



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final-revised

Equitable Growth & Housing

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

Wednesday, June 21, 2023

1:00 PM

Council Chambers, Room 300

PUBLIC HEARING

ROLL CALL

PRESENTATIONS

Proposed Zone Change at 1670 Cooper Street in Northside

Jesse Urbancsik, Senior City Planner

2133 Ravine Street Zone Change Park & Recreation (P-R) to Single-Family Residential (SF-2) Over-the-Rhine

Caroline Hardy Kellam, Senior City Planner

Proposed Text Amendments Permitting Accessory Dwelling Units on the Same Lots as Single-Family Dwellings

Gabrielle Couch, City Planner

Proposed Zoning Code Text Amendment to Permit Sandwich Board Signs in Urban Design Overlay Districts in College Hill, Hyde Park, and Mt. Airy

Maria Dienger, City Planner

AGENDA

START OF PUBLIC HEARING

1. [202301519](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **AMENDING** the official zoning map of the City of Cincinnati to rezone certain real property located at 1670 Cooper Street in the Northside neighborhood from the MG, "Manufacturing General," zoning district to the CN-P, "Commercial Neighborhood-Pedestrian," zoning district to permit the construction of a three-story residential multi-family development. (Subject to the [Temporary Prohibition List](#) <https://www.cincinnati-oh.gov/law/ethics/city-business>)

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment A](#)
[Attachment B](#)
[Legislative Record](#)
[CPC Memo to Clerk](#)
2. [202301703](#) **PRESENTATION** submitted by Sheryl M. M. Long, City Manager, dated 6/21/2023, regarding a zone change located at 1670 Cooper Street in the Northside neighborhood from the MG, "Manufacturing General," zoning district to the CN-P, "Commercial Neighborhood-Pedestrian," zoning district to permit the construction of a three-story residential multi-family development.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Presentation](#)
3. [202301580](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/21/2023, **AMENDING** the official zoning map of the City of Cincinnati to rezone certain property located at 2133 Ravine Street in the Over-the-Rhine neighborhood from the PR, "Park and Recreation," zoning district to the SF-2, "Single-family," zoning district to facilitate construction of a single-family home.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment A](#)
[Attachment B](#)
[Legislative Record](#)
[CPC Memo to Clerk](#)
4. [202301749](#) **PRESENTATION** submitted by Sheryl M. M. Long, City Manager, dated 6/21/2023, regarding a proposed zone change at 2133 Ravine Street in Over-the-Rhine.

Sponsors: City Manager

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

5. [202301750](#) **COMMUNICATION** submitted by Councilmember Cramerding, from the Over-the-Rhine Community Council, regarding the proposed rezoning at 2133 Ravine Street.
- Sponsors:** Cramerding
- Attachments:** [Communication](#)
6. [202300881](#) **ORDINANCE**, submitted by Councilmember Jeffreys, from Emily Smart Woerner, City Solicitor, **MODIFYING** Title XIV, "Zoning Code of the City of Cincinnati," of the Cincinnati Municipal Code, by **ORDAINING** new Sections 1401-01-A1A, "Accessory Dwelling Unit," and 1421-06, "Accessory Dwelling Units," and by **AMENDING** the provisions of Sections 1401-01T3, "Two-Family Dwelling," 1403-05, "Land Use Regulations," 1405-05, "Land Use Regulations," 1407-05, "Land Use Regulations," 1409-07, "Land User Regulations," 1410-05, "Land Use Regulations," 1411-05, "Land Use Regulations," 1413-05, "Land Use Regulations," 1415-05, "Land Use Regulations," 1417-03, "Land Use Regulations," 1421-01, "Accessory Residential Structures," and 1501-12, "Class F Civil Offenses," to provide, throughout the City, for the establishment of accessory dwelling units on the same lots as a single-family dwellings.
- Sponsors:** Jeffreys
- Attachments:** [Transmittal](#)
[Ordinance](#)
7. [202301802](#) **ORDINANCE (B VERSION)** submitted by Councilmember Jeffreys, from Emily Smart Woerner, City Solicitor, **MODIFYING** Title XIV, "Zoning Code of the City of Cincinnati," of the Cincinnati Municipal Code, by **ORDAINING** new Sections 1401-01-A1A, "Accessory Dwelling Unit," and 1421-06, "Accessory Dwelling Units," and by **AMENDING** the provisions of Sections 1401-01-T3, "Two-Family Dwelling," 1403-05, "Land Use Regulations," 1405-05, "Land Use Regulations," 1407-05, "Land Use Regulations," 1409-07, "Land Use Regulations," 1410-05, "Land Use Regulations," 1411-05, "Land Use Regulations," 1413-05, "Land Use Regulations," 1415-05, "Land Use Regulations," 1417-03, "Land Use Regulations," 1421-01, "Accessory Residential Structures," and 1501-12, "Class F Civil Offenses," to provide, throughout the City, for the establishment of accessory dwelling units on the same lots as single-family dwellings.
- Sponsors:** Jeffreys
- Attachments:** [Transmittal](#)
[Ordinance](#)
8. [202301747](#) **PRESENTATION** submitted by Sheryl M. M. Long, City Manager, dated 6/21/2023, regarding the modification of Title XIV of the Zoning Code of the City of Cincinnati to Permit Accessory Dwelling Units on the Same Lots as Single-Family Dwellings.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Presentation](#)

9. [202301577](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/21/2023, **MODIFYING** Title XIV “Zoning Code of the City of Cincinnati” of the Cincinnati Municipal Code by repealing and reordaining the provisions of Sections 1427-26 “Sandwich Board Sign Regulations” and Section 1437-09 “Development Standards in UD Overlay Districts,” to allow the placement of sandwich board signs in the Urban Design Overlay Districts of College Hill, Hyde Park, and Mt. Airy neighborhoods.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
[Legislative Record](#)
[CPC Memo to Clerk](#)
10. [202301634](#) **ORDINANCE (B VERSION)** submitted by Vice Mayor Kearney, from Emily Smart Woerner, City Solicitor, **MODIFYING** Title XIV, “Zoning Code of the City of Cincinnati,” of the Cincinnati Municipal Code, by **REPEALING AND REORDAINING** the provisions of Section 1437-07, “Applications Subject to Review,” and Section 1437-09, “Development Standards in Urban Design Overlay Districts,” to allow the placement of sandwich board signs in Urban Design Overlay Districts in the College Hill, Hyde Park, and Mt. Airy neighborhoods.
- Sponsors:** Kearney
- Attachments:** [Transmittal](#)
[Ordinance](#)
11. [202301748](#) **PRESENTATION** submitted by Sheryl M. M. Long, City Manager, dated 6/21/2023, regarding a text amendment to the Cincinnati Zoning Code to permit sandwich board signs in the Urban Design Overlay Districts in College Hill, Hyde Park, and Mt. Airy.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Presentation](#)
- END OF PUBLIC HEARING**
12. [202301724](#) **MOTION**, submitted by Councilmember Owens, As part of the ongoing efforts to expand renter properties through the Cincinnati Tenants Bill of Rights, **WE MOVE** for the City Administration to update the Housing Provider and Tenant Education Initiatives that have been previously conducted. (BALANCE ON FILE IN THE CLERK’S OFFICE).
- Sponsors:** Owens
- Attachments:** [Motion](#)

13. [202301731](#) **MOTION**, submitted by Councilmember Owens, **WE MOVE** that the Administration conduct strategic engagement with residents of Cincinnati to collect feedback on the drafted “Tenant’s Guide.” The engagement period should be at least ninety (90) days and include distribution of the Guide to a diverse range of tenants, housing providers, community stakeholders and partners; public-facing survey(s); and focus groups. (BALANCE ON FILE IN THE CLERK’S OFFICE) (STATEMENT ATTACHED)
- Sponsors:** Owens
- Attachments:** [Motion](#)
14. [202301710](#) **MOTION**, submitted by Councilmember Owens and Vice Mayor Kearney, **WE MOVE** that the City Administration conduct a city-wide survey to determine residents’ awareness, understanding, and views on the “Renter’s Choice” legislation that was passed by Council in 2020. The Administration should additionally engage with the City’s renter and housing provider stakeholders on this subject. The survey should be available for a minimum of thirty (30) days or longer. (BALANCE ON FILE IN THE CLERK’S OFFICE) (STATEMENT ATTACHED)
- Sponsors:** Owens and Kearney
- Attachments:** [Motion](#)
15. [202301745](#) **MOTION**, submitted by Councilmembers Owens and Harris, As part of the ongoing efforts to expand renter protections through the Cincinnati Tenants Bill of Rights, **WE MOVE** that City Administration create a short, concise, and simple document entitled “Guide to Housing Providers’ Rights, Responsibilities, and Resources” (“Guide”) to serve as a companion document to the “Tenants’ Guide.” The Rights and Responsibilities should include the information from Cincinnati Municipal Code Section 871-9 (Obligations of Landlords and Tenants) and any other relevant Federal, State, or Local Laws. The Resources should include information and contact information for landlord resources, organizations, or programs offered through the City of Cincinnati or other local organizations, such as the Housing Provider Training, Buildings, and Inspections information, etc.
- Sponsors:** Owens and Harris
- Attachments:** [Motion](#)
16. [202301717](#) **MOTION**, submitted by Councilmembers Owens and Walsh, As part of the ongoing efforts to expand renter protections through the Cincinnati Tenants Bill of Rights, **WE MOVE** for the City of Cincinnati Administration to provide a report that assesses the administrative feasibility of implementing additional renter protections through the City’s available development incentives, including the Residential and / or Property Tax Abatement Program; Notice of Funding Availability Program; the Fund of Funds administered by the Cincinnati Development Fund; and any other forces of City influence that are permissible under O.R.C. 5321.19. (BALANCE ON FILE IN THE CLERK’S OFFICE) (STATEMENT ATTACHED)
- Sponsors:** Owens and Walsh
- Attachments:** [Motion](#)

ADJOURNMENT

June 1, 2023
202301519

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: Ordinance for the Rezoning of 1670 Cooper Street in Northside

Transmitted is an Ordinance captioned:

AMENDING the official zoning map of the City of Cincinnati to rezone certain real property located at 1670 Cooper Street in the Northside neighborhood from the MG, “Manufacturing General,” zoning district to the CN-P, “Commercial Neighborhood-Pedestrian,” zoning district to permit the construction of a three-story residential multi-family development.

The City Planning Commission recommended approval of the zone change at its April 21, 2023 meeting.

Summary:

The petitioner, PLK Communities, requests a zone change for the property located at 1670 Cooper Street in Northside. The current zoning is Manufacturing General (MG), and the applicant is pursuing the change to Commercial Neighborhood – Pedestrian (CN-P). The property currently consists of vacant rail property and is 1.538 acres in size. The surrounding properties include manufacturing businesses, multi-family residences, and other vacant properties.

This proposed zone change will allow the applicant to construct the future development of a 3-story multi-family residential building with parking and a swimming pool.

The City Planning Commission recommended the following on April 21, 2023, to City Council:

APPROVE the proposed zone change from Manufacturing General (MG) to Commercial Neighborhood – Pedestrian (CN-P) at 1670 Cooper Street in Northside.

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

AMENDING the official zoning map of the City of Cincinnati to rezone certain real property located at 1670 Cooper Street in the Northside neighborhood from the MG, “Manufacturing General,” zoning district to the CN-P, “Commercial Neighborhood–Pedestrian,” zoning district to permit the construction of a three-story residential multi-family development.

WHEREAS, PLK Cooper, LLC, an Ohio limited liability company (“Petitioner”), has petitioned to rezone certain real property located at 1670 Cooper Street in the Northside neighborhood (“Property”) from the MG, “Manufacturing General,” zoning district to the CN-P, “Commercial Neighborhood–Pedestrian,” zoning district; and

WHEREAS, the Petitioner desires to construct a three-story residential multi-family development containing 105 studio apartment units; and

WHEREAS, a zone change is necessary to permit the residential multi-family development because the current MG, “Manufacturing General,” zoning district does not permit residential multi-family uses; and

WHEREAS, the proposed zone change is consistent with Plan Cincinnati (2012), particularly the Live goal to “[p]rovide a full spectrum of housing options and improve housing quality and affordability” as described on page 164; and

WHEREAS, the proposed zone change is consistent with the Northside Comprehensive Land Use Plan Update (2014), particularly the goal to “[m]ake zoning changes where appropriate to accommodate new land uses, and ensure that the zoning in the southern part of the neighborhood is flexible enough to allow housing, light industrial, office, studio, and retail uses to coexist in the same blocks and buildings” as described on page 64; and

WHEREAS, at its regularly scheduled meeting on April 21, 2023, the City Planning Commission determined that the proposed zone change is in the interest of the public’s health, safety, morals, and general welfare, and it recommended rezoning the Property from the MG, “Manufacturing General,” zoning district to the CN-P, “Commercial Neighborhood–Pedestrian,” zoning district; and

WHEREAS, a committee of Council held a public hearing on the proposed rezoning of the Property following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved rezoning the Property, finding it in the interest of the public’s health, safety, morals, and general welfare; and

WHEREAS, Council resolves to rezone the Property from the MG, “Manufacturing General,” zoning district to the CN-P, “Commercial Neighborhood–Pedestrian,” zoning district, finding it to be in the interest of 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 the shape and area of the City of Cincinnati’s official zoning map in the location of the real property located at 1670 Cooper Street in the Northside neighborhood, shown on the map attached hereto as Attachment “A” and incorporated by reference, and being more particularly described on the legal description contained in Attachment “B” attached hereto and incorporated herein by reference, is hereby amended from the MG, “Manufacturing General,” zoning district to the CN-P, “Commercial Neighborhood–Pedestrian,” zoning district.

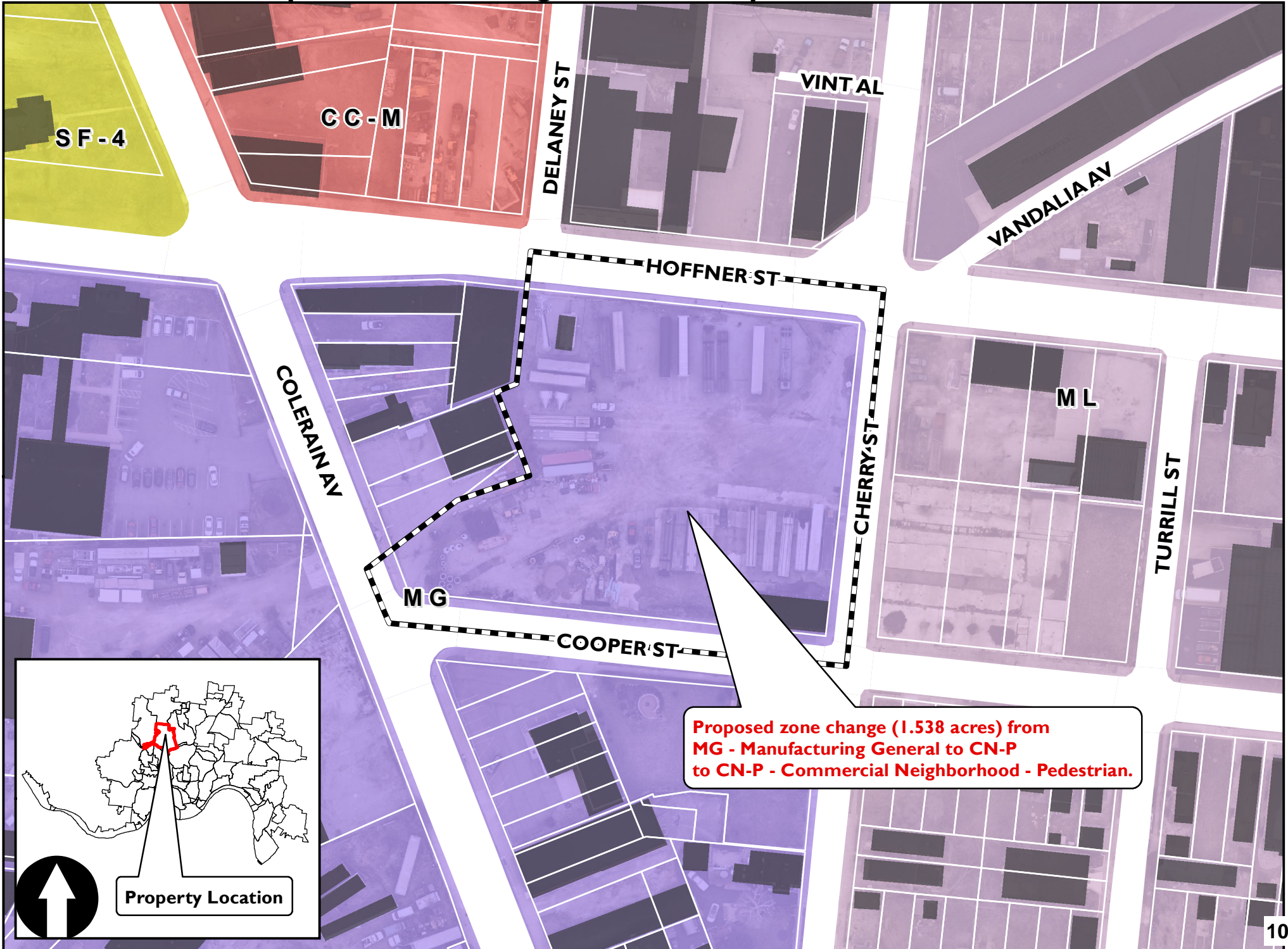
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Proposed Zone Change at 1670 Cooper Street in Northside



LEGAL DESCRIPTION

May 18, 2023

Situate in Section 27, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of Lots 40 and 43, all of Lots 39, 44 thru 47, 51 and 306 thru 312 of E. Knowlton's Subdivision as recorded in Plat Book 1, Page 226 and being part of a tract conveyed to PLK Cooper, LLC (O.R. 14226, Pg. 2347) and being more particularly described as follows:

Beginning at the intersection of the centerlines of Hoffner Street, 60' R/W and Cherry Street, 40' R/W; thence with the centerline of said Cherry Street, South $00^{\circ}26'15''$ West, 300.00 feet to the centerline of Cooper Street, 50' R/W; thence with the centerline of said Cooper Street, North $89^{\circ}31'40''$ West, 372.71 feet to the centerline of Colerain Avenue, 60' R/W; thence with the centerline of said Colerain Avenue, North $26^{\circ}40'00''$ West, 28.71 feet to the southeasterly line of a tract conveyed to GNE, LLC (O.R. 8536, Pg. 3480) extended to the centerline of Colerain Avenue; thence with the southeasterly line of a tract conveyed to GNE, LLC (O.R. 8536, Pg. 3480) as so extended, the following three courses, North $44^{\circ}53'46''$ East, 91.71 feet to an existing iron pin; thence North $63^{\circ}20'00''$ East, 62.99 feet to an existing iron pin; thence North $26^{\circ}40'00''$ West, 78.00 feet to an existing iron pin; thence with southeasterly line of a tract conveyed to Brian Johnson (O.R. 12705, Pg. 156), the following two courses, North $63^{\circ}20'00''$ East, 16.24 feet to an existing iron pin; thence North $02^{\circ}14'36''$ West, 103.51 feet to the centerline of said Hoffner Street; thence with the centerline of said Hoffner Street, South $89^{\circ}31'40''$ East, 291.40 feet to the Place of Beginning. Containing 2.135 Acres. Bearings based on P.B. 277, Pg. 33. Subject to all legal highways, easements, and restrictions of record.

Honorable City Planning Commission
Cincinnati, Ohio

SUBJECT: A report and recommendation on a proposed zone change from Manufacturing General (MG) to Commercial Neighborhood – Pedestrian (CN-P) at 1670 Cooper Street in Northside.

GENERAL INFORMATION:

Location: 1670 Cooper Street, Cincinnati, OH 45223

Petitioner: Nicholas Lingenfelter – PLK Communities
505 E. Galbraith Road, Suite 4100
Cincinnati, OH 45236

Property Owner: PLK Cooper LLC
505 E. Galbraith Road, Suite 4100
Cincinnati, OH 45236

EXHIBITS:

Provided in addition to this report are the following exhibits:

- Exhibit A Location Map
- Exhibit B Zone Change Application
- Exhibit C Zone Change Plat
- Exhibit D Legal Description
- Exhibit E Proposed Development Renderings
- Exhibit F Coordinated Site Review Letter
- Exhibit G Letters of Support
- Exhibit H Additional Correspondence

BACKGROUND:

The petitioner, PLK Communities, is requesting a zone change for the property located at 1670 Cooper Street in Northside. The current zoning is Manufacturing General (MG), and the applicant is pursuing the change to Commercial Neighborhood – Pedestrian (CN-P). The property currently consists of vacant rail property and is 1.538 acres in size. The surrounding properties include manufacturing businesses, multi-family residences, and other vacant properties.

This proposed zone change will allow the applicant to construct the future development of a 3-story multi-family residential building with parking and a swimming pool.

ADJACENT LAND USE AND ZONING:

The subject property is currently zoned Manufacturing General (MG). The zoning and land uses surrounding the subject properties are as follows:

North:

Zoning: Manufacturing Limited (ML)
Existing Use: Wooley Electric Supply Store – electrical supply store

East:

Zoning: Manufacturing Limited (ML)
Existing Use: Doran Transfer & Rigging, Inc. – manufacturing businesses

South:

Zoning: Manufacturing General (MG)
Existing Use: Kessler Construction & Remodeling – manufacturing businesses

West:

Zoning: Manufacturing General (MG)
Existing Use: Businesses and multi-family residences

PROPOSED DEVELOPMENT:

The proposed zone change will allow the future construction of a 3-story multi-family market-rate residential building with parking and a swimming pool. This development is planned to include 105 studio units and 111 parking spaces. Example renderings may be found in Exhibit E.

COORDINATED SITE REVIEW:

The proposed development went through the Coordinated Site Review (CSR) process in December of 2022. Staff from the Department of City Planning and Engagement recognized with the applicant the need for the zone change in order for the proposed development to proceed.

Other departments provided comments regarding future necessary steps in order to move their project forward, such as Cincinnati Fire Department identifying the need of accessible hydrants and Greater Cincinnati Water Works providing information about water mains and permits.

COMMUNITY ENGAGEMENT AND PUBLIC COMMENT:

There was a Public Staff Conference held by the Department of City Planning and Engagement on March 2, 2023 via Zoom. Members of the applicant team and City staff were in attendance with thirteen (13) members from the public as well.

Most of the individuals present were supportive of the zone change itself and the prospect of introducing new housing options into the neighborhood, however the majority was adamantly opposed to the future development as proposed. The concerns brought up included there being too much parking, not enough greenspace or greenery, and the overall design of the development and structure. The residents and adjacent property owners spoke of what they would like to see which included better engagement from the applicant team, increased greenspace, fewer parking spots, a variety of the residential unit options, and better affordability.

Notice of the April 21, 2023 City Planning Commission meeting was sent out to all property owners within 400-feet of the subject property, including the applicant, and the Northside Community Council and Northsiders Engaged in Sustainable Transformation (NEST). Letters of support may be found in Exhibit G and additional correspondence and concerns may be found in Exhibit H.

CONSISTENCY WITH PLANS:

Plan Cincinnati (2012)

The proposed zone change is consistent with the Live Initiative Area of *Plan Cincinnati*, specifically the

Goal to, “Create a more livable community” through the Strategy to “Support and stabilize our neighborhoods” (p. 160). This proposal is additionally consistent with the Goal to “Provide a full spectrum of housing options, and improve housing quality and affordability” (p. 164) and the Strategy to “Offer housing options of varied sizes and types for residents at all stages of life” (p. 169).

This subject property is located within an identified Neighborhood Center through the Guiding Geographic Principles of *Plan Cincinnati* and correlates with the goal to focus revitalization on existing centers of activity (p. 86).

Northside Comprehensive Land Use Plan Update (2014)

The subject proposal is consistent with the Northside Comprehensive Land Use Plan Update (2014) through the following strategies:

- “Focus redevelopment opportunities in the area south of Blue Rock Street for new kinds of commercial, residential, studio and light manufacturing uses and other unique, unconventional live/work spaces” (p. 61 – Compete)
- “Make zoning changes where appropriate to accommodate new land uses, and ensure that the zoning in the southern part of the neighborhood is flexible enough to allow housing, light industrial, office, studio, and retail uses to coexist in the same blocks and buildings” (p. 64 – Compete)
- “Pursue compatible land use and redevelopment opportunities for vacant or underutilized land” (p. 64 – Compete)
- “Create a wide variety of quality housing types for a diverse group of people with mixed incomes” (p. 79 – Live)
- “Work towards ensuring that new development does not displace current residents or property owners” (p. 79 – Live)
- “Continue to develop projects that revitalize under-producing or obsolete spaces by creating a mix of uses that take advantage of existing significant buildings and the unique physical layout of the area” (p. 80 – Live)
- The subject site additionally is identified directly as a future want of mixed-use commercial, office, and/or residential on p. 56.

ANALYSIS:

The current zoning district, Manufacturing General (MG), does not permit residential multi-family uses. The proposed zoning district, Commercial Neighborhood – Pedestrian (CN-P), permits multi-family dwelling units and developments. CN-P districts strive to identify, create, maintain and enhance mixed-use neighborhood commercial centers that reflect smaller-scale, pedestrian-oriented development with continuous street frontage and a mix of commercial and residential uses.

This proposal is situated along a busy corridor and is located just west of the Northside Neighborhood Business District. It is consistent with the existing surrounding zoning districts and built environment. Lastly, this proposal will additionally reactivate vacant property and introduce another housing option for Northside as they are focused on “being a diverse neighborhood that provides great housing choices, a variety of work environments and job opportunities, easy access to recreational greenspace, cultural

and education opportunities that allows one to live an interesting, nurtured and active life close to home” (p. 42 - *Northside Comprehensive Land Use Plan Update*).

The proposed development will need to follow all the Development Regulations for the CN-P zoning district in § 1409-09 of the Zoning Code, otherwise they will need to request zoning relief through the Zoning Hearing Examiner. The proposed development currently provides the necessary number of parking spaces that the Code requires. Concerns brought up about the look of the development itself during the Public Staff Conference are not regulated by the Zoning Code because the subject property does not fall within an Urban Design Overlay District or Local Historic District.

CONCLUSIONS:

The staff of the Department of City Planning and Engagement supports the proposed change in zoning for the following reasons:

1. The proposed zone is consistent with the existing surrounding built environment in regards to allowable uses, building scale, massing, and adjacent zoning districts.
2. It is consistent with *Northside Comprehensive Land Use Plan Update* (2014) through many goals and strategies.
3. It is consistent with *Plan Cincinnati* (2012) within the Live Initiative Area, specifically the Goal to “Provide a full spectrum of housing options, and improve housing quality and affordability” (p. 164).

RECOMMENDATION:

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

APPROVE the proposed zone change from Manufacturing General (MG) to Commercial Neighborhood – Pedestrian (CN-P) at 1670 Cooper Street in Northside.

Respectfully submitted:



Jesse Urbancsik, Senior City Planner
Department of City Planning and Engagement

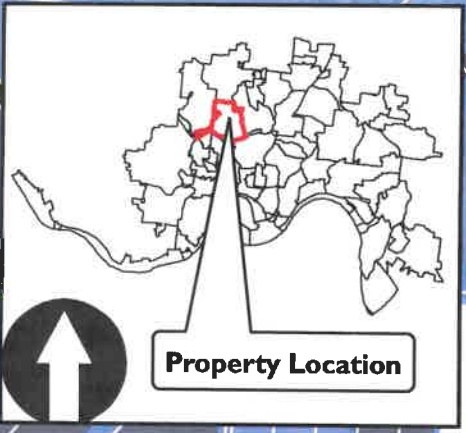
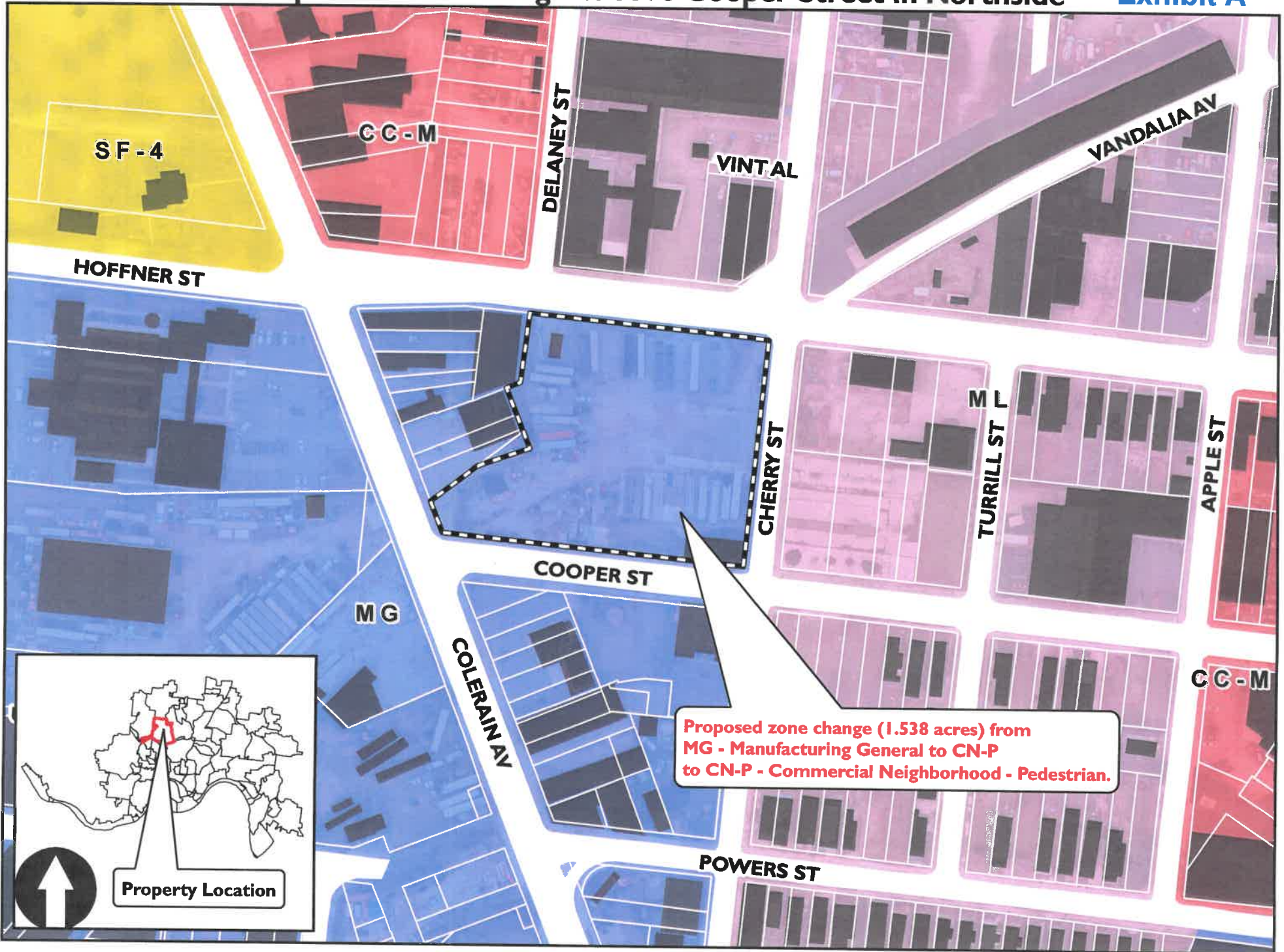
Approved:



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

Proposed Zone Change at 1670 Cooper Street in Northside

Exhibit A



PETITION FOR CHANGE OF ZONING OF PROPERTY
LOCATED IN THE CITY OF CINCINNATI, OHIO

To: The Honorable Council of the City of Cincinnati

Date: 02/07/2023

I hereby request your Honorable Body to amend the Zoning Map of the City of Cincinnati by changing the area described in the attached legal documentation and depicted on the attached plat from the MG Zone District to the CN-P Zone District.

Location of Property (Street Address): 1670 Cooper St. Cincinnati, OH 45223

Area Contained in Property (Excluding Streets): 1.538 acres

Present Use of Property: Vacant surface lot

Proposed Use of Property & Reason for Change: _____

Remediation and subsequent redevelopment to residential of the former rail property

Property Owner's Signature: 

Name Typed: PLK Cooper LLC

Address: 505 E. Galbraith Rd. Suite 4100, Cincinnati, OH Phone: 513-561-5080

Agent Signature: _____

Name Typed: Nicholas Lingenfelter

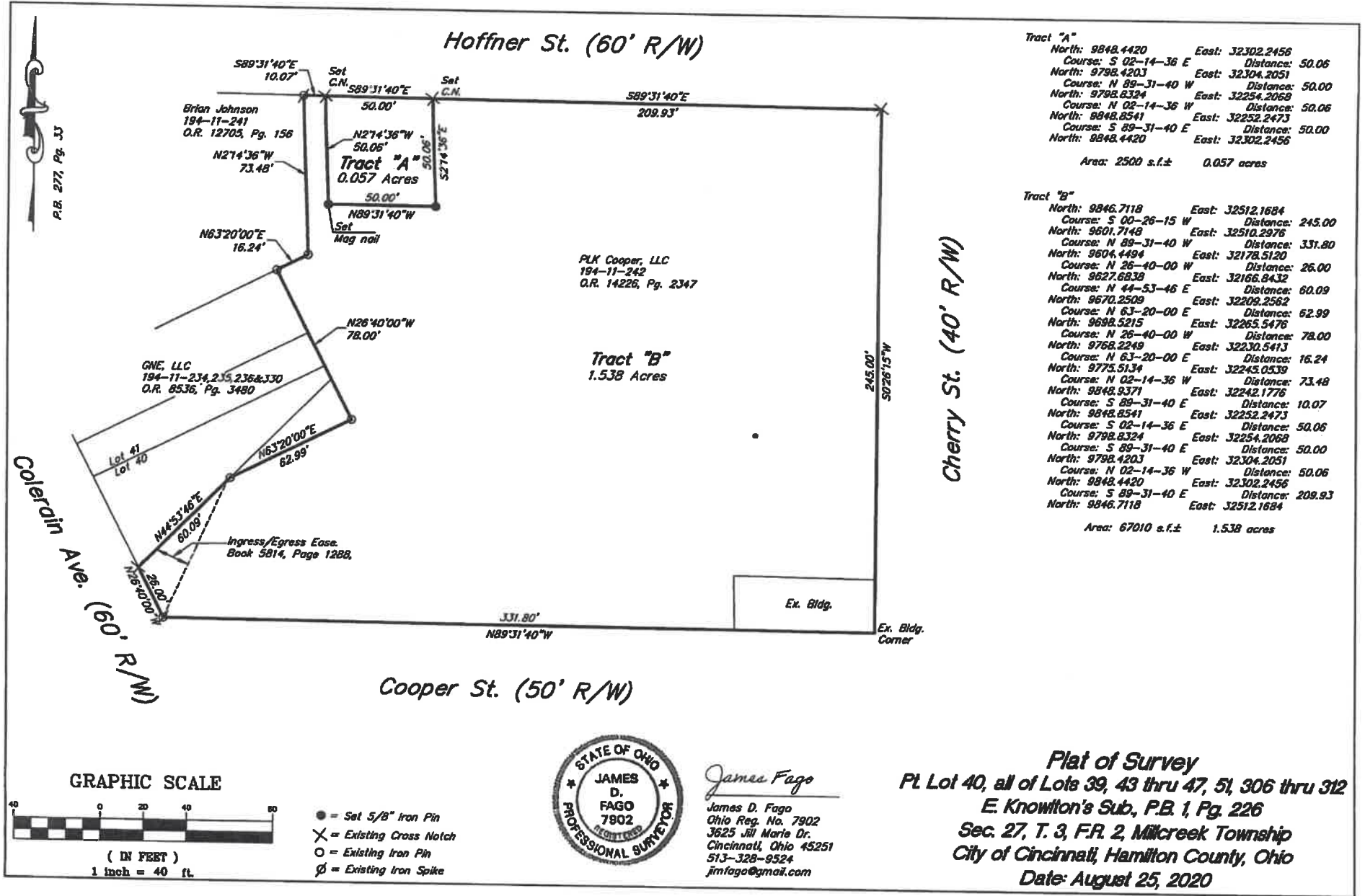
Address: 505 E. Galbraith Rd. Suite 4100, Cincinnati, OH Phone: 513-561-5080

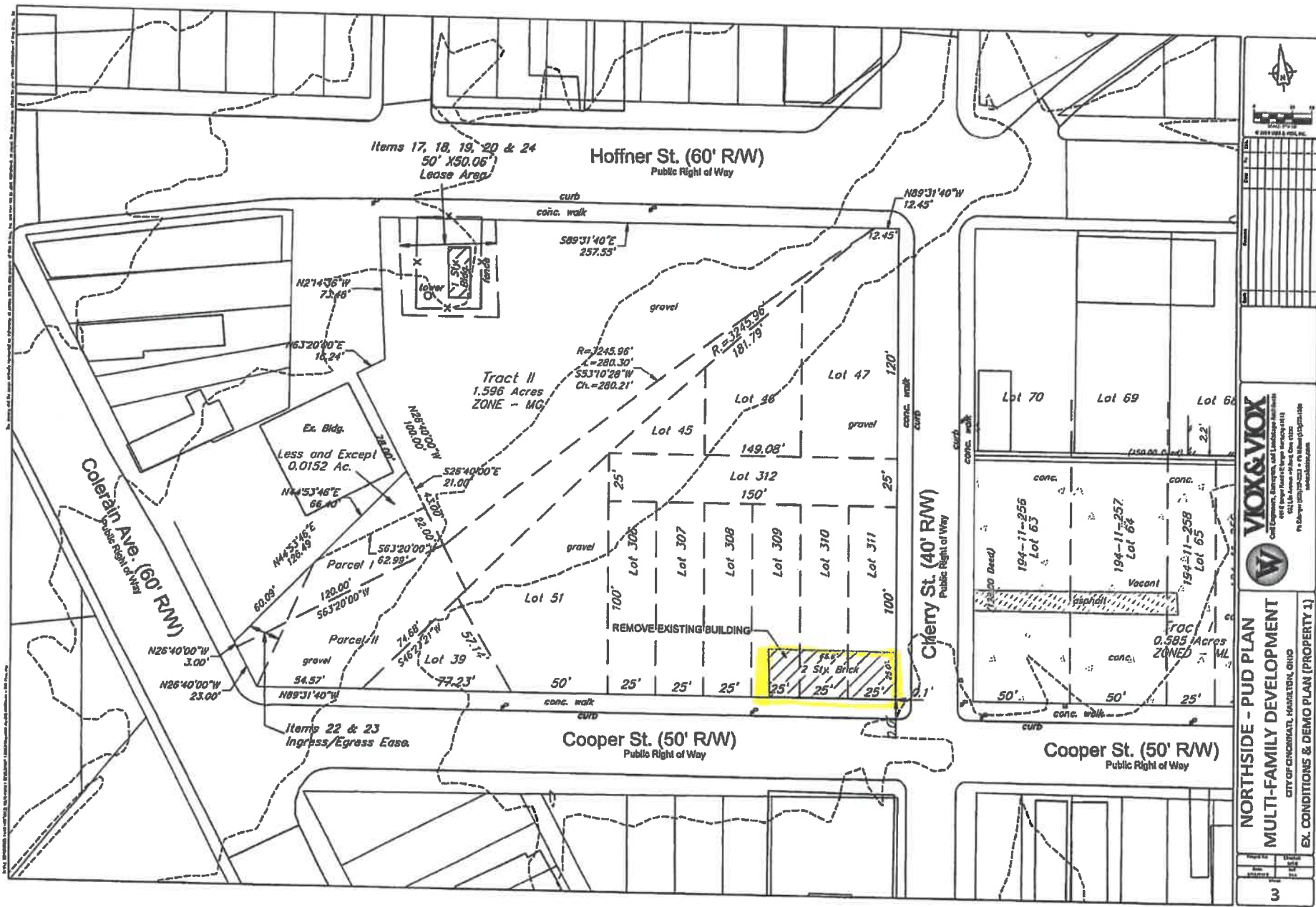
Please Check if the Following Items are Attached

Application Fee X

Copies of Plat X

Copies of Metes and Bounds X





VOX&VOX
 Civil Engineers, Surveyors, and Landscape Architects
 4915 Edgar Road, Columbus, Ohio 43230
 614.891.4444
 www.voxandvox.com

NORTHSIDE - PUD PLAN
MULTI-FAMILY DEVELOPMENT
 CITY OF CINCINNATI - HAMILTON, OHIO
EX. CONDITIONS & DEMO PLAN (PROPERTY 1)

PROCEDURE TO INITIATE A CHANGE OF ZONING

Purpose: This is an abstract of rules and regulations concerning rezoning property in the City of Cincinnati. It has been created as a means of simplifying the explanation of the process and is not the officially adopted rules of the City Council or City Planning Commission. The officially adopted regulations are contained in the City Charter, the Cincinnati Municipal Code, and the City Planning Commission Rules and Procedures.

Initiation of a Zone Change

A request for a change of zoning may be initiated by one of the following methods:

1. Petition to City Council
2. Petition to the City Planning Commission
3. By a member of City Council

The process for each method is outlined below.

1. PETITION TO CITY COUNCIL (City Charter Article VII-6, Cincinnati Municipal Code 111-1).

A property owner, or owners, may petition City Council for a change of zoning on the property. The petition is submitted to the Department of City Planning and Buildings. The following materials are required in the submittal:

- Petition – Two copies of a petition to City Council (attached)
- Description- One hard copy and one digital copy of a metes and bounds description of the area to be rezoned.
- Plat – One hard copy and one digital copy of a plat reproduced from an original drawing (no auditor plats accepted at any scale), not to exceed 30 x 30 inches, at a scale of at least one inch equals on hundred feet (1:100), showing:
 - Street right-of-way lines
 - Existing zone lines
 - The last name of the owner of each property
 - The dimensions of the property being petitioned
 - Area of proposed rezoning shall be shaded in or crosshatched and the zone change stated in the legend.
 - Scale (1:100, 1:50, 1:20)
 - North arrow
- Fee: a non-refundable filing fee of \$1,500.00 for all changes in zoning. Checks should be payable to the “City of Cincinnati.”
- An additional fee of \$3,000 as well as a Concept Plan and Development Program Statement are also required in the event of a Planned Development (PD) District. (See Chapter 1429 of the Cincinnati Zoning Code).

2. PETITION TO CITY PLANNING COMMISSION [Rules and Procedures for the Cincinnati City Planning Commission Article VIII Section 1(B)].

- A. A majority of owners of twelve or more contiguous properties may petition the City Planning Commission for a change of zoning on their property provided that they are all within the zoning district which they desire changed and that they supply the City Planning Commission with the following materials as required by the rules of the Commission.
- A Petition to the City Planning Commission requesting a change of zoning signed by a majority of owners of twelve or more contiguous properties stating the present zone and the requested zone, along with the purpose for the requested change.
 - A plat or map showing the area covered by the petition.
- B. The City Planning Commission may authorize the staff to present a report and recommendation on a proposed change of zoning where no petition exists. The City Planning Commission as an official action of that body must make such authorization.

3. **ZONE CHANGE INITIATED BY A COUNCILMEMBER.** A City Council member may initiate a change of zoning on any property in the City, as an elected member of City Council. Such action or motion is referred to the City Planning Commission under the requirements of the City Charter.

SUMMARY OF ZONE CHANGE PROCESS

After the request is filed:

Preliminary Step: All petitioners are encouraged to discuss the proposed change of zoning with the officially recognized Community Council for the neighborhood in which the change of zoning is requested. Most Community Councils will request a formal presentation and conduct a vote at a meeting of the full Community Council. This can take place any time after the request is filed, and is recommended to occur prior to the recommendation to City Planning Commission. In most cases, this activity occurs between Steps 1 and 2. **A delay in this activity can cause delays further in the process. (Time varies depending on petitioner/Community Council)**

Step 1: Staff Conference (Approximately 2 – 4 weeks)

The staff of the Department of City Planning and Buildings will schedule a Staff Conference to discuss the zone change and gather information. Staff will notify the petitioner, the agent, all property owners within 400 feet of the proposed change, and the local community organization. Interested parties will be invited to attend the Staff Conference or send written statements concerning the proposed change. Notices must be mailed at least 14 days prior to the Staff Conference.

Step 2: City Planning Commission (Approximately 4 – 6 weeks)

A written staff report including the summary, statements, staff analysis, and a recommendation is presented to the City Planning Commission. Notice of the Planning Commission meeting is sent to the petitioner, the agent, all property owners within 400 feet of the proposed change, and the local community organization, as well as all parties who participated in the Staff Conference in person, by phone, email, or in writing. Those persons are given an opportunity to speak to the subject after the staff presentation is made. The City Planning Commission votes to either approve or disapprove the proposed change of zoning.

Step 3: City Council (Approximately 4 – 14 weeks)

Planning staff requests an Ordinance from the Solicitor's Office. *(Ordinance preparation can take 2 – 4 weeks)*. Planning staff transmits City Planning Commission's recommendation along with the Ordinance to City Council and asks for the Clerk of Council to schedule a Public Hearing. The Public Hearing must be scheduled at least 14 days from the date of the first day of publication in the City Bulletin. *(Transmittal and schedule of public hearing can take 2 - 4 weeks)*.

The Neighborhoods Committee of City Council will hold a public hearing on the proposed change. The same persons notified for the Staff Conference and Commission meeting will be notified by the Clerk of Council for the Council hearing. The Neighborhoods Committee will vote and make a recommendation to City Council. This may occur at the public hearing, or if desired by the Chair of the Neighborhoods Committee, at a later meeting. *(Recommendation can take up to two weeks if the item is held until a later calendar date.)*

City Council will make the final decision on all zoning petitions. *(If the City Planning Commission fails to approve a zone change, City Council must have at least a two-thirds vote (6) of all members to overrule such failure to approve and adopt the proposed zone change).*

The zone change goes into effect 30 days after the approval of the Ordinance by City Council. The zoning map is not changed until that time, and no permits can be acted upon for construction or uses that require the new zoning designation. An Ordinance that is approved as an Emergency Ordinance goes into effect immediately.

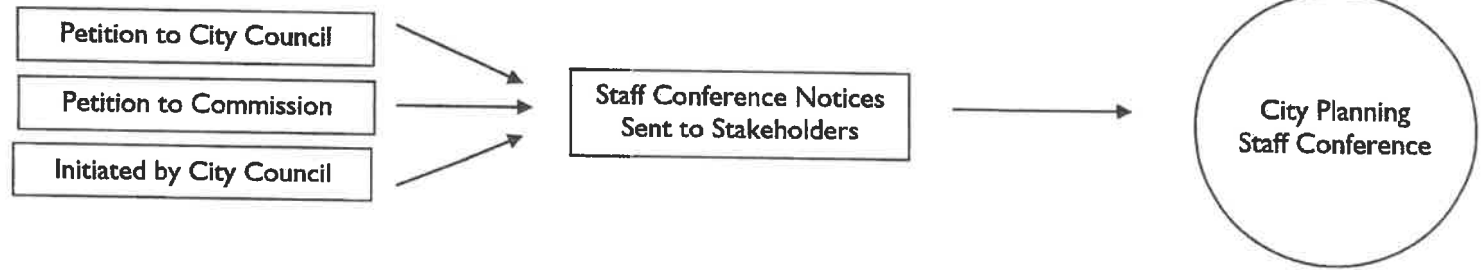
Step 4: Planned Development Districts (Approximately 2 – 6 weeks)

In the event that the change of zoning features a Planned Development (PD) District, the Final Development Plan must be approved by City Planning Commission. A Staff Conference is not required but Community Council notification is.

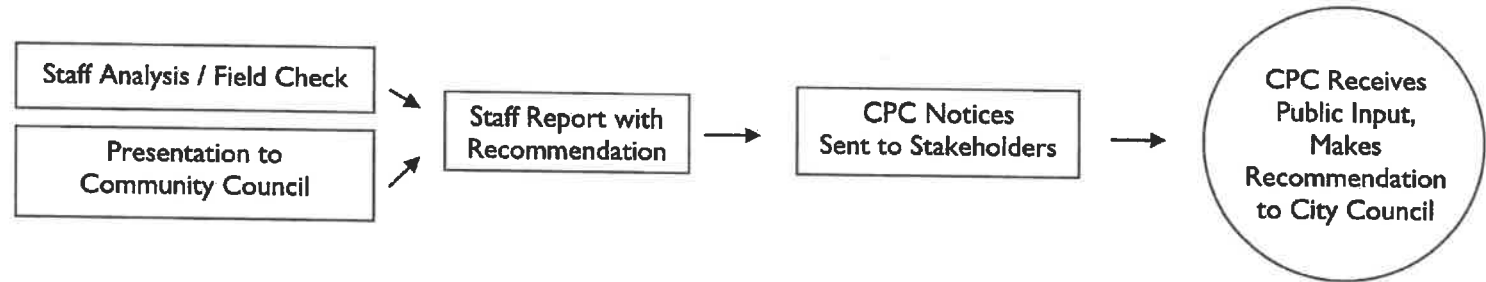
See Attached Application and Flow Chart

City of Cincinnati Zone Change Process

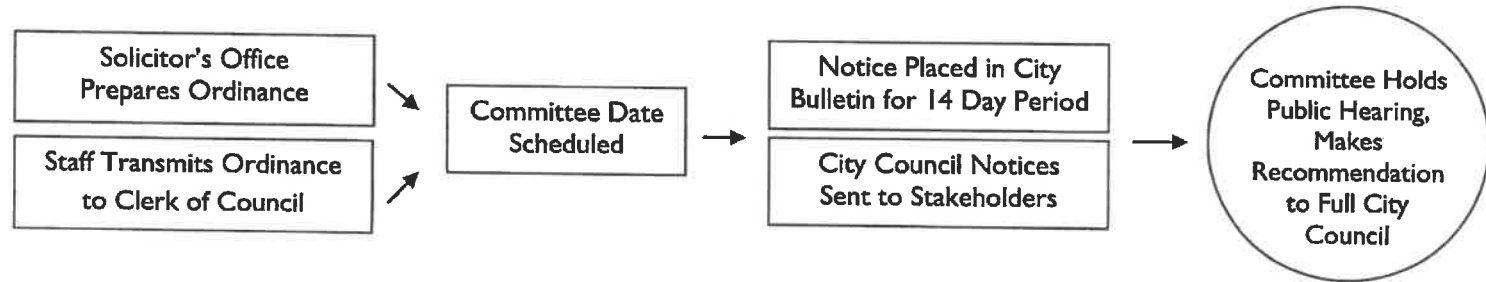
STEP 1: Staff Conference 2 – 4 Weeks



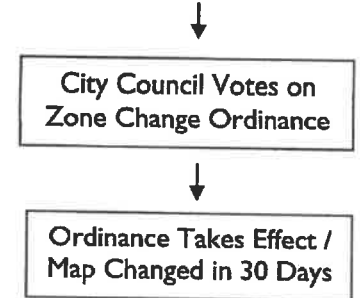
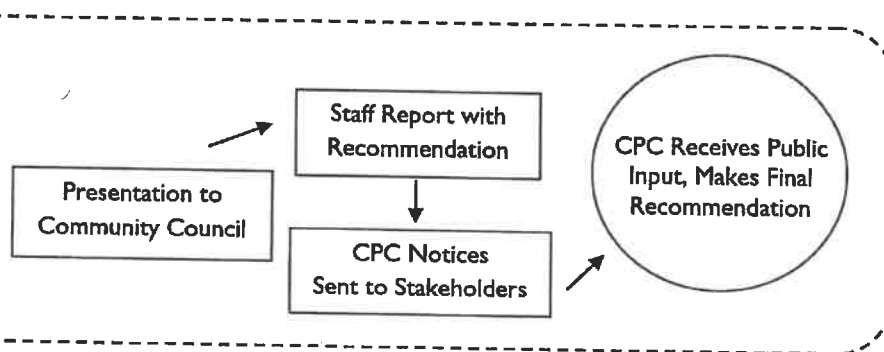
STEP 2: City Planning Commission 4 – 6 Weeks



STEP 3: City Council 4 – 14 Weeks



STEP 4: (If Required) PD District 2 – 6 Weeks



LEGAL DESCRIPTION**Tract "A"****August 25, 2020**

Situate in Section 27, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of Lot 43 of E. Knowlton's Subdivision as recorded in Plat Book 1, Page 226 and being part of a tract conveyed to PLK Cooper, LLC (O.R. 14226, Pg. 2347) and being more particularly described as follows:

Commencing at an existing cross notch at the intersection of the south line of Hoffner Street, 60' R/W and the west line of Cherry Street, 40' R/W; thence with the south line of said Hoffner Street, North 89°31'40" West, 209.93 feet to a set cross notch being the Place of Beginning; thence with a new division line the following three courses; South 02°14'36" East, 50.06 feet to a set 5/8" iron pin; thence North 89°31'40" West, 50.00 feet to a set Mag nail; thence North 02°14'36" West, 50.06 feet to a set cross notch in the south line of said Hoffner Street; thence with the south line of said Hoffner Street, South 89°31'40" East, 50.00 feet to the Place of Beginning. Containing 0.057 Acres. Bearings based on P.B. 277, Pg. 33. 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.

LEGAL DESCRIPTION

Tract "B"

August 25, 2020

Situate in Section 27, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of Lots 40 and 43, all of Lots 39, 44 thru 47, 51 and 306 thru 312 of E. Knowlton's Subdivision as recorded in Plat Book 1, Page 226 and being part of a tract conveyed to PLK Cooper, LLC (O.R. 14226, Pg. 2347) and being more particularly described as follows:

Beginning at an existing cross notch at the intersection of the south line of Hoffner Street, 60' R/W and the west line of Cherry Street, 40' R/W; thence with the west line of said Cherry Street, South $00^{\circ}26'15''$ West, 245.00 feet to an existing building corner at the intersection of the west line of said Cherry Street and the north line of Cooper Street, 50' R/W; thence with the north line of said Cooper Street, North $89^{\circ}31'40''$ West, 331.80 feet to an existing iron spike; thence with the east line of Colerain Avenue, 60' R/W, North $26^{\circ}40'00''$ West, 26.00 feet to an existing cross notch; thence with the southeasterly line of a tract conveyed to GNE, LLC (O.R. 8536, Pg. 3480), the following three courses, North $44^{\circ}53'46''$ East, 60.09 feet to an existing iron pin; thence North $63^{\circ}20'00''$ East, 62.99 feet to an existing iron pin; thence North $26^{\circ}40'00''$ West, 78.00 feet to an existing iron pin; thence with southeasterly line of a tract conveyed to Brian Johnson (O.R. 12705, Pg. 156), the following two courses, North $63^{\circ}20'00''$ East, 16.24 feet to an existing iron pin; thence North $02^{\circ}14'36''$ West, 73.48 feet to an existing iron spike in the south line of said Hoffner Street; thence with the south line of said Hoffner Street, South $89^{\circ}31'40''$ East, 10.07 feet to a set cross notch; thence with a new division line the following three course, South $02^{\circ}14'36''$ East, 50.06 feet to a set Mag nail; thence South $89^{\circ}31'40''$ East, 50.00 feet to a set 5/8" iron pin; thence North $02^{\circ}14'36''$ West, 50.06 feet to a set cross notch in the south line of said Hoffner Street, thence with the south line of said Hoffner Street, South $89^{\circ}31'40''$ East, 209.93 feet to the Place of Beginning. Containing 1.538 Acres. Bearings based

on P.B. 277, Pg. 33. 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.



HOFFNER ST.

EXISTING
CELL TOWER

ART DISPLAYS
PAR PROJECTS
COLLABORATION

PROPOSED BUILDING

CHERRY ST.

COOPER ST.

TRUCK LOT DEVELOPMENT:
1670 COOPER STREET.
CINCINNATI, OH 45223



COOPER STREET VIEW



CHERRY STREET VIEW



December 9, 2022

Mr. Nicholas Lingenfelter
5905 E. Galbraith Road, Suite 4100
Cincinnati, Ohio 45236

Re: 1670 Cooper Street | Cooper Multi-family Development (D) – (CPRE220072) Final Recommendations

Dear Mr. Lingenfelter,

This letter is to inform you that our CSR Advisory-TEAM and CSPRO Committee has reviewed your proposed project at **1670 Cooper Street** in the Community of Northside. It is my understanding that you are proposing to construct a new self-storage facility. The information provided is the recommendations of the City of Cincinnati and must be followed as you move forward with your project. As a reminder, we will have a **WebEx conference call meeting** with you on **December 13, 2022 @ 1:30 pm** to discuss this information. Please see the feedback listed below. Thank you for developing within the City of Cincinnati.

City Planning & Engagement – Planning Division

Immediate Requirements to move the project forward:

1. The PD Planned Development Process: consists of:
 - Application and plans need to be submitted (including fee)
 - Staff Conference (3–4-week process)
 - City Planning Commission (4-6 weeks)
 - Equitable Growth & Housing Committee/City Council (4-14 weeks)
 - Final Development Plan (unless submitted concurrently) (2-6 weeks)
2. More information regarding the PD Process may be found here:
https://library.municode.com/oh/cincinnati/codes/code_of_ordinances?nodeId=TIXIZOC_OCI_CH1429PLDEDI
3. Staff comments regarding the proposed PD:
 - Does not meet the 2-acre minimum
 - Need landscaping and landscaping plan
 - Open space plan
 - Too much parking on the site
4. PDs should encourage common open space (gathering areas, walkways, buffering, fencing, etc.) and provide for maintenance.
5. Staff recommends meeting with Department staff before officially submitting for the zone change.

Requirements to obtain permits:

- None

Recommendations:

1. It is highly recommended to reach out and share these plans to the adjacent property owners and the Northside Community Council.

Contact:

- **Jesse Urbancsik** | City Planning | 513-352-4843 | jesse.urbancsik@cincinnati-oh.gov

City Planning & Engagement – Zoning Division

Immediate Requirements to move the project forward:

1. The proposed multi-family use is not a permitted use in the MG zone. The applicant has indicated that re-zoning to accommodate the use is part of their plan and thus continuing the discussion about re-zoning with the City Planning staff is recommended. A PD may be the best option to avoid variances that would be required for other zoning district options.

Requirements to obtain permits:

- None

Recommendations:

- None

Contact:

- **Wes Munzel** | ZPE | 513-352-2442 | weston.munzel@cincinnati-oh.gov

Metropolitan Sewer District (MSD)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Detention will be reviewed by Jeff Chen at jeff.chen@cincinnati-oh.gov or 513-244-1357 per Section 303 of the MSD Rules and Regulations. For additional site storm water requirements within the City of Cincinnati, contact the Stormwater Management Utility (SMU) at 513.591.5050.
2. An approved site utility plan will be required for building to receive approved permit.
3. Your project may change flow to a sewer overflow. Please complete the Request for Availability of Sewer Service Form online. The link to the online form can be found at http://www.msdc.org/customer_care/development_services/index.html Email questions to MSDAvailability@cincinnati-oh.gov

Recommendations

- None

Contact:

- **Jim Wood** | MSD | 513-352-4311 | jim.wood@cincinnati-oh.gov

Stormwater Management Utility (SMU)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Detention
 - o Detention will be under MSD calculations for design.
 - o Submit following documents - detention calculations, drainage map, detailed drawing of Detention Control structure with elevations, detentions shop drawings (manufacturer drawing), major storm calculations / flood routing

2. Storm Requirements
 - o Calculations for storm water conveyance system.
3. Utility Plan
 - o Label all pipes materials
 - o In the public R/W, pipes to be DIP or RCP
 - o Show Top & Invert elevations for all Appurtenances
 - o Show slopes for all pipes
 - o Show downspouts ties to the sewer system. Add note "All downspouts to tie to the sewer system".
 - o Curb cuts: driveway aprons at min. 5' away from SMU inlets, (Cherry St and Hoffner entrance)
 - o Ties into Curb inlets are not permitted.
 - o Easement requirements: if a pipe crosses a private property line, developer must submit separately a "recorded private drainage easement" if applicable.
4. Grading Plan
 - o Grading must show existing and proposed contours
 - o Impervious surfaces are NOT permitted to drain towards adjacent properties.
 - o Contours changes are NOT allowed to push more runoff towards adjacent properties (as compared to pre-development conditions).
 - o Runoff from all pavements must be captured and conveyed to the stormwater system. Only 800 sf of pavement may sheet flow to the public R/W.
5. Erosion & Sediment Control Plan is required.
 - o Refer to link: <https://cincinnati-oh.gov/stormwater/construction-and-design/standards/sediment-and-erosion-control/>
6. SMU Standards Plans Notes is required.
 - o Refer to link: <https://www.cincinnati-oh.gov/stormwater/construction-and-design/standards/smu-standard-plan-notes-april-2022/>
7. SMU will require an As-Built survey at the end of construction. The survey should include the following information:
 - o State Plane Coordinates (N,E) for all MH's and Catch Basins
 - o Inverts and Top elevations for all MHs and Catch Basins
 - o Slopes, sizes, and materials for all storm lines.

Recommendation:

- None

Contact:

- Kevin Gold | SMU | 513-222-3643 | kevin.gold@cincinnati-oh.gov

Water Works

Immediate Requirements to move the project forward:

1. Applicants are required to cover their frontage on Cooper Street with a public water main between Colerain Avenue and Cherry Street. Submit for a Greater Cincinnati Water Works (GCWW) Preliminary Application to extend the water main. Contact Phil Young at 513-591-6567 or Phillip.Young@gcww.cincinnati-oh.gov.
2. GCWW should be able to contribute pipe material per GCWW Rules and Regulations.

Requirements to obtain permits:

1. Before any building permits are approved, the owner/developer will be required to meet all conditions of the approved preliminary application. This generally includes the completion of approved plans, all submittals including environmental report, easement plat, contractor bond and letter of intent.
2. The subject development property has inactive water services from the 6" public water main in Cherry Street and 12" public water main in Hoffner Street:

Address	Branch #	Size
3925 Cherry St.	H-103572	1" - FOD
1675 Hoffner St.	H-238487	1" – FOD

3. If the existing inactive water service branch(es) are not to be used for this project the owner/developer will need to abandon the branch(es) which will require a drawing showing the branch that is to be physically removed from the main. The branch will need to show the branch number. Submit to Phil Young at Phillip.Young@gcww.cincinnati-oh.gov.

Recommendations:

1. Owner(s)/Developer(s) will need to hire a civil engineering company to perform the public water main design work to submit to Phil Young, Greater Cincinnati Water Works.
2. The Owner(s)/Developer(s) will need to hire a Greater Cincinnati Water Works certified licensed and bonded plumber and fire protection company to perform the private water service branch design work and installation.
3. The Owner(s)/Developer(s) must have a licensed plumber and fire protection company that is bonded and certified with GCWW and fill out the Online Branch application <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/> for water service.
4. The applicant will need to contact the GCWW Engineering Records section at 513-591-7855 or records.request@gcww.cincinnati-oh.gov to request mapping and water main information.
5. The applicant's licensed plumber and fire protection company that is bonded and certified with GCWW will determine your water service needs.
6. Please contact Phil Young, Water Works, 513-591-6567, Phillip.Young@gcww.cincinnati-oh.gov for any water main extension questions.

Contact:

- **Rick Roell** | WaterWorks | 513-591-7858 | richard.roell@gcww.cincinnati-oh.gov

Fire Department

Immediate Requirements to move the project forward:

1. A site plan is needed showing 2 readily accessible Fire Hydrants within 400 feet of all sides of your project.
2. The minimum fire flow requirements for Condominiums/Apartment Complex or Dwelling greater than a three-family dwelling is 1,800 gallons/per/minute (GPM) @ 20 pressure/per/square inch (psi) (138Kpa).
3. Emergency Responder Bidirectional Antenna radio required in your building.

Requirements to obtain Permits:

- None

Recommendations:

- None

Contact:

- **Elton B. Britton** | Fire Dept. | 513-357-7596 | elton.britton@cincinnati-oh.gov

Office of Environment and Sustainability (OES)

Immediate Requirements to move forward with project:

- None

Requirements to obtain permits:

1. Commercial waste, including construction and demolition debris, generated during this development project must utilize a City franchised commercial waste collection service per Cincinnati Municipal Code Chapter 730. Additional information can be found at <https://www.cincinnati-oh.gov/oes/commercial-waste-hauler-program/>.
2. If offsite sourced fill is to be placed onsite, then it must receive OES environmental approval when it exceeds 500 cubic yards as per City Municipal Code Chapters 1101 and 1031.
3. This project appears to be requesting funding incentives from the City. Depending on the incentive, this project may require environmental approval from OES.

Recommendations:

1. **In a cursory review of office files there appears to be records of relevance to this development. OES recommends the developer request and review records relative to potential environmental information related on or near the site. These records may be requested through the Freedom of Information Act (FOIA) request to the Office of Environment and Sustainability. Records requests are preferred to be made through the GovQA portal which can be accessed at this link: <https://www.cincinnati-oh.gov/law/public-records/>**
2. The following recommendation is based on State of Ohio requirements:
 - a. Due to the age of the existing site building, asbestos, lead based paint, and other hazardous building materials should be surveyed and, if needed, abatement should be conducted following all applicable state regulations prior to its demolition.
3. The following recommendations are based on adopted City of Cincinnati environmental and sustainability policies:
 - a. The development goal should be to earn at a minimum the LEED Certified rating level.
 - b. Rooftop solar should be considered in the design as a renewable energy source.
 - c. Site parking should include electric vehicle charging stations.
 - d. Site areas designated for trash dumpsters should also have at least equal space designated for recycling dumpsters.
 - e. The use of trees in the landscape design should be included to enhance urban forestry.
 - f. The use of pervious surfaces should be maximized to the extent practical in the design.

Contact:

- **Amanda Testerman** | OES | 513-352-5310 | amanda.testerman@cincinnati-oh.gov

Parks Department (Urban Forestry)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

- None

Recommendations:

- None

Contact:

- **Kurt Kastner** | Urban Forestry | 513-861-9070 | kurt.kastner@cincinnati-oh.gov

Department of Transportation & Engineering (DOTE)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. A Traffic Analysis will be needed. Contact DOTE for requirements.
2. The right of way line needs to be a minimum of 10' behind the curb on all 3 sides of the project.
3. A minimum 10' sidewalk or 5' tree lawn/5' walk is required.
4. Use City standards for driveways and meet required clearances.
5. Remove unused driveway apron and restore to City standards.
6. All curb is to be 6" high and sidewalk to be 2% cross slope.
7. All work in the right of way will require a DOTE permit and needs to meet City standards.
8. Prior to applying for the building permit, contact DTEaddress@cincinnati-oh.gov to have address(es) assigned. Addresses will be assigned based on points of entry/access.

Recommendations:

- None

Contact:

- **Morgan Kolks** | DOTE | 513-335-7322 | morgan.kolks@cincinnati-oh.gov

Buildings & Inspections – Buildings

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. A separate wrecking permit application is required for each building
2. The building must be sprinklered throughout
3. The pool requires a separate building permit application
4. The pool requires approval from the State of Ohio before applying for a permit.

Recommendations:

- None

Contact:

- **Robert Martin** | B&I Plans Exam | 513-352-2456 | robert.martin@cincinnati-oh.gov

Law Department

Immediate Requirements to move the project forward:

1. No comment at this time.

Requirements to obtain permits:

- None

Recommendations:

- None

Contact:

- **Charles Martinez** | Law | 513-352-3359 | charles.martinez@cincinnati-oh.gov

Department of Community & Economic Development (DCED)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

- None

Recommendations:

- None

Contact:

- **Roy Hackworth** | DCED | 513-352-6119 | roy.hackworth@cincinnati-oh.gov

Health Department

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. No need for Health to review project as proposed.

Recommendations:

- None

Contact:

- **Trisha Blake** | Health Dept. | 513-352-2447 | trisha.blake@cincinnati-oh.gov

Police Department

Immediate Requirements to move the project forward:

- None currently.

Requirements to obtain permits:

- No comments.

Recommendations:

- None

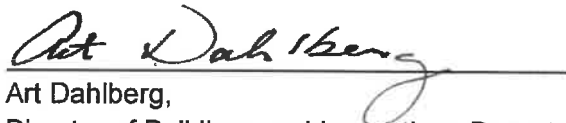
Contact:

- **Katalin Howard** | Police Dept. | 513-352-3298 | katalin.howard@cincinnati-oh.gov
- **Brandon Kyle** | Police Dept. | 513-564-1870 | brandon.kyle@cincinnati-oh.gov

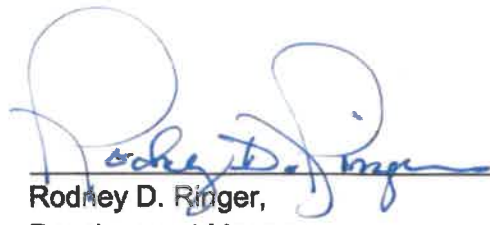
FINAL ACTION: The CSR Advisory-TEAM and CSPRO Committee believes that the proposed project plans are moving in the appropriate direction and recommends that the project move forward to the City Planning Commission subject to the following condition.

- **The subject development must follow the requirements listed above to ensure that the development meets the requirements of all agencies as they apply for all permits.**

Sincerely,

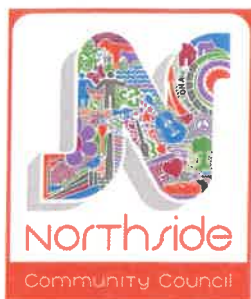


Art Dahlberg,
Director of Buildings and Inspections Department
& CSPRO Committee Chair



Rodney D. Ringer,
Development Manager

AD:RDR:hs



March 23, 2023

Nick Lingenfelter
Chief Development Officer
PLK Communities
5905 E. Galbraith Road, Suite 4100
Cincinnati, OH 45236

Dear Mr. Lingenfelter,

I am writing to express the Northside Community Council's support for the zoning change from Manufacturing General (MG) to Commercial Neighborhood - Pedestrian (CN-P) at 1760 Cooper Street.

On Monday, March 20, 2023, the Northside Community Council, at its monthly meeting of the general council voted 26 in favor, 13 against, and 5 abstentions to pass the following motion:

Motion

We move that the NCC send a letter of support for the zoning change from Manufacturing General (MG) to Commercial Neighborhood - Pedestrian (CN-P) at 1760 Cooper Street, which is consistent with the land use recommendations in the Northside Land Use Plan. We further move that such letter will include the following contingencies:

This letter communicates support for the zoning change but should not be interpreted as support for this specific project in its current form or any variances it may need once it has received rezoning. We have sincere concerns with the specifics of the proposed design of the project, including:

- Placement on the site
- Design / amount of parking
- Building massing
- Lack of green space

We look forward to continuing to work with the developer to improve the project's potential for a more mutually beneficial outcome which best reflects our community's identified priorities and needs.

I am available for any questions and/or concerns most efficiently via email at president@northsidecouncil.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Briana Moss', written over a horizontal line.

Briana (Bree) Moss
President, Northside Community Council
513-402-2733

Urbancsik, Jesse

From: Rota, Matthew (rotamc) <rotamc@UCMAIL.UC.EDU>
Sent: Thursday, March 2, 2023 9:45 AM
To: Urbancsik, Jesse
Subject: [External Email] 1670 Cooper Street rezone

You don't often get email from rotamc@ucmail.uc.edu. [Learn why this is important](#)
External Email Communication

Hi, Jesse -

I wanted to provide support for the rezoning of 1670 Cooper St. Cincinnati, Ohio 45223 to residential. I've lived on Chase Avenue for 5 years. The current zoning of manufacturing is an environmental risk and, honestly, makes that part our neighborhood a blighted eyesore. I strongly believe that rezoning this address to residential will also help address our neighborhood's need for housing and safety.

I strongly encourage the City Planning Commission to support the rezoning of 1670 Cooper St. Cincinnati Ohio 45223 to Residential.

Thank you,
Dr. Rota

Matthew J. Rota, PhD
Assistant Dean for Technology and Innovation
Director, Center for Academic Technology, Educational Resources and Instructional Design
Apple Distinguished Educator

UC, College of Nursing
Office: [513-558-3885](tel:513-558-3885)
[Email: Matthew.Rota@uc.edu](mailto:Matthew.Rota@uc.edu)
Room: 413B Proctor Hall

UC Nurses. We See Leaders.
www.nursing.uc.edu

Urbancsik, Jesse

From: Marianne Simmons <marianne@mariannesimmons.com>
Sent: Thursday, March 2, 2023 9:23 AM
To: Urbancsik, Jesse
Subject: [External Email] Written Support Statement for Cooper St

You don't often get email from marianne@mariannesimmons.com. [Learn why this is important](#)

External Email Communication

Good Morning Jesse,
I'm contacting you via email to submit a written statement of support for the rezoning of 1670 Cooper St Cincinnati, OH 45223 for residential.

As the majority of the Cincinnati population knows, there is a dire need for more housing. While manufacturing is an important part to our ecosystem, I would argue that housing takes precedence.

Residential zoning makes the most sense for that area of Cincinnati and I fully support and encourage the City Planning Commission to rezone 1670 Cooper St to residential.

Thank you!
Marianne Simmons

Urbancsik, Jesse

From: Veigel, Justin (veigeljn) <veigeljn@ucmail.uc.edu>
Sent: Thursday, March 2, 2023 8:52 AM
To: Urbancsik, Jesse
Subject: [External Email] Written Statement of Support - 1670 Cooper St

You don't often get email from veigeljn@ucmail.uc.edu. [Learn why this is important](#)
External Email Communication

Hi, Jesse -

I wanted to send a written statement of support for the rezoning of 1670 Cooper St. Cincinnati, Ohio 45223 to residential. I've lived on Cooper Street for 4 years and the current zoning of manufacturing is an environmental risk to our neighborhood. The current zoning of manufacturing has attracted crime and standing water. Rezoning this address to residential will also help address our Cincinnati's need for additional housing.

I encourage the City Planning Commission to support the rezoning of 1670 Cooper St. Cincinnati Ohio 45223 to Residential.

Thank you,

Justin

Justin W. Veigel, MBA
(He, Him, His)
Director of Admissions & Recruitment
University of Cincinnati
College of Nursing



From: [Urbancsik, Jesse](#)
Sent: Thursday, March 2, 2023 11:04 AM
To: [Barakat, Alcy \(barakaay\)](#)
Subject: RE: [External Email] Written Statement of Support - 1670 Cooper St

Hey Alcy,

Thanks for reaching out. Do you mind if I attach this comment to my staff report?

Thanks!

Jesse Urbancsik | Senior City Planner

City of Cincinnati | Department of City Planning and Engagement
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202
jesse.urbancsik@cincinnati-oh.gov
513-352-4843 | [Facebook](#) | [Twitter](#) | [Website](#) | [Plan Cincinnati](#) | [LinkedIn](#)

Stay up to date with "[Connected Communities](#)"

 [Chat with me on Teams!](#)



From: Barakat, Alcy (barakaay) <barakaay@ucmail.uc.edu>
Sent: Thursday, March 2, 2023 10:57 AM
To: Urbancsik, Jesse <jesse.urbancsik@cincinnati-oh.gov>
Subject: [External Email] Written Statement of Support - 1670 Cooper St

You don't often get email from barakaay@ucmail.uc.edu. [Learn why this is important](#)
External Email Communication

Hello Jesse,

I wanted to send a written statement of support for the rezoning of 1670 Cooper St. Cincinnati, Ohio 45223 to residential. I think the rezoning to residential will help aid our community's need for additional housing and lend to the further development of this neighborhood.

I encourage the City Planning Commission to support the rezoning of 1670 Cooper St. Cincinnati Ohio 45223 to Residential. Thank you your time and attention.

Bearcat Best,

Alcy Barakat, MPH (She/Her)
Senior Admissions Counselor
College of Medicine (COM)
University of Cincinnati



Phone: 513-558-2589 | Text: 513-601-9147

Email: alcy.barakat@uc.edu

Web: <https://med.uc.edu/education/undergraduate-education/public-health/home>





The City of Cincinnati
Department of City Planning and Engagement
805 Central Avenue, Unit 720
Cincinnati, Ohio 45202

To Whom It May Concern:

I own the property known as 3926 Colerain Ave in Cincinnati, Ohio. The property sits at the corner of Colerain Ave and Cooper Street. It has a main entrance on Cooper Street directly across from the property known as 1670 Cooper Street. The property is currently being rented by a roofing and construction company. I am adamantly opposed to the proposed zoning changes at 1670 Cooper Street due to concerns with traffic flow to my property. The ramp being added for highway access already poses a large increase in traffic to the Colerain Ave side of our building. On the main entrance side, Cooper Street, there has already been an increase in parked cars and traffic and a large apartment complex will cause that to increase. Whether I rent to my current tenet or another, the large increase in traffic will make conducting business at this location very difficult and therefore affect my rental income. My current tenet has already informed me that if this zoning change happens, they will have to explore other options as far their location. They have been operating at this location for 30 years and it would be a shame to lose them. Due to the loss income and the traffic issues, I previously outlined, I firmly oppose this zoning change.

Regards,

Verne Peake
President



PEAKE ROOFING
KESSLER CONSTRUCTION
Divisions of Peake Contracting

The City of Cincinnati
Department of City Planning and Engagement
805 Central Avenue, Unit 720
Cincinnati, Ohio 45202

To Whom It May Concern:

I am adamantly opposed proposed zoning changes to 1670 Cooper Street as I believe it would greatly impose on my ability to conduct business at 3926 Colerain Ave. My contracting business, Peake Contracting Inc, operates at the corner of Colerain Ave and Cooper St. Despite our building facing Colerain Ave, the main entrance to our lot is on Cooper Street. Even with the lot next to us, 1670 Cooper Street, vacant we often have difficulties accessing our lot due to the increase in traffic and cars parked on both sides of Cooper Street that we have seen over the last three years. We often have materials delivered as well as trailers that are stored in our lot. We feel that the increase in traffic caused by a multi-unit housing complex would severely hinder our ability to enter and exit our lot as needed and hinder our ability to receive the materials we that are necessary to operate. In addition we foresee the traffic increasing in front of our building due to the new ramp onto I-74. All of this increase will directly affect the efficiency of our operations and the addition of a multi-unit building on Cooper would make it worse. As business owner I believe that this zoning change would negatively impact my ability to do business.

Respectfully,

Justin Peake
Owner

June 1, 2023

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

Dear Members of Council:

We are transmitting herewith an Ordinance captioned as follows:

AMENDING the official zoning map of the City of Cincinnati to rezone certain real property located at 1670 Cooper Street in the Northside neighborhood from the MG, “Manufacturing General,” zoning district to the CN-P, “Commercial Neighborhood-Pedestrian,” zoning district to permit the construction of a three-story residential multi-family development.

The City Planning Commission recommended approval of the zone change at its April 21, 2023 meeting.

Summary:

The petitioner, PLK Communities, requests a zone change for the property located at 1670 Cooper Street in Northside. The current zoning is Manufacturing General (MG), and the applicant is pursuing the change to Commercial Neighborhood – Pedestrian (CN-P). The property currently consists of vacant rail property and is 1.538 acres in size. The surrounding properties include manufacturing businesses, multi-family residences, and other vacant properties. This proposed zone change will allow the applicant to construct the future development of a 3-story multi-family residential building with parking and a swimming pool.

The City Planning Commission recommended the following on April 21, 2023, to City Council:

APPROVE the proposed zone change from Manufacturing General (MG) to Commercial Neighborhood – Pedestrian (CN-P) at 1670 Cooper Street in Northside.

Motion to Approve: Ms. Sesler Seconded: Mr. Weber	Ayes:	Ms. Beltran Mr. Eby Ms. Kearney Mr. Samad Ms. Sesler Mr. Stallworth Mr. Weber
--	-------	---

THE CITY PLANNING COMMISSION



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

June 21, 2023

TO: Members of the Equitable Growth and Housing Committee 202301703

FROM: Sheryl M. M. Long, City Manager

SUBJECT: Presentation – Ordinance – Rezoning of 1670 Cooper Street in Northside

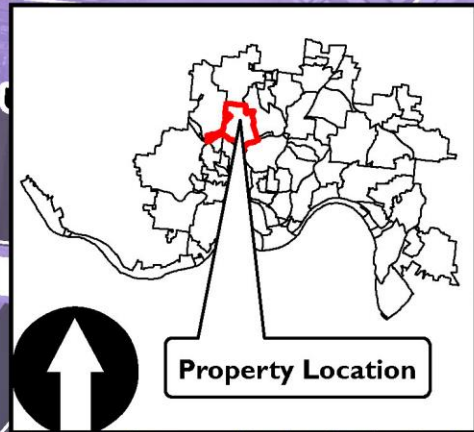
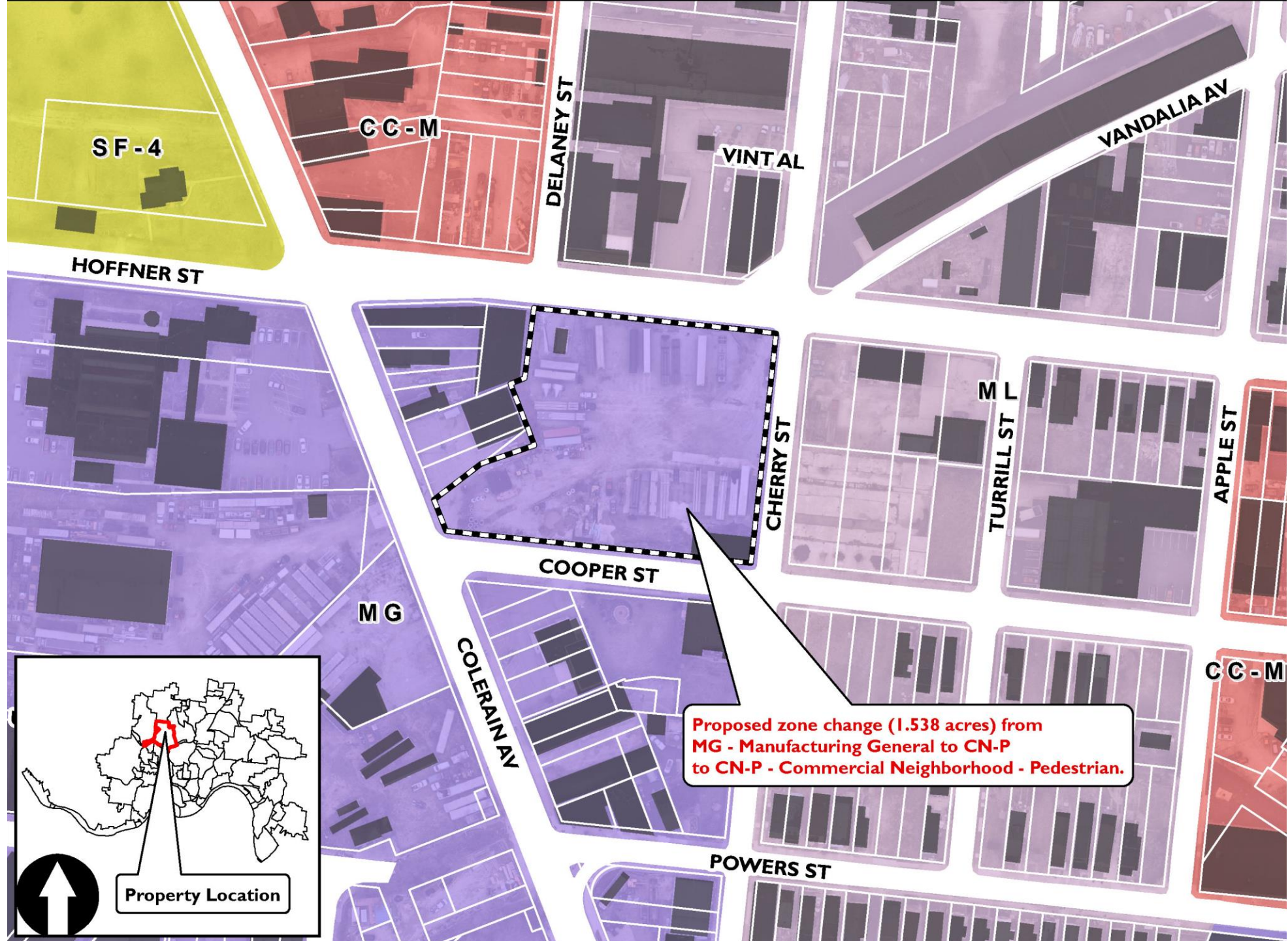
Attached is the presentation for a zone change located at 1670 Cooper Street in the Northside neighborhood from the MG, “Manufacturing General,” zoning district to the CN-P, “Commercial Neighborhood-Pedestrian,” zoning district to permit the construction of a three-story residential multi-family development.

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



Proposed Zone Change at 1670 Cooper Street in Northside

Equitable Growth & Housing Committee
June 21, 2023



Proposed Zone Change

Existing Zoning District:

Manufacturing General (MG)

- *To create, preserve and enhance areas that are appropriate for a wide variety of supporting and **related commercial and manufacturing establishments** that may have the potential to generate off-site impacts.*

Proposed Zoning District:

Commercial Neighborhood – Pedestrian (CN-P)

- *To identify, create, maintain and enhance **mixed-use neighborhood commercial centers** that reflect smaller-scale, pedestrian-oriented development with continuous street frontage and a **mix of commercial and residential uses**.*



HOFFNER ST.

ART DISPLAY:
PAR PROJECTS
COLLABORATION

EXISTING
CELL TOWER

PROPOSED BUILDING

CHERRY ST.

COOPER ST.





COOPER STREET VIEW



CHERRY STREET VIEW

Public Comment

- **Public Staff Conference:** March 3, 2023
 - 13 members of the public in attendance + staff and applicant team
 - Supportive of zone change however multiple concerns regarding future development were brought up
- **Mailed Notification for Staff Conference and City Planning Commission**
 - To property owners within 400' of subject property
- **City Planning Commission Meeting:** April 21, 2023
- **Letter of Support**
 - Northside Community Council + others
- **Letters of Opposition**
 - Exhibit H

Consistency with Plans

Plan Cincinnati (2012)

Live Initiative Area

Goal to “create a more livable community” through the **strategy** to “support and stabilize our neighborhoods”.



Northside Comprehensive Land Use Plan Update (2014)

- “Focus redevelopment opportunities in the area south of Blue Rock Street for new kinds of commercial, residential, studio and light manufacturing uses and other unique, unconventional live/work spaces”
- “Pursue compatible land use and redevelopment opportunities for vacant or underutilized land”
- “Create a wide variety of quality housing types for a diverse group of people with mixed incomes”

Conclusions

- **Proposed zone change would:**

- Be consistent with the existing surrounding zoning districts and built environment
- Permit the future development of the 3-story multi-family residential building
 - Provides more housing options for the neighborhood and Cincinnati in general

- **Other Conclusions:**

- Consistent with the *Northside Comprehensive Land Use Plan Update (2014)*
- Consistent with *Plan Cincinnati (2012)*

CPC Recommendation

City Planning Commission recommends City Council take the following action:

APPROVE the proposed zone change from Manufacturing General (MG) to Commercial Neighborhood – Pedestrian (CN-P) at 1670 Cooper Street in Northside.

June 21, 2023

To: Mayor and Members of City Council 202301580
From: Sheryl M. M. Long, City Manager
Subject: Ordinance – Proposed zone change at 2133 Ravine Street from PR to SF-2 in Over-the-Rhine

Transmitted is an Ordinance captioned:

AMENDING the official zoning map of the City of Cincinnati to rezone certain property located at 2133 Ravine Street in the Over-the-Rhine neighborhood from the PR, “Park and Recreation,” zoning district to the SF-2, “Single-family,” zoning district to facilitate construction of a single-family home.

Summary

The proposed zone change is for a small vacant lot at the northwest corner of Ravine Street and Conroy Place in Over-the-Rhine. The applicant is requesting the current PR (Park and Recreation) zoning be changed to the adjacent SF-2 zoning (Single-family Residential) for future development of a single-family home. The property is surrounded by single-family zoning and predominantly single-family homes aside from Fairview Park, adjacent to the north.

This property is located within the Over-the-Rhine neighborhood, near the CUF neighborhood, and touches a Hillside Overlay District. Any future development will need to meet the Hillside Overlay regulations. This zone change to SF-2 will provide for a new residential development, hopefully spurring the revitalization of vacant lots in the area. It is a community goal to increase residential uses and homeownership and create a more pedestrian-friendly character to the neighborhood. This site is on the hillside and will provide significant views of the City. It is of no benefit to the City for this parcel to remain zoned Park and Recreation when there is no park located on this small parcel at this address and it is privately-owned. The Over-the-Rhine Community Council is supportive of the zone change.

On June 2, 2023, the City Planning Commission voted unanimously to recommend approval of the zone change at 2133 Ravine Street from Park and Recreation (PR) to Single-family (SF-2) in Over-the-Rhine to City Council.

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



City of Cincinnati

CHM

EESW

An Ordinance No. _____

- 2023

AMENDING the official zoning map of the City of Cincinnati to rezone certain real property located at 2133 Ravine Street in the Over-the-Rhine neighborhood from the PR, “Park and Recreation,” zoning district to the SF-2, “Single-family,” zoning district to facilitate construction of a single-family home.

WHEREAS, Conroy Place, LLC, an Ohio limited liability company (“Petitioner”), has petitioned to rezone certain real property located at 2133 Ravine Street in the Over-the-Rhine neighborhood (“Property”) from the PR, “Park and Recreation,” zoning district to the SF-2, “Single-family,” zoning district; and

WHEREAS, the Property is vacant land and Petitioner desires to build a single-family home on the Property; and

WHEREAS, a zone change is necessary to permit the residential single-family use of the Property because the current PR, “Park and Recreation,” zoning district does not permit residential single-family uses; and

WHEREAS, the proposed zone change from the PR, “Park and Recreation,” zoning district to the SF-2, “Single-family,” zoning district would allow Petitioner to develop and use the Property in a manner that is consistent with adjacent and abutting properties; and

WHEREAS, the proposed zone change is consistent with Plan Cincinnati (2012), including the goal “to provide a full spectrum of housing options and improve housing quality and affordability” as described on page 164; and

WHEREAS, at its regularly scheduled meeting on June 2, 2023, the City Planning Commission determined that the proposed zone change is in the interest of the public’s health, safety, morals, and general welfare, and it recommended rezoning the Property from the PR, “Park and Recreation,” zoning district to the SF-2, “Single-family,” zoning district; and

WHEREAS, a committee of Council held a public hearing on the proposed rezoning of the Property following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved rezoning the Property, finding it in the interest of the public’s health, safety, morals, and general welfare; and

WHEREAS, the Council resolves to rezone the Property from the PR, “Park and Recreation,” zoning district to the SF-2, “Single-family,” zoning district, finding it to be in the interest of 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 the shape and area of the City of Cincinnati's official zoning map in the location of the real property located at 2133 Ravine Street in the Over-the-Rhine neighborhood, shown on the map attached hereto as Attachment A and incorporated herein by reference, and being more particularly described on the legal description contained in Attachment B attached hereto and incorporated herein by reference, is hereby amended from the PR, "Park and Recreation," zoning district to the SF-2, "Single-family," zoning district.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

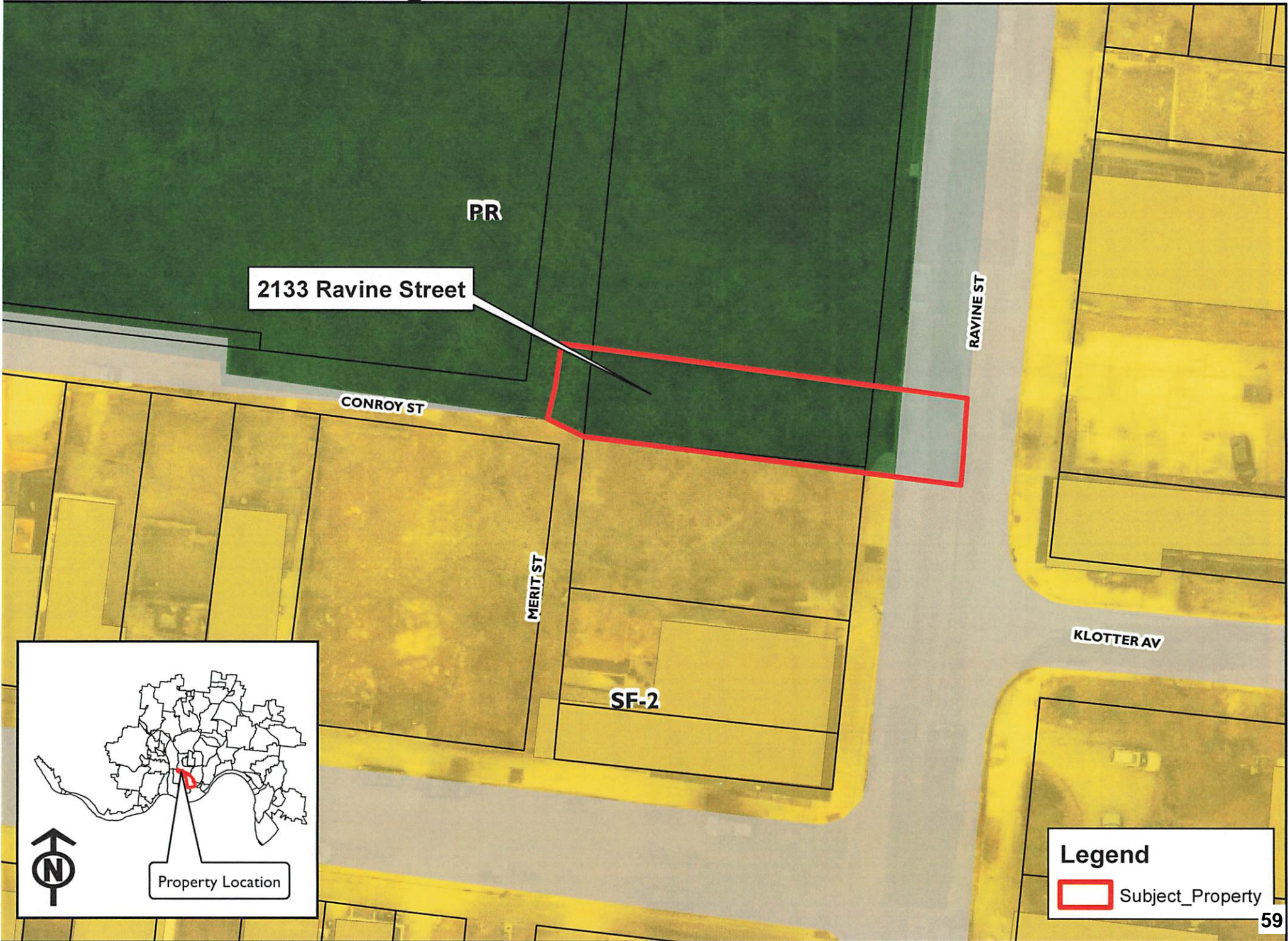
Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

ATTACHMENT A

Zone Change - P- R to SF-2 - 2133 Ravine Street in OTR



Legend
[Red Outline] Subject_Property

ATTACHMENT B

EXHIBIT A

**Legal Description
0.0709 Acre To Be Reclassified**

Situated in Section 19, Town 3, Fractional Range 2 of The Miami Purchase, City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Commencing at the centerline intersection of Klotter avenue and Ravine Street, thence with the centerline of said Ravine Street N 00°00'00" E for a distance of 123.10 feet to the true place of beginning for the following described real estate;

Thence from said true place of beginning N 89°44'00" W for a distance of 123.50 feet to a point in the centerline of a vacated alley;

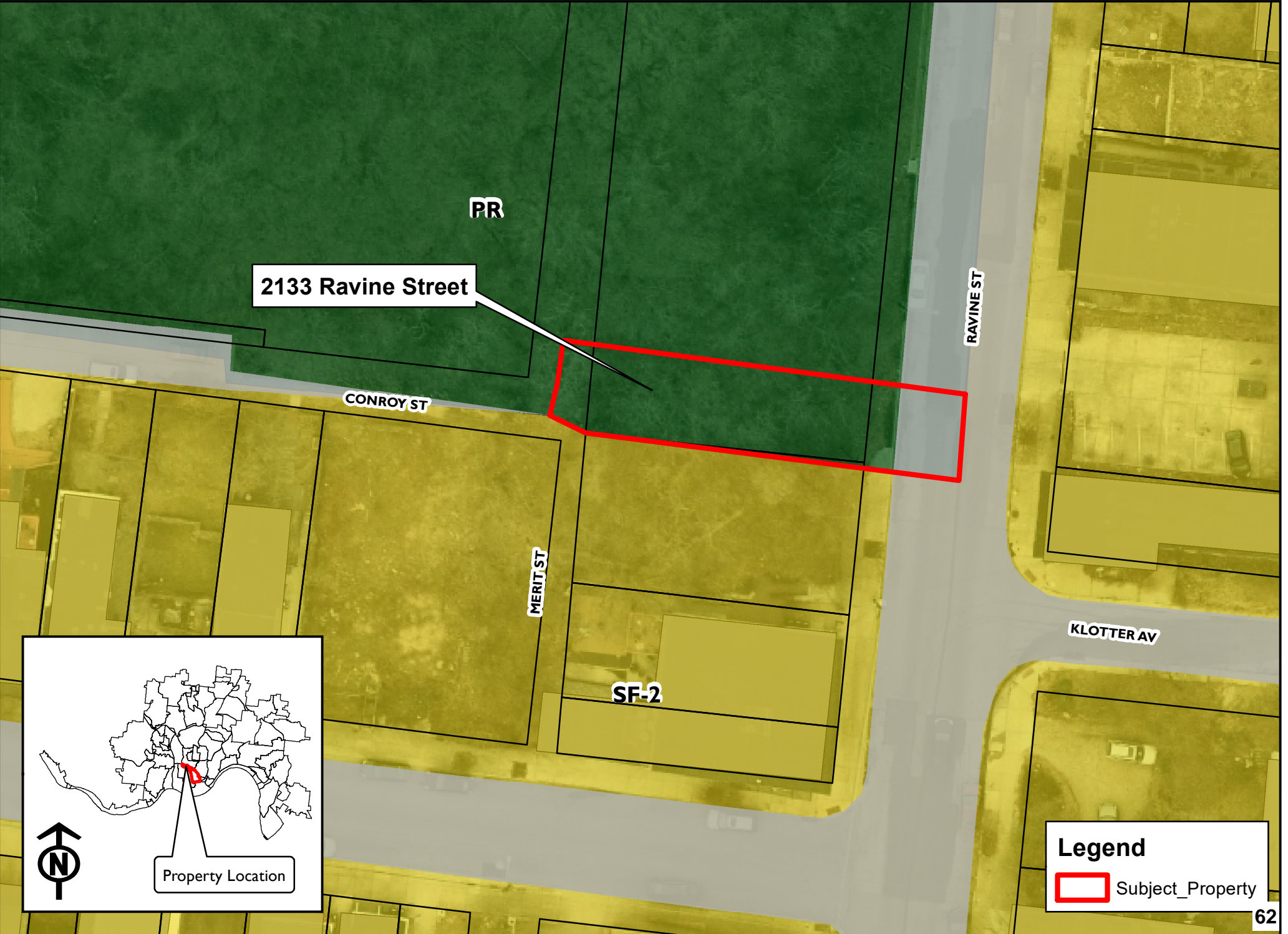
Thence with said centerline N 00°00'00" E for a distance of 25.00 feet to a point;

Thence leaving said centerline, S 89°44'00" E for a distance of 123.50 feet to the centerline of Ravine Street;

Thence with said centerline S 00°00'00" W for a distance of 25.00 feet to the place of beginning, containing 0.0709 acre to be Reclassified

Bearings are based on a survey by Douglas C. Spreen II as recorded in Plat Book 430 Page 63 in the Hamilton County Recorder's Office.

Zone Change - P- R to SF-2 - 2133 Ravine Street in OTR



2133 Ravine Street

PR

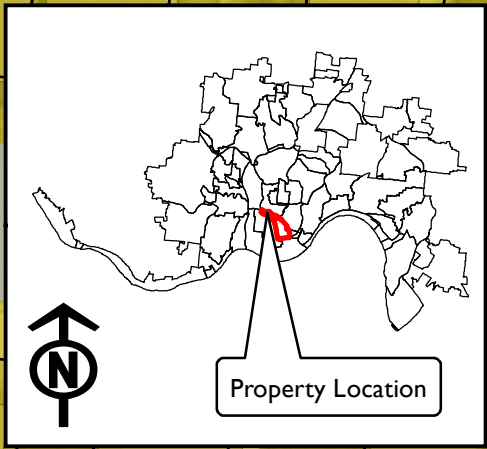
CONROY ST

MERIT ST

RAVINE ST

KLOTTER AV

SF-2



Legend

Subject_Property

EXHIBIT A

**Legal Description
0.0709 Acre To Be Reclassified**

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Commencing at the centerline intersection of Klotter avenue and Ravine Street, thence with the centerline of said Ravine Street N 00°00'00" E for a distance of 123.10 feet to the true place of beginning for the following described real estate;

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Thence with said centerline N 00°00'00" E for a distance of 25.00 feet to a point;

Thence leaving said centerline, S 89°44'00" E for a distance of 123.50 feet to the centerline of Ravine Street;

Thence with said centerline S 00°00'00" W for a distance of 25.00 feet to the place of beginning, containing 0.0709 acre to be Reclassified

Bearings are based on a survey by Douglas C. Spreen II as recorded in Plat Book 430 Page 63 in the Hamilton County Recorder's Office.

Honorable City Planning Commission
Cincinnati, Ohio

June 2, 2023

SUBJECT: A report and recommendation on a proposed zone change from Park and Recreation (PR) to Single-family Residential (SF-2) at 2133 Ravine Street in Over-the-Rhine.

GENERAL INFORMATION:

Owner: Conroy Place, LLC
Owner's address: 2347 Reading Road, Cincinnati, Ohio 45202
Applicant: Sean Suder, Suder, LLC
Applicant's address: 455 Delta Avenue, Suite 203, Cincinnati, Ohio 45226

BACKGROUND:

The proposed zone change is for a small vacant lot at the northwest corner of Ravine Street and Conroy Place in Over-the-Rhine. The applicant is requesting the current PR (Park and Recreation) zoning be changed to the adjacent SF-2 (Single-family Residential) for future development of a single-family home. The property is surrounded by single-family zoning and predominantly single-family homes aside from Fairview Park, adjacent to the north.

ADJACENT LAND USE AND ZONING:

South: SF-2 (Single-family residential)
East: SF-2 (Single-family residential)
North: PR (Park and Recreation)
West: SF-2 (Single-family residential)

ANALYSIS:

This property is located within the Over-the-Rhine neighborhood, near the CUF neighborhood, and touches a Hillside Overlay District. Any future development will need to meet the Hillside Overlay regulations. This zone change to SF-2 will provide for a new residential development, hopefully spurring the revitalization of vacant lots in the area. It is a community goal to increase residential uses and homeownership and create a more pedestrian-friendly character to the neighborhood. This site is on the hillside and will provide significant views of the City. It is of no benefit to the City for this parcel to remain zoned Park and Recreation when there is no park located on this small parcel at this address and it is privately-owned. The Over-the-Rhine Community Council is supportive of the zone change.

PUBLIC COMMENT:

The Department of City Planning and Engagement staff held a public staff conference on May 2, 2023, regarding this proposed zone change. The Over-the-Rhine and CUF community councils, along with property owners within 400 feet of the zone change were notified. One abutting property owner attended and had questions but there were no concerns about the zone change. Attached is a letter of support from a neighboring property owner who could not attend the staff conference.

CONSISTENCY WITH PLANS:

The proposed zone change is consistent with *Plan Cincinnati* (2012) in the Live Initiative Area, which recommends "to provide a full spectrum of housing options and improve housing quality and

affordability” (pg. 164) and “improve the quality and number of moderate to high-income rental and homeowner units” (pg. 165).

This proposal is also consistent with the *Over-the-Rhine Comprehensive Plan* (2002) particularly within the Housing Goal I to “Encourage and welcome new investment at all levels of the housing market and ensure the long-term sustainability of enough affordable housing to house current residents” (page 47).

CONCLUSIONS:

The staff of the Department of City Planning and Engagement supports the proposed change in zoning for the following reasons:

1. A new residential development could increase homeownership in the neighborhood.
2. This development is consistent with the *Over-the-Rhine Comprehensive Plan* (2002) and *Plan Cincinnati* (2012).
3. The site is zoned Park and Recreation but is surrounded by residential zoning and not currently a part of or used as a public park.
4. This zone change will be beneficial to the Over-the-Rhine community.

RECOMMENDATION:

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

APPROVE the proposed zone change from PR (Park and Recreation) to SF-2 (Single-family Residential) at 2133 Ravine Street in Over-the-Rhine.

Respectfully submitted:

