as a local historic landmark.

Section 3. That, pursuant to Zoning Code Chapter 1435, Council hereby adopts the “Benjamin Stewart Home Historic Conservation Guidelines,” attached hereto as “Exhibit D” and made a part hereof, which guidelines shall govern the preservation, rehabilitation, or modification of the Benjamin Stewart Home historic landmark.

Section 4. That the Clerk of Council is directed to promptly notify the Historic Conservation Board, the City Planning Commission, the Director of City Planning and Engagement, the Director of Buildings and Inspections, and the City Solicitor of the Benjamin Stewart Home historic landmark designation.

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to ensure that any alterations or demolitions of the Benjamin Stewart Home are reviewed by the Historic Conservation Board pursuant to Cincinnati Municipal Code Chapter 1435, “Historic Preservation,” which is immediately necessary to preserve and protect the landmark’s historic significance.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

EXHIBIT A

Landmark Designation Request

Benjamin Stewart Home in Madisonville

5540 Madison Rd

Cincinnati, Ohio 45227

Submitted to:

Cincinnati Historic Conservation Office

By: Eric S. Stringer, PLK Communities

For the Benefit of

Madisonville Community Council



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Introduction

Prepared by Eric Stringer of PLK Communities for the Benefit of The Madisonville Community Council, this report represents the findings and recommendations for local Historic Landmark designation of the Stewart Home.

Background

The owner PLK Communities, and Madisonville Community Council have an interest in the preservation of the property for the future. The building is architecturally and historically significant as a good example of The Greek Revival style that contributed to many homes of its era and is a significant structure in the Madison-Stewart Historic District in Cincinnati, OH. The building presently serves as the clubhouse and leasing offices for a townhome development.

Description of Property

Site

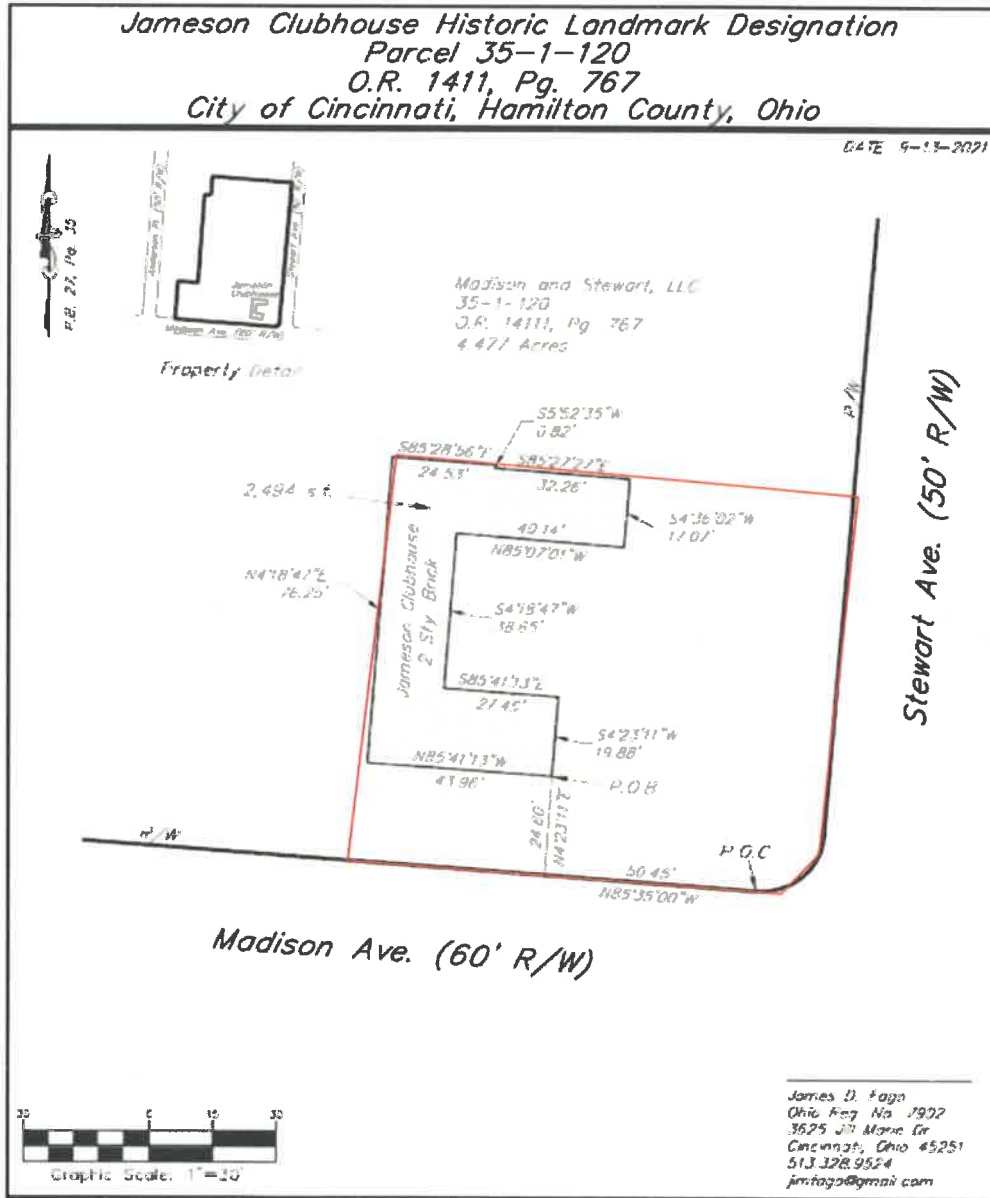
The Benjamin Stewart home at 5540 Madison Road sits along the line of latitude of 39° 09' 40", and line of longitude at 84° 23' 52". The home sits on a site that is 4.447 acres that it shares with multiple multi-family residential dwellings (noncontributing to landmark) that were built between 2020 and 2021.

Legal Description

Situate in Section 16, Town 4, Fractional Range 2, Columbia Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Madison and Stewart, LLC in O.R. 14111, Pg. 767 and being more particularly described as follows:

Commencing at the intersection of the west line Stewart Avenue, 50' R/W and the north line of Madison Avenue, 60' R/W; thence with the north line of said Madison Avenue, North 85°35'00" West, 50.45 feet to a point; thence leaving said Madison Avenue, North 04°23'11" East, 24.60 feet to the Place of Beginning; thence with the exterior of the existing Jameson Clubhouse the following ten courses; North 85°41'13" West, 43.96 feet to a point; thence North 04°18'47" East, 76.25 feet to a point; thence South 85°28'56" East, 24.53 feet to a point; thence South 05°52'35" West, 0.82 feet to a point; thence South 85°27'27" East, 32.26 feet to a point; thence South 04°36'02" West, 17.07 feet to a point; thence North 85°07'01" West, 40.14 feet to a point; thence South 04°18'47" West, 38.65 feet to a point; thence South 85°41'13" East, 27.45 feet to a point; thence South 04°23'11" West, 19.88 feet to the Place of Beginning. Containing 2,494 square feet of land more or less. Bearings based on P.B. 27, Page 35 H.C.R.O.. Subject to all legal highways, easements and restrictions of record. This description is based on a survey performed under the direction of James D. Fago, Ohio Reg. No. 7902.

Map Showing Designation Boundaries (See Below)



Boundary

The home is identified as parcel 035-1-120 of the Hamilton County Auditors Records. The historic home is set on the corner of Madison Road and Stewart Ave as the eastern boundary. Anderson Place is the next street to the west and Chandler Street is to the north.

Justification of Boundary

The above-listed parcel is both the original and legally recorded boundary line for the property for which designation is being requested. The building occupies the parcel and the parcel designated for Landmark Designation is for the Stewart home only and no other structures.

Setting

Located on the northwest corner of Madison Road and Stewart Avenue in Madisonville, the Benjamin Stewart home sits prominently on a small slope, roughly 15 feet from the street front. In its historic setting, the home may have been surrounded by similar residential dwellings and tucked away from the busy streets of downtown, but today Madison Road is a thoroughfare for commuters moving between Cincinnati's various neighborhoods and many businesses operate within a short vicinity of the property. Today, such businesses include MedPace, a publicly traded company with 2,800 employees, as well as a multitude of independent shops and restaurants.

Statement of Significance

The Benjamin Stewart home according to one source, was built in 1833 from lumber that Stewart had floated down the Ohio River on flatboats¹. However, it should be stated that this is a legend, as the deeds indicate that Stewart bought the land in 1844 from Jonathan Ward. Jonathan Ward bought the property from the state in 1837 and the house was built between 1837-1844 when the property was sold to Benjamin Stewart. The house is a two and a half story American bond brick building with an L-shaped floor plan. Constructed in the Greek Revival Style, this home is one of the oldest standing examples of this type of architecture in the district.

The Madison-Stewart District was designated by the National Register of Historic Places on May 29, 1975 (No. 75001419). The Stewart home sites prominently on the intersection of Stewart and Madison Road and is representative of an iconic architectural style as well as an anchor building to the historic district. Benjamin Stewart became a successful businessman in Cincinnati via his lumber enterprise and the home is on land that has been inhabited by Jonathon Ward, the grandson of Madisonville's first settler, Joseph Ward.

According to CZC 1435-07-1 (2) the home is associated with the lives of persons significant in our past and, (3) the Stewart home embodies the distinctive characteristics of a type, period, or method of construction (Greek Revival) that represents a significant and distinguishable entity. The request for Historic Landmark designation of the Stewart home also is consistent with the desire to have a prominent structure represented. The style of the home, as well said historic ownership, combine and fulfill the requirements to have such a building landmarked and to avoid the loss or demolition of the structure.

¹Busald, Ruth Ann, et. Al., *Images of America: Madisonville*, Charleston, Arcadia Publishers, 2012.

Historical Significance

The designation of the Madison-Stewart district in 1975 reflects the desire and need to highlight and preserve our city's rich architectural and cultural landmarks. This home requested for Historic Landmark status has the attributes of not only reflecting a culturally significant style of building (Greek Revival), but also of a descendant of both the Revolutionary War and Madisonville's first permanent resident. Madisonville, named in honor of President Madison, was a settlement to the north of Columbia, where some settlers left due to being in a flood zone in the early 19th century. The Madison-Stewart district derives its name from Benjamin Stewart, whose residence being the most prominent in the district, as well as President Madison.

The first permanent settler of Madisonville was Joseph Ward. He and his three eldest sons were soldiers in the patriot army during the Revolutionary War. Born in New Jersey in 1784, Ward emigrated from New Jersey to Ohio in 1797. Originally, Ward arrived in the settlement of Columbia, but due to the flooding of the area, moved to a plot of land of what is now the neighborhood of Madisonville.

Joseph Ward and his two sons Nehemiah and Amos were granted land to them by the government for their services in the Revolutionary War. In all, Joseph and his wife Phebe had 9 children. Joseph Ward's grandson, Jonathan, would eventually live on the property that is the site of the Stewart home. According to records, the property would have been sold by Jonathan to Benjamin Stewart in 1844.

Benjamin Stewart, to whom the home is named after, was a prominent businessman of Madisonville. Stewart made a living from lumber, which is potentially where the legend that he made the home on Madison and Stewart from lumber he floated down the river. Stewart's daughter Sarah and his son in law James White, would also live in the home. The home would have a descendent of Benjamin Stewart living in it until the 1940's.

The Ward family extends back to the very beginning of Madisonville, and the home on Stewart and Madison Road is fully renovated and stands as a prominent fixture to this historic district. In 1911 the City of Cincinnati annexed the neighborhood of Madisonville and now Madisonville is one of fifty-two neighborhoods in the city, being situated to the east of the neighborhood of Oakley on the east side of the city.

Architectural Significance

The Benjamin Stewart home has been characterized as being Greek Revival. The move from Georgian-Colonial style homes was an intended move and the early 19th century settlers wanted an architectural style that was distinct from their British ancestors. The Stewart home exemplifies the characteristics of Greek revival style in that it is constructed with several features such as columns to mimic marble, entablatures, trim between roof and columns, pilasters, and a covered front porch.

From the 1820's to 1860's, homes were being built in the Greek Revival style. Typical features included a gabled and/or low pitch roof, entry porch supported by square or round prominent columns. Greek Revival architecture was favored for its elegant yet simplistic style. One of the first published works on this style of architecture was James Stuart's *Antiquities of Athens and Other Monuments of Greece*, in 1762. Architects drew inspiration from the temples found throughout Greece and Italy and began incorporating these design features into their own buildings. The style would be referred to as the national style due to its popularity as a symbol of Democracy.

The features of the Benjamin Stewart home include the low-pitched roof as well as the Doric columns on the front porch and entryway. Another element that the home features are the multi paneled windows. The building was constructed in an L shape, and the chimneys were placed on the side and in the back of the building. Greek temples are usually built from marble or stone, so to replicate the light color, the wooden finishes would have been painted white due to the lack of resources to make homes from marble. The Stewart home also incorporates the use of entablatures at the roof trim. The entablature is the band of trim at the base of the roof.

While many homes built in the Greek Revival style have rather grand or large porticos, the Stewart house was built with a more modest portico, giving the home a refined yet modest look. The columns on the portico similarly were not built above the second story but were below the window trim line of the second story. The Doric columns similarly were the more simplistic of the three traditional styles: Doric, Ionian, and Corinthian.

Planning Considerations

Consistency with CZC Chapter 1435, Historic Preservation

The designation of the Stewart home meets the requirements of chapter 1435-07-1, a site of Historic Significance and chapter 1435-03, of the Cincinnati Zoning Code (Historic Conservation),

“To safeguard the heritage of the city by preserving districts and landmarks which reflect elements of its history, architecture and archeology, engineering or culture”

The documentation in this designation report provides conclusive evidence that all the required findings may be made for the proposed designation.

Research Methodology

Research was conducted using various sources, both on-line and hard copy. Sources include the National Register of Historic Places Inventory-Nomination Form, the book *Images of America: Madisonville*, as well the Hamilton County Auditor and Recorder for deed and plat research.

References

Records of the Hamilton County Auditor and Recorder.

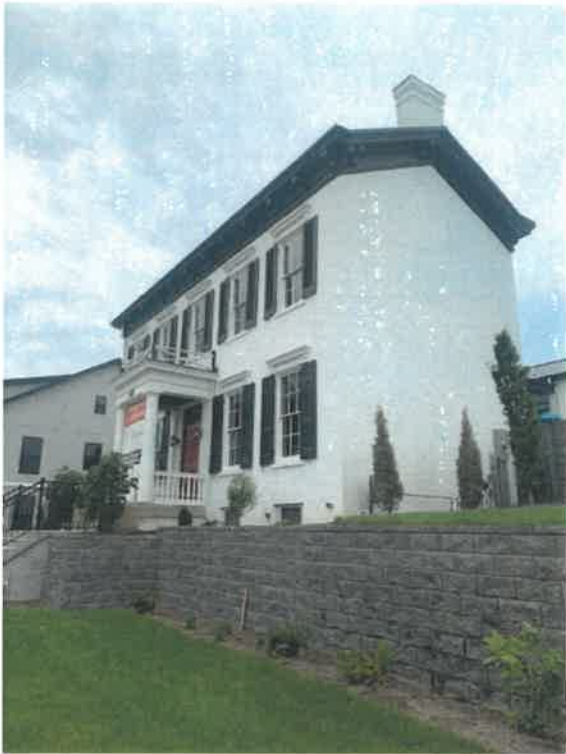
Editorial Staff State History Publications, *Ohio Historic Places Dictionary, Volume 2.*, Ohio: Native American Books, 2008.

Busald, Ruth Ann, et. Al., *Images of America: Madisonville*, Charleston: Arcadia Publishers, 2012.

The National Register of Historic Places, Volume 2. Berkeley: United States Department of the Interior National Park Service, 1976.

Recent Interior and Exterior Renovations

Exterior Remodeled in 2020



Original Staircase in foyer



Courtyard (East Facing)



Exterior Rear Entrance



Upstairs room with original fireplace and support beams.



Original hardwood floors restored in upstairs room, currently serves as guest lounge and co-working space for residents.



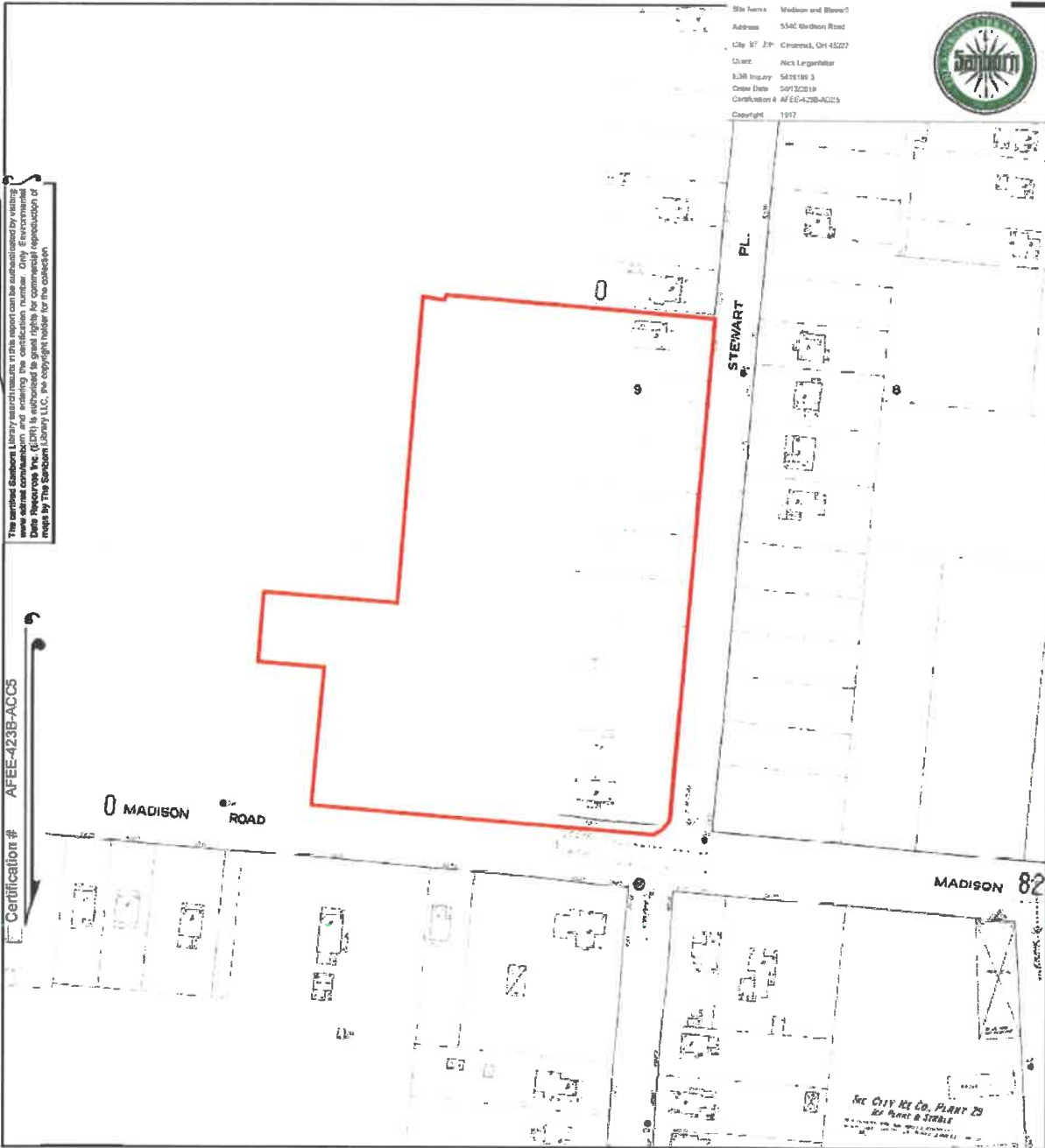
Original fireplace restored and redesigned in guest lounge.



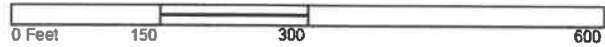


Certified Sanborn® Map

1917



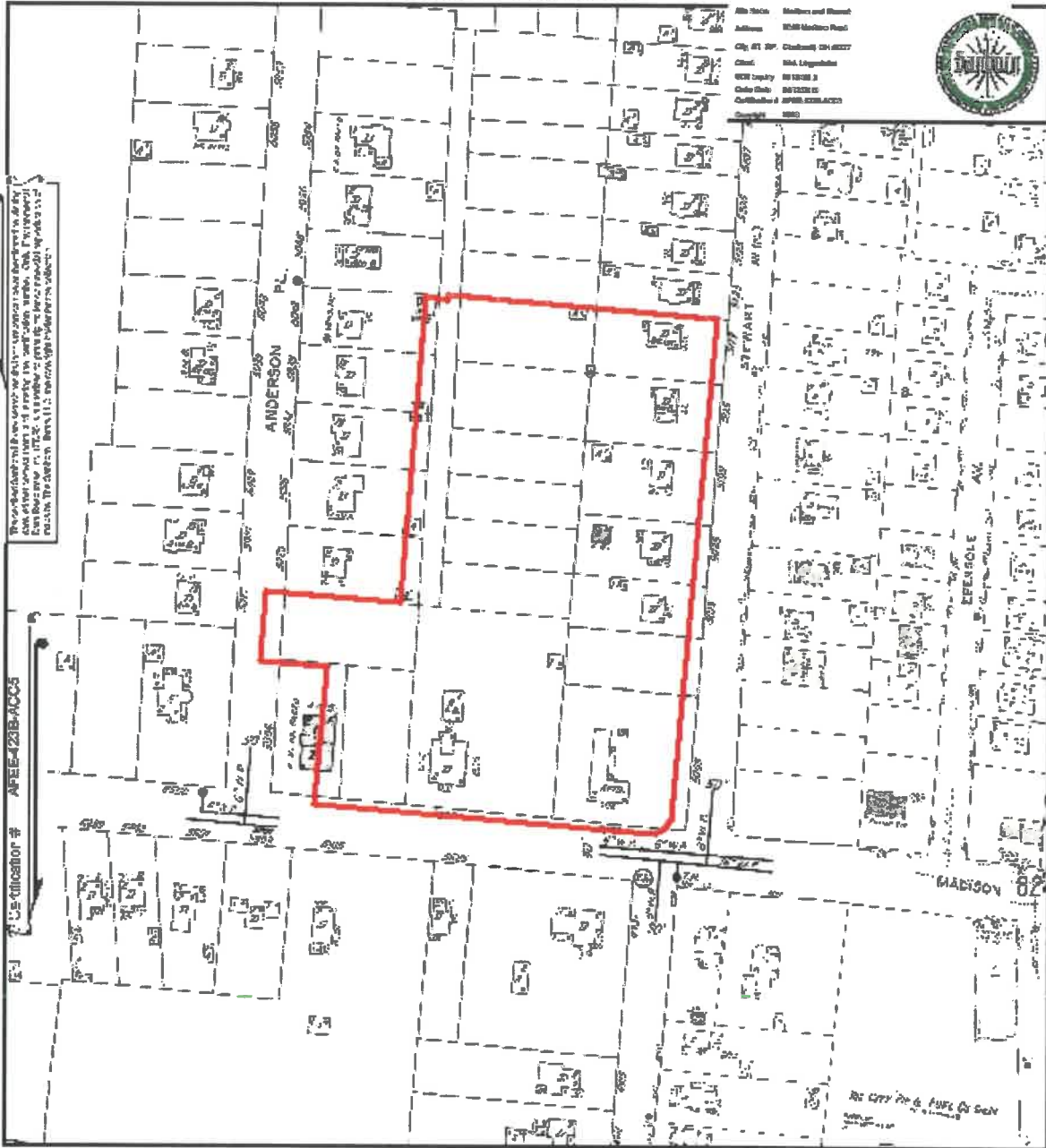
This Certified Sanborn Map combines the following sheets. Outlined areas indicate map sheets within the collection.





Certified Sanborn® Map

1950



No. 1000
 Edition and Date
 Edition
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 City, St. or Prov.
 Date



This Certified Sanborn Map combines the following sheets.
 Outlined areas indicate map sheets within the collection.



Volume 8, Sheet 832
 Volume 8, Sheet 831
 Volume 8, Sheet 824



5018106 - 2 page 8

Neighborhood of Madisonville, Cincinnati, OH



EXHIBIT B

Proposed Local Landmark Designation of the Benjamin Stewart Home at 5540 Madison Road in Madisonville

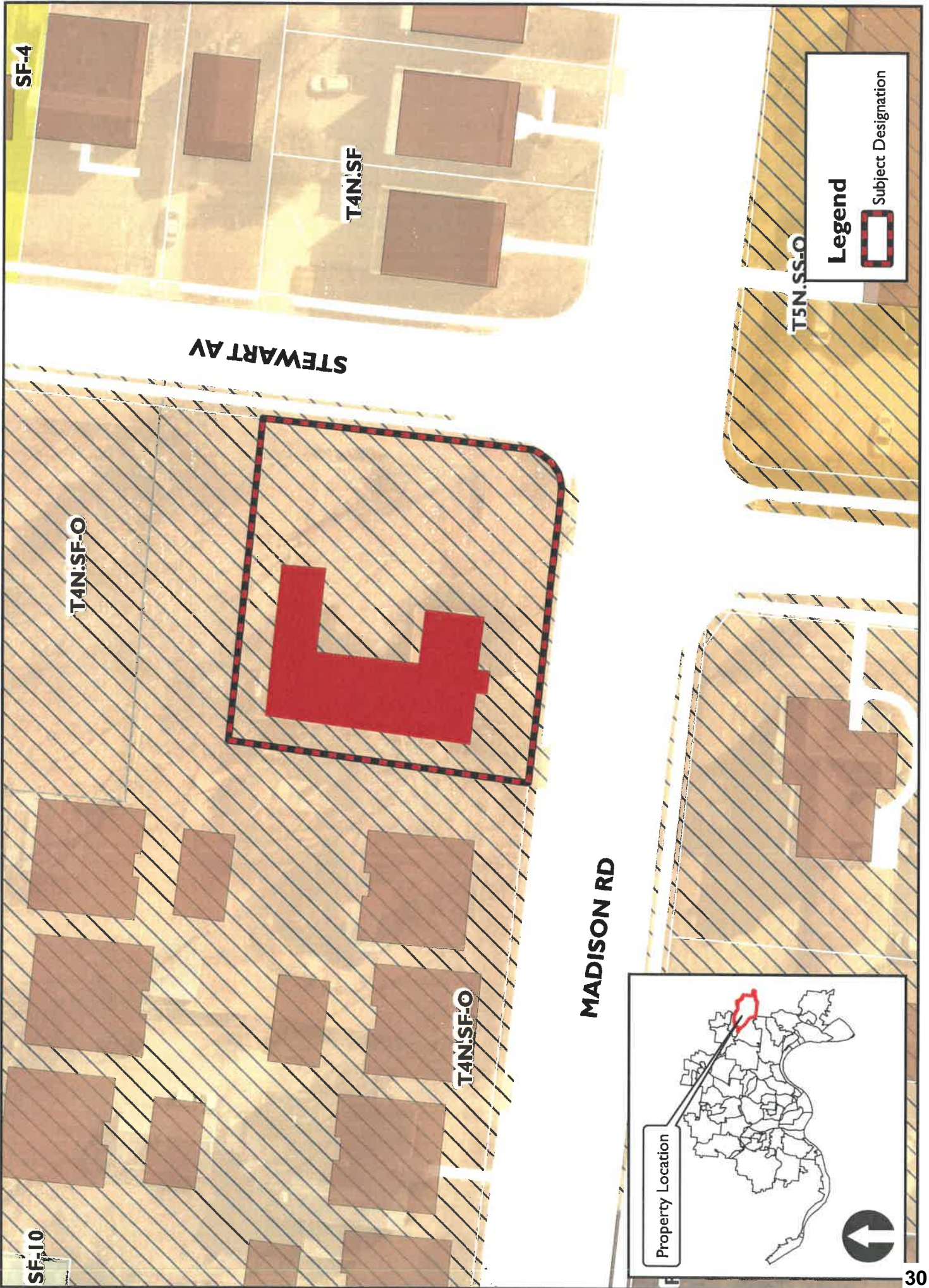


EXHIBIT C

Legal Description:

Situated in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Beginning at the intersection between the centerlines of Madison Road and Stewart Avenue; thence, northwardly with the centerline of Stewart Avenue for approximately 27-feet to the point of intersection with the easterly extension of the south parcel line of Parcel 120, HCAP Book 35, Page 1; thence westwardly along the easterly extension of the south parcel line of said parcel for approximately 36.1-feet, **THE POINT OF THE BEGINNING**; thence westwardly along the south parcel line of said parcel for approximately 99-feet; thence northwardly, at a 90-degree angle, for approximately 103.6-feet; thence eastwardly, at a 90-degree angle, for approximately 111.1-feet to the point of intersection with the east parcel line of Parcel 120, HCAP Book 35, Page 1; thence, southwardly along the east parcel line of said parcel, following the southeast curve of said parcel to the point of intersection with the south parcel line of Parcel 120, HCAP Book 35, Page 1, **THE POINT OF THE BEGINNING**.

Containing approximately 10,890 square feet of land.

EXHIBIT D

Historic Conservation Guidelines

Benjamin Stewart Home, Madisonville, Cincinnati, OH

Rehabilitation

General Terminology

Within these guidelines, the “Stewart-Ward Home” refers to the building located at 5540 Madison Road, Cincinnati, OH 45227.

Intent and General Guidelines

The following general approaches are recommended:

1. **Repair and maintenance:** Ordinary repair and maintenance of like and kind for matching the original construction, where visible, and that does not change the appearance of the buildings, is acceptable under these guidelines. Rehabilitation may include preservation, restoration, reconstruction, or a combination of these, as appropriate and reasonable for the building.
2. **Maintenance:** Existing visible features that contribute to the building’s overall character and are in good condition should be maintained, preserved, or conserved, where possible. Damaged visible features which can be repaired should be repaired whenever possible.
3. **Replacements:** Replacements of significant features damaged beyond repair, deteriorated beyond reasonable repair, or missing significant features should sensitively harmonize with the characteristics or the original feature. Replication is appropriate but not required.

Specific Guidelines

The following specific approaches to exterior elements, features, and visible components are recommended:

1. **Materials:** Materials for significant features on primary façades visible from the street that are badly damaged, deteriorated beyond reasonable repair, or missing should be replaced with materials or components that closely match the style, shape, color, treatment, and texture of the element replaced. Composition, type of joint, size of units, visible measures,

placement, and detailing should be appropriate for the building. Synthetic materials, where closely matching the existing characteristics, may be utilized.

2. **Masonry Repointing:** Repointing of deteriorated and/or missing mortar shall match the existing historic as close as possible. Elements of the new repointing mix shall be consistent with the existing mortar in formulation, aggregate size, texture, color, and method of application. It is recommended that test patches be applied adjacent to existing mortar and allowed to dry. An assessment should be made of new repointing mix with respect to varied constituents to be matched. The sample that closely matches the original mortar should be used for the repointing. Refer to Preservation Brief for general approach to undertaking masonry repointing.
3. **Masonry Cleaning:** Sandblasting diminishes the integrity of building materials. It is not an approved cleaning method. Should cleaning of exterior materials be undertaken, no harm should result from the approach taken to do the work. If cleaning of building materials is undertaken, use the gentlest method possible to accomplish good results. Scrubbing with a bristle brush and a mild non-ionic detergent is recommended. Should this method be found ineffective, the use of approved chemical cleaning application can be used only after test patches have determined the gentlest means with respect to composition of cleaning agent, method of application, and cleaning results.
4. **Water-Repellent Coatings:** Use of water-repellent coatings on historic buildings is not permitted. The problem of water infiltration into a building is associated with structural or maintenance issues. Water-repellent coatings compound problems because the coating encapsulates moisture and does not allow it to evaporate naturally.
5. **Window and door openings:** Window and door openings are important features of these buildings. The size and location of openings are an essential part of the overall design and an important feature of these buildings' architecture. Original wall openings on primary façades should not be altered or filled. On secondary façades, original wall openings should not be significantly altered without consideration of the impact to the overall character of the original design.
6. **Window replacement:** new windows should be appropriate in material, scale, configuration, style, and size.
7. **Ornamentation:** Significant architectural features including brick and stone detailing elements should be preserved or conserved. Do not make replacements or substitutions of different size, scale, design, or incompatible materials. Replacement ornamentation should closely match originals in character, scale, configuration, style, size, texture, and color. Some synthetic materials, including fiberglass castings or composite materials, may be considered.
8. **Roofs:** Chimneys, parapets, and other architectural features that define the buildings' roofline should be maintained. New asphalt shingles are acceptable for the roof.

9. **Painting:** Repainting existing features that were historically painted is acceptable. Existing exterior elements that were historically not painted, such as brick, stone, and terra cotta, should be left unpainted. Use colors that are appropriate to the buildings' age, history, and style.
10. **Outside attachments:** Exterior light fixtures should be appropriate for the building's style and should be simple and contemporary.
11. **Awnings:** Awnings are acceptable provided they adhere to the National Park Service Preservation Brief 44 for the use of awnings on historic buildings.
12. **Signs:** Signs should be designed for clarity, legibility, and compatibility with the building or property on which they are located. Signs should not cover or obscure architectural features. Temporary signage is permitted without review by the Historic Conservation Board.

Additions and Exterior Alterations

Intent and General Guidelines

1. **Additions:** Additions should follow new construction guidelines, codes, and regulations. Any addition should be compatible in character with the original building, with sensitivity to existing massing and scale, site, and appearance within the building's existing context. Additions should be sympathetic, may be complementary, but need not be imitative in design. Additions should be designed to relate architecturally, not overwhelming the original building.
2. **Alterations:** Alterations should follow construction guidelines for alterations, codes, and regulations. Alterations should not change or alter significant features.
3. **Appropriateness:** The appropriate addition and alteration design solutions should include:
 - a. How well the proposed design for the addition or alteration relates to the original building and neighboring buildings.
 - b. How closely the proposed addition or alteration meets the specific intentions of these guidelines.

Site Improvements

Intent and General Guidelines

1. Site improvements, such as improvement and/or alteration to existing paving, fences, and landscaping should be in keeping with the character of the building and not detract from its setting or architectural character.
2. The design of any new site improvement construction should be in keeping with the character of the existing building and not detract from its setting or architectural character.

3. Any design of site improvements should capitalize on the unique setting and location of the Stewart-Ward home. The existing views towards the facades should be maintained as an important visual contribution to the integrity of the building.

Demolition

Any demolition, alterations, or modifications to the Stewart-Ward home, and minimum maintenance requirements, are governed by Section 1435-09: Alterations and Demolitions; Certificates of Appropriateness; Minimum Maintenance, of the Cincinnati Zoning Code, ordained by Ordinance No. 217-2012, §1, effective July 20, 2012. Any updates, modifications, or amendments to this section of the Cincinnati Zoning Code or legislation that supersedes Chapter 1435 of the Cincinnati Zoning Code which is established as the "Historic Preservation Code," shall be considered the governing law.

Landmark Designation Request

Benjamin Stewart Home in Madisonville

5540 Madison Rd

Cincinnati, Ohio 45227

Submitted to:

Cincinnati Historic Conservation Office

By: Eric S. Stringer, PLK Communities

For the Benefit of

Madisonville Community Council



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Introduction

Prepared by Eric Stringer of PLK Communities for the Benefit of The Madisonville Community Council, this report represents the findings and recommendations for local Historic Landmark designation of the Stewart Home.

Background

The owner PLK Communities, and Madisonville Community Council have an interest in the preservation of the property for the future. The building is architecturally and historically significant as a good example of The Greek Revival style that contributed to many homes of its era and is a significant structure in the Madison-Stewart Historic District in Cincinnati, OH. The building presently serves as the clubhouse and leasing offices for a townhome development.

Description of Property

Site

The Benjamin Stewart home at 5540 Madison Road sits along the line of latitude of 39° 09' 40", and line of longitude at 84° 23' 52". The home sits on a site that is 4.447 acres that it shares with multiple multi-family residential dwellings (noncontributing to landmark) that were built between 2020 and 2021.

Legal Description

Situate in Section 16, Town 4, Fractional Range 2, Columbia Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Madison and Stewart, LLC in O.R. 14111, Pg. 767 and being more particularly described as follows:

Commencing at the intersection of the west line Stewart Avenue, 50' R/W and the north line of Madison Avenue, 60' R/W; thence with the north line of said Madison Avenue, North 85°35'00" West, 50.45 feet to a point; thence leaving said Madison Avenue, North 04°23'11" East, 24.60 feet to the Place of Beginning; thence with the exterior of the existing Jameson Clubhouse the following ten courses; North 85°41'13" West, 43.96 feet to a point; thence North 04°18'47" East, 76.25 feet to a point; thence South 85°28'56" East, 24.53 feet to a point; thence South 05°52'35" West, 0.82 feet to a point; thence South 85°27'27" East, 32.26 feet to a point; thence South 04°36'02" West, 17.07 feet to a point; thence North 85°07'01" West, 40.14 feet to a point; thence South 04°18'47" West, 38.65 feet to a point; thence South 85°41'13" East, 27.45 feet to a point; thence South 04°23'11" West, 19.88 feet to the Place of Beginning. Containing 2,494 square feet of land more or less. Bearings based on P.B. 27, Page 35 H.C.R.O.. Subject to all legal highways, easements and restrictions of record. This description is based on a survey performed under the direction of James D. Fago, Ohio Reg. No. 7902.

Boundary

The home is identified as parcel 035-1-120 of the Hamilton County Auditors Records. The historic home is set on the corner of Madison Road and Stewart Ave as the eastern boundary. Anderson Place is the next street to the west and Chandler Street is to the north.

Justification of Boundary

The above-listed parcel is both the original and legally recorded boundary line for the property for which designation is being requested. The building occupies the parcel and the parcel designated for Landmark Designation is for the Stewart home only and no other structures.

Setting

Located on the northwest corner of Madison Road and Stewart Avenue in Madisonville, the Benjamin Stewart home sits prominently on a small slope, roughly 15 feet from the street front. In its historic setting, the home may have been surrounded by similar residential dwellings and tucked away from the busy streets of downtown, but today Madison Road is a thoroughfare for commuters moving between Cincinnati's various neighborhoods and many businesses operate within a short vicinity of the property. Today, such businesses include MedPace, a publicly traded company with 2,800 employees, as well as a multitude of independent shops and restaurants.

Statement of Significance

The Benjamin Stewart home according to one source, was built in 1833 from lumber that Stewart had floated down the Ohio River on flatboats¹. However, it should be stated that this is a legend, as the deeds indicate that Stewart bought the land in 1844 from Jonathan Ward. Jonathan Ward bought the property from the state in 1837 and the house was built between 1837-1844 when the property was sold to Benjamin Stewart. The house is a two and a half story American bond brick building with an L-shaped floor plan. Constructed in the Greek Revival Style, this home is one of the oldest standing examples of this type of architecture in the district.

The Madison-Stewart District was designated by the National Register of Historic Places on May 29, 1975 (No. 75001419). The Stewart home sites prominently on the intersection of Stewart and Madison Road and is representative of an iconic architectural style as well as an anchor building to the historic district. Benjamin Stewart became a successful businessman in Cincinnati via his lumber enterprise and the home is on land that has been inhabited by Jonathon Ward, the grandson of Madisonville's first settler, Joseph Ward.

According to CZC 1435-07-1 (2) the home is associated with the lives of persons significant in our past and, (3) the Stewart home embodies the distinctive characteristics of a type, period, or method of construction (Greek Revival) that represents a significant and distinguishable entity. The request for Historic Landmark designation of the Stewart home also is consistent with the desire to have a prominent structure represented. The style of the home, as well said historic ownership, combine and fulfill the requirements to have such a building landmarked and to avoid the loss or demolition of the structure.

¹Busald, Ruth Ann, et. Al., *Images of America: Madisonville*, Charleston, Arcadia Publishers, 2012.

Historical Significance

The designation of the Madison-Stewart district in 1975 reflects the desire and need to highlight and preserve our city's rich architectural and cultural landmarks. This home requested for Historic Landmark status has the attributes of not only reflecting a culturally significant style of building (Greek Revival), but also of a descendant of both the Revolutionary War and Madisonville's first permanent resident. Madisonville, named in honor of President Madison, was a settlement to the north of Columbia, where some settlers left due to being in a flood zone in the early 19th century. The Madison-Stewart district derives its name from Benjamin Stewart, whose residence being the most prominent in the district, as well as President Madison.

The first permanent settler of Madisonville was Joseph Ward. He and his three eldest sons were soldiers in the patriot army during the Revolutionary War. Born in New Jersey in 1784, Ward emigrated from New Jersey to Ohio in 1797. Originally, Ward arrived in the settlement of Columbia, but due to the flooding of the area, moved to a plot of land of what is now the neighborhood of Madisonville.

Joseph Ward and his two sons Nehemiah and Amos were granted land to them by the government for their services in the Revolutionary War. In all, Joseph and his wife Phebe had 9 children. Joseph Ward's grandson, Jonathan, would eventually live on the property that is the site of the Stewart home. According to records, the property would have been sold by Jonathan to Benjamin Stewart in 1844.

Benjamin Stewart, to whom the home is named after, was a prominent businessman of Madisonville. Stewart made a living from lumber, which is potentially where the legend that he made the home on Madison and Stewart from lumber he floated down the river. Stewart's daughter Sarah and his son in law James White, would also live in the home. The home would have a descendent of Benjamin Stewart living in it until the 1940's.

The Ward family extends back to the very beginning of Madisonville, and the home on Stewart and Madison Road is fully renovated and stands as a prominent fixture to this historic district. In 1911 the City of Cincinnati annexed the neighborhood of Madisonville and now Madisonville is one of fifty-two neighborhoods in the city, being situated to the east of the neighborhood of Oakley on the east side of the city.

Architectural Significance

The Benjamin Stewart home has been characterized as being Greek Revival. The move from Georgian-Colonial style homes was an intended move and the early 19th century settlers wanted an architectural style that was distinct from their British ancestors. The Stewart home exemplifies the characteristics of Greek revival style in that it is constructed with several features such as columns to mimic marble, entablatures, trim between roof and columns, pilasters, and a covered front porch.

From the 1820's to 1860's, homes were being built in the Greek Revival style. Typical features included a gabled and/or low pitch roof, entry porch supported by square or round prominent columns. Greek Revival architecture was favored for its elegant yet simplistic style. One of the first published works on this style of architecture was James Stuart's *Antiquities of Athens and Other Monuments of Greece*, in 1762. Architects drew inspiration from the temples found throughout Greece and Italy and began incorporating these design features into their own buildings. The style would be referred to as the national style due to its popularity as a symbol of Democracy.

The features of the Benjamin Stewart home include the low-pitched roof as well as the Doric columns on the front porch and entryway. Another element that the home features are the multi paneled windows. The building was constructed in an L shape, and the chimneys were placed on the side and in the back of the building. Greek temples are usually built from marble or stone, so to replicate the light color, the wooden finishes would have been painted white due to the lack of resources to make homes from marble. The Stewart home also incorporates the use of entablatures at the roof trim. The entablature is the band of trim at the base of the roof.

While many homes built in the Greek Revival style have rather grand or large porticos, the Stewart house was built with a more modest portico, giving the home a refined yet modest look. The columns on the portico similarly were not built above the second story but were below the window trim line of the second story. The Doric columns similarly were the more simplistic of the three traditional styles: Doric, Ionian, and Corinthian.

Planning Considerations

Consistency with CZC Chapter 1435, Historic Preservation

The designation of the Stewart home meets the requirements of chapter 1435-07-1, a site of Historic Significance and chapter 1435-03, of the Cincinnati Zoning Code (Historic Conservation),

“To safeguard the heritage of the city by preserving districts and landmarks which reflect elements of its history, architecture and archeology, engineering or culture”

The documentation in this designation report provides conclusive evidence that all the required findings may be made for the proposed designation.

Research Methodology

Research was conducted using various sources, both on-line and hard copy. Sources include the National Register of Historic Places Inventory-Nomination Form, the book *Images of America: Madisonville*, as well the Hamilton County Auditor and Recorder for deed and plat research.

References

Records of the Hamilton County Auditor and Recorder.

Editorial Staff State History Publications, *Ohio Historic Places Dictionary, Volume 2.*, Ohio: Native American Books, 2008.

Busald, Ruth Ann, et. Al., *Images of America: Madisonville*, Charleston: Arcadia Publishers, 2012.

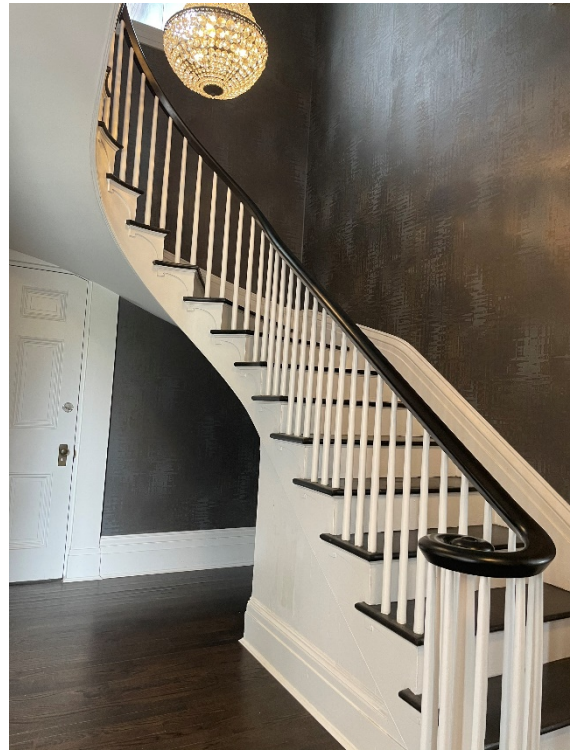
The National Register of Historic Places, Volume 2. Berkeley: United States Department of the Interior National Park Service, 1976.

Recent Interior and Exterior Renovations

Exterior Remodeled in 2020



Original Staircase in foyer



Courtyard (East Facing)



Exterior Rear Entrance



Upstairs room with original fireplace and support beams.



Original hardwood floors restored in upstairs room, currently serves as guest lounge and co-working space for residents.



Original fireplace restored and redesigned in guest lounge.





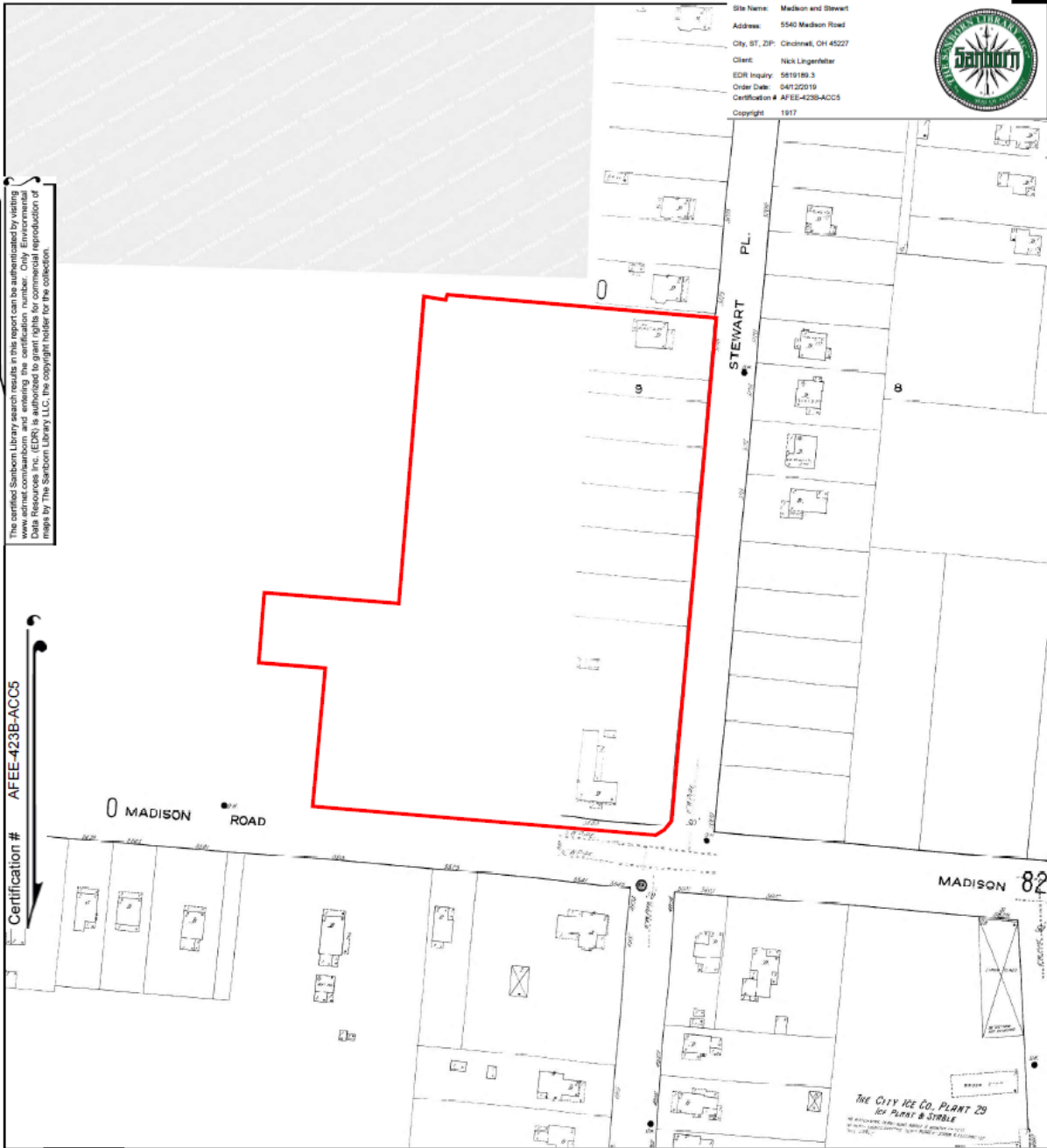
Certified Sanborn® Map

1917

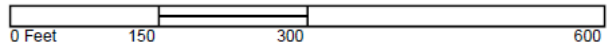
Site Name: Madison and Stewart
 Address: 5540 Madison Road
 City, ST, ZIP: Cincinnati, OH 45227
 Client: Nick Lingerfeller
 EDR Inquiry: 5619180.3
 Order Date: 04/22/2019
 Certification # AFEE-423B-ACC5
 Copyright: 1917



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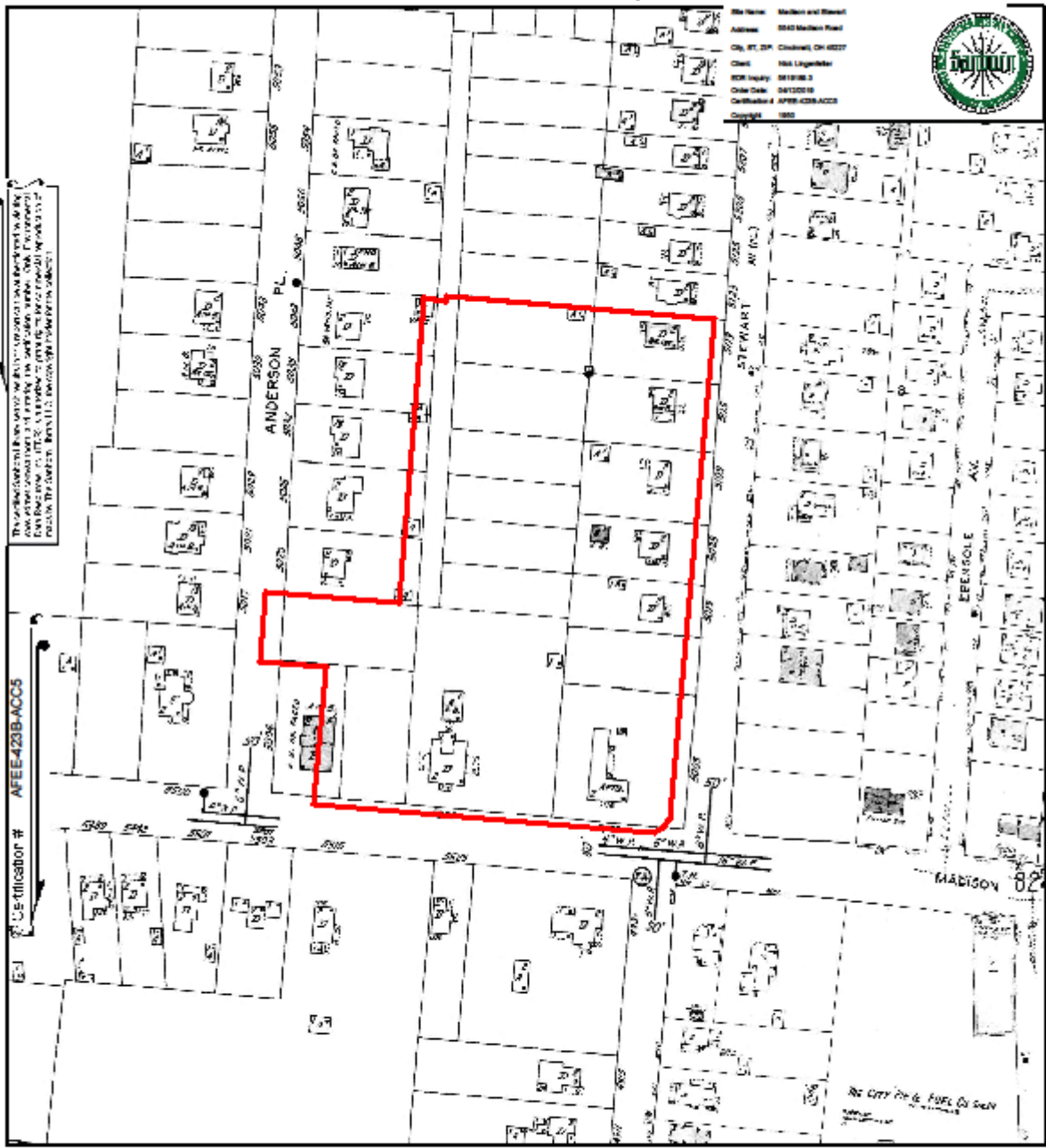
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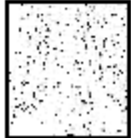
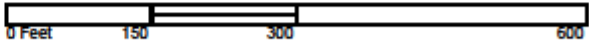


Certified Sanborn® Map

1950



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 Outlined areas indicate map sheets within the collection.



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 Volume 9, Sheet 831
 Volume 9, Sheet 824

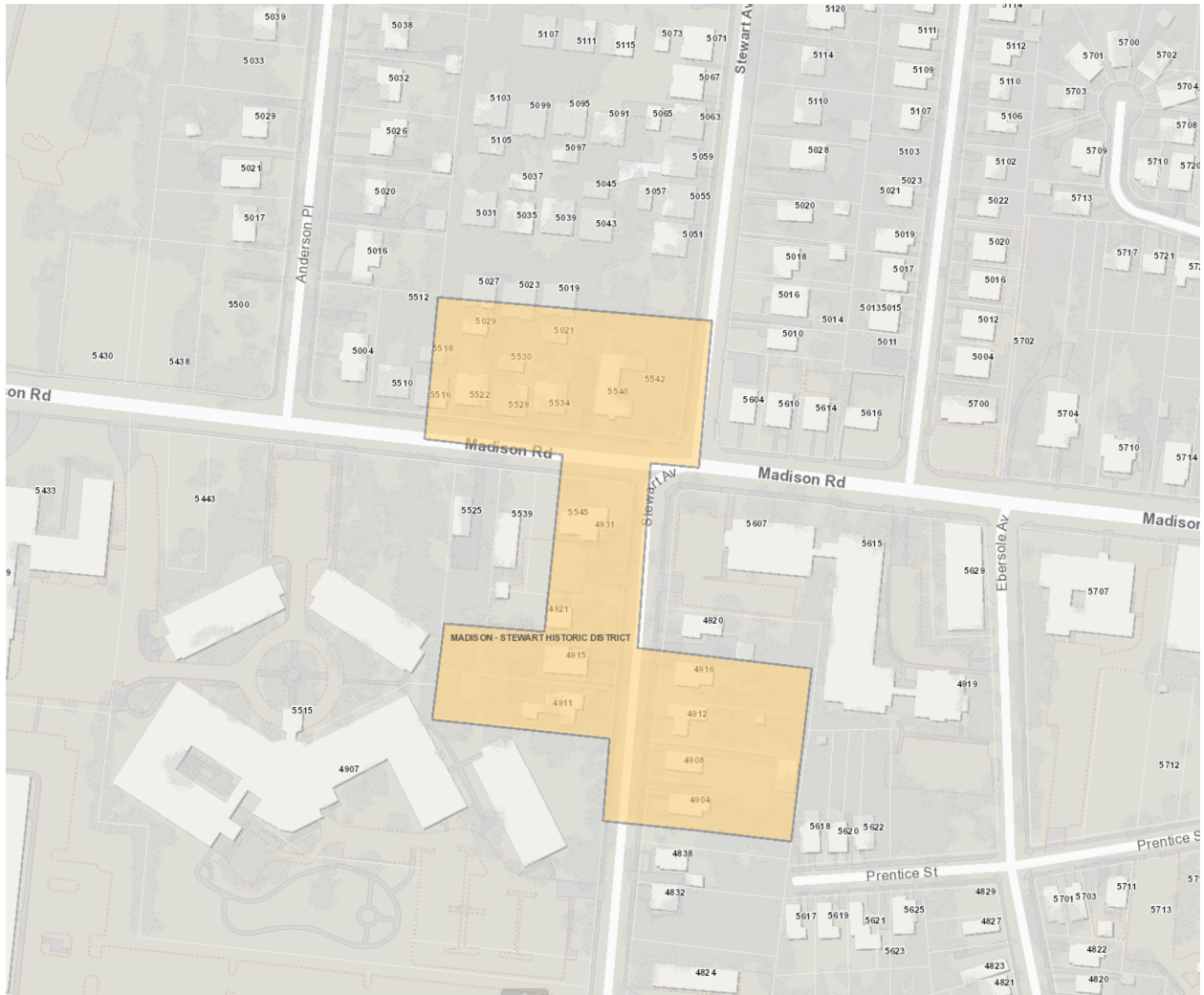
Neighborhood of Madisonville, Cincinnati, OH



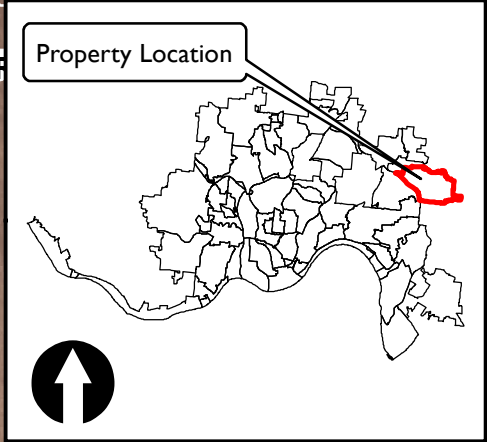
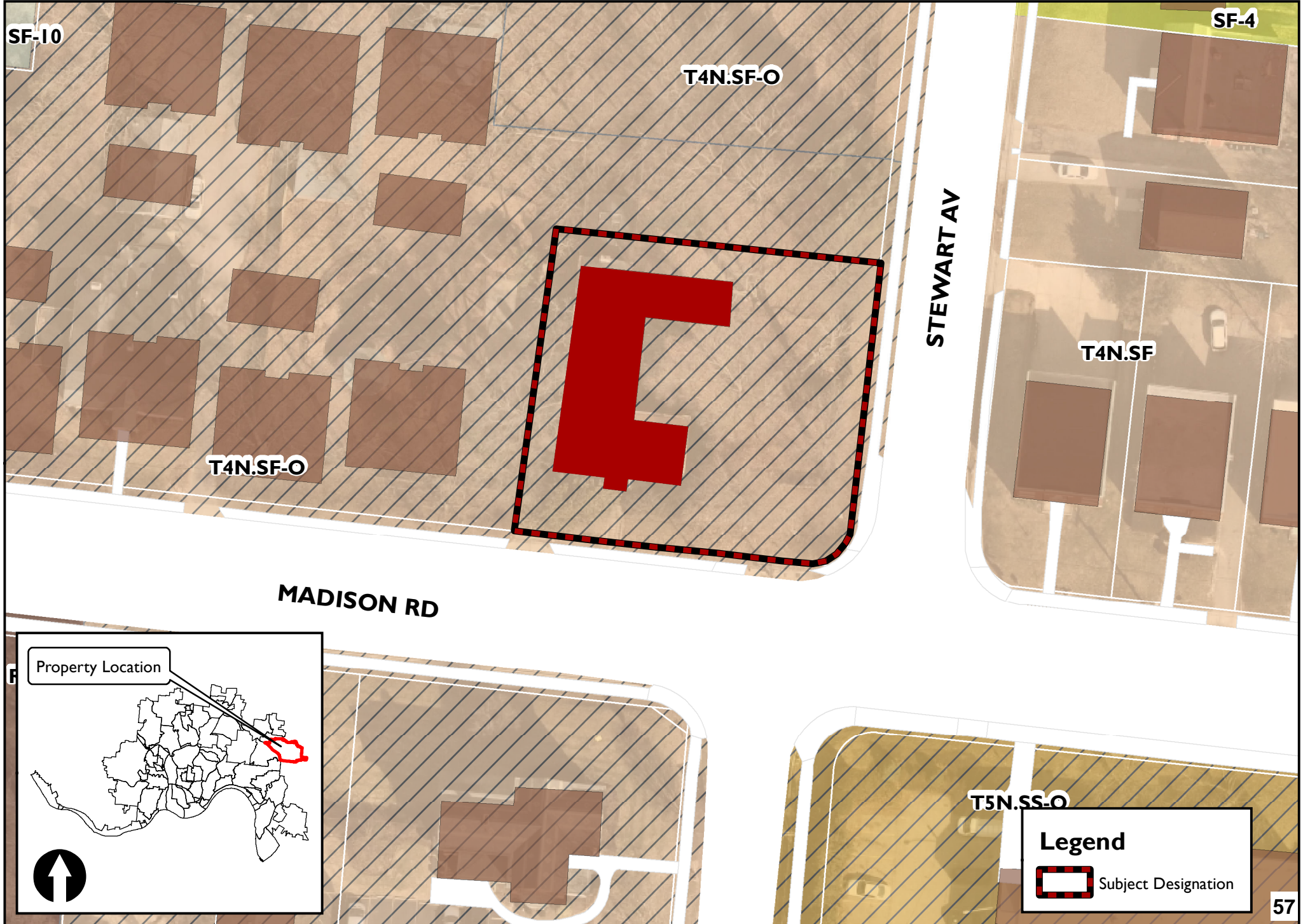
Madison-Stewart Historic District

Benjamin Stewart home located at 5540 Madison Road

Latitude 39° 09' 40", Longitude 84° 23' 52"



Proposed Local Landmark Designation of the Benjamin Stewart Home at 5540 Madison Road in Madisonville



Legend

 Subject Designation

Legal Description:

Situated in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Beginning at the intersection between the centerlines of Madison Road and Stewart Avenue; thence, northwardly with the centerline of Stewart Avenue for approximately 27-feet to the point of intersection with the easterly extension of the south parcel line of Parcel 120, HCAP Book 35, Page 1; thence westwardly along the easterly extension of the south parcel line of said parcel for approximately 36.1-feet, **THE POINT OF THE BEGINNING**; thence westwardly along the south parcel line of said parcel for approximately 99-feet; thence northwardly, at a 90-degree angle, for approximately 103.6-feet; thence eastwardly, at a 90-degree angle, for approximately 111.1-feet to the point of intersection with the east parcel line of Parcel 120, HCAP Book 35, Page 1; thence, southwardly along the east parcel line of said parcel, following the southeast curve of said parcel to the point of intersection with the south parcel line of Parcel 120, HCAP Book 35, Page 1, **THE POINT OF THE BEGINNING**.

Containing approximately 10,890 square feet of land.

Historic Conservation Guidelines

Benjamin Stewart Home, Madisonville, Cincinnati, OH

Rehabilitation

General Terminology

Within these guidelines, the “Stewart-Ward Home” refers to the building located at 5540 Madison Road, Cincinnati, OH 45227.

Intent and General Guidelines

The following general approaches are recommended:

1. **Repair and maintenance:** Ordinary repair and maintenance of like and kind for matching the original construction, where visible, and that does not change the appearance of the buildings, is acceptable under these guidelines. Rehabilitation may include preservation, restoration, reconstruction, or a combination of these, as appropriate and reasonable for the building.
2. **Maintenance:** Existing visible features that contribute to the building’s overall character and are in good condition should be maintained, preserved, or conserved, where possible. Damaged visible features which can be repaired should be repaired whenever possible.
3. **Replacements:** Replacements of significant features damaged beyond repair, deteriorated beyond reasonable repair, or missing significant features should sensitively harmonize with the characteristics or the original feature. Replication is appropriate but not required.

Specific Guidelines

The following specific approaches to exterior elements, features, and visible components are recommended:

1. **Materials:** Materials for significant features on primary façades visible from the street that are badly damaged, deteriorated beyond reasonable repair, or missing should be replaced with materials or components that closely match the style, shape, color, treatment, and texture of the element replaced. Composition, type of joint, size of units, visible measures,

placement, and detailing should be appropriate for the building. Synthetic materials, where closely matching the existing characteristics, may be utilized.

2. **Masonry Repointing:** Repointing of deteriorated and/or missing mortar shall match the existing historic as close as possible. Elements of the new repointing mix shall be consistent with the existing mortar in formulation, aggregate size, texture, color, and method of application. It is recommended that test patches be applied adjacent to existing mortar and allowed to dry. An assessment should be made of new repointing mix with respect to varied constituents to be matched. The sample that closely matches the original mortar should be used for the repointing. Refer to Preservation Brief for general approach to undertaking masonry repointing.
3. **Masonry Cleaning:** Sandblasting diminishes the integrity of building materials. It is not an approved cleaning method. Should cleaning of exterior materials be undertaken, no harm should result from the approach taken to do the work. If cleaning of building materials is undertaken, use the gentlest method possible to accomplish good results. Scrubbing with a bristle brush and a mild non-ionic detergent is recommended. Should this method be found ineffective, the use of approved chemical cleaning application can be used only after test patches have determined the gentlest means with respect to composition of cleaning agent, method of application, and cleaning results.
4. **Water-Repellent Coatings:** Use of water-repellent coatings on historic buildings is not permitted. The problem of water infiltration into a building is associated with structural or maintenance issues. Water-repellent coatings compound problems because the coating encapsulates moisture and does not allow it to evaporate naturally.
5. **Window and door openings:** Window and door openings are important features of these buildings. The size and location of openings are an essential part of the overall design and an important feature of these buildings' architecture. Original wall openings on primary façades should not be altered or filled. On secondary façades, original wall openings should not be significantly altered without consideration of the impact to the overall character of the original design.
6. **Window replacement:** new windows should be appropriate in material, scale, configuration, style, and size.
7. **Ornamentation:** Significant architectural features including brick and stone detailing elements should be preserved or conserved. Do not make replacements or substitutions of different size, scale, design, or incompatible materials. Replacement ornamentation should closely match originals in character, scale, configuration, style, size, texture, and color. Some synthetic materials, including fiberglass castings or composite materials, may be considered.
8. **Roofs:** Chimneys, parapets, and other architectural features that define the buildings' roofline should be maintained. New asphalt shingles are acceptable for the roof.

9. Painting: Repainting existing features that were historically painted is acceptable. Existing exterior elements that were historically not painted, such as brick, stone, and terra cotta, should be left unpainted. Use colors that are appropriate to the buildings' age, history, and style.
10. Outside attachments: Exterior light fixtures should be appropriate for the building's style and should be simple and contemporary.
11. Awnings: Awnings are acceptable provided they adhere to the National Park Service Preservation Brief 44 for the use of awnings on historic buildings.
12. Signs: Signs should be designed for clarity, legibility, and compatibility with the building or property on which they are located. Signs should not cover or obscure architectural features. Temporary signage is permitted without review by the Historic Conservation Board.

Additions and Exterior Alterations

Intent and General Guidelines

1. Additions: Additions should follow new construction guidelines, codes, and regulations. Any addition should be compatible in character with the original building, with sensitivity to existing massing and scale, site, and appearance within the building's existing context. Additions should be sympathetic, may be complementary, but need not be imitative in design. Additions should be designed to relate architecturally, not overwhelming the original building.
2. Alterations: Alterations should follow construction guidelines for alterations, codes, and regulations. Alterations should not change or alter significant features.
3. Appropriateness: The appropriate addition and alteration design solutions should include:
 - a. How well the proposed design for the addition or alteration relates to the original building and neighboring buildings.
 - b. How closely the proposed addition or alteration meets the specific intentions of these guidelines.

Site Improvements

Intent and General Guidelines

1. Site improvements, such as improvement and/or alteration to existing paving, fences, and landscaping should be in keeping with the character of the building and not detract from its setting or architectural character.
2. The design of any new site improvement construction should be in keeping with the character of the existing building and not detract from its setting or architectural character.

3. Any design of site improvements should capitalize on the unique setting and location of the Stewart-Ward home. The existing views towards the facades should be maintained as an important visual contribution to the integrity of the building.

Demolition

Any demolition, alterations, or modifications to the Stewart-Ward home, and minimum maintenance requirements, are governed by Section 1435-09: Alterations and Demolitions; Certificates of Appropriateness; Minimum Maintenance, of the Cincinnati Zoning Code, ordained by Ordinance No. 217-2012, §1, effective July 20, 2012. Any updates, modifications, or amendments to this section of the Cincinnati Zoning Code or legislation that supersedes Chapter 1435 of the Cincinnati Zoning Code which is established as the "Historic Preservation Code," shall be considered the governing law.

Honorable City Planning Commission
Cincinnati, Ohio

SUBJECT: A report and recommendation on the proposed designation of 5540 Madison Road, known as the Benjamin Stewart Home, as a Local Historic Landmark in Madisonville.

GENERAL INFORMATION:

Location: Benjamin Stewart Home in Madisonville, 5540 Madison Road, Cincinnati, OH 45227

Petitioner: Eric S. Stringer, PLK Communities c/o Madisonville Community Council

Owner: Madison and Stewart LLC, 5905 E Galbraith Road, Cincinnati, OH 45236

EXHIBITS:

Provided in addition to this report are the following exhibits:

- Exhibit A Location Map
- Exhibit B Designation Report
- Exhibit C Historic Conservation Board Staff Report and Historic Conservation Guidelines
- Exhibit D Historic Conservation Board Recommendation

BACKGROUND:

The subject property located at 5540 Madison Road, was granted a zone change from Single-family (SF-4) to T4 Neighborhood Small Footprint – Open (T4N.SF-O) from the City Planning Commission on November 1, 2019 and approved by City Council on December 11, 2019. The zone change was crucial for the proposed luxury, multi-family development, “The Jameson.” On November 2, 2021, a complete application for a Local Historic Landmark designation of the Benjamin Stewart Home was submitted by the Madisonville Community Council. This was done in conjunction with PLK Communities in response to a community benefits agreement that was signed between the two parties, in association with the new development on the same parcel as the proposed landmarked building. According to the Cincinnati Zoning Code (§1435-07-2-B), an application for the designation of a Local Historic Landmark shall be forwarded to the City Planning Commission following a public hearing of the Historic Conservation Board.

On December 20, 2021, the Historic Conservation Board (HCB) held a public hearing on the Local Historic Landmark designation application. After receiving evidence and testimony from the Urban Conservator and proponents of the designation, a quorum of five board members voted unanimously to approve and recommend the Benjamin Stewart Home to City Planning Commission and City Council for approval.

The City Planning Commission is charged with determining whether to follow the recommendation of the Historic Conservation Board (§1435-07-2-B-C). In making such determination, the City Planning Commission shall consider the following factors:

- 1) The relationship of the proposed designation to the comprehensive plans of the city and of the community in which the proposed Historic Landmark is located; and
- 2) The effect of the proposed designation on the surrounding areas and economic development plans of the city; and
- 3) Such other planning and historic preservation considerations as may be relevant to the proposed designation.

The City Planning Commission has the duty to decide whether to approve or disapprove the designation and forward its decision, whether favorable or not, along with the conservation guidelines, to City Council.

SETTING:

The Benjamin Stewart Home occupies a 4.447-acre site that it shares with multi-family luxury residential development, “The Jameson” - noncontributing to the proposed landmark - that was constructed between 2020 and 2021. The Jameson consists of 36 buildings that house 1-to-2-bedroom (plus dens) luxury apartments in addition to carriage houses with a total of 151 units. The development includes a resort-style swimming pool and sundeck, fitness center, on-site dog park, as well as the clubhouse situated in the subject proposed landmark.

Located on the northwest corner of Madison Road and Stewart Avenue in Madisonville, the Benjamin Stewart Home sits prominently on a small slope, roughly 15 feet from the public right-of-way. The structure sits on the identified parcel 035-1-120 of the Hamilton County Auditor Records. This request is solely for the historic designation of the structure. Anderson Place is the next street to the west and Chandler Street is to the north. The above-listed parcel is both the original and legally recorded boundary line for the property for which designation is being requested. The proposed Local Historic Landmark designation is for the Benjamin Stewart Home only and no other structures.

In its historic setting, the home may have been surrounded by similar residential dwellings and tucked away from the busy streets of downtown. Today Madison Road is a major thoroughfare for commuters moving between Cincinnati’s various neighborhoods and many businesses operate within a short vicinity of the property. Today, such businesses and organizations surrounding the subject site include MedPace, a publicly traded company with 2,800 employees, as well as the John P. Parker School, The Children’s House, The Summit Hotel, United Dairy Farmers, Mazunte Taqueria, Rally’s and more.

HISTORICAL OVERVIEW:

The Benjamin Stewart Home, according to one source, was built in 1833 from lumber that Stewart had floated down the Ohio River on flatboats. However, it should be stated that this is a legend, as the deeds indicate that Stewart bought the land in 1844 from Jonathan Ward. Jonathan Ward bought the property from the state in 1837 and the house was built between 1837-1844 when the property was sold to Benjamin Stewart. Benjamin Stewart became a successful businessman in Cincinnati via his lumber enterprise and the home is on land that had been inhabited by Jonathon Ward, the grandson of Madisonville’s first settler, Joseph Ward. The Home is a two and a half story American bond brick building with an L-shaped floor plan. Constructed in the Greek Revival Style, this home is one of the oldest standing examples of this type of architecture in the district.

HISTORIC SIGNIFICANCE:

The Benjamin Stewart Home is architecturally and historically significant as an example of the Greek Revival style that contributed to many homes of its era and is a significant structure in the Madison-Stewart Historic District in Cincinnati. The house presently serves as the clubhouse and leasing offices for The Jameson.

The features of the Benjamin Stewart Home include the low-pitched roof as well as the Doric columns on the front porch and entryway. Another element that the home features are the multi paneled windows. The building was constructed in an L shape, and the chimneys were placed on the side and in the back of the building. Greek temples are usually built from marble or stone, so to replicate the light color, the wooden

finishes would have been painted white due to the lack of resources to make homes from marble. The Stewart Home also incorporates the use of entablatures at the roof trim.

While many homes built in the Greek Revival style have rather grand or large porticos, the Stewart Home was built with a more modest portico, giving the home a refined yet modest look. The columns on the portico similarly were not built above the second story but were below the window trim line of the second story.

ANALYSIS:

In making a determination, the City Planning Commission shall consider all of the following factors:

- (1) The relationship of the proposed designation to the comprehensive plans of the city and of the community in which the proposed Historic Landmark, Historic District or Historic Site is located; and

The proposed designation of the Benjamin Stewart Home as a Local Historic Landmark is consistent with Plan Cincinnati (2012), within the Sustain Initiative Area, specifically the Goal to, "Preserve our natural and built environment" (p. 193). The Historic Conservation Board voted to determine that this designation meets the criteria.

- (2) The effect of the proposed designation on the surrounding areas and economic development plans of the city; and

Designating the Benjamin Stewart Home as a Local Historic Landmark contributes to the surrounding areas and economic development plans of Madisonville and the City as a whole.

- (3) Such other planning and historic preservation considerations as may be relevant to the proposed designation.

This designation is consistent with the Madisonville Neighborhood Business District Urban Renewal Plan (2002).

The Benjamin Stewart Home is nominated under Criterion 2, "Association with the lives of persons significant in our past" and Criterion 3, "Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction".

SIGNIFICANCE:

According to the Cincinnati Zoning Code (§1435-01-H3), certain findings must be made before a Local Historic Landmark can be designated by City Council. The building must be found to have historic significance. Historic significance means that the attributes of the landmark must possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

1. That are associated with events that have made a significant contribution to the broad patterns of our history; or
2. That are associated with the lives of persons significant in our past; or
3. That embody the distinctive characteristics of a type, period or method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. That has yielded, or may be likely to yield information important in history or prehistory.

The Benjamin Stewart Home is nominated as significant under Criterion 2 and 3 of the Cincinnati Zoning Code (§1435-07-1):

2. *Association with the lives of persons significant in our past.*
3. *Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction;*

The Benjamin Stewart Home meets Criterion 2 for being associated with the lives of persons significant in our past for:

- The House was built by Jonathan Ward who was part of the founding family of Madisonville.
- The house was lived in by Benjamin Stewart or his descendants for almost 100 years.
- Benjamin Stewart was a prominent businessman who was integral to the development of Madisonville.

The Benjamin Stewart Home meets Criterion 3 by embodying the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction for:

- The building is an excellent example of Greek Revival Architecture and is one of the oldest buildings remaining in Madisonville.

CONCLUSION:

Per Chapter 1435- 07-2-C. - Adoption of Conservation Guidelines.

“At the time of designation of a Historic Landmark, Historic District or Historic Site, Council has the duty to adopt conservation guidelines for each Historic Landmark, Historic District or Historic Site. Conservation guidelines shall promote the conservation, development and use of the Historic Landmark, Historic District or Historic Site and its special historic, architectural, community or aesthetic interest or value. Insofar as practicable, conservation guidelines shall promote redevelopment and revitalization of Historic Structures and compatible new development within the Historic District. The guidelines shall not limit new construction within a Historic District to a single period or architectural style but may seek to preserve the integrity of existing Historic Structures. Conservation guidelines shall take into account the impact of the designation of a Historic Landmark, Historic District or Historic Site on the residents of the affected area, the effect of the designation on the economic and social characteristics of the affected area, the projected impact of the designation on the budget of the city.”

In summary, staff of the Department of City Planning and Engagement recommends the Benjamin Stewart Home as a Local Historic Landmark per section §1435-07-1(a)(3) of the Zoning Code. The documentation in the attached designation and staff reports provides conclusive evidence that all required findings may be made for the proposed designation under Criterion 2 and 3. The proposed conservation guidelines for the structure are sufficient and have been included.

PUBLIC COMMENT AND ENGAGEMENT:

The Department of City Planning and Engagement held a joint virtual public staff conference on the proposed designation on November 30, 2021. Notices were sent to property owners within a 400-foot radius of the subject property, the property owner, the Madisonville Community Urban Redevelopment Corporation (MCURC) and the Madisonville Community Council. The applicant team and City staff were in attendance. No other members of the public were present at the staff conference.

The Historic Conservation Board (HCB) held a public hearing on the proposal at its meeting on December

20, 2021. The only people in attendance during the HCB meeting were representatives from the Madisonville Community Council and PLK Communities. No members of the public spoke during the hearing. All property owners within a 400-foot radius of the subject property, the property owner, MCURC and the Madisonville Community Council were sent notification of the February 4, 2022 City Planning Commission. No additional correspondence has been received to-date.

CONSISTENCY WITH PLANS:

Plan Cincinnati (2012)

The proposed Local Historic Landmark designation of the Benjamin Stewart Home is consistent with the Sustain Initiative Area of *Plan Cincinnati*, specifically the Goal to, “Preserve our natural and built environment” (p. 193). This designation will help to preserve this architecturally significant building.

Madisonville Neighborhood Business District Urban Renewal Plan (2002)

The proposed designation is consistent with the Strategy to “Empower local development entities such as private developers, Madisonville Community Urban Redevelopment Corporation (MCURC), local church groups and other organizations and non-profits to renovate or upgrade existing vacant and underutilized properties throughout the neighborhood business district” (p. 14). Even though the subject property sits directly outside the neighborhood business district, this strategy can still be applied as the Benjamin Stewart Home was sitting vacant and then was converted into “The Jameson” clubhouse to serve the new adjacent multi-family development.

RECOMMENDATION:

The staff of the Department of City Planning and Engagement recommends that the City Planning Commission take the following actions:

- 1) **APPROVE** the proposed designation of the Benjamin Stewart Home as a Local Historic Landmark at 5540 Madison Road under Criterion 2 and 3 of the Cincinnati Zoning Code (§1435-07-1a) and;
- 2) **ADOPT** the conservation guidelines for the Benjamin Stewart Home as shown in Exhibit C.

Respectfully submitted:



Jesse Urbancsik, City Planner
Department of City Planning and Engagement

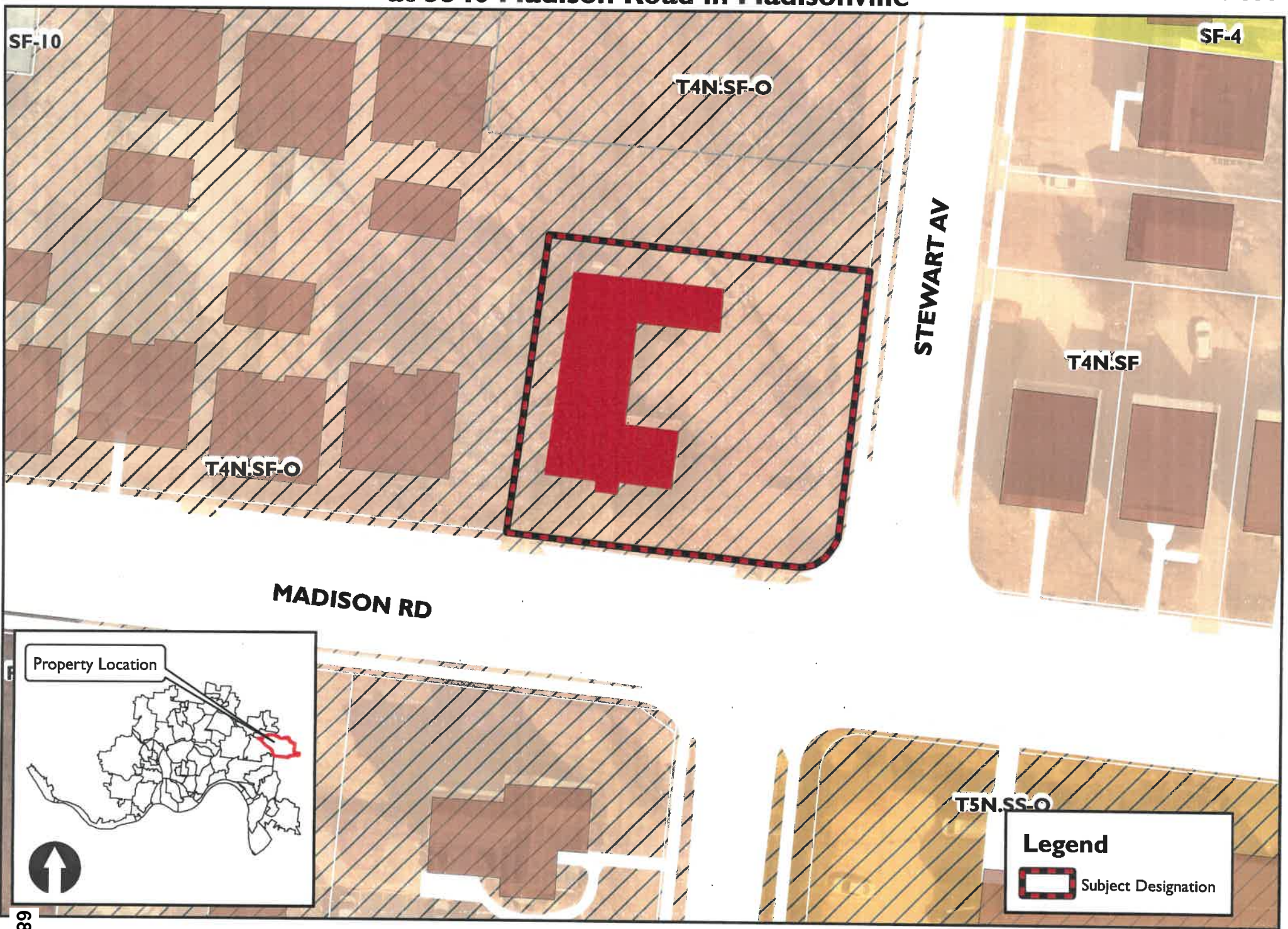
Approved:



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

Proposed Local Landmark Designation of the Benjamin Stewart Home at 5540 Madison Road in Madisonville

Exhibit A



Landmark Designation Request

Benjamin Stewart Home in Madisonville

5540 Madison Rd

Cincinnati, Ohio 45227

Submitted to:

Cincinnati Historic Conservation Office

By: Eric S. Stringer, PLK Communities

For the Benefit of

Madisonville Community Council



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Introduction

Prepared by Eric Stringer of PLK Communities for the Benefit of The Madisonville Community Council, this report represents the findings and recommendations for local Historic Landmark designation of the Stewart Home.

Background

The owner PLK Communities, and Madisonville Community Council have an interest in the preservation of the property for the future. The building is architecturally and historically significant as a good example of The Greek Revival style that contributed to many homes of its era and is a significant structure in the Madison-Stewart Historic District in Cincinnati, OH. The building presently serves as the clubhouse and leasing offices for a townhome development.

Description of Property

Site

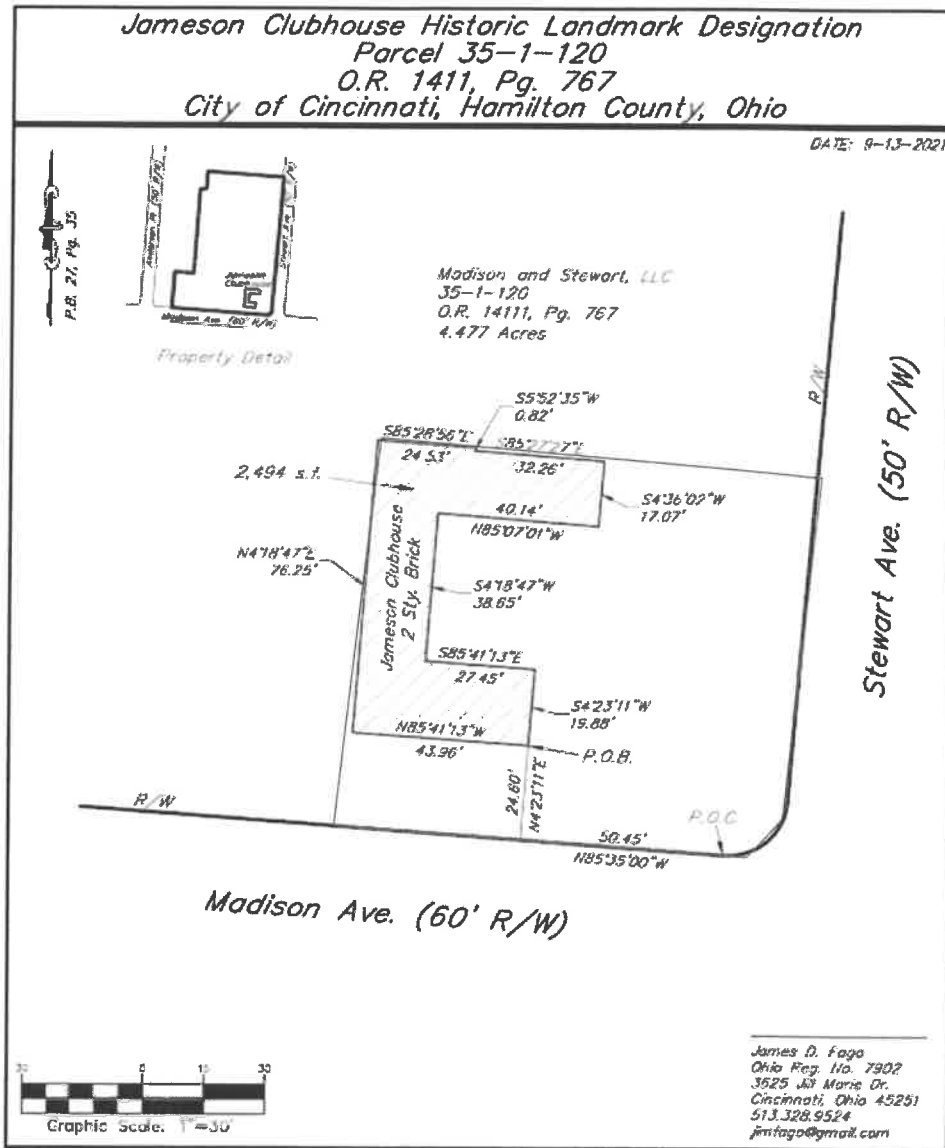
The Benjamin Stewart home at 5540 Madison Road sits along the line of latitude of 39° 09' 40", and line of longitude at 84° 23' 52". The home sits on a site that is 4.447 acres that it shares with multiple multi-family residential dwellings (noncontributing to landmark) that were built between 2020 and 2021.

Legal Description

Situate in Section 16, Town 4, Fractional Range 2, Columbia Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Madison and Stewart, LLC in O.R. 14111, Pg. 767 and being more particularly described as follows:

Commencing at the intersection of the west line Stewart Avenue, 50' R/W and the north line of Madison Avenue, 60' R/W; thence with the north line of said Madison Avenue, North 85°35'00" West, 50.45 feet to a point; thence leaving said Madison Avenue, North 04°23'11" East, 24.60 feet to the Place of Beginning; thence with the exterior of the existing Jameson Clubhouse the following ten courses; North 85°41'13" West, 43.96 feet to a point; thence North 04°18'47" East, 76.25 feet to a point; thence South 85°28'56" East, 24.53 feet to a point; thence South 05°52'35" West, 0.82 feet to a point; thence South 85°27'27" East, 32.26 feet to a point; thence South 04°36'02" West, 17.07 feet to a point; thence North 85°07'01" West, 40.14 feet to a point; thence South 04°18'47" West, 38.65 feet to a point; thence South 85°41'13" East, 27.45 feet to a point; thence South 04°23'11" West, 19.88 feet to the Place of Beginning. Containing 2,494 square feet of land more or less. Bearings based on P.B. 27, Page 35 H.C.R.O.. Subject to all legal highways, easements and restrictions of record. This description is based on a survey performed under the direction of James D. Fago, Ohio Reg. No. 7902.

Map Showing Designation Boundaries (See Below)



Boundary

The home is identified as parcel 035-1-120 of the Hamilton County Auditors Records. The historic home is set on the corner of Madison Road and Stewart Ave as the eastern boundary. Anderson Place is the next street to the west and Chandler Street is to the north.

Justification of Boundary

The above-listed parcel is both the original and legally recorded boundary line for the property for which designation is being requested. The building occupies the parcel and the parcel designated for Landmark Designation is for the Stewart home only and no other structures.

Setting

Located on the northwest corner of Madison Road and Stewart Avenue in Madisonville, the Benjamin Stewart home sits prominently on a small slope, roughly 15 feet from the street front. In its historic setting, the home may have been surrounded by similar residential dwellings and tucked away from the busy streets of downtown, but today Madison Road is a thoroughfare for commuters moving between Cincinnati's various neighborhoods and many businesses operate within a short vicinity of the property. Today, such businesses include MedPace, a publicly traded company with 2,800 employees, as well as a multitude of independent shops and restaurants.

Statement of Significance

The Benjamin Stewart home according to one source, was built in 1833 from lumber that Stewart had floated down the Ohio River on flatboats¹. However, it should be stated that this is a legend, as the deeds indicate that Stewart bought the land in 1844 from Jonathan Ward. Jonathan Ward bought the property from the state in 1837 and the house was built between 1837-1844 when the property was sold to Benjamin Stewart. The house is a two and a half story American bond brick building with an L-shaped floor plan. Constructed in the Greek Revival Style, this home is one of the oldest standing examples of this type of architecture in the district.

The Madison-Stewart District was designated by the National Register of Historic Places on May 29, 1975 (No. 75001419). The Stewart home sites prominently on the intersection of Stewart and Madison Road and is representative of an iconic architectural style as well as an anchor building to the historic district. Benjamin Stewart became a successful businessman in Cincinnati via his lumber enterprise and the home is on land that has been inhabited by Jonathon Ward, the grandson of Madisonville's first settler, Joseph Ward.

According to CZC 1435-07-1 (2) the home is associated with the lives of persons significant in our past and, (3) the Stewart home embodies the distinctive characteristics of a type, period, or method of construction (Greek Revival) that represents a significant and distinguishable entity. The request for Historic Landmark designation of the Stewart home also is consistent with the desire to have a prominent structure represented. The style of the home, as well said historic ownership, combine and fulfill the requirements to have such a building landmarked and to avoid the loss or demolition of the structure.

¹Busald, Ruth Ann, et. Al., *Images of America: Madisonville*, Charleston, Arcadia Publishers, 2012.

Historical Significance

The designation of the Madison-Stewart district in 1975 reflects the desire and need to highlight and preserve our city's rich architectural and cultural landmarks. This home requested for Historic Landmark status has the attributes of not only reflecting a culturally significant style of building (Greek Revival), but also of a descendant of both the Revolutionary War and Madisonville's first permanent resident. Madisonville, named in honor of President Madison, was a settlement to the north of Columbia, where some settlers left due to being in a flood zone in the early 19th century. The Madison-Stewart district derives its name from Benjamin Stewart, whose residence being the most prominent in the district, as well as President Madison.

The first permanent settler of Madisonville was Joseph Ward. He and his three eldest sons were soldiers in the patriot army during the Revolutionary War. Born in New Jersey in 1784, Ward emigrated from New Jersey to Ohio in 1797. Originally, Ward arrived in the settlement of Columbia, but due to the flooding of the area, moved to a plot of land of what is now the neighborhood of Madisonville.

Joseph Ward and his two sons Nehemiah and Amos were granted land to them by the government for their services in the Revolutionary War. In all, Joseph and his wife Phebe had 9 children. Joseph Ward's grandson, Jonathan, would eventually live on the property that is the site of the Stewart home. According to records, the property would have been sold by Jonathan to Benjamin Stewart in 1844.

Benjamin Stewart, to whom the home is named after, was a prominent businessman of Madisonville. Stewart made a living from lumber, which is potentially where the legend that he made the home on Madison and Stewart from lumber he floated down the river. Stewart's daughter Sarah and his son in law James White, would also live in the home. The home would have a descendent of Benjamin Stewart living in it until the 1940's.

The Ward family extends back to the very beginning of Madisonville, and the home on Stewart and Madison Road is fully renovated and stands as a prominent fixture to this historic district. In 1911 the City of Cincinnati annexed the neighborhood of Madisonville and now Madisonville is one of fifty-two neighborhoods in the city, being situated to the east of the neighborhood of Oakley on the east side of the city.

Architectural Significance

The Benjamin Stewart home has been characterized as being Greek Revival. The move from Georgian-Colonial style homes was an intended move and the early 19th century settlers wanted an architectural style that was distinct from their British ancestors. The Stewart home exemplifies the characteristics of Greek revival style in that it is constructed with several features such as columns to mimic marble, entablatures, trim between roof and columns, pilasters, and a covered front porch.

From the 1820's to 1860's, homes were being built in the Greek Revival style. Typical features included a gabled and/or low pitch roof, entry porch supported by square or round prominent columns. Greek Revival architecture was favored for its elegant yet simplistic style. One of the first published works on this style of architecture was James Stuart's *Antiquities of Athens and Other Monuments of Greece*, in 1762. Architects drew inspiration from the temples found throughout Greece and Italy and began incorporating these design features into their own buildings. The style would be referred to as the national style due to its popularity as a symbol of Democracy.

The features of the Benjamin Stewart home include the low-pitched roof as well as the Doric columns on the front porch and entryway. Another element that the home features are the multi paneled windows. The building was constructed in an L shape, and the chimneys were placed on the side and in the back of the building. Greek temples are usually built from marble or stone, so to replicate the light color, the wooden finishes would have been painted white due to the lack of resources to make homes from marble. The Stewart home also incorporates the use of entablatures at the roof trim. The entablature is the band of trim at the base of the roof.

While many homes built in the Greek Revival style have rather grand or large porticos, the Stewart house was built with a more modest portico, giving the home a refined yet modest look. The columns on the portico similarly were not built above the second story but were below the window trim line of the second story. The Doric columns similarly were the more simplistic of the three traditional styles: Doric, Ionian, and Corinthian.

Planning Considerations

Consistency with CZC Chapter 1435, Historic Preservation

The designation of the Stewart home meets the requirements of chapter 1435-07-1, a site of Historic Significance and chapter 1435-03, of the Cincinnati Zoning Code (Historic Conservation),

“To safeguard the heritage of the city by preserving districts and landmarks which reflect elements of its history, architecture and archeology, engineering or culture”

The documentation in this designation report provides conclusive evidence that all the required findings may be made for the proposed designation.

Research Methodology

Research was conducted using various sources, both on-line and hard copy. Sources include the National Register of Historic Places Inventory-Nomination Form, the book *Images of America: Madisonville*, as well the Hamilton County Auditor and Recorder for deed and plat research.

References

Records of the Hamilton County Auditor and Recorder.

Editorial Staff State History Publications, *Ohio Historic Places Dictionary, Volume 2.*, Ohio: Native American Books, 2008.

Busald, Ruth Ann, et. Al., *Images of America: Madisonville*, Charleston: Arcadia Publishers, 2012.

The National Register of Historic Places, Volume 2. Berkeley: United States Department of the Interior National Park Service, 1976.

Recent Interior and Exterior Renovations

Exterior Remodeled in 2020



Original Staircase in foyer



Courtyard (East Facing)



Exterior Rear Entrance



Upstairs room with original fireplace and support beams.



Original hardwood floors restored in upstairs room, currently serves as guest lounge and co-working space for residents.



Original fireplace restored and redesigned in guest lounge.





Certified Sanborn® Map

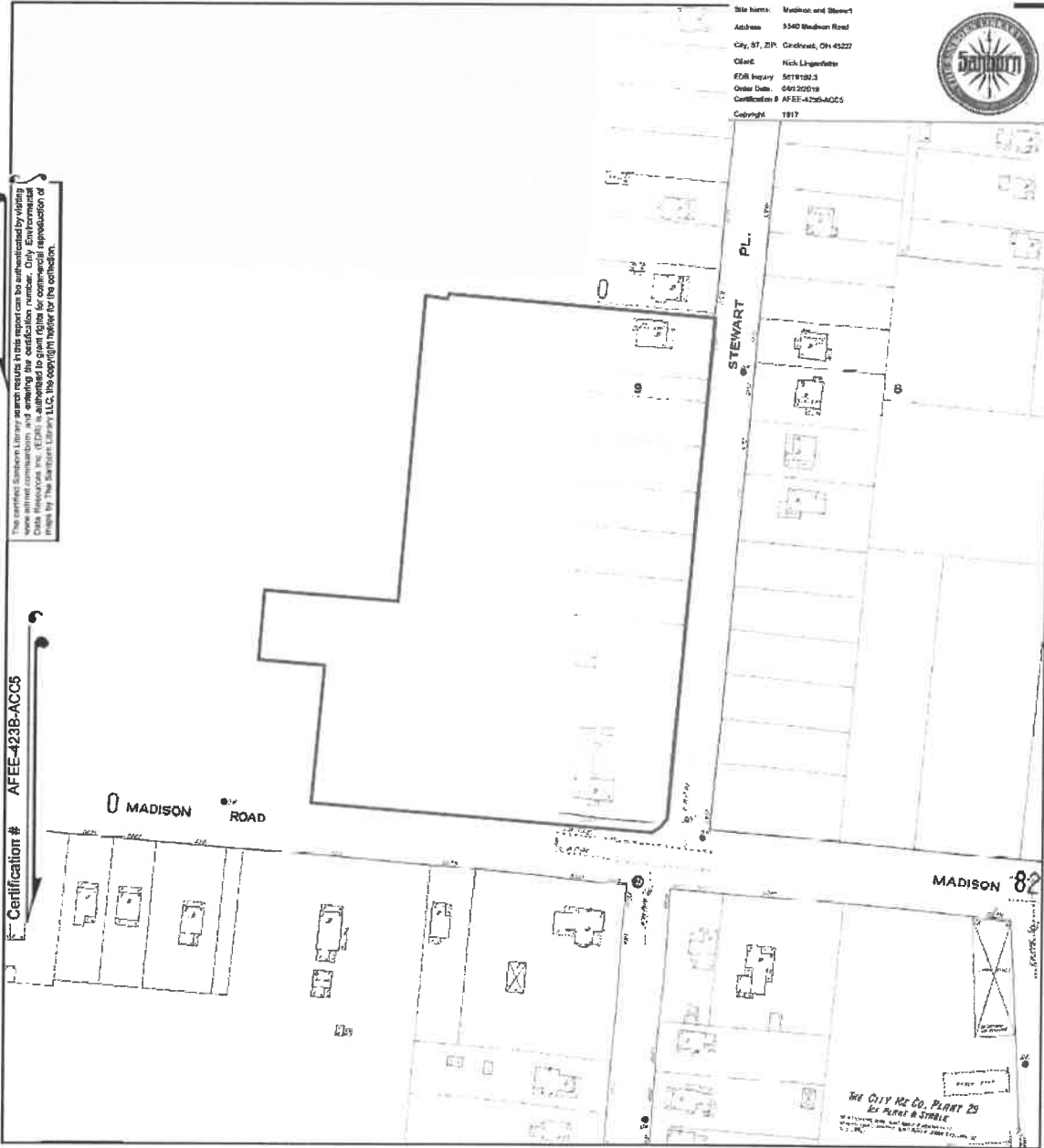
1917

Site Name: Washoe and Stewart
 Address: 5540 Washoe Road
 City, ST, ZIP: Cincinnati, OH 45227
 Client: Nick Ligandetto
 EDR Inquiry: 5/19/2013
 Order Date: 04/22/2013
 Certificate #: AFEE-423B-ACC5
 Copyright: 1917

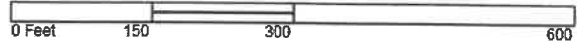


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Certificate # AFEE-423B-ACC5



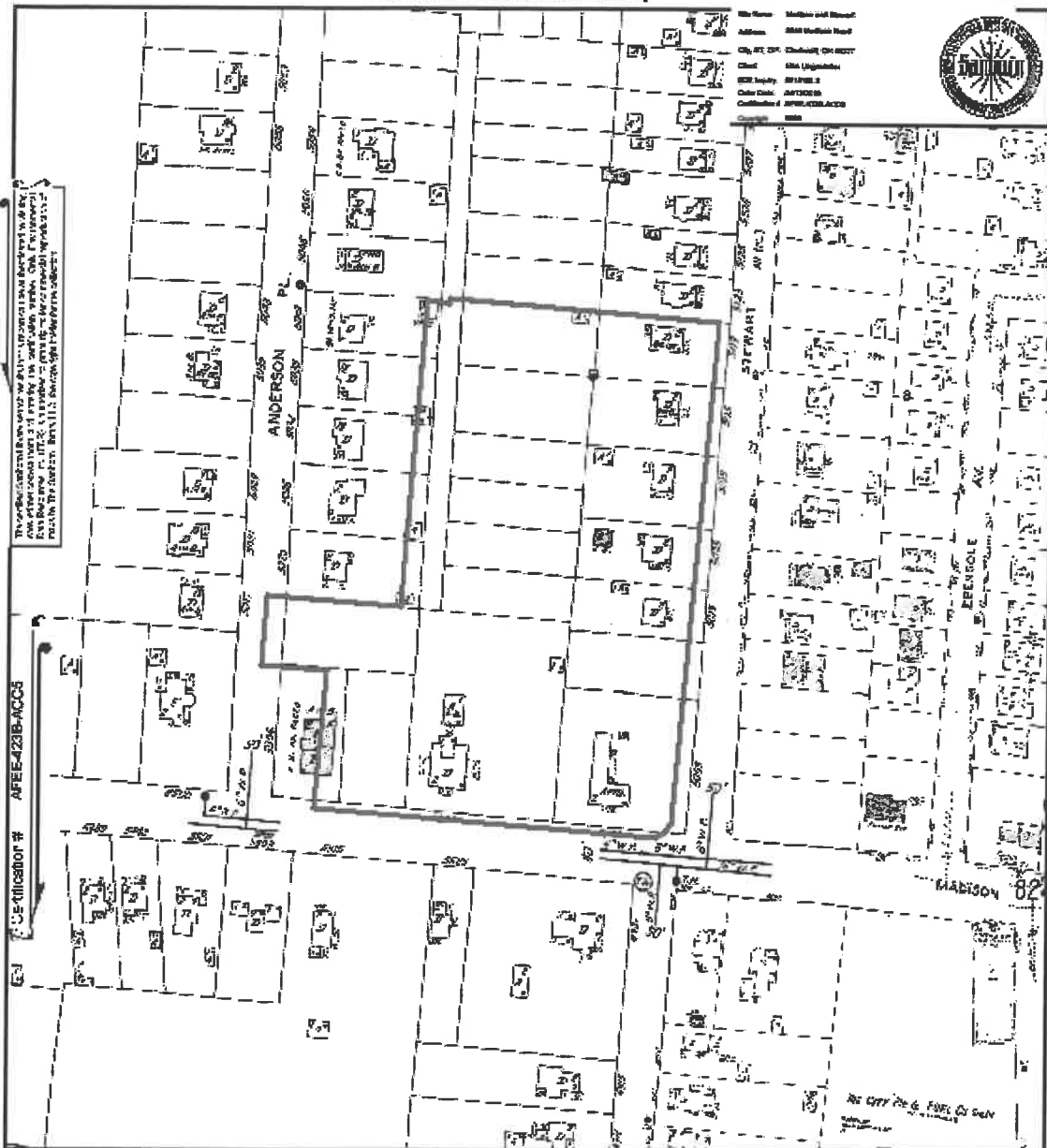
This Certified Sanborn Map combines the following sheets.
 Outlined areas indicate map sheets within the collection.





Certified Sanborn® Map

1950



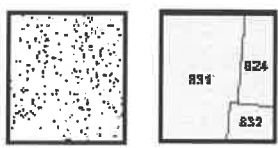
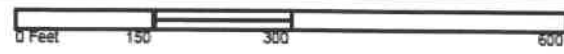
City Name: Madison and Stewart
 Address: 214 Madison Street
 City, St. or P.O.: Madison, Ga 30601
 Date: 1950
 Edition: 1
 Color Code: 1950
 Contour Interval: 5 Feet
 Scale: 1" = 100'



This Certified Sanborn Map was prepared by EDR, Inc. under contract to the City of Madison, Georgia. The City of Madison, Georgia, is the owner of this map. The City of Madison, Georgia, is not responsible for any errors or omissions in this map. The City of Madison, Georgia, is not responsible for any damages or injuries resulting from the use of this map.

US-11183801 # AFEE-423B-A005

This Certified Sanborn Map combines the following sheets. Outlined areas indicate map sheets within the collection.



Volume 8, Sheet 832
 Volume 8, Sheet 831
 Volume 8, Sheet 824

5818186 - 2 page 8

Neighborhood of Madisonville, Cincinnati, OH



Madison-Stewart Historic District

Benjamin Stewart home located at 5540 Madison Road

Latitude 39° 09' 40", Longitude 84° 23' 52"



ITEM 3

December 20, 2021

**APPLICATION FOR
LANDMARK DESIGNATION
HISTORIC CONSERVATION BOARD PUBLIC HEARING
STAFF REPORT**

APPLICATION #: NA
 APPLICANT: Madisonville Community Council and PLK Communities
 OWNER: PLK Communities
 ADDRESS: 5540 Madison Rd
 PARCELS: 035-0001-0120
 ZONING: T4NSF-O
 OVERLAYS: N/A
 COMMUNITY: Madisonville
 REPORT DATE: November 24, 2021

Nature of Request:

The applicant is requesting a Local Historic Landmark Designation for the property generally located at 5540 Madison Road, known as the Benjamin Stewart House. The landmark designation is sought for the individual building located at the southeast corner of the lot with parcel id 035-0001-0120.

The property is a contributing property in the Madison Stewart National Register District that was established in 1975.

The owner, PLK Communities, in partnership with the Madisonville Community Council submitted the application in response to a community benefits agreement that was signed between the two parties, in association with the new development on the same parcel as the proposed landmarked building. The building under consideration is the clubhouse of "The Jameson" development which is a 151 residential unit development.

1435-07-2-A: *Application for the consideration of the designation of a Historic District, Historic Landmark or a Historic Site may be made by the filing of a designation application, in such form as the Historic Conservation Board may prescribe, by the owner of the subject property or by the owner of a property within the area proposed to be designated, by Council or a member of Council, by the City Manager, by the Urban Conservator, by the City Planning Commission, **or by a local community organization, including, but not limited to, preservation associations and community councils.** No Historic Structure or Historic Site may be demolished or excavated during the pendency of a designation application, which commences upon the filing of a complete designation application.*



Image 1: Benjamin Stewart House located at 5540 Madison Rd. Image provided by applicant.



Image 2: 5540 Madison Rd. Image provided by applicant via Cagis map.

Summary and Background:

The Benjamin Stewart home was built between 1837-1844. The house is a two and a half story American bond brick building with an L-shaped floor plan. Constructed in the Greek Revival Style, this home is one of the oldest standing examples of this type of architecture in the district. The house is named after Benjamin Stewart who lived in the house until his death in 1863 and had descendants living in the house till the 1940s.

Attached to this Staff report are:

- Attachment A: Location Map
- Attachment B: Historic Conservation Guidelines
- Attachment C: Historic Designation Report

Designation Review:

Historic Significance

Staff finds that, based on the attributes and architectural integrity as set forth in the Designation Report, 5540 Madison Road, meets the requirements prescribed in Chapter 1435, specifically §1435-07-1, "Becoming a Becoming a Historic Structure; Determination of Historic Significance".

The Cincinnati Zoning Code (CZC) § 1435-07-1(a), specifies that a structure or group of structures may be deemed as having Historic Significance if it has at least one of the following attributes:

1. *Association with events that have made a significant contribution to the broad patterns of our history; or*
2. *Association with the lives of persons significant in our past; or*
3. *Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
4. *That has yielded, or may be likely to yield, information important in prehistory or history.*

The Criteria in Chapter 1435-07-01 is based off the criteria for the National Register of Historic Places and models the language exactly.

The Historic Conservation Board is tasked with determining if it meets one of the Criteria set forth in Chapter 1435-07-1 of the Cincinnati Zoning Code and making a recommendation to the Cincinnati Planning Commission and City Council based on its significance.

The applicant is nominating 5540 Madison Road, Benjamin Stewart Home, under Criterion 2: *Association with the lives of persons significant in our past* and Criterion 3 *Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction.*

In Staffs review of the designation report and the documentation provided the building meets the criteria in the following ways:

Criterion 2: Association with the lives of persons significant in our past

- The House was built by Jonathan Ward who was part of the founding family of Madisonville.
- The house was lived in by Benjamin Stewart or his descendants for almost 100 years. Benjamin Stewart was a prominent businessman who was integral to the development of Madisonville.

Criterion 3: Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction.

- The building is an excellent example of Greek Revival Architecture and is one of the oldest buildings remaining in Madisonville.

Conservation Guidelines

The Cincinnati Zoning Code (CZC) § 1435-07-2-C. - Adoption of Conservation Guidelines.

“Conservation guidelines shall promote the conservation, development and use of the Historic Landmark, Historic District or Historic Site and its special historic, architectural, community or aesthetic interest or value. Insofar as practicable, conservation guidelines shall promote redevelopment and revitalization of Historic Structures and compatible new development within the Historic District. The guidelines shall not limit new construction within a Historic District to a single period or architectural style but may seek to preserve the integrity of existing Historic Structures. Conservation guidelines shall take into account the impact of the designation of a Historic Landmark, Historic District or Historic Site on the residents of the affected area, the effect of the designation on the economic and social characteristics of the affected area, the projected impact of the designation on the budget of the city, as well as all of the factors listed in paragraph 1435-07-2-B(c) above. Conservation guidelines shall address Non-Contributing Structures. Approved conservation guidelines shall be published on the City's website and be made available for public inspection in the office of the Urban Conservator.”

Staff finds that the proposed Guidelines for 5540 Madison Road, Benjamin Stewart Home, present best practice approaches in seeking to preserve the integrity of the exterior of the building while allowing a compatible reuse of the building. The proposed Conservation Guidelines cover changes to the exterior of the building for features that are part of the integrity and significance of the building and site. The interior is not proposed to be subject to local review.

The proposed guidelines are also compatible with the Secretary of the Interior's Standards for Historic Preservation.

The applicant submitted proposed guidelines to Historic Conservation and City Planning Staff. Historic Conservation Staff has not proposed any changes.

Other Considerations:

Prehearing Results

- November 30, 2021 A Joint Staff Conference was held. The applicants, city staff, and members from the public were in attendance.

Comments Provided to Staff: None

Consistency with Plan Cincinnati (2012): This designation is consistent with the Plan Cincinnati goal embodied in the Sustain Initiative, specifically goal #2, preserving our built history as outlined in pages 197-198 of the plan.

Recommendation:

Staff recommends the Historic Conservation Board take the following actions:

1. **RECOMMEND** to the Cincinnati City Planning Commission (CPC) and to the Cincinnati City Council (CC) for the designation of the building located at the southeast corner of parcel 035-0001-0120 and associated Conservation Guidelines subject to the following conditions:
 - a. Any construction proposed upon the proposed Historic Landmark shall comply with the proposed Historic Conservation Guidelines (Exhibit C).
2. **FINDING:** The Board makes this determination per Section 1435-07-1:
 - (a) That it has been demonstrated that the 5540 Madison Rd/Benjamin Stewart Home meets §1435-07-1(a)(2 and 3) as the building maintains integrity, has *“Association with the lives of persons significant in our past”* and *“Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction.”*
 - (b) 5540 Madison Road is a contributing building to the Madison-Stewart National Register Historic District.

**11 Centennial Plaza
Planning Department
805 Central Ave, Suite 700
Cincinnati, OH 45202
513-352-4848**

FOR OFFICE USE ONLY	
File No.	_____
Date Filed	_____
Fee Paid	_____
Date Received	_____
Decision	_____

APPLICATION FOR LOCAL HISTORIC DESIGNATION/ HISTORIC ZONE CHANGE


1. SUBJECT PROPERTY/(ies)	<input checked="" type="checkbox"/> Landmark	<input type="checkbox"/> Site	<input type="checkbox"/> District
ADDRESS	5540 Madison Road, Cincinnati, OH 45227		
PARCEL ID(S)	035-0001-0120-00 New - 035-0001-0100-00 Original		
AREA CONTAINED IN PROPERTY (EXCLUDING STREETS)	Approx. 4,500 SF Home		
NAME OF HISTORIC DESIGNATION	Madisonville Historic District - Requesting Landmark Designation for Ward/Stewart Home		

2. APPLICANT			
NAME	Madisonville CC and PLK Communities	CONTACT PERSON (if legal entity)	Kate Botos and Nicholas Lingenfelter
ADDRESS	PLK Communities (see below)	TELEPHONE	KB - 513-227-4352 NL - 513-561-5080
EMAIL	President@summadisoville.com and Nick@plkcommunities.com	RELATIONSHIP TO OWNER (if not owner)	Community Council and VP of Development
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> City Council Member <input type="checkbox"/> City Manager <input type="checkbox"/> Urban Conservator <input type="checkbox"/> Planning Commission <input checked="" type="checkbox"/> Community Organization <input type="checkbox"/> Owner of Property within District			

3. OWNER(S) (If multiple properties, please provide an excel sheet with information)			
NAME	Madison and Stewart, LLC	CONTACT PERSON (if legal entity)	Nicholas Lingenfelter
ADDRESS	5905 E. Galbraith Rd, Suite 4100, Cincinnati, OH 45236	TELEPHONE	513-561-5080
EMAIL	Nick@plkcommunities.com		

4. HISTORIC CRITERIA (Select all that apply)
<input type="checkbox"/> Association with events that have made a significant contribution to the broad patterns of our history; or <input checked="" type="checkbox"/> Association with the lives or persons significant in our past; or <input checked="" type="checkbox"/> Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction; or <input type="checkbox"/> That has yielded, or may be likely to yield, information important in prehistory or history.

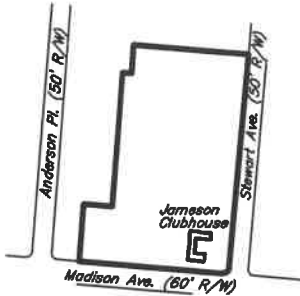
5. SUMMARY OF REASONS WHY THE REQUEST SHOULD BE GRANTED. It is your responsibility to provide the Urban Conservator supporting documentation in the form of a "Designation Report" to facilitate the creation of a staff report under chapter 1435-07, "Preserving a Structure." <u>Please be advised that this application will be reviewed by the Historic Conservation Board & Planning Commission Council. The filing fee for the review is \$1,500 and due at the time the application is submitted.</u>
--

6. SIGNATURE. The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.
Print Name <u>Kate Botos</u> Signature  Date <u>07 / 25 / 2020</u>

**Jameson Clubhouse Historic Landmark Designation
Parcel 35-1-120
O.R. 1411, Pg. 767
City of Cincinnati, Hamilton County, Ohio**

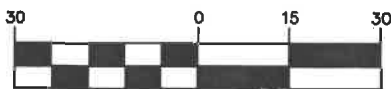
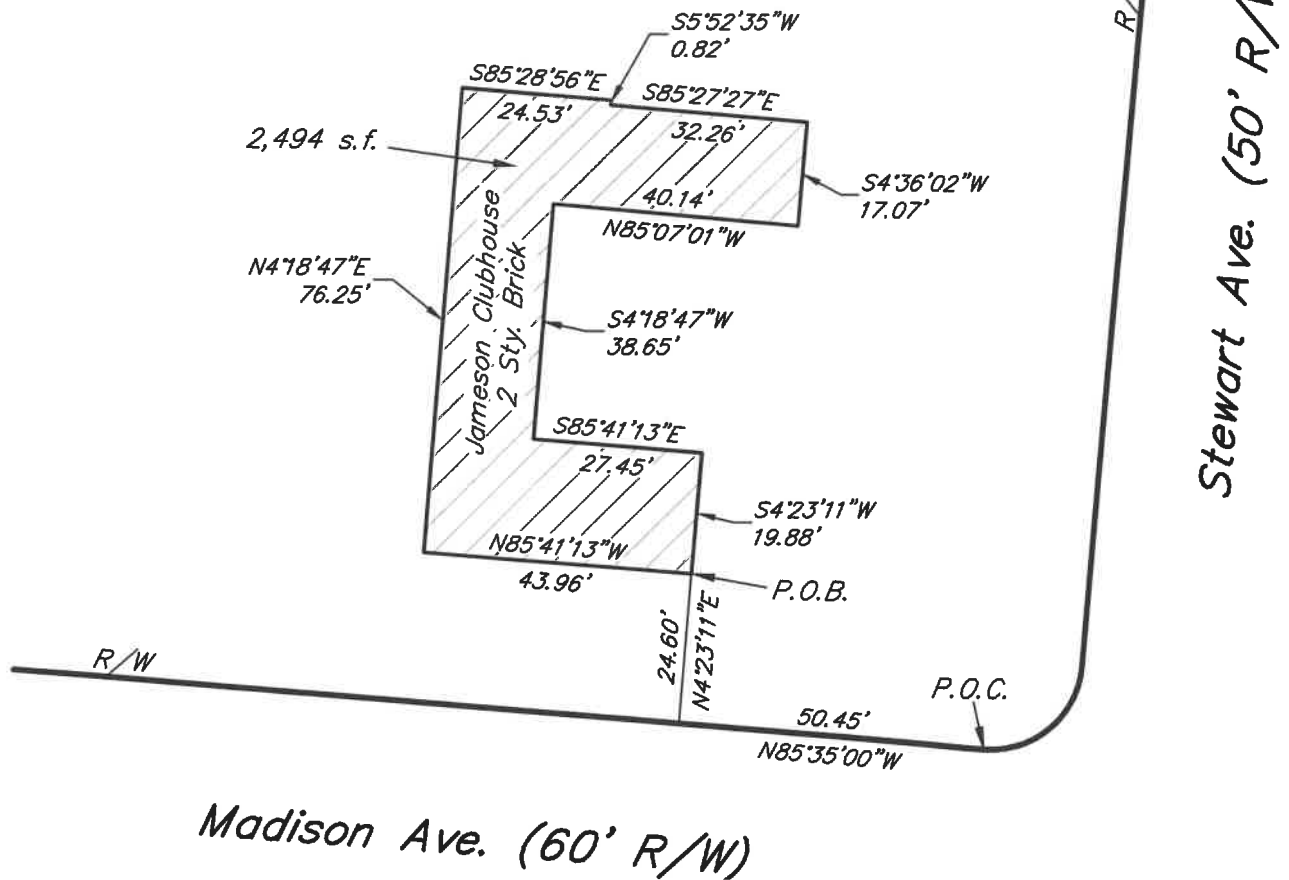
DATE: 9-13-2021

P.B. 27, Pg. 35



Property Detail

Madison and Stewart, LLC
35-1-120
O.R. 1411, Pg. 767
4.477 Acres



Graphic Scale: 1"=30'



James Fago
James D. Fago
Ohio Reg. No. 7902
3625 Jill Marie Dr.
Cincinnati, Ohio 45251
513.328.9524
jimfago@gmail.com

Landmark Designation Request

Benjamin Stewart Home in Madisonville

5540 Madison Rd

Cincinnati, Ohio 45227

Submitted to:

Cincinnati Historic Conservation Office

By: Eric S. Stringer, PLK Communities

For the Benefit of

Madisonville Community Council



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Madisonville Map with Madison-Stewart District	pg. 19

Introduction

Prepared by Eric Stringer of PLK Communities for the Benefit of The Madisonville Community Council, this report represents the findings and recommendations for local Historic Landmark designation of the Stewart Home.

Background

The owner PLK Communities, and Madisonville Community Council have an interest in the preservation of the property for the future. The building is architecturally and historically significant as a good example of The Greek Revival style that contributed to many homes of its era and is a significant structure in the Madison-Stewart Historic District in Cincinnati, OH. The building presently serves as the clubhouse and leasing offices for a townhome development.

Description of Property

Site

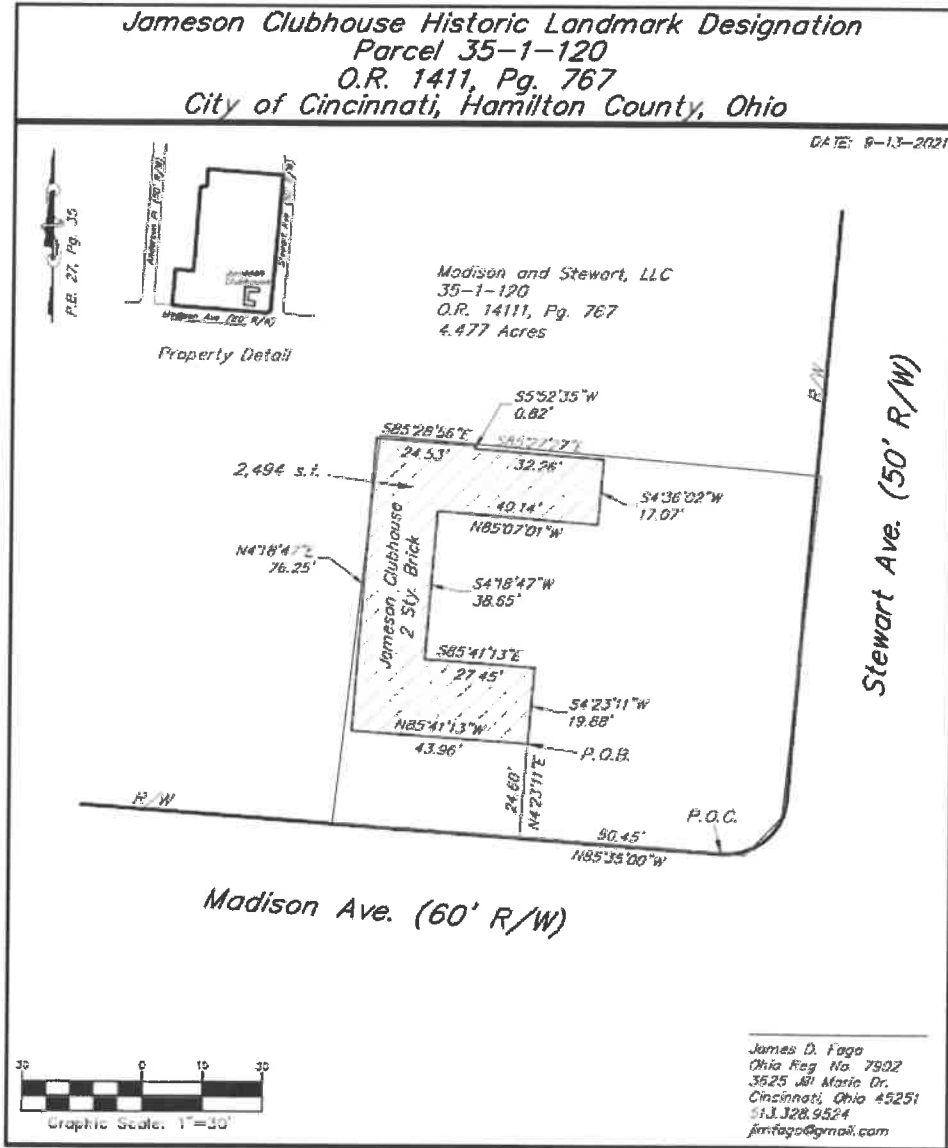
The Benjamin Stewart home at 5540 Madison Road sits along the line of latitude of 39° 09' 40", and line of longitude at 84° 23' 52". The home sits on a site that is 4.447 acres that it shares with multiple multi-family residential dwellings (noncontributing to landmark) that were built between 2020 and 2021.

Legal Description

Situate in Section 16, Town 4, Fractional Range 2, Columbia Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Madison and Stewart, LLC in O.R. 14111, Pg. 767 and being more particularly described as follows:

Commencing at the intersection of the west line Stewart Avenue, 50' R/W and the north line of Madison Avenue, 60' R/W; thence with the north line of said Madison Avenue, North 85°35'00" West, 50.45 feet to a point; thence leaving said Madison Avenue, North 04°23'11" East, 24.60 feet to the Place of Beginning; thence with the exterior of the existing Jameson Clubhouse the following ten courses; North 85°41'13" West, 43.96 feet to a point; thence North 04°18'47" East, 76.25 feet to a point; thence South 85°28'56" East, 24.53 feet to a point; thence South 05°52'35" West, 0.82 feet to a point; thence South 85°27'27" East, 32.26 feet to a point; thence South 04°36'02" West, 17.07 feet to a point; thence North 85°07'01" West, 40.14 feet to a point; thence South 04°18'47" West, 38.65 feet to a point; thence South 85°41'13" East, 27.45 feet to a point; thence South 04°23'11" West, 19.88 feet to the Place of Beginning. Containing 2,494 square feet of land more or less. Bearings based on P.B. 27, Page 35 H.C.R.O.. Subject to all legal highways, easements and restrictions of record. This description is based on a survey performed under the direction of James D. Fago, Ohio Reg. No. 7902.

Map Showing Designation Boundaries (See Below)



Boundary

The home is identified as parcel 035-1-120 of the Hamilton County Auditors Records. The historic home is set on the corner of Madison Road and Stewart Ave as the eastern boundary. Anderson Place is the next street to the west and Chandler Street is to the north.

Justification of Boundary

The above-listed parcel is both the original and legally recorded boundary line for the property for which designation is being requested. The building occupies the parcel and the parcel designated for Landmark Designation is for the Stewart home only and no other structures.

Setting

Located on the northwest corner of Madison Road and Stewart Avenue in Madisonville, the Benjamin Stewart home sits prominently on a small slope, roughly 15 feet from the street front. In its historic setting, the home may have been surrounded by similar residential dwellings and tucked away from the busy streets of downtown, but today Madison Road is a thoroughfare for commuters moving between Cincinnati's various neighborhoods and many businesses operate within a short vicinity of the property. Today, such businesses include MedPace, a publicly traded company with 2,800 employees, as well as a multitude of independent shops and restaurants.

Statement of Significance

The Benjamin Stewart home according to one source, was built in 1833 from lumber that Stewart had floated down the Ohio River on flatboats¹. However, it should be stated that this is a legend, as the deeds indicate that Stewart bought the land in 1844 from Jonathan Ward. Jonathan Ward bought the property from the state in 1837 and the house was built between 1837-1844 when the property was sold to Benjamin Stewart. The house is a two and a half story American bond brick building with an L-shaped floor plan. Constructed in the Greek Revival Style, this home is one of the oldest standing examples of this type of architecture in the district.

The Madison-Stewart District was designated by the National Register of Historic Places on May 29, 1975 (No. 75001419). The Stewart home sites prominently on the intersection of Stewart and Madison Road and is representative of an iconic architectural style as well as an anchor building to the historic district. Benjamin Stewart became a successful businessman in Cincinnati via his lumber enterprise and the home is on land that has been inhabited by Jonathon Ward, the grandson of Madisonville's first settler, Joseph Ward.

According to CZC 1435-07-1 (2) the home is associated with the lives of persons significant in our past and, (3) the Stewart home embodies the distinctive characteristics of a type, period, or method of construction (Greek Revival) that represents a significant and distinguishable entity. The request for Historic Landmark designation of the Stewart home also is consistent with the desire to have a prominent structure represented. The style of the home, as well said historic ownership, combine and fulfill the requirements to have such a building landmarked and to avoid the loss or demolition of the structure.

¹Busald, Ruth Ann, et. Al., *Images of America: Madisonville*, Charleston, Arcadia Publishers, 2012.

Historical Significance

The designation of the Madison-Stewart district in 1975 reflects the desire and need to highlight and preserve our city's rich architectural and cultural landmarks. This home requested for Historic Landmark status has the attributes of not only reflecting a culturally significant style of building (Greek Revival), but also of a descendant of both the Revolutionary War and Madisonville's first permanent resident. Madisonville, named in honor of President Madison, was a settlement to the north of Columbia, where some settlers left due to being in a flood zone in the early 19th century. The Madison-Stewart district derives its name from Benjamin Stewart, whose residence being the most prominent in the district, as well as President Madison.

The first permanent settler of Madisonville was Joseph Ward. He and his three eldest sons were soldiers in the patriot army during the Revolutionary War. Born in New Jersey in 1784, Ward emigrated from New Jersey to Ohio in 1797. Originally, Ward arrived in the settlement of Columbia, but due to the flooding of the area, moved to a plot of land of what is now the neighborhood of Madisonville.

Joseph Ward and his two sons Nehemiah and Amos were granted land to them by the government for their services in the Revolutionary War. In all, Joseph and his wife Phebe had 9 children. Joseph Ward's grandson, Jonathan, would eventually live on the property that is the site of the Stewart home. According to records, the property would have been sold by Jonathan to Benjamin Stewart in 1844.

Benjamin Stewart, to whom the home is named after, was a prominent businessman of Madisonville. Stewart made a living from lumber, which is potentially where the legend that he made the home on Madison and Stewart from lumber he floated down the river. Stewart's daughter Sarah and his son in law James White, would also live in the home. The home would have a descendent of Benjamin Stewart living in it until the 1940's.

The Ward family extends back to the very beginning of Madisonville, and the home on Stewart and Madison Road is fully renovated and stands as a prominent fixture to this historic district. In 1911 the City of Cincinnati annexed the neighborhood of Madisonville and now Madisonville is one of fifty-two neighborhoods in the city, being situated to the east of the neighborhood of Oakley on the east side of the city.

Architectural Significance

The Benjamin Stewart home has been characterized as being Greek Revival. The move from Georgian-Colonial style homes was an intended move and the early 19th century settlers wanted an architectural style that was distinct from their British ancestors. The Stewart home exemplifies the characteristics of Greek revival style in that it is constructed with several features such as columns to mimic marble, entablatures, trim between roof and columns, pilasters, and a covered front porch.

From the 1820's to 1860's, homes were being built in the Greek Revival style. Typical features included a gabled and/or low pitch roof, entry porch supported by square or round prominent columns. Greek Revival architecture was favored for its elegant yet simplistic style. One of the first published works on this style of architecture was James Stuart's *Antiquities of Athens and Other Monuments of Greece*, in 1762. Architects drew inspiration from the temples found throughout Greece and Italy and began incorporating these design features into their own buildings. The style would be referred to as the national style due to its popularity as a symbol of Democracy.

The features of the Benjamin Stewart home include the low-pitched roof as well as the Doric columns on the front porch and entryway. Another element that the home features are the multi paneled windows. The building was constructed in an L shape, and the chimneys were placed on the side and in the back of the building. Greek temples are usually built from marble or stone, so to replicate the light color, the wooden finishes would have been painted white due to the lack of resources to make homes from marble. The Stewart home also incorporates the use of entablatures at the roof trim. The entablature is the band of trim at the base of the roof.

While many homes built in the Greek Revival style have rather grand or large porticos, the Stewart house was built with a more modest portico, giving the home a refined yet modest look. The columns on the portico similarly were not built above the second story but were below the window trim line of the second story. The Doric columns similarly were the more simplistic of the three traditional styles: Doric, Ionian, and Corinthian.

Planning Considerations

Consistency with CZC Chapter 1435, Historic Preservation

The designation of the Stewart home meets the requirements of chapter 1435-07-1, a site of Historic Significance and chapter 1435-03, of the Cincinnati Zoning Code (Historic Conservation),

“To safeguard the heritage of the city by preserving districts and landmarks which reflect elements of its history, architecture and archeology, engineering or culture”

The documentation in this designation report provides conclusive evidence that all the required findings may be made for the proposed designation.

Research Methodology

Research was conducted using various sources, both on-line and hard copy. Sources include the National Register of Historic Places Inventory-Nomination Form, the book *Images of America: Madisonville*, as well the Hamilton County Auditor and Recorder for deed and plat research.

References

Records of the Hamilton County Auditor and Recorder.

Editorial Staff State History Publications, *Ohio Historic Places Dictionary, Volume 2.*, Ohio: Native American Books, 2008.

Busald, Ruth Ann, et. Al., *Images of America: Madisonville*, Charleston: Arcadia Publishers, 2012.

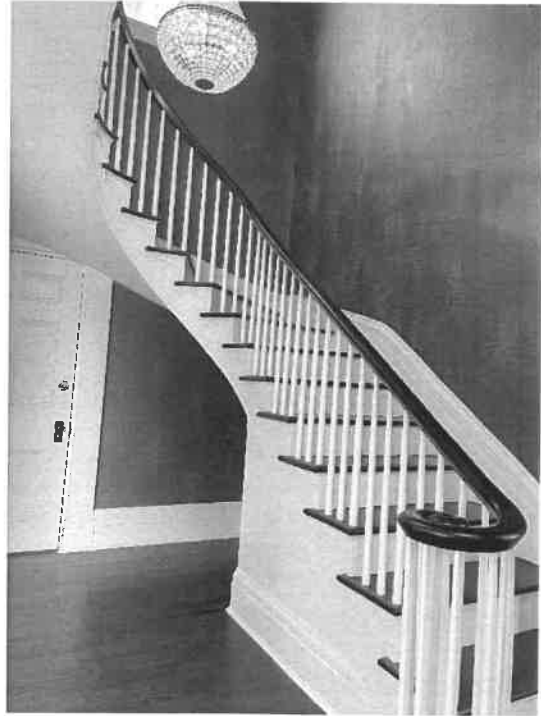
The National Register of Historic Places, Volume 2. Berkeley: United States Department of the Interior National Park Service, 1976.

Recent Interior and Exterior Renovations

Exterior Remodeled in 2020



Original Staircase in foyer



Courtyard (East Facing)



Exterior Rear Entrance



Upstairs room with original fireplace and support beams.



Original hardwood floors restored in upstairs room, currently serves as guest lounge and co-working space for residents.



Original fireplace restored and redesigned in guest lounge.





Certified Sanborn® Map

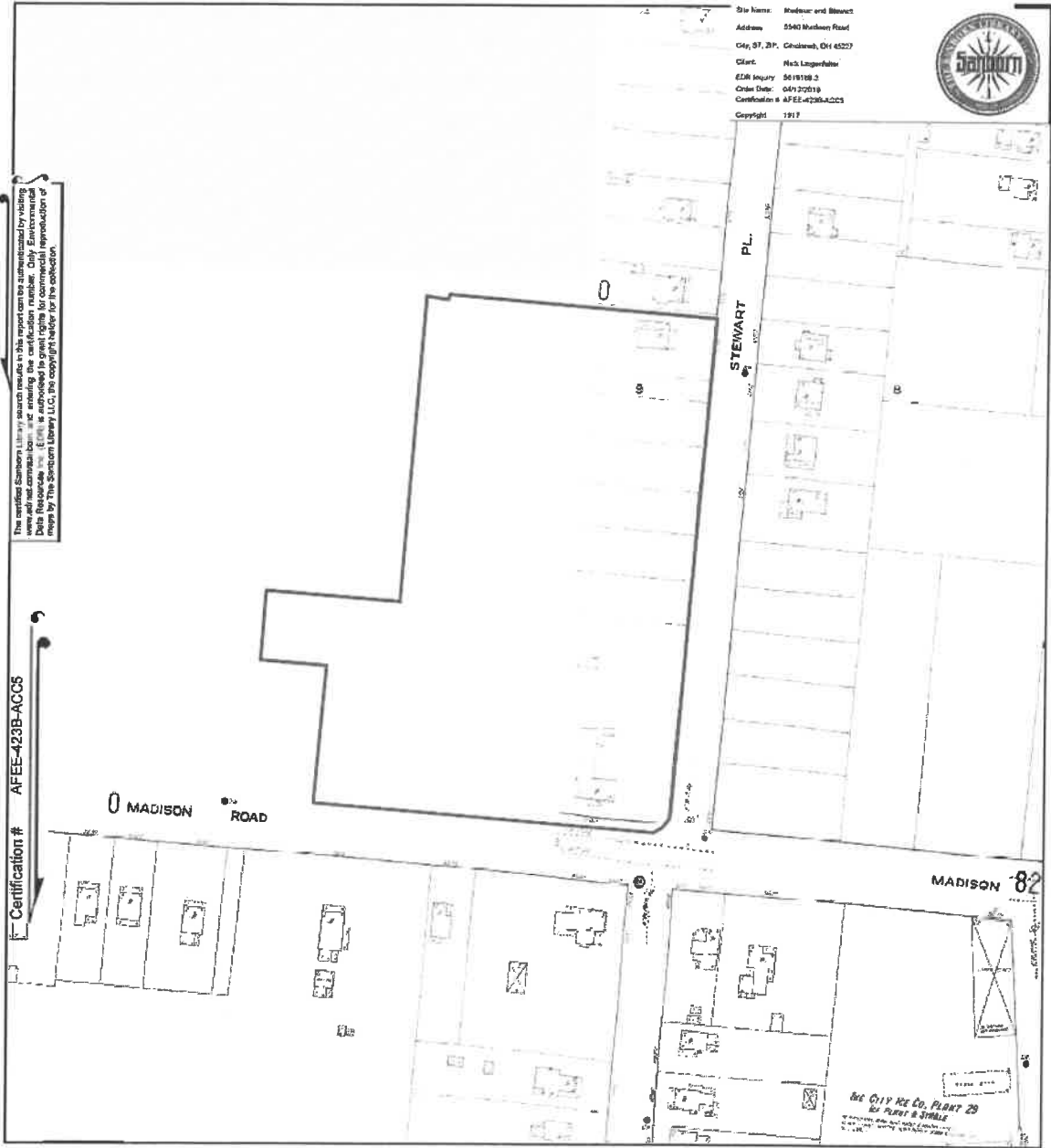
1917

Site Name: Wheelbar and Blount
 Address: 5540 Madison Road
 City, St, Zip: Cincinnati, OH 45227
 Client: Nick Lingenfelter
 EDR Inquiry: 5619188.3
 Order Date: 04/12/2019
 Certification #: AFEE-423B-ACCS
 Copyright: 1917

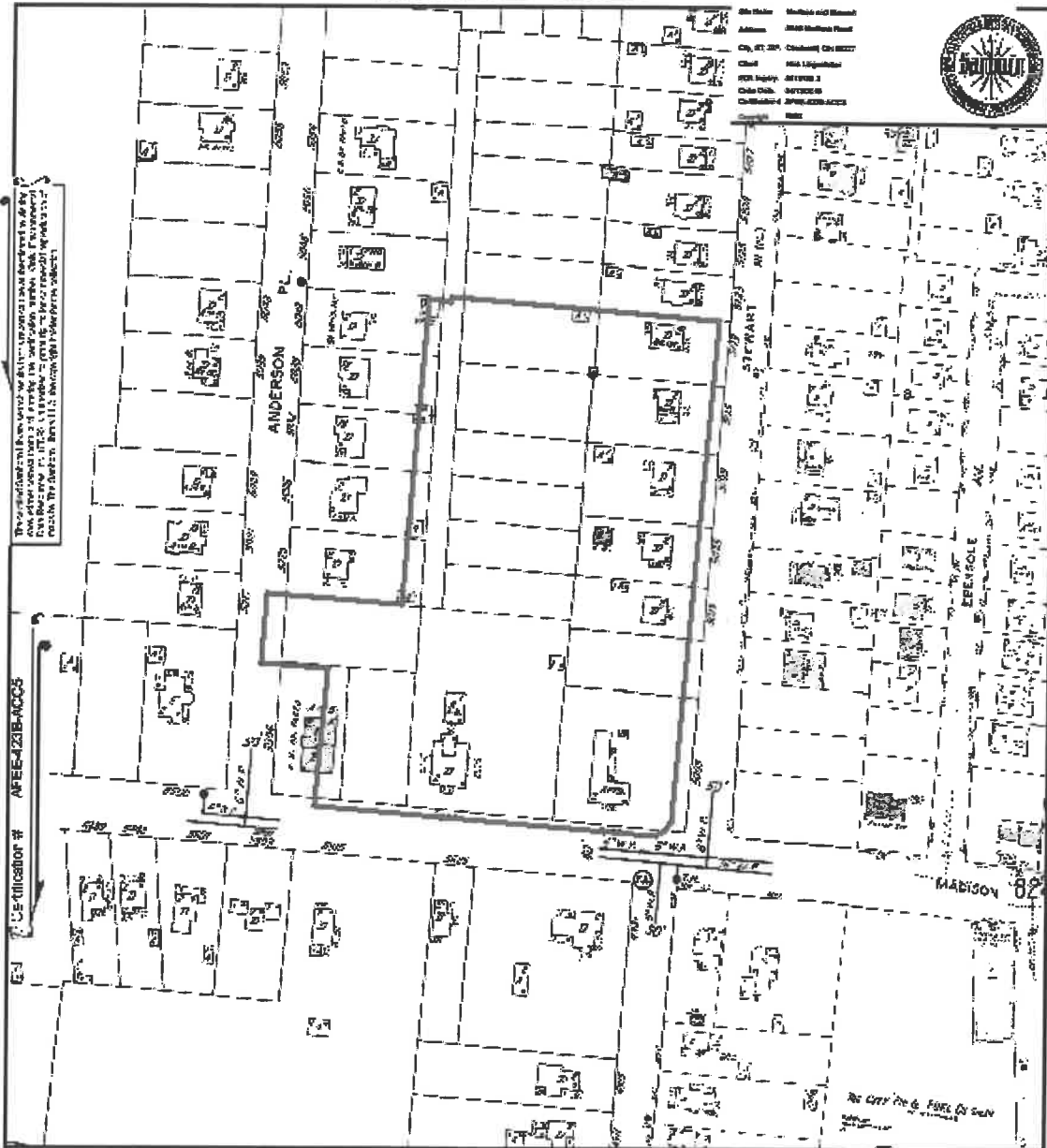


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 Outlined areas indicate map sheets within the collection.

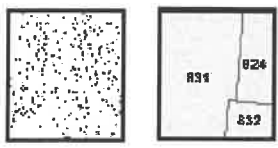


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City	City of St. Paul
State	Minnesota
County	St. Paul County
Map No.	5010100
Scale	1" = 100'



This Certified Sanborn Map combines the following sheets:
 Outlined areas indicate map sheets within the collection.



Volume 0, Sheet 832
 Volume 0, Sheet 831
 Volume 0, Sheet 824

Neighborhood of Madisonville, Cincinnati, OH



Madison-Stewart Historic District

Benjamin Stewart home located at 5540 Madison Road

Latitude 39° 09' 40", Longitude 84° 23' 52"



Historic Conservation Guidelines

Benjamin Stewart Home, Madisonville, Cincinnati, OH

Rehabilitation

General Terminology

Within these guidelines, the “Stewart-Ward Home” refers to the building located at 5540 Madison Road, Cincinnati, OH 45227.

Intent and General Guidelines

The following general approaches are recommended:

1. **Repair and maintenance:** Ordinary repair and maintenance of like and kind for matching the original construction, where visible, and that does not change the appearance of the buildings, is acceptable under these guidelines. Rehabilitation may include preservation, restoration, reconstruction, or a combination of these, as appropriate and reasonable for the building.
2. **Maintenance:** Existing visible features that contribute to the building’s overall character and are in good condition should be maintained, preserved, or conserved, where possible. Damaged visible features which can be repaired should be repaired whenever possible.
3. **Replacements:** Replacements of significant features damaged beyond repair, deteriorated beyond reasonable repair, or missing significant features should sensitively harmonize with the characteristics or the original feature. Replication is appropriate but not required.

Specific Guidelines

The following specific approaches to exterior elements, features, and visible components are recommended:

1. **Materials:** Materials for significant features on primary façades visible from the street that are badly damaged, deteriorated beyond reasonable repair, or missing should be replaced with materials or components that closely match the style, shape, color, treatment, and texture of the element replaced. Composition, type of joint, size of units, visible measures,

placement, and detailing should be appropriate for the building. Synthetic materials, where closely matching the existing characteristics, may be utilized.

2. **Masonry Repointing:** Repointing of deteriorated and/or missing mortar shall match the existing historic as close as possible. Elements of the new repointing mix shall be consistent with the existing mortar in formulation, aggregate size, texture, color, and method of application. It is recommended that test patches be applied adjacent to existing mortar and allowed to dry. An assessment should be made of new repointing mix with respect to varied constituents to be matched. The sample that closely matches the original mortar should be used for the repointing. Refer to Preservation Brief for general approach to undertaking masonry repointing.
3. **Masonry Cleaning:** Sandblasting diminishes the integrity of building materials. It is not an approved cleaning method. Should cleaning of exterior materials be undertaken, no harm should result from the approach taken to do the work. If cleaning of building materials is undertaken, use the gentlest method possible to accomplish good results. Scrubbing with a bristle brush and a mild non-ionic detergent is recommended. Should this method be found ineffective, the use of approved chemical cleaning application can be used only after test patches have determined the gentlest means with respect to composition of cleaning agent, method of application, and cleaning results.
4. **Water-Repellent Coatings:** Use of water-repellent coatings on historic buildings is not permitted. The problem of water infiltration into a building is associated with structural or maintenance issues. Water-repellent coatings compound problems because the coating encapsulates moisture and does not allow it to evaporate naturally.
5. **Window and door openings:** Window and door openings are important features of these buildings. The size and location of openings are an essential part of the overall design and an important feature of these buildings' architecture. Original wall openings on primary façades should not be altered or filled. On secondary façades, original wall openings should not be significantly altered without consideration of the impact to the overall character of the original design.
6. **Window replacement:** new windows should be appropriate in material, scale, configuration, style, and size.
7. **Ornamentation:** Significant architectural features including brick and stone detailing elements should be preserved or conserved. Do not make replacements or substitutions of different size, scale, design, or incompatible materials. Replacement ornamentation should closely match originals in character, scale, configuration, style, size, texture, and color. Some synthetic materials, including fiberglass castings or composite materials, may be considered.
8. **Roofs:** Chimneys, parapets, and other architectural features that define the buildings' roofline should be maintained. New asphalt shingles are acceptable for the roof.

9. **Painting:** Repainting existing features that were historically painted is acceptable. Existing exterior elements that were historically not painted, such as brick, stone, and terra cotta, should be left unpainted. Use colors that are appropriate to the buildings' age, history, and style.
10. **Outside attachments:** Exterior light fixtures should be appropriate for the building's style and should be simple and contemporary.
11. **Awnings:** Awnings are acceptable provided they adhere to the National Park Service Preservation Brief 44 for the use of awnings on historic buildings.
12. **Signs:** Signs should be designed for clarity, legibility, and compatibility with the building or property on which they are located. Signs should not cover or obscure architectural features. Temporary signage is permitted without review by the Historic Conservation Board.

Additions and Exterior Alterations

Intent and General Guidelines

1. **Additions:** Additions should follow new construction guidelines, codes, and regulations. Any addition should be compatible in character with the original building, with sensitivity to existing massing and scale, site, and appearance within the building's existing context. Additions should be sympathetic, may be complementary, but need not be imitative in design. Additions should be designed to relate architecturally, not overwhelming the original building.
2. **Alterations:** Alterations should follow construction guidelines for alterations, codes, and regulations. Alterations should not change or alter significant features.
3. **Appropriateness:** The appropriate addition and alteration design solutions should include:
 - a. How well the proposed design for the addition or alteration relates to the original building and neighboring buildings.
 - b. How closely the proposed addition or alteration meets the specific intentions of these guidelines.

Site Improvements

Intent and General Guidelines

1. Site improvements, such as improvement and/or alteration to existing paving, fences, and landscaping should be in keeping with the character of the building and not detract from its setting or architectural character.
2. The design of any new site improvement construction should be in keeping with the character of the existing building and not detract from its setting or architectural character.

3. Any design of site improvements should capitalize on the unique setting and location of the Stewart-Ward home. The existing views towards the facades should be maintained as an important visual contribution to the integrity of the building.

Demolition

Any demolition, alterations, or modifications to the Stewart-Ward home, and minimum maintenance requirements, are governed by Section 1435-09: Alterations and Demolitions; Certificates of Appropriateness; Minimum Maintenance, of the Cincinnati Zoning Code, ordained by Ordinance No. 217-2012, §1, effective July 20, 2012. Any updates, modifications, or amendments to this section of the Cincinnati Zoning Code or legislation that supersedes Chapter 1435 of the Cincinnati Zoning Code which is established as the "Historic Preservation Code," shall be considered the governing law.

January 12, 2022

Cincinnati City Planning Commission
II Centennial Plaza
805 Central Avenue, 7th Floor
Cincinnati, Ohio 45202

Honorable Members of the City Planning Commission:

The Historic Conservation Board (“Board”) transmits herewith the following items for your consideration concerning the proposed Benjamin Stewart House Historic Landmark Designation Application:

1. Local Historic Landmark Designation Report.
2. Proposed Historic Landmark Conservation Guidelines.
3. Historic Conservation Office Staff Report dated November 24, 2021.

Summary:

The Madisonville Community Council and PLK Communities have applied to designate the Benjamin Stewart House located at 5540 Madison Road in the Madisonville neighborhood (the “Building”) as a Local Historic Landmark pursuant to Cincinnati Municipal Code (“CMC”) Section 1435-7-02-A.

Upon her review of the designation application pursuant to CMC Sections 1435-07-1(a)(2) and 1435-07-1(a)(3), the Urban Conservator prepared a report recommending approval of the landmark designation and the associated conservation guidelines. The Board then, at its regular meeting on December 20, 2021, held a public hearing on the proposed designation at which it heard from the Urban Conservator and proponents of the designation whether the Building qualifies for landmark designation. Upon considering the designation application (including the designation report and conservation guidelines), the Urban Conservator’s report, and comments received at its public hearing, a majority of the Board’s members present throughout the hearing and constituting a quorum voted to recommend designation of the Building as a Local Historic Landmark finding that the Building both has an association with the lives of persons significant in our past and embodies the distinctive characteristics of a type, period, and method of construction and thus satisfies CMC Sections 1435-07-1(a)(2) and 1435-07-1(a)(3) and further resolved to recommend approval of the associated conservation guidelines.

Aye

Nay

Absent

Mr. Voss

Mr. Weiss

Mr. Zielasko

Mrs. McKenzie

Mrs. Smith-Dobbins

Mr. Sundermann

The Historic Conservation Board

/s/ Tim Voss

Tim Voss

Historic Conservation Board Chair

/s/ Abigail Horn

Abigail Horn, Staff Attorney

VENTURE ONE PROPERTIES LLC 1000 FORD CIRCLE SUITE A MILFORD OH 45150	5219 EBERSOLE AVENUE LLC 10600 CINDERELLA DR CINCINNATI OH 45242	MILLER NORMAN& MARTHA 1115 AVONDALE CT WEST PALM BEACH FL 33409
DAVIS DARCI W 1133 HAWKSTONE DR CINCINNATI OH 45230	YOLO INVESTMENTS LLC 11711 PRINCETON PIKEUNIT #341-331 CINCINNATI OH 45246	PRIMETIME VENTURES LLC 1416 NORTH BELL AVE CHICAGO IL 60622
BOOKER HENRY K& CYNTHIA 1505 KARAHILL DR CINCINNATI OH 45240	CINCINNATI METROPOLITAN HOUSING AUTHORITY 1635 WESTERN AVE CINCINNATI OH 45214	WILLIAMS EVELYN E 1725 BLOOMFIELD DR GRAND RAPIDS MI 49508
GINN FAMILY INVESTMENTS LLC 1845 TEWKSBURY RD COLUMBUS OH 43221	LARKINS VENTURES LLC 185 ST ANNES NORTH BEND OH 45052	PRUES GABRIEL 1936 SUTTON AVE CINCINNATI OH 45230
BELAY SOLOMON &TSEGEREDA KASSAYE BELAY 201 HEARNE AVE CINCINNATI OH 45229-2815	HAMILTON COUNTY COMMUNITYMENTAL HEALTH BOARD 2350 AUBURN AVE CINCINNATI OH 45219	OHARA JOHN & AMRITHA 239 W 13TH ST APT #3 NEW YORK NY 10011
MAJ HOMES LLC 244 GILEA CT SANTA MARIA CA 93455	MV3 RE LLC 2610 E CRESCENTVILLE RD WEST CHESTER OH 45069	BARHORST TERRY 2925 PORTSMOUTH AVE CINCINNATI OH 45208
NREA VB I LLC 300 CRESCENT COURTSTE 700 DALLAS TX 75201	DENTON RUBE JR & JEFFREY 3693 SECTION RD APT4 CINCINNATI OH 45237	CINCY LIVING LLC 3736 FALLON RD#230 DUBLIN CA 94568
ROGERS JEFFREY 3748 DAVENANT AVE CINCINNATI OH 45213	MADISON VILLA LIMITED PARTNERSHIP 3870 VIRGINIA AVE CINCINNATI OH 45227	ST PAUL VILLAGE II LIMITED PARTNERSHIP 3870 VIRGINIA AVE CINCINNATI OH 45227
MAD PROPERTIES LLC 4905 WHETSEL AVEFLOOR 3 CINCINNATI OH 45227	CASH WALTER JR 4908 STEWART AVE CINCINNATI OH 45227-2210	KAYLOR SCOTT& ROBERT P MARKWELL 4911 STEWART RD CINCINNATI OH 45227
GREENLEE KITHER R &FLORA L 4912 STEWART AVE CINCINNATI OH 45227	MOWERY ROBERT E 4916 STEWART AVENUE CINCINNATI OH 45227	KIRIEVICH KRISTA MARIE 4920 STEWART AVE CINCINNATI OH 45227

DIXIE MARY
5010 STEWART AVE
CINCINNATI OH 45202

TAGGART RYAN P
5016 ANDERSON PL
CINCINNATI OH 45227

5016 STEWART ROAD LLC
5016 STEWART RD
CINCINNATI OH 45227

GORDON RICHARD F JR
5017 ANDERSON PL
CINCINNATI OH 45227-1601

LOGAN RICKEY& NANCY
5017 EBERSOLE AVE
CINCINNATI OH 45227

BARKLEY JOHN E
5018 STEWART AVE
CINCINNATI OH 45227-1617

JACKSON JACQUELINE A
5020 ANDERSON PL
CINCINNATI OH 45227

NESTER KEVIN DUANE
5020 STEWART AVE
CINCINNATI OH 45227-1617

JUENGER ANDREW J
5021 ANDERSON PL
CINCINNATI OH 45227-1601

BARKLEY JOHN ERIC
5021 EBERSOLE AVE
CINCINNATI OH 45227-1608

PROFFIT JAMES E
5026 ANDERSON PL
CINCINNATI OH 45227-1602

KNOTT ARTHUR JAMES II
5028 STEWART AVE
CINCINNATI OH 45227

BARBER GARY N
5029 ANDERSON PL
CINCINNATI OH 45227-1601

BENDIK ELISE
5032 ANDERSON PL
CINCINNATI OH 45227

MIDDLETON WILLIAM III
5038 ANDERSON PLACE
CINCINNATI OH 45227

NEWHOUSE KARA & LISA FRIEDMAN
5039 ANDERSON PL
CINCINNATI OH 45227

MATERN JOHN B
5042 ANDERSON PL
CINCINNATI OH 45227-1602

SANDFORD GRETTA& CAROLYN COLEMAN
5043 ANDERSON PL
CINCINNATI OH 45227-1601

WITTKOPF LOTUS A & JAMES W
5046 ANDERSON PL
CINCINNATI OH 45227

ROWLAND ESTHER M
5054 ANDERSON PL
CINCINNATI OH 45227-1602

IGOE ROBERT R & ELIZABETH
5055 ANDERSON PL
CINCINNATI OH 45227-1601

PLEAR THOMAS TR
5058 ANDERSON PL
CINCINNATI OH 45227-1602

OVERBECK ROBERT & KRISTEN
5059 ANDERSON PLACE
CINCINNATI OH 45227

KANG JOSEPH & NARA YUN
5062 ANDERSON PL
CINCINNATI OH 45227

FLICK JAMES J& KISTYIANNA D BEAGLE
5063 ANDERSON PL
CINCINNATI OH 45227-1601

BARKLEY JOHN ERIC
5103 EBERSOLE AVE
CINCINNATI OH 45227

ROBINSON EDITH M
5109 EBERSOLE AVE
CINCINNATI OH 45227-1610

WALTON JOYCE B
5110 STEWART AVE
CINCINNATI OH 45227-1619

REYES SALOMON & MARICELA SAMANO
5113 EBERSOLE AVE
CINCINNATI OH 45227

LEWIS TESS M WARNER& NATHAN
5114 STEWART AVE
CINCINNATI OH 45227-1619

WILLIAMS CEDRIC & RASHAD ABDULLAH
5117 LILLIAN DR
CINCINNATI OH 45237

BROWENING CURLIE M
5120 STEWART AVE
CINCINNATI OH 45227

BRANDT ANGELA
5123 STEWART AVE
CINCINNATI OH 45227

BEVERLY THOMAS JR @5
5125 STEWART AVE
CINCINNATI OH 45227

DARE DIGITAL MEDIA LLC
5142 CHUKKER POINT LANE
CINCINNATI OH 45244

5022 EBERSOLE LLC
5152 RIVERVIEW AVE
CINCINNATI OH 45226

DICKS VANESSA J
5205 STEWART AVE
CINCINNATI OH 45227

WARD RICHARD LEE & ELIZABETH DELL
WARD
5206 STEWART AVE
CINCINNATI OH 45227-1621

DONALDSON RONALD & SANDRA
5207 STEWART AVE
CINCINNATI OH 45227-1620

COOPER CYNTHIA A
5208 STEWART AVE
CINCINNATI OH 45227

MCFADDEN HOLLY
5210 STEWART AVE
CINCINNATI OH 45227

MILLER MYRTLE A
5211 EBERSOLE AVE
CINCINNATI OH 45227-1612

BALLARD BILLY R & BETTY E
5211 STEWART AVE
CINCINNATI OH 45227-1620

ROBINSON BETTY
5215 EBERSOLE AVE
CINCINNATI OH 45227-1612

JOHNSON SANDRA JEAN
5219 STEWART AVE
CINCINNATI OH 45227-1620

GREEN MEREDITH STARGEL
5223 STEWART AVE
CINCINNATI OH 45227-1620

GARDNER JOHN T
5224 STEWART AVE
CINCINNATI OH 45227

SPENCER ALEX
5227 STEWART AVE
CINCINNATI OH 45227

MADISON ROAD REAL ESTATE LLC
5375 MEDPACE WAY
CINCINNATI OH 45227

ST PAULS LUTHERAN CHURCH OF
MADISONVILLE
5433 MADISON RD
CINCINNATI OH 45227

SMITH PAULETTE E
5521 CHANDLER ST
CINCINNATI OH 45227-1637

GILLISPIE VAUGHN A
5525 MADISON RD
CINCINNATI OH 45227-1634

PARKER KATHERINE W
5529 CHANDLER ST
CINCINNATI OH 45227

MEEKER MARY ANNE TR
5615 CHANDLER ST
CINCINNATI OH 45227

YURKOWSKI DANIEL & SHARON
5701 SIERRA PARK PL
CINCINNATI OH 45227

ZC HOME LLC
5726 SALEM RD
CINCINNATI OH 45230

MADISON AND STEWART LLC
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CINCINNATI OH 45236

PLK Communities
5905 E. Galbraith Road Suite 4100
Cincinnati, OH 45236

MADISONVILLE COMMUNITY URBAN
REDEVELOPMENT CORPORATION
6111 Madison Rd.
Cincinnati, OH 45227

BOGNER NICHOLAS GRANT
6309 CHANDLER ST
CINCINNATI OH 45227

I AND EYE PRODUCTIONS INC
6700 MADISON RD
CINCINNATI OH 45227

MCCULLOUGH PROPERTY MGMT LLC
787 GRENOBLE CT
CINCINNATI OH 45255

THOMAS DIANE L LLC
8804 APPLEKNOLL LN
CINCINNATI OH 45236

MASON PROPERTIES LLC
P O BOX 36111
CINCINNATI OH 45227

MADISONVILLE COMMUNITY COUNCIL
P.O. Box 9514
CINCINNATI OH 45209

FARRIER MARY J
PO BOX 19361
CINCINNATI OH 45219

GILLESPIE MARK & SHIRLEY
PO BOX 30253
CINCINNATI OH 45230

BOARD OF EDUCATION OF THE CITY
SCHOOLDISTRICT OF THE CITY OF
CINCINNATI OHIO
PO BOX 5384
CINCINNATI OH 45201-5384

CARR C J
PO BOX 54
LOVELAND OH 45140

DEM CINCY PROPERTIES LLC
PO BOX 9493
CINCINNATI OH 45209

February 9, 2022



Cincinnati City Council
Council Chambers, City Hall
Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith an Ordinance captioned as follows:

DESIGNATING the Benjamin Stewart Home located at 5540 Madison Road in the Madisonville neighborhood as a historic landmark.

Summary:

The Applicant Team, which consists of the Madisonville Community Council and PLK Communities, are requesting that the Benjamin Stewart Home is designated as a historic landmark. On November 2, 2021, a complete application for the Local Historic Landmark designation of the Benjamin Stewart Home was submitted by the Madisonville Community Council. This was done in conjunction with PLK Communities in response to a community benefits agreement that was signed between the two parties, in association with the new development (The Jameson) on the same parcel as the proposed landmarked building. According to the Cincinnati Zoning Code (§1435-07-2-B), an application for the designation of a Local Historic Landmark shall be forwarded to the City Planning Commission following a public hearing of the Historic Conservation Board.

On December 20, 2021, the Historic Conservation Board (HCB) held a public hearing on the Local Historic Landmark designation application. After receiving evidence and testimony from the Urban Conservator and proponents of the designation, a quorum of five board members voted unanimously to approve and recommend the Benjamin Stewart Home to City Planning Commission and City Council for approval.

The designation is consistent with both *Madisonville Neighborhood Business District Urban Renewal Plan (2002)* and *Plan Cincinnati (2012)*.

City Planning Commission and the Administration recommends approval of this Ordinance.

Motion to Approve:	Ms. Sesler	Ayes:	Mr. Juech
			Ms. Kearney
Seconded:	Ms. Kearney		Ms. McKinney
			Mr. Eby
			Mr. Stallworth
			Mr. Samad
			Ms. Sesler

THE CITY PLANNING COMMISSION

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

KKJ: jmu
Encl.: Staff Report, Ordinance

February 9, 2022

To: Office of the Clerk of Council

From: Katherine Keough-Jurs, AICP, Director, Department of City Planning and Engagement *KKJ*

Copies to: Jesse Urbancsik, City Planner

Subject: **Ordinance – Benjamin Stewart Home – Local Historic Landmark Designation**

The above referenced Ordinance is ready to be scheduled for Committee. We are requesting that this item be scheduled for the next available the Equitable Growth and Housing Committee meeting. This item requires a public hearing and notice in the City Bulletin 14 days before the public hearing.

Included in this submission are the following items:

- 1) The transmittal letter to the Equitable Growth and Housing Committee;
- 2) A copy of the Planning Commission staff report dated February 4, 2022;
- 3) The Ordinance to designate the Benjamin Stewart Home as a Local Historic Landmark in Madisonville;
- 4) The mailing labels for notification of all property owners within 400 feet, Madisonville Community Urban Redevelopment Corporation and the Madisonville Community Council; and
- 5) A copy of the mailing labels for your records.

February 9, 2022

To: Mayor and Members of City Council 202200268
From: John C. Curp, Interim City Manager
Subject: Ordinance – Text Amendments – Urban Agriculture Chapter 1422

Transmitted is a Resolution captioned:

MODIFYING Title XIV, “Zoning Code of the City of Cincinnati, “of the Cincinnati Municipal Code, by AMENDING the provisions of Sections 1403-05, “Land Use Regulations,” 1405-05, “Land Use Regulations,” 1422-03, “Land Use Regulations,” and 1422-05, “Development Regulations,” to modify the process for establishing certain agricultural facilities in residential zoning districts.

Summary

In May and June 2017, Cincinnati City Council passed two motions requesting that the City Administration, working cooperatively and interdepartmentally, create a plan for incorporating urban agriculture into City plans and to allow urban agriculture, both indoor and outdoor, in appropriate zoning districts throughout the City. The goal was to make urban agriculture more accessible, yet also have regulations that protect neighboring property owners and provide clarity for enforcement.

On November 19, 2021, staff gave an update to the CPC regarding gardens and farms to further explain accessory structures in Chapter 1422 of the Zoning Code. The CPC requested that staff of the Department of City Planning and Engagement and the Law Department prepare text amendments to require a Conditional Use hearing on accessory agricultural structures on vacant lots in residential areas.

The goal of the proposed modifications to the specific sections of Title XIV, “Zoning Code of the City of Cincinnati,” is to continue to build streamlined and cohesive development processes and add transparency to City requirements and development procedures. These additional Conditional Use hearings will provide the public input requested by communities prior to these accessory agricultural structures being installed.

On December 17, 2021, the City Planning Commission voted to recommend approval of the proposed text amendments for Urban Agricultural Chapter 1422 of the Cincinnati Zoning Code to City Council.

City Planning Commission and the Administration recommends approval of this Ordinance.

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



City of Cincinnati

DBS

AWG

An Ordinance No. _____

- 2022

MODIFYING Title XIV, “Zoning Code of the City of Cincinnati,” of the Cincinnati Municipal Code, by **AMENDING** the provisions of Sections 1403-05, “Land Use Regulations,” 1405-05, “Land Use Regulations,” 1422-03, “Land Use Regulations,” and 1422-05, “Development Regulations,” to modify the process for establishing certain agricultural facilities in residential zoning districts.

WHEREAS, at its regularly scheduled meeting on August 20, 2021, the City Planning Commission moved the Department of City Planning and Engagement to study concerns raised at its meeting regarding the process for establishing agricultural facilities in residential zoning districts; and

WHEREAS, at its regularly scheduled meeting on November 19, 2021, the Department of City Planning and Engagement reported on its findings, and thereafter the City Planning Commission moved the Department of City Planning and Engagement to produce proposed text amendments requiring conditional use review for certain agricultural facilities in residential zoning districts to ensure impacted residents would be engaged before the construction of those facilities; and

WHEREAS, at its regularly scheduled meeting on December 17, 2021, the Department of City Planning and Engagement presented the proposed text amendments to the City Planning Commission, and the commission recommended their approval; and

WHEREAS, a committee of Council held a public hearing to review and consider the proposed text amendments following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1; and

WHEREAS, the text amendments are in accordance with the Live Initiative Area of Plan Cincinnati (2012), particularly the goal to “create a more livable community” by supporting and stabilizing our neighborhoods (p. 156); and

WHEREAS, the Council finds the proposed text amendments to be in the best interest of the City and the public’s health, safety, morals, and general welfare; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 1403-05, “Land Use Regulations,” of the Cincinnati Municipal Code is hereby amended as follows:

§ 1403-05. - Land Use Regulations.

Schedule 1403-05 below prescribes the land use regulations for SF Districts. Uses are defined in Chapter 1401, Definitions. Uses not listed in the Schedule 1403-05 are prohibited.

The regulations for each subdistrict are established by letter designations as follows:

- (a) “P” designates permitted uses. These uses may be subject to additional regulations as indicated.
- (b) “L” designates uses that are permitted, subject to certain limitations. Numeric suffixes refer to limitations listed at the bottom of Schedule 1403-05. Except as otherwise indicated, modifications of a numerical, locational or dimensional limitation requires a variance under Chapter 1445 - Variances, Special Exceptions and Conditional Uses.
- (c) “C” designates uses permitted only after review and approval of the conditional use by the Zoning Hearing Examiner. These uses may be subject to additional regulations as indicated.

Schedule 1403-05: Use Regulations - Single-family Districts

Use Classifications	SF-20	SF-10	SF-6	SF-4	SF-2	Additional Regulations
Residential Uses						
Bed and breakfast home	—	C	C	C	C	See § 1419-09
Child day care home	L4	L4	L4	L4	L4	
Group residential						
Convents and monasteries	C	C	C	C	C	
Fraternities and sororities	—	—	—	—	—	
Patient family homes	—	—	—	—	—	
Rooming houses	—	—	—	—	—	
Shared housing for the elderly	—	—	—	L3	L3	
Permanent residential						
Single-family dwelling	P	P	P	P	P	See § 1403-11

Attached single-family dwelling	L13	L13	L13	P	P	See § 1403-11
Two-family	L11	L11	L11	L11	L11	
Multi-family	L11	L11	L11	L11	L11	
Residential care facilities						
Developmental disability dwelling	P	P	P	P	P	
Public and Semipublic Uses						
Cemeteries	—	—	—	L1	L1	
Cultural institutions	—	—	C	C	C	
Park and recreation facilities	L12	L12	L12	L12	L12	
Public safety facilities	—	—	—	C	C	
Religious assembly	C	C	C	C	C	
School, public or private	C	C	C	C	C	See § 1419-12
Transportation, Communication and Utilities						
Public utility distribution system	C	C	C	C	C	
Wireless communication antenna	L2	L2	L2	L2	L2	See § 1419-33
Wireless communication tower	C	C	C	C	C	See § 1419-33
Agriculture and Extractive Uses						
Animal keeping	P	P	P	P	P	See Chapter 1422
Farms	C	C	C	C	C	See Chapter 1422
Gardens	<u>P</u> <u>L14</u>	<u>P</u> <u>L14</u>	<u>P</u> <u>L14</u>	<u>P</u> <u>L14</u>	<u>P</u> <u>L14</u>	See Chapter 1422

Accessory Uses						
Any accessory use not listed below	L8	L8	L8	L8	L8	
Home Occupation	P	P	P	P	P	See § 1419-17
Commercial Vehicle Parking	L5	L5	L5	L5	L5	
Child day-care centers	L4,6	L4,6	L4,6	L4,6	L4,6	
Refuse storage areas	P	P	P	P	P	See § 1421-35
Drive Box	L7	L7	L7	L7	L7	
Fences and walls	P	P	P	P	P	See § 1421-33
Exterior lighting	P	P	P	P	P	See § 1421-39
Cemetery, incidental buildings and structures	—	—	—	L9	L9	
Rooming Unit	—	—	L10	L10	L10	
Portable storage containers	P	P	P	P	P	See § 1419-24
Nonconforming Uses						See Chapter 1447

Specific Limitations

- L1 Only expansion of existing cemeteries allowed with a conditional use approval.
- L2 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may only be attached to a permitted agricultural, public or semi-public or public utility building or structure.
- L3 The minimum lot area for every resident is 800 square feet and the minimum living area for every resident is 250 square feet.
- L4 Fencing, a minimum of four feet in height must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.
- L5 One commercial vehicle completely enclosed in a garage may be parked or stored on the lot with the following exceptions:

- a. An unlimited number of commercial vehicles conveying the necessary tools, materials and equipment to a premises where labor using such tools, materials and equipment is to be performed during actual time of parking.
 - b. One commercial vehicle with current license owned by a resident of the residential property on which it is stored or parked not to exceed two tons in capacity.
 - c. Recreational vehicles, watercraft and personal trailers may be parked on the lot beyond the front yard.
- L6 Only if accessory to a public or semi-public use.
- L7 Accessory to a public or semi-public use, provided the drive-box is at least 100 feet from any property used for residential purposes.
- L8 Accessory uses determined by the Zoning Administrator to be customarily incidental to a use of the district are permitted. All others require conditional use approval.
- L9 Mausoleums, columbaria and other incidental buildings and structures within and accessory to cemeteries, may be no less than 100 feet from abutting properties in the residential district and may not exceed the height limitation for principal buildings of the district in which it is located.
- L10 No more than two rooming units may be rented or leased in a single-family dwelling.
- L11 This use must be legally established prior to the effective date of this Zoning Code. The use has the rights of Chapter 1447, Nonconforming Uses and Structures except for the provisions of § 1447-09 Expansion of Nonconforming Use and § 1447-11 Substitution of a Nonconforming Use.
- L12 Publicly owned or operated park and recreation facilities are permitted. All park and recreation facilities, private or non-profit, require a conditional use approval.
- L13 Attached single-family is only permitted as part of a cluster housing development. See § 1403-13.
- L14 The installation or construction of an agricultural structure exceeding 200 square feet on a lot that does not does not contain a dwelling or other principal structure requires conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445.

Section 2. That Section 1405-05, “Land Use Regulations,” of the Cincinnati Municipal Code is hereby amended as follows:

§ 1405-05. Land Use Regulations.

Schedule 1405-05 below prescribes the land use regulations for RM Districts. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1405-05 below are prohibited.

The regulations for each subdistrict are established by letter designations as follows:

- (a) "P" designates permitted uses. These uses may be subject to additional regulations as indicated.
- (b) "L" designates uses that are permitted, subject to certain limitations. Numeric suffixes refer to limitations listed at the bottom of Schedule 1405-05. Except as otherwise indicated, modifications of a numerical, locational or dimensional limitation requires a variance under Chapter 1445 - Variances, Special Exceptions and Conditional Uses.
- (c) "C" designates uses permitted only after review and approval of the conditional use by the Zoning Hearing Examiner. These uses may be subject to additional regulations as indicated.

Schedule 1405-05: Use Regulations - Residential Multi-family Districts

Use Classifications	RMX	RM-2.0	RM-1.2	RM-0.7	Additional Regulations
Residential Uses					
Bed and breakfast home	P	P	P	P	See § 1419-09
Day care home - Adult	C	C	P	P	
Day care home - Type A	C	C	L4	L4	
Day care home - Type B	L4	L4	L4	L4	
Group residential					
Congregate housing	—	—	P	P	
Convents and monasteries	P	P	P	P	
Fraternities, sororities, dormitories	—	—	C	P	
Patient family homes	—	—	P	P	
Rooming houses	—	—	—	L2	

Shared housing for the elderly	L1	L1	L1	L1	
Permanent residential					
Single-family dwelling	P	P	P	P	See § 1403-11
Attached single-family dwelling	L15	P	P	P	See § 1403-11
Rowhouse, single-family dwelling	L15	P	P	P	
Two-family dwelling	P	P	P	P	
Three-family dwelling	P	P	P	P	
Multi-family dwelling	L3	P	P	P	
Residential care facilities					
Assisted living	C	C	P	P	
Developmental disability dwelling	P	P	P	P	
Nursing home	C	C	P	P	
Special assistance shelter	—	—	—	C	
Transitional housing					
Programs 1—4	—	P	P	P	
Programs 5—6	—	—	—	—	
Public and Semipublic Uses					
Clubs and lodges	C	C	C	C	
Community service facilities	C	C	C	P	
Cultural institutions	C	C	C	P	

Parks and recreation facilities	P	P	P	P	
Public safety facilities	C	C	P	P	
Religious assembly	P	P	P	P	
Schools, public or private	P	P	P	P	
Commercial Uses					
Bed and breakfast inns	C	C	C	P	See § 1419-09
Business services	—	—	—	L6,7	
Convenience markets	—	L16	L16	L7	
Food markets	—	L16	L16	L7	
Funeral and interment services	—	—	—	L6	
Loft dwelling units	—	L14	L14	L14	See § 1419-23
Medical services and clinics	—	—	—	L6,7	
Offices	—	—	—	L6,7	
Parking facilities	—	C	C	C	See Chapter 1425
Personal instructional services	—	—	—	L6,7	
Personal services	—	—	—	L6,7	
Recreation and entertainment					
Indoor or small-scale	—	—	—	L6,7	

Transportation, Communication and Utilities					
Public utility distribution system	C	C	C	C	
Transportation facilities					
Railroad right-of-way	P	P	P	P	
Wireless communication antenna	L9	L9	L9	L9	See § 1419-33
Wireless communication tower	C	C	C	C	See § 1419-33
Agriculture and Extractive Uses					
Animal keeping	P	P	P	P	See Chapter 1422
Farms	P	P	P	P	See Chapter 1422
Gardens	<u>P</u> <u>L18</u>	<u>P</u> <u>L18</u>	<u>P</u> <u>L18</u>	<u>P</u> <u>L18</u>	See Chapter 1422
Accessory Uses					
Any accessory use not listed below	L8	L8	L8	L8	
Home occupations	P	P	P	P	See § 1419-17
Commercial vehicle parking	L11	L11	L11	L11	
Day care center	L4, L17	L4, L17	L4, L17	L4, L17	
Rooming unit	L10	L10	L10	L10	
Transitional housing	L13	L13	L13	L13	

Commercial services	—	P	P	P	See § 1419-35, 1419-37
Refuse storage areas	P	P	P	P	See § 1421-35
Drive box	L12	L12	L12	L12	
Fences and walls	P	P	P	P	See § 1421-33
Exterior lighting	P	P	P	P	See § 1421-39
Portable storage containers	P	P	P	P	See § 1419-24
Nonconforming Uses					See Chapter 1447

Specific Limitations

- L1 The minimum lot area for every resident is 500 square feet and the minimum living area for every resident is 250 square feet.
- L2 Only rooming houses licensed pursuant to Chapter 855. Rooming Houses of the Municipal Code; the maximum number of rooming units is five, and a separate entrance for access to rooming units must be provided. The minimum rental is seven days. See § 1421-43.
- L3 Multi-family dwellings of four or more units must be legally established prior to the effective date of this Zoning Code. The use has the rights of Chapter 1447, Nonconforming Uses and Structures except for the provisions of §1447-09 Expansion of Nonconforming Use and §1447-11 Substitution of a Nonconforming Use.
- L4 Fencing, a minimum of four feet in height must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.
- L5 Not to exceed 3,000 square feet in gross floor area.
- L6 Permitted only on arterial streets.
- L7 Permitted on the ground floor occupying less than 2,500 sq. ft.; more space requires a conditional use approval.
- L8 Accessory uses determined by the Zoning Administrator to be customarily incidental to a use of the district are permitted. All others require conditional use approval.
- L9 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may be attached to a multi-family, public and semi-public or public utility building or structure.
- L10 No more than two rooming units may be rented or leased in any dwelling.
- L11 One commercial vehicle completely enclosed in a garage may be parked or stored on the lot with the following exceptions:

- a. An unlimited number of commercial vehicles conveying the necessary tools, materials and equipment to a premises where labor using such tools, materials and equipment is to be performed during actual time of parking.
 - b. One commercial vehicle with current license owned by a resident of the residential property on which it is stored or parked not to exceed two tons in capacity.
 - c. Recreational vehicles, watercraft and personal trailers may be parked on the lot beyond the front yard.
- L12 Accessory to a public or semi-public use, provided the drive box is at least 100 feet from any property used for residential purposes.
- L13 Limited to transitional housing conforming to Paragraph 1401-03-T(c)(5) as an accessory use to public and semi-public uses. The use requires conditional use approval.
- L14 Limited to City Council designated Live/Work Districts.
- L15 Attached single-family dwellings and Rowhouse single-family dwellings of four or more units require conditional use approval.
- L16 Permitted on the ground floor in multi-family buildings with a minimum of 50 dwelling units, occupying 1,200 square feet or less of gross floor area and having a separate exterior entrance; structures with less than 50 dwelling units require conditional use approval; food markets occupying more than 1,200 square feet of gross floor area require conditional use approval.
- L17 Permitted only if accessory to a public or semi-public use.
- L18 The installation or construction of an agricultural structure exceeding 200 square feet on a lot that does not does not contain a dwelling or other principal structure requires conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445.

Section 3. That Section 1422-03, "Land Use Regulations," of the Cincinnati Municipal

Code is hereby amended as follows:

§ 1422-03. Land Use Regulations.

- (a) *Garden.* Gardens may be grown in all zoning districts, subject to the limitations of this chapter. Gardens must consist of less than 20,000 square feet of cultivated land. Use of large-scale commercial agricultural equipment such as tractors, tillers, or other machinery equal to or exceeding the size of an economy automobile is prohibited.
- (b) *Farm.* A farm consists of 20,000 square feet or more of cultivated land. Use of large-scale commercial agricultural equipment is permitted, however such equipment must be completely enclosed in an Agricultural Structure when not in use. Farms located in residential districts require Conditional Use approval pursuant to Chapter 1445.
- (c) *Agricultural Structures.* Where a parcel contains no dwelling or other Principal Structure, any proposed Agricultural Structures other than fences shall be deemed

accessory to a required operational Garden, Farm and/or Animal Keeping Use as a Principal Use and shall be used solely for agricultural purposes and practices. All Agricultural Structures shall require at a minimum a Zoning Certificate of Compliance and any required building permits, and Agricultural Structures that are accessory to a Garden and exceed 200 square feet require conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445 before they may be installed or constructed on a lot in a residential district that does not does not contain a dwelling or other principal structure. Permanently constructed Agricultural Structures, located on a parcel containing no dwelling or principal structure, shall require a recorded deed restriction, approved as to form by the City Solicitor, that limits it to use as an Agricultural Structure. Release of the deed restriction by the Department of Buildings and Inspections shall constitute abandonment of the Principal and Accessory uses per Chapter 1447 and may require removal of any permanent structures prior to release.

- (d) *Animal Keeping.* Where permitted, animal keeping is subject to the density restrictions and sheltering limitations established in this Chapter.
- (e) *Conditional Use.* If the principal use of the property is a conditional use in the zoning district in which the property is located, any expansion of the conditional use, including a Horticulture and Animal Keeping Use and its Agricultural Structures, requires conditional use approval from the Zoning Hearing Examiner per Chapter 1445.
- (f) *Landscaping and Buffer Yard Regulations.* New development, redevelopment, and changes of land use may require landscaping or the creation of a buffer yard in compliance with Chapter 1423.
- (g) *Standards for Producing Agricultural Products Intended for Human or Animal Consumption in Manufacturing and Related Districts.* The production of agricultural products intended for human or animal consumption or the raising of agricultural animals in the ME, MG, ML, UM and RF-M zoning districts is permitted subject to the following limitations:
 - (1) The agricultural activity is conducted in an appropriate indoor location in compliance with all related regulations; or
 - (2) Where such agricultural activity is conducted outdoors, the owner of the subject property shall obtain a Zoning Certificate of Compliance from the Zoning Administrator based upon demonstration of either:
 - (i) Due diligence via soil testing by a licensed professional indicating that the soil shows no contamination with chemicals, metals, or other compounds at a level not exceeding that allowed by federal, state, and local standards for residential areas; or
 - (ii) Plans showing that such agricultural activity will take place only on rooftops, in raised beds, or in other containers sufficient to prevent any potential contamination.

Section 4. That Section 1422-05, "Development Regulations," of the Cincinnati Municipal

Code is hereby amended as follows:

§ 1422-05. Development Regulations.

- (a) *Agricultural Structures and Uses.* Agricultural Structures must be located, developed and operated in compliance with the following:
- (1) *Permanent Agricultural Structures.* Permanent Agricultural Structures exceeding 200 square feet require a building permit. Prior to their installation or construction on a lot in a residential district that does not does not contain a dwelling or other principal structure, permanent Agricultural Structures exceeding 200 square feet that are accessory to a Garden must obtain conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445.
 - (2) *Animal Keeping Structures.* Agricultural Structures, including fences and walls, used for animal keeping must comply with both the requirements established below and per Schedule 1422-05.
 - (3) *Agricultural Structures in Non-Residential Districts.* In non-residential zoning districts, Agricultural Structures not used for Animal Keeping are subject to the principal and accessory structure standards of the zoning district.
 - (4) *Agricultural Structures in Residential Districts.* In residential zoning districts, Agricultural Structures not used for Animal Keeping are subject to the standards of §1421-01, "Accessory Residential Structures," and §1421-05, "Accessory Structures on Corner Lots."
 - (5) *Agricultural Structures on Lots Containing No Principal Structure or Dwelling in Residential Districts.*
 - (i) *Required Rear Yard Location.* In residential districts, where a parcel contains no dwelling or principal structure, Agricultural Structures must be located to the rear of the line determined by rear yard averaging of the adjoining parcels principal structures.
 - (6) *Temporary Agricultural Structures.* Temporary structures, particularly greenhouse and membrane structures, shall be regulated as identified below.
 - (i) Temporary Agricultural Structures less than four (4) ft. in height, and of minimum structural character; the maximum area requirement is no greater than the minimum yard setback requirements.
 - (ii) Temporary Agricultural Structures greater than four (4) ft. in height, shall be regulated as follows:
 - (A) Structures shall comply with Chapter 3103 of the Ohio Basic Building Code and are limited to 400 sq. ft. in area with 12 ft. spacing between structures.
 - (B) Structures meeting any of the following requirements, shall submit for appropriate building permits: Structures greater than 400 sq. ft. in area; Structures proposed to remain for greater 180 days.
 - (iii) Prior to their installation or construction on a lot in a residential district that does not does not contain a dwelling or other principal structure, temporary Agricultural Structures exceeding 200 square feet that are accessory to a

Garden must obtain conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445

- (7) *Fences and Walls.* Fences and walls must comply with §1421-33.
- (b) *Animal Keeping.* The provisions set forth herein and in Schedule 1425-05 below prescribe the development regulations governing minimum area size, containment, and setback and maintenance requirements for animal keeping.
- (1) *Maximum Number of Categories/Species of Animals.*
- (i) Keeping more than two categories/species of animals requires a cumulative minimum land area based on the requirements for each category/species as set forth in Schedule 1422-05. This provision does not apply to dogs, cats, common indoor household pets, and bees.
 - (ii) Exceeding the maximum number of categories/species of animals requires Conditional Use approval.
- (2) *Animal Keeping Shelter Structure Requirements.* Animal Keeping Shelter Structures shall:
- (i) Provide adequate protection from the elements and predators;
 - (ii) Provide thorough ventilation;
 - (iii) Be designed to be readily accessed and cleaned; and,
 - (iv) Provide access for fowl, rabbits, and other small animals to an outdoor enclosure adequately bounded to prevent escape or access by predators.
- (3) *Animal Keeping Enclosures.* Animal keeping enclosures should be of sufficient height and durability to contain the species of animal.

Schedule 1422-05: Animal Keeping Requirements

Animal Category/ Species	Adult Animals Permitted Per Lot Area	Containment Required	Shelter Structure Requirements	Location and Minimum Setbacks for Shelter Structures, Feeders, and Water Stations
Bees	Minimum 2,500 square feet per apiary.	Yes, with a 6-foot flyway screen (fence or hedge) within three feet of any hive entry is required, unless the apiary is more than 150	A maximum two Apiaries of 30 cubic feet per 10,000 square feet.	Apiaries may be located on the ground or on rooftops. Apiaries shall be setback a minimum of 10 feet from any property line and

		feet from all property lines.		<p>25 feet from the nearest inhabited structure when a flyway screen is provided.</p> <p>Apiaries located on rooftops shall be setback a minimum of six feet from the edge of roof.</p> <p>Bee warning or notice signs shall be placed at property lines per Ohio Dept. of Agriculture rules and regulations.</p>
Chickens, Ducks, Quail, Doves, and other Smaller Birds	<p>6 permitted for lots less than 10,000 square feet.</p> <p>12 permitted for 10,000 to 20,000 square foot lots.</p> <p>A maximum of 24 permitted for lots exceeding 20,000 square feet.</p> <p>1 rooster permitted per every 15 hens.</p>	<p>Yes, if animals are permitted to range outside of a structure.</p> <p>More than 1 rooster requires tethering.</p> <p>Roosters must be kept a minimum of 50 feet from all property lines.</p>	A minimum of 4 square feet per adult.	A setback of 10 feet from all property lines.
Rabbits	<p>6 permitted for lots less than 10,000 square feet.</p> <p>12 permitted for</p>	Yes, if animals are permitted to range outside of a structure.	A minimum of 4 square feet per adult.	A setback of 10 feet from all property lines.

	<p>10,000 to 20,000 square foot lots.</p> <p>A maximum of 24 permitted for lots exceeding 20,000 square feet.</p>			
<p>Geese, Turkeys, and other Medium-Sized Birds</p>	<p>4 permitted for lots less than 10,000 square feet.</p> <p>8 permitted for 10,000 to 20,000 square foot lots.</p> <p>A maximum of 16 permitted for lots exceeding 20,000 square feet.</p>	<p>Yes, if animals are permitted to range outside of a structure.</p>	<p>A minimum of 6 square feet per adult.</p>	<p>A setback of 10 feet from all property lines.</p>
<p>Dehorned Goats and Sheep</p>	<p>2 permitted for lots less than 10,000 square feet.</p> <p>4 permitted for 10,000 to 20,000 square foot lots,</p> <p>A maximum of 8 permitted for lots exceeding 20,000 square feet.</p>	<p>Yes, with a minimum of a 5-foot setback from property lines.</p> <p>No temporary or permanent structures are permitted within 10 feet of a fence that would enable an animal to climb or jump over a fence.</p>	<p>A minimum of 20 square feet per adult.</p>	<p>A setback of 50 feet from all property lines.</p>
<p>Swine</p>	<p>A minimum of 20,000 square feet per adult; a maximum of 2.</p>	<p>Yes, with a setback of 20 feet from property lines.</p>	<p>A minimum of 30 square feet per adult.</p>	<p>A setback of 50 feet from all property lines.</p>

Horses and Cattle and like-size animals	A minimum of 20,000 square feet per adult; a maximum of 2.	Yes, with a setback of 5 feet from property lines.	A minimum of 100 square feet per adult.	A setback of 50 feet from all property lines.
Alpacas and Llamas	A minimum of 20,000 square feet per adult; a maximum of 2.	Yes, with a setback of 5 feet from property lines.	A minimum 100 square feet per adult.	A setback of 50 feet from all property lines.
Ostriches, Emus, and other Large Birds	A minimum of 20,000 square feet per adult; a maximum of 2.	Yes, with a setback of 5 feet from property lines.	A minimum of 20 square feet per adult.	A setback of 50 feet from all property lines.

Section 5. That existing Sections 1403-05, "Land Use Regulations," 1405-05, "Land Use Regulations," 1422-03, "Land Use Regulations," and 1422-05, "Development Regulations," of the Cincinnati Municipal Code are hereby repealed.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strike through.

February 9, 2022

Cincinnati City Council
Council Chambers, City Hall
Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith an Ordinance captioned as follows:

MODIFYING Title XIV, “Zoning Code of the City of Cincinnati, “of the Cincinnati Municipal Code, by **AMENDING** the provisions of Sections 1403-05, “Land Use Regulations,” 1405-05,”Land Use Regulations,” 1422-03, “Land Use Regulations,” and 1422-05, “Development Regulations,” to modify the process for establishing certain agricultural facilities in residential zoning districts.

Summary

In May and June 2017, Cincinnati City Council passed two motions requesting that the City Administration, working cooperatively and interdepartmentally, create a plan for incorporating urban agriculture into City plans and to allow urban agriculture, both indoor and outdoor, in appropriate zoning districts throughout the City. The goal was to make urban agriculture more accessible, yet also have regulations that protect neighboring property owners and provide clarity for enforcement.

On November 19, 2021, staff gave an update to the CPC regarding gardens and farms to further explain accessory structures in Chapter 1422 of the Zoning Code. The CPC requested that staff of the Department of City Planning and Engagement and the Law Department prepare text amendments to require a Conditional Use hearing on accessory agricultural structures on vacant lots in residential areas.

The goal of the proposed modifications to the specific sections of Title XIV, “Zoning Code of the City of Cincinnati,” is to continue to build streamlined and cohesive development processes and add transparency to City requirements and development procedures. These additional Conditional Use hearings will provide the public input requested by communities prior to these accessory agricultural structures being installed.

On December 17, 2021, the City Planning Commission voted to recommend approval of the proposed text amendments for Urban Agricultural Chapter 1422 of the Cincinnati Zoning Code to City Council.

City Planning Commission and the Administration recommends approval of this Ordinance.

Motion to Approve the
Administration’s recommendation: Mr. Smitherman

Ayes: Mr. Juech
Mr. Smitherman
Mr. Eby
Mr. Stallworth
Ms. Sesler
Ms. McKinney

Seconded: Mr. Eby

Nays: Mr. Samad

THE CITY PLANNING COMMISSION

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

Honorable City Planning Commission
Cincinnati, Ohio

December 17, 2021

SUBJECT: A report and recommendation on proposed text amendments to modify Title XIV, “Zoning Code of the City of Cincinnati,” of the Cincinnati Municipal Code, by amending the provisions of Section 1403-05 Single-family Districts, “Land Use Regulations,” Section 1405-05 Residential Multi-family Districts, “Land Use Regulations,” Section 1422-03 Urban Agriculture: Horticulture and Animal Keeping, “Land Use Regulations,” and Section 1422-05 Urban Agriculture: Horticulture and Animal Keeping, “Development Regulations.”

EXHIBITS:

Provided in addition to this report is the following exhibit:

- Exhibit A – Proposed Text Amendment Ordinance Language

BACKGROUND:

In May and June 2017, Cincinnati City Council passed two motions requesting that the City Administration, working cooperatively and interdepartmentally, create a plan for incorporating urban agriculture into City plans and to allow urban agriculture, both indoor and outdoor, in appropriate zoning districts throughout the City.

The goal was to make urban agriculture more accessible, yet also have regulations that protect neighboring property owners and provide clarity for enforcement. Department of City Planning and Engagement staff reviewed best practices around the country and then convened a Steering Committee including representatives from various City departments and the Greater Cincinnati Regional Food Policy Council. The Committee met twice a month from 2017-2019. It became immediately clear to the Committee the need to cover all components of urban agriculture which includes horticulture, hydroponics, community gardens, composting, animal keeping, farming, aquaponics, and beekeeping.

Also, the Steering Committee held four Focus Group Meetings with numerous urban agricultural stakeholders (farmers, composters, beekeepers, etc.) in October and November 2017. In addition, staff held a Public Staff Conference where all Community Councils in the City, agricultural stakeholders, and the Steering Committee were notified and invited to attend to provide feedback prior to the Cincinnati Planning Commission (CPC) meeting.

On May 17, 2019, the CPC recommended approval of the new Chapter 1422 (Urban Agriculture: Horticulture and Animal Keeping) to City Council. On June 26, 2019, Cincinnati City Council approved the new Chapter 1422 on Urban Agriculture within the Cincinnati Zoning Code, which went into effect September 26, 2019.

On August 20, 2021, as part of a larger text amendment package, the CPC approved additional urban agriculture text amendments to be added in the form-based zoning districts which were inadvertently left out of the original amendments. Following public testimony of concerns regarding urban agricultural accessory structures in residential areas, the CPC asked staff to study possible solutions to these concerns.

On November 19, 2021, staff gave an update to the CPC regarding gardens and farms to further explain accessory structures in Chapter 1422 of the Zoning Code. The CPC requested that staff of the Department of City Planning and Engagement and the Law Department prepare text amendments to require a Conditional Use hearing on accessory agricultural structures on vacant lots in residential areas.

PROPOSED TEXT AMENDMENTS:

The proposed text amendments modifying Title XIV, “Zoning Code of the City of Cincinnati,” of the Cincinnati Municipal Code is attached as Exhibit A. The proposed modifications are underlined as follows:

Section 1403-05, - Use Regulations – Single-family Districts under “Agriculture and Extractive Uses.”

The installation or construction of an agricultural structure exceeding 200 square feet on a lot that does not does not contain a dwelling or other principal structure requires conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445.

Section 1405-05. Use Regulations – Residential Multi-family Districts under “Gardens.”

The installation or construction of an agricultural structure exceeding 200 square feet on a lot that does not does not contain a dwelling or other principal structure requires conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445.

Chapter 1422-03. Land Use Regulations. Under *Agricultural Structures* the text amendment reads:

“and Agricultural Structures that are accessory to a Garden and exceed 200 square feet require conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445 before they may be installed or constructed on a lot in a residential district that does not does not contain a dwelling or other principal structure.”

Chapter 1422-05 Development Regulations. Under (1) *Permanent Agricultural Structures* the text amendment reads:

Prior to their installation or construction on a lot in a residential district that does not does not contain a dwelling or other principal structure, permanent Agricultural Structures exceeding 200 square feet that are accessory to a Garden must obtain conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445.

Chapter 1422-05 Development Regulations. Under (6) *Temporary Agricultural Structures* the text amendment reads:

(iii) Prior to their installation or construction on a lot in a residential district that does not does not contain a dwelling or other principal structure, temporary Agricultural Structures exceeding 200 square feet that are accessory to a Garden must obtain conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445.

ANALYSIS:

This proposed modifications to Title XIV, “Zoning Code of the City of Cincinnati,” are necessary to provide for more public input by requiring Conditional Use hearings before the Zoning Hearing Examiner for agricultural structures related to gardens. These modifications will help balance the ability

to develop gardens while still respecting the potential impacts on surrounding property owners and neighborhood residential development. The requirements of a Conditional Use hearing include that a notice is mailed (100' radius for all Single-family and Multi-family Zoning Districts except SF-10 and SF-20) at least 14 days in advance of the Conditional Use hearing notifying the affected Community Council and abutting property owners of the date, time, and location. The hearing notice is also published in the City Bulletin and on the City's website. This will allow for the public to participate in the hearing, ask questions, and voice any concerns or support for proposed accessory structures. Although the public testimony may or may not impact the final decision, their testimony will become a part of the record. Any person can appeal the decision of the Zoning Hearing Examiner within 30 days the decision being issued to the Zoning Board of Appeals.

PUBLIC COMMENT AND NOTIFICATION:

The Department of City Planning and Engagement mailed a joint notice of a Virtual Public Staff Conference and the December 17, 2021 City Planning Commission meeting to every Community Council and Community Development Corporation in the City of Cincinnati, as well as urban agriculture stakeholders that participated in the previously approved text amendments on November 29, 2021. The notice was also emailed to the urban agriculture stakeholders and community members that expressed concerns as well as to the contacts of record that the City retains for the Community Councils and the Community Development Corporations.

A Virtual Public Staff Conference will be held on December 13, 2021 to gather comment and input regarding the proposed text amendments. A summary of the meeting will be provided at the City Planning Commission meeting on December 17, 2021 during the presentation.

CONSISTENCY WITH PLAN CINCINNATI:

The proposed modifications to Title XIV, "Zoning Code of the City of Cincinnati," is consistent with the Sustain Initiative Area of *Plan Cincinnati* (2012), particularly within the Green Umbrella Regional Sustainability Alliance goals for 2020 to "Double the percentage of fruits and vegetables sourced and consumed within our region" (pg. 185), and "Eliminate food deserts in Cincinnati" (pg. 190). The proposed amendments are intended to ensure transparency, consistency, and clarity to the Zoning Code, making development processes easier to understand for both the community and applicants.

CONCLUSIONS:

The goal of the proposed modifications to the specific sections of Title XIV, "Zoning Code of the City of Cincinnati," is to continue to build streamlined and cohesive development processes and add transparency to City requirements and development procedures. These additional Conditional Use hearings will provide the public input requested by communities prior to these accessory agricultural structures being installed.

RECOMMENDATION:

The staff of the Department of City Planning and Engagement recommends that the City Planning Commission take the following action:

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 Section 1403-05 Single-family Districts, "Land Use Regulations," Section 1405-05 Residential Multi-family

Districts, "Land Use Regulations," Section 1422-03 Urban Agriculture: Horticulture and Animal Keeping, "Land Use Regulations," and Section 1422-05 Urban Agriculture: Horticulture and Animal Keeping, "Development Regulations."

Respectfully submitted:

Approved:



Caroline Hardy Kellam, Senior City Planner
Department of City Planning and Engagement

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

§ 1403-05. - Land Use Regulations.

Schedule 1403-05 below prescribes the land use regulations for SF Districts. Uses are defined in Chapter 1401, Definitions. Uses not listed in the Schedule 1403-05 are prohibited.

The regulations for each subdistrict are established by letter designations as follows:

- (a) "P" designates permitted uses. These uses may be subject to additional regulations as indicated.
- (b) "L" designates uses that are permitted, subject to certain limitations. Numeric suffixes refer to limitations listed at the bottom of Schedule 1403-05. Except as otherwise indicated, modifications of a numerical, locational or dimensional limitation requires a variance under Chapter 1445 - Variances, Special Exceptions and Conditional Uses.
- (c) "C" designates uses permitted only after review and approval of the conditional use by the Zoning Hearing Examiner. These uses may be subject to additional regulations as indicated.

Schedule 1403-05: Use Regulations - Single-family Districts

Use Classifications	SF-20	SF-10	SF-6	SF-4	SF-2	Additional Regulations
Residential Uses						
Bed and breakfast home	—	C	C	C	C	See § 1419-09
Child day care home	L4	L4	L4	L4	L4	
Group residential						
Convents and monasteries	C	C	C	C	C	
Fraternities and sororities	—	—	—	—	—	
Patient family homes	—	—	—	—	—	
Rooming houses	—	—	—	—	—	
Shared housing for the elderly	—	—	—	L3	L3	
Permanent residential						
Single-family dwelling	P	P	P	P	P	See § 1403-11

Attached single-family dwelling	L13	L13	L13	P	P	See § 1403-11
Two-family	L11	L11	L11	L11	L11	
Multi-family	L11	L11	L11	L11	L11	
Residential care facilities						
Developmental disability dwelling	P	P	P	P	P	
Public and Semipublic Uses						
Cemeteries	—	—	—	L1	L1	
Cultural institutions	—	—	C	C	C	
Park and recreation facilities	L12	L12	L12	L12	L12	
Public safety facilities	—	—	—	C	C	
Religious assembly	C	C	C	C	C	
School, public or private	C	C	C	C	C	See § 1419-12
Transportation, Communication and Utilities						
Public utility distribution system	C	C	C	C	C	
Wireless communication antenna	L2	L2	L2	L2	L2	See § 1419-33
Wireless communication tower	C	C	C	C	C	See § 1419-33
Agriculture and Extractive Uses						
Animal keeping	P	P	P	P	P	See Chapter 1422
Farms	C	C	C	C	C	See Chapter 1422
Gardens	P L14	P L14	P L14	P L14	P L14	See Chapter 1422

Accessory Uses						
Any accessory use not listed below	L8	L8	L8	L8	L8	
Home Occupation	P	P	P	P	P	See § 1419-17
Commercial Vehicle Parking	L5	L5	L5	L5	L5	
Child day-care centers	L4,6	L4,6	L4,6	L4,6	L4,6	
Refuse storage areas	P	P	P	P	P	See § 1421-35
Drive Box	L7	L7	L7	L7	L7	
Fences and walls	P	P	P	P	P	See § 1421-33
Exterior lighting	P	P	P	P	P	See § 1421-39
Cemetery, incidental buildings and structures	—	—	—	L9	L9	
Rooming Unit	—	—	L10	L10	L10	
Portable storage containers	P	P	P	P	P	See § 1419-24
Nonconforming Uses						See Chapter 1447

Specific Limitations

- L1 Only expansion of existing cemeteries allowed with a conditional use approval.
- L2 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may only be attached to a permitted agricultural, public or semi-public or public utility building or structure.
- L3 The minimum lot area for every resident is 800 square feet and the minimum living area for every resident is 250 square feet.
- L4 Fencing, a minimum of four feet in height must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.
- L5 One commercial vehicle completely enclosed in a garage may be parked or stored on the lot with the following exceptions:

-
- a. An unlimited number of commercial vehicles conveying the necessary tools, materials and equipment to a premises where labor using such tools, materials and equipment is to be performed during actual time of parking.
 - b. One commercial vehicle with current license owned by a resident of the residential property on which it is stored or parked not to exceed two tons in capacity.
 - c. Recreational vehicles, watercraft and personal trailers may be parked on the lot beyond the front yard.
- L6 Only if accessory to a public or semi-public use.
- L7 Accessory to a public or semi-public use, provided the drive-box is at least 100 feet from any property used for residential purposes.
- L8 Accessory uses determined by the Zoning Administrator to be customarily incidental to a use of the district are permitted. All others require conditional use approval.
- L9 Mausoleums, columbaria and other incidental buildings and structures within and accessory to cemeteries, may be no less than 100 feet from abutting properties in the residential district and may not exceed the height limitation for principal buildings of the district in which it is located.
- L10 No more than two rooming units may be rented or leased in a single-family dwelling.
- L11 This use must be legally established prior to the effective date of this Zoning Code. The use has the rights of Chapter 1447, Nonconforming Uses and Structures except for the provisions of § 1447-09 Expansion of Nonconforming Use and § 1447-11 Substitution of a Nonconforming Use.
- L12 Publicly owned or operated park and recreation facilities are permitted. All park and recreation facilities, private or non-profit, require a conditional use approval.
- L13 Attached single-family is only permitted as part of a cluster housing development. See § 1403-13.
- L14 The installation or construction of an agricultural structure exceeding 200 square feet on a lot that does not does not contain a dwelling or other principal structure requires conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445.**

§ 1405-05. Land Use Regulations.

Schedule 1405-05 below prescribes the land use regulations for RM Districts. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1405-05 below are prohibited.

The regulations for each subdistrict are established by letter designations as follows:

- (a) "P" designates permitted uses. These uses may be subject to additional regulations as indicated.
- (b) "L" designates uses that are permitted, subject to certain limitations. Numeric suffixes refer to limitations listed at the bottom of Schedule 1405-05. Except as otherwise indicated, modifications of a numerical, locational or dimensional limitation requires a variance under Chapter 1445 - Variances, Special Exceptions and Conditional Uses.
- (c) "C" designates uses permitted only after review and approval of the conditional use by the Zoning Hearing Examiner. These uses may be subject to additional regulations as indicated.

Schedule 1405-05: Use Regulations - Residential Multi-family Districts

Use Classifications	RMX	RM-2.0	RM-1.2	RM-0.7	Additional Regulations
Residential Uses					
Bed and breakfast home	P	P	P	P	See § 1419-09
Day care home - Adult	C	C	P	P	
Day care home - Type A	C	C	L4	L4	
Day care home - Type B	L4	L4	L4	L4	
Group residential					
Congregate housing	—	—	P	P	
Convents and monasteries	P	P	P	P	
Fraternities, sororities, dormitories	—	—	C	P	
Patient family homes	—	—	P	P	
Rooming houses	—	—	—	L2	
Shared housing for the elderly	L1	L1	L1	L1	
Permanent residential					

Single-family dwelling	P	P	P	P	See § 1403-11
Attached single-family dwelling	L15	P	P	P	See § 1403-11
Rowhouse, single-family dwelling	L15	P	P	P	
Two-family dwelling	P	P	P	P	
Three-family dwelling	P	P	P	P	
Multi-family dwelling	L3	P	P	P	
Residential care facilities					
Assisted living	C	C	P	P	
Developmental disability dwelling	P	P	P	P	
Nursing home	C	C	P	P	
Special assistance shelter	—	—	—	C	
Transitional housing					
Programs 1—4	—	P	P	P	
Programs 5—6	—	—	—	—	
Public and Semipublic Uses					
Clubs and lodges	C	C	C	C	
Community service facilities	C	C	C	P	
Cultural institutions	C	C	C	P	
Parks and recreation facilities	P	P	P	P	
Public safety facilities	C	C	P	P	

Religious assembly	P	P	P	P	
Schools, public or private	P	P	P	P	
Commercial Uses					
Bed and breakfast inns	C	C	C	P	See § 1419-09
Business services	—	—	—	L6,7	
Convenience markets	—	L16	L16	L7	
Food markets	—	L16	L16	L7	
Funeral and interment services	—	—	—	L6	
Loft dwelling units	—	L14	L14	L14	See § 1419-23
Medical services and clinics	—	—	—	L6,7	
Offices	—	—	—	L6,7	
Parking facilities	—	C	C	C	See Chapter 1425
Personal instructional services	—	—	—	L6,7	
Personal services	—	—	—	L6,7	
Recreation and entertainment					
Indoor or small-scale	—	—	—	L6,7	
Transportation, Communication and Utilities					
Public utility distribution system	C	C	C	C	

Transportation facilities					
Railroad right-of-way	P	P	P	P	
Wireless communication antenna	L9	L9	L9	L9	See § 1419-33
Wireless communication tower	C	C	C	C	See § 1419-33
Agriculture and Extractive Uses					
Animal keeping	P	P	P	P	See Chapter 1422
Farms	P	P	P	P	See Chapter 1422
Gardens	<u>P</u> <u>L18</u>	<u>P</u> <u>L18</u>	<u>P</u> <u>L18</u>	<u>P</u> <u>L18</u>	See Chapter 1422
Accessory Uses					
Any accessory use not listed below	L8	L8	L8	L8	
Home occupations	P	P	P	P	See § 1419-17
Commercial vehicle parking	L11	L11	L11	L11	
Day care center	L4, L17	L4, L17	L4, L17	L4, L17	
Rooming unit	L10	L10	L10	L10	
Transitional housing	L13	L13	L13	L13	
Commercial services	—	P	P	P	See § 1419-35, 1419-37
Refuse storage areas	P	P	P	P	See § 1421-35
Drive box	L12	L12	L12	L12	

Fences and walls	P	P	P	P	See § 1421-33
Exterior lighting	P	P	P	P	See § 1421-39
Portable storage containers	P	P	P	P	See § 1419-24
Nonconforming Uses					See Chapter 1447

Specific Limitations

- L1 The minimum lot area for every resident is 500 square feet and the minimum living area for every resident is 250 square feet.
- L2 Only rooming houses licensed pursuant to Chapter 855. Rooming Houses of the Municipal Code; the maximum number of rooming units is five, and a separate entrance for access to rooming units must be provided. The minimum rental is seven days. See § 1421-43.
- L3 Multi-family dwellings of four or more units must be legally established prior to the effective date of this Zoning Code. The use has the rights of Chapter 1447, Nonconforming Uses and Structures except for the provisions of §1447-09 Expansion of Nonconforming Use and §1447-11 Substitution of a Nonconforming Use.
- L4 Fencing, a minimum of four feet in height must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.
- L5 Not to exceed 3,000 square feet in gross floor area.
- L6 Permitted only on arterial streets.
- L7 Permitted on the ground floor occupying less than 2,500 sq. ft.; more space requires a conditional use approval.
- L8 Accessory uses determined by the Zoning Administrator to be customarily incidental to a use of the district are permitted. All others require conditional use approval.
- L9 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may be attached to a multi-family, public and semi-public or public utility building or structure.
- L10 No more than two rooming units may be rented or leased in any dwelling.
- L11 One commercial vehicle completely enclosed in a garage may be parked or stored on the lot with the following exceptions:
 - a. An unlimited number of commercial vehicles conveying the necessary tools, materials and equipment to a premises where labor using such tools, materials and equipment is to be performed during actual time of parking.

- b. One commercial vehicle with current license owned by a resident of the residential property on which it is stored or parked not to exceed two tons in capacity.
 - c. Recreational vehicles, watercraft and personal trailers may be parked on the lot beyond the front yard.
- L12 Accessory to a public or semi-public use, provided the drive box is at least 100 feet from any property used for residential purposes.
- L13 Limited to transitional housing conforming to Paragraph 1401-03-T(c)(5) as an accessory use to public and semi-public uses. The use requires conditional use approval.
- L14 Limited to City Council designated Live/Work Districts.
- L15 Attached single-family dwellings and Rowhouse single-family dwellings of four or more units require conditional use approval.
- L16 Permitted on the ground floor in multi-family buildings with a minimum of 50 dwelling units, occupying 1,200 square feet or less of gross floor area and having a separate exterior entrance: structures with less than 50 dwelling units require conditional use approval; food markets occupying more than 1,200 square feet of gross floor area require conditional use approval.
- L17 Permitted only if accessory to a public or semi-public use.
- L18 The installation or construction of an agricultural structure exceeding 200 square feet on a lot that does not does not contain a dwelling or other principal structure requires conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445.

§ 1422-03. Land Use Regulations.

- (a) *Garden.* Gardens may be grown in all zoning districts, subject to the limitations of this chapter. Gardens must consist of less than 20,000 square feet of cultivated land. Use of large-scale commercial agricultural equipment such as tractors, tillers, or other machinery equal to or exceeding the size of an economy automobile is prohibited.
- (b) *Farm.* A farm consists of 20,000 square feet or more of cultivated land. Use of large-scale commercial agricultural equipment is permitted, however such equipment must be completely enclosed in an Agricultural Structure when not in use. Farms located in residential districts require Conditional Use approval pursuant to Chapter 1445.
- (c) *Agricultural Structures.* Where a parcel contains no dwelling or other Principal Structure, any proposed Agricultural Structures other than fences shall be deemed accessory to a required operational Garden, Farm and/or Animal Keeping Use as a Principal Use and shall be used solely for agricultural purposes and practices. All Agricultural Structures shall require at a minimum a Zoning Certificate of Compliance and any required building permits, and Agricultural Structures that are accessory to a Garden and exceed 200 square feet require conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445 before they may be installed or constructed on a lot in a residential district that does not does not contain a dwelling or other principal structure. Permanently constructed Agricultural Structures, located on a parcel containing no dwelling or principal structure, shall require a

recorded deed restriction, approved as to form by the City Solicitor, that limits it to use as an Agricultural Structure. Release of the deed restriction by the Department of Buildings and Inspections shall constitute abandonment of the Principal and Accessory uses per Chapter 1447 and may require removal of any permanent structures prior to release.

- (d) *Animal Keeping.* Where permitted, animal keeping is subject to the density restrictions and sheltering limitations established in this Chapter.
- (e) *Conditional Use.* If the principal use of the property is a conditional use in the zoning district in which the property is located, any expansion of the conditional use, including a Horticulture and Animal Keeping Use and its Agricultural Structures, requires conditional use approval from the Zoning Hearing Examiner per Chapter 1445.
- (f) *Landscaping and Buffer Yard Regulations.* New development, redevelopment, and changes of land use may require landscaping or the creation of a buffer yard in compliance with Chapter 1423.
- (g) *Standards for Producing Agricultural Products Intended for Human or Animal Consumption in Manufacturing and Related Districts.* The production of agricultural products intended for human or animal consumption or the raising of agricultural animals in the ME, MG, ML, UM and RF-M zoning districts is permitted subject to the following limitations:
 - (1) The agricultural activity is conducted in an appropriate indoor location in compliance with all related regulations; or
 - (2) Where such agricultural activity is conducted outdoors, the owner of the subject property shall obtain a Zoning Certificate of Compliance from the Zoning Administrator based upon demonstration of either:
 - (i) Due diligence via soil testing by a licensed professional indicating that the soil shows no contamination with chemicals, metals, or other compounds at a level not exceeding that allowed by federal, state, and local standards for residential areas; or
 - (ii) Plans showing that such agricultural activity will take place only on rooftops, in raised beds, or in other containers sufficient to prevent any potential contamination.

§ 1422-05. Development Regulations.

(a) *Agricultural Structures and Uses.* Agricultural Structures must be located, developed and operated in compliance with the following:

(1) *Permanent Agricultural Structures.* Permanent Agricultural Structures exceeding 200 square feet require a building permit. Prior to their installation or construction on a lot in a residential district that does not does not contain a dwelling or other principal structure, permanent Agricultural Structures exceeding 200 square feet that are accessory to a Garden must obtain conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445.

(2) *Animal Keeping Structures.* Agricultural Structures, including fences and walls, used for animal keeping must comply with both the requirements established below and per Schedule 1422-05.

(3) *Agricultural Structures in Non-Residential Districts.* In non-residential zoning districts, Agricultural Structures not used for Animal Keeping are subject to the principal and accessory structure standards of the zoning district.

(4) *Agricultural Structures in Residential Districts.* In residential zoning districts, Agricultural Structures not used for Animal Keeping are subject to the standards of §1421-01, "Accessory Residential Structures," and §1421-05, "Accessory Structures on Corner Lots."

(5) *Agricultural Structures on Lots Containing No Principal Structure or Dwelling in Residential Districts.*

(i) *Required Rear Yard Location.* In residential districts, where a parcel contains no dwelling or principal structure, Agricultural Structures must be located to the rear of the line determined by rear yard averaging of the adjoining parcels principal structures.

(6) *Temporary Agricultural Structures.* Temporary structures, particularly greenhouse and membrane structures, shall be regulated as identified below.

(i) Temporary Agricultural Structures less than four (4) ft. in height, and of minimum structural character; the maximum area requirement is no greater than the minimum yard setback requirements.

(ii) Temporary Agricultural Structures greater than four (4) ft. in height, shall be regulated as follows:

(A) Structures shall comply with Chapter 3103 of the Ohio Basic Building Code and are limited to 400 sq. ft. in area with 12 ft. spacing between structures.

(B) Structures meeting any of the following requirements, shall submit for appropriate building permits: Structures greater than 400 sq. ft. in area; Structures proposed to remain for greater 180 days.

(iii) Prior to their installation or construction on a lot in a residential district that does not does not contain a dwelling or other principal structure, temporary Agricultural Structures exceeding 200 square feet that are accessory to a Garden must obtain

conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445

- (7) *Fences and Walls.* Fences and walls must comply with §1421-33.
- (b) *Animal Keeping.* The provisions set forth herein and in Schedule 1425-05 below prescribe the development regulations governing minimum area size, containment, and setback and maintenance requirements for animal keeping.
- (1) *Maximum Number of Categories/Species of Animals.*
- (i) Keeping more than two categories/species of animals requires a cumulative minimum land area based on the requirements for each category/species as set forth in Schedule 1422-05. This provision does not apply to dogs, cats, common indoor household pets, and bees.
 - (ii) Exceeding the maximum number of categories/species of animals requires Conditional Use approval.
- (2) *Animal Keeping Shelter Structure Requirements.* Animal Keeping Shelter Structures shall:
- (i) Provide adequate protection from the elements and predators;
 - (ii) Provide thorough ventilation;
 - (iii) Be designed to be readily accessed and cleaned; and,
 - (iv) Provide access for fowl, rabbits, and other small animals to an outdoor enclosure adequately bounded to prevent escape or access by predators.
- (3) *Animal Keeping Enclosures.* Animal keeping enclosures should be of sufficient height and durability to contain the species of animal.

Schedule 1422-05: Animal Keeping Requirements

Animal Category/Species	Adult Animals Permitted Per Lot Area	Containment Required	Shelter Structure Requirements	Location and Minimum Setbacks for Shelter Structures, Feeders, and Water Stations
Bees	Minimum 2,500 square feet per apiary.	Yes, with a 6-foot flyway screen (fence or hedge) within three feet of any hive entry is required, unless the apiary is more than 150	A maximum two Apiaries of 30 cubic feet per 10,000 square feet.	Apiaries may be located on the ground or on rooftops. Apiaries shall be setback a minimum of 10 feet from any property line and

		feet from all property lines.		<p>25 feet from the nearest inhabited structure when a flyway screen is provided.</p> <p>Apiaries located on rooftops shall be setback a minimum of six feet from the edge of roof.</p> <p>Bee warning or notice signs shall be placed at property lines per Ohio Dept. of Agriculture rules and regulations.</p>
<p>Chickens, Ducks, Quail, Doves, and other Smaller Birds</p>	<p>6 permitted for lots less than 10,000 square feet.</p> <p>12 permitted for 10,000 to 20,000 square foot lots.</p> <p>A maximum of 24 permitted for lots exceeding 20,000 square feet.</p> <p>1 rooster permitted per every 15 hens.</p>	<p>Yes, if animals are permitted to range outside of a structure.</p> <p>More than 1 rooster requires tethering.</p> <p>Roosters must be kept a minimum of 50 feet from all property lines.</p>	<p>A minimum of 4 square feet per adult.</p>	<p>A setback of 10 feet from all property lines.</p>
<p>Rabbits</p>	<p>6 permitted for lots less than 10,000 square feet.</p> <p>12 permitted for</p>	<p>Yes, if animals are permitted to range outside of a structure.</p>	<p>A minimum of 4 square feet per adult.</p>	<p>A setback of 10 feet from all property lines.</p>

	<p>10,000 to 20,000 square foot lots.</p> <p>A maximum of 24 permitted for lots exceeding 20,000 square feet.</p>			
<p>Geese, Turkeys, and other Medium-Sized Birds</p>	<p>4 permitted for lots less than 10,000 square feet.</p> <p>8 permitted for 10,000 to 20,000 square foot lots.</p> <p>A maximum of 16 permitted for lots exceeding 20,000 square feet.</p>	<p>Yes, if animals are permitted to range outside of a structure.</p>	<p>A minimum of 6 square feet per adult.</p>	<p>A setback of 10 feet from all property lines.</p>
<p>Dehorned Goats and Sheep</p>	<p>2 permitted for lots less than 10,000 square feet.</p> <p>4 permitted for 10,000 to 20,000 square foot lots,</p> <p>A maximum of 8 permitted for lots exceeding 20,000 square feet.</p>	<p>Yes, with a minimum of a 5-foot setback from property lines.</p> <p>No temporary or permanent structures are permitted within 10 feet of a fence that would enable an animal to climb or jump over a fence.</p>	<p>A minimum of 20 square feet per adult.</p>	<p>A setback of 50 feet from all property lines.</p>
<p>Swine</p>	<p>A minimum of 20,000 square feet per adult; a maximum of 2.</p>	<p>Yes, with a setback of 20 feet from property lines.</p>	<p>A minimum of 30 square feet per adult.</p>	<p>A setback of 50 feet from all property lines.</p>

Horses and Cattle and like-size animals	A minimum of 20,000 square feet per adult; a maximum of 2.	Yes, with a setback of 5 feet from property lines.	A minimum of 100 square feet per adult.	A setback of 50 feet from all property lines.
Alpacas and Llamas	A minimum of 20,000 square feet per adult; a maximum of 2.	Yes, with a setback of 5 feet from property lines.	A minimum 100 square feet per adult.	A setback of 50 feet from all property lines.
Ostriches, Emus, and other Large Birds	A minimum of 20,000 square feet per adult; a maximum of 2.	Yes, with a setback of 5 feet from property lines.	A minimum of 20 square feet per adult.	A setback of 50 feet from all property lines.

Kellam, Caroline

From: Kent, Jenny L <jlkent2@cincinnatiastate.edu>
Sent: Thursday, December 16, 2021 10:39 AM
To: Kellam, Caroline
Subject: [External Email] High Tunnel Debate

External Email Communication

Hi Caroline,

I am a student at Cincinnati State in the Sustainable Horticulture program. I read about a meeting taking place Friday morning at 9 am regarding land use and high tunnels. High tunnels are critical to farmers and their success. For example, high tunnels allow farmers to extend their growing season and protect farmers and their crops from extreme weather conditions.

While I am unable to attend the meeting Friday morning; the following is my 2-minute support for community gardens and the need for high tunnels.

I want to give my support to the farmers who have purchased blighted land to create much-needed gardens within the community. Urban gardens help build a sense of community within many blighted lots within the inner city and the Greater Cincinnati area. It brings residents together as they talk about and support the garden in their neighborhoods. High tunnels are important for farmers, and if maintained, will benefit the community and the farmer.

While working in a community garden some years ago I witnessed the interest of the residents in the homes around the garden. Some were curious about the garden and were even interested in getting involved. One day a young person came over and asked me what I was doing in the garden. That day I was picking cherry tomatoes. I asked if he wanted to try one and he did. He never had a cherry tomato before and loved it. I have been a fan of community and for-profit urban gardens ever since.

For years I have been so proud of the city of Cincinnati's support for creating community around farmers and gardening, especially in food deserts. My hope is that the city continues to support these farmers who took risks to improve blighted properties for the good of the community and to earn a living.

Regards,

Jenny Kent

March 1, 2022

TO: Mayor and Members of City Council

FROM: John P. Curp, Interim City Manager

202200505

SUBJECT: Presentation – Benjamin Stewart Home Landmark Designation

Attached is the presentation for the proposed local historic landmark designation of the Benjamin Stewart Home building located at 5540 Madison Road in the Madisonville neighborhood.

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



Proposed Designation of the Benjamin Stewart Home in Madisonville

Equitable Growth & Housing Committee
March 1, 2022

Benjamin Stewart Home - 5540 Madison Road



Benjamin Stewart Home - 5540 Madison Road



Benjamin Stewart Home - 5540 Madison Road



Background



Historic Significance

A structure may be deemed as having historic significance if it has at least one of the following attributes:

- 1) Association with events that have made a significant contribution to the broad patterns of our history; or
- 2) Association with the lives of persons significant in our past; or
- 3) Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- 4) That has yielded , or may be likely to yield, information important in prehistory or history.

Historic Significance

A structure may be deemed as having historic significance if it has at least one of the following attributes:

Criterion 2: Association with the lives of persons significant in our past; or

- The House was built by Jonathan Ward who was part of the founding family of Madisonville.
- The house was lived in by Benjamin Stewart or his descendants for almost 100 years.
- Benjamin Stewart was a prominent businessman who was integral to the development of Madisonville.

Historic Significance

A structure may be deemed as having historic significance if it has at least one of the following attributes:

Criterion 3: Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction; or

- The building is an excellent example of *Greek Revival Architecture* and is one of the oldest buildings remaining in Madisonville.

Benjamin Stewart Home - 5540 Madison Road

Greek Revival Architecture (1820s - 1860s)

- Built in 1833
- 2.5 story American bond brick building
- Elegant *yet* Simplistic style
- Doric Columns on front porch and entryway
- Entablatures at roof trim
- One of the oldest buildings and examples in Madisonville



Public Comment and Notification

Notification - Staff Conference, HCB Meeting, and CPC Meeting

- Mailed notification to property owner, property owners within 400-feet, MCURC, and Madisonville Community Council (MCC)

Joint Virtual Public Staff Conference - November 30, 2021

- Applicant, City staff, property owner's representative were in attendance

Historic Conservation Board Public Hearing - December 20, 2021

- Applicant, City staff, MCC were in attendance - no members of the public spoke

City Planning Commission - February 4, 2022

Consistency with Plans

Madisonville Neighborhood Business District Urban Renewal Plan (2002)

Strategy: "Empower local development entities such as private developers, Madisonville Community Urban Redevelopment Corporation (MCURC), local church groups and other organizations and non-profits to renovate or upgrade existing vacant and underutilized properties throughout the neighborhood business district."

Plan Cincinnati (2012)

Sustain Initiative Area

Goal: "Preserve our natural and built environment."

City Planning Commission Considerations

The City Planning Commission shall consider the following:

- 1) The relationship of the proposed designation to the comprehensive plans of the city and of the community in which the proposed Historic Landmark is located; and
- 2) The effect of the proposed designation on the surrounding areas and economic development plans of the city; and
- 3) Such other planning and historic preservation considerations as may be relevant to the proposed designation.

Recommendation

City Planning Commission recommends that City Council take the following actions:

- 1) **APPROVE** the proposed designation of the Benjamin Stewart Home as a Local Historic Landmark at 5540 Madison Road under Criterion 2 and 3 of the Cincinnati Zoning Code (§1435-07-1a) and;
- 2) **ADOPT** the conservation guidelines for the Benjamin Stewart Home as shown in Exhibit C.

March 1, 2022

To: Mayor and Members of City Council

202200525

From: John C. Curp, Interim City Manager

Subject: Ordinance – Text Amendments to Chapter 1422 – Urban Agriculture

Attached is a presentation for March 1, 2022, for the Equitable Growth & Housing Committee for text amendments to Chapter 1422 of the Cincinnati Zoning Code for Urban Agriculture.

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

Date: February 16, 2022

To: Mayor Aftab Pureval
From: Andrew W. Garth, City Solicitor *AWG*
Subject: **Emergency Ordinance – Modifying Chapter 209 of CMC Housing Advisory Board to Increase Housing Advisory Board to 14 Members**

Transmitted herewith is an emergency ordinance captioned as follows:

MODIFYING a provision of Chapter 209 of the Cincinnati Municipal Code, “Housing Advisory Board,” by AMENDING Section 209-5, “Composition of Board,” for the purpose of increasing the membership of the Housing Advisory Board to consist of up to 14 members for the purpose of broadening community engagement by ensuring deeper representation of community, business, and neighborhood stakeholders.

AWG/KKF(lnk)
Attachment
357831

EMERGENCY

City of Cincinnati

An Ordinance No. _____

KKF

AWB

- 2022

MODIFYING a provision of Chapter 209 of the Cincinnati Municipal Code, "Housing Advisory Board," by AMENDING Section 209-5, "Composition of Board," for the purpose of increasing the membership of the Housing Advisory Board to consist of up to 14 members for the purpose of broadening community engagement by ensuring deeper representation of community, business, and neighborhood stakeholders.

WHEREAS, Ordinance No. 15-2007, passed February 18, 2007, enacted Chapter 209 of the Cincinnati Municipal Code, "Housing Advisory Board," ("Board"), establishing the initial number of members of the Board at eleven members; and

WHEREAS, pursuant to state and local law, the Board consists of representatives from specified groups including (1) institutions that lend money for housing, (2) for-profit and non-profit builders and developers of housing (including rental housing), (3) real estate brokers, (4) persons with professional knowledge regarding local housing needs and fair housing issues within the City, (5) residents of the City who could receive housing assistance from the City, (6) the Cincinnati Metropolitan Housing Authority, (7) elected officials of the City, and (8) additional groups and individuals who are necessary to provide balanced advice on housing plans and programs, each of whom have unique expertise in developing affordable housing strategies; and

WHEREAS, Council desires to increase the number of members on the Board to broaden community engagement and ensure deeper representation of community, business, and neighborhood stakeholders; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 209-5 of the Cincinnati Municipal Code is hereby amended as follows:

Section 209-5. – Composition of Board.

The Cincinnati Housing Advisory Board shall consist of ~~eleven~~ at least eleven and up to fourteen voting members, which shall be of diverse community leadership/representation.

The board shall include a balanced representation from each of the following groups located within the city as specified below and in accordance with Ohio Revised Code Section 176.01:

- (a) Institutions that lend money for housing;

- (b) Nonprofit builders and developers of housing;
- (c) For-profit builders and developers of housing;
- (d) For-profit builders and developers of rental housing;
- (e) Real estate brokers licensed under Ohio Revised Code Chapter 4735;
- (f) Other persons with professional knowledge regarding local housing needs and fair housing issues within the city;
- (g) Residents of areas of the city served by the board that could receive housing assistance from the city;
- (h) Any metropolitan housing authority operating within the city;
- (i) The elected officials of the city;
- (j) Such other groups or individuals that the appointing authority determines are necessary to provide balanced advice on housing plans and programs.

Section 2. That existing Section 209-5, "Composition of Board" of the Cincinnati Municipal Code is hereby repealed.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to enable the appointment of additional members to the Housing Advisory Board so the Housing Advisory Board can meet and conduct business as soon as possible.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strikethrough.



Mark Jeffreys
Councilmember

February 22, 2022

MOTION

WE MOVE that, the Administration report to Council with any criteria that communities may want to consider when pursuing landmark designations. These criteria may include best practices and any other, tangentially related considerations that may be pertinent to the landmark designation process.

STATEMENT

Cincinnati has a wonderful, historic housing stock, and unfortunately, we typically only begin to talk about preserving these buildings when they are slated for demolition. This motion is designed to help communities proactively identify historic assets and consider best practices when pursuing landmark status on those buildings.



Councilmember Mark Jeffreys

Tackling Cincinnati's Housing Crisis, Together:

Done/Doing**
 (**some in this category are not fully finished; they may either be 'in-the-works' or need minimal final action)

A Multi-Faceted Framework for Envisioning Equitable, Sustainable, & Resilient Growth*

Priorities moving forward

SUPPORT THE HOMELESS		KEEP PEOPLE IN HOMES***	SECURE PEOPLE HOMES****	BUILD HOMES
ISSUE: our homelessness crisis		ISSUE: our eviction crisis + poor living conditions for low-income residents (**SAFE HOMES)	ISSUE: our housing affordability/inaccessibility crisis (****ACCESSIBLE & AFFORDABLE HOMES)	ISSUE: our housing supply crisis
DEPENDS ON: keeping people in homes →		→ DEPENDS ON: securing people homes →	→ DEPENDS ON: building homes →	→ ROOT(S) OF THE ISSUE
House The Homeless		Strengthen Tenants Rights & Resources	Assist Rent-Burdened Residents	Create The Conditions To Build Our Housing Supply & Incentivize 'Balanced' Development
Fund shelters, emergency housing, and long-term care programming	Establish 'Right to Counsel' in City of Cincinnati	Ensure 'rent supports' for low-income renters (who don't qualify for housing choice vouchers)	Dismantle exclusionary zoning practices & revoke restrictive land-use policies to better promote affordable and sustainable housing opportunities (density, parking requirements, ADUs [accessory dwelling units] + more)	
Continuously Improve City Operations & Services	Establish Eviction Prevention Fund for emergency housing support	Tackle Section 8 discrimination	Reform residential tax abatement system	
Reform City contracts to be 'Performance/ results-based,' in order to improve the services of non-profit City partners	Institutionalize a 'Tenant 'Bill of Rights'	Create & maintain regional utility support programs: - Waterworks low-income ratepayer relief - MSD low-income ratepayer relief	Reform LIHTC Abatement System; cut red tape for building low-income housing	
Nurture strong communication between City, partners, and other resources	Establish 'Pay to Stay' Ordinance for Cincinnati	Make Homeownership More Inclusive	Institutionalize the 'Balanced Development Priority Analysis' to make Cincinnati's development priorities clear up front (fair labor practices, minority & small-business empowerment, affordable housing, sustainable building + more)	
Better City's policies regarding homeless encampments; prioritize connecting residents to resources	Raise the Living Standards For ALL Residents	Assist prospective low-income & minority homeowners through subsidies programming (eg. The Port purchasing agreements, access to homeownership programs, etc.)	Incentivize transit-oriented development	
	Refine code enforcement process for 'problem properties' /buildings that don't meet safety codes for low-income residents		Establish minority real estate development program (and/or expand, strengthen existing programs & initiatives)	
	Expand Rental Inspection Pilot program		Incentivize renovation and improvement of vacant, abandoned properties	
	Support the housing rehabilitation needs of low-income homeowners, to ensure they avoid code-enforcement-foreclosure (eg. HARBOR program + more)		Fund The Preservation & Development of Affordable & Accessible Housing	
			Fully finance the affordable housing trust fund	
			Grow VTICA (voluntary tax incentive contribution agreement)	
			Enact tax on Air BnBs (w/ collected \$ going into affordable housing development)	
			Effectively leverage, connect, and support Cincinnati Development Fund + other private & community partners to progress and encourage projects	
			Assist DCED, CMHA, etc. with debt forgiveness on target properties	
			Advance accessible housing, where possible (eg. aid organizations like LADD, which creates housing for disabled residents)	
<p>*This framework does NOT include every action that is or should be taken on the issue of housing. It's merely intended to provide an overview of how some actions that have been taken AND actions this Council is actively working on/planning to take/believe warrant prioritization, fit together, in an over-arching framework of equitable growth.</p>				
Symbiotic Causes...				
CONNECT HOMES		RAISE WAGES		
Invest in pedestrian safety, public transit, livability, bike routes, etc.		Support efforts at the state and national level to raise the living wage & bring people out of poverty.		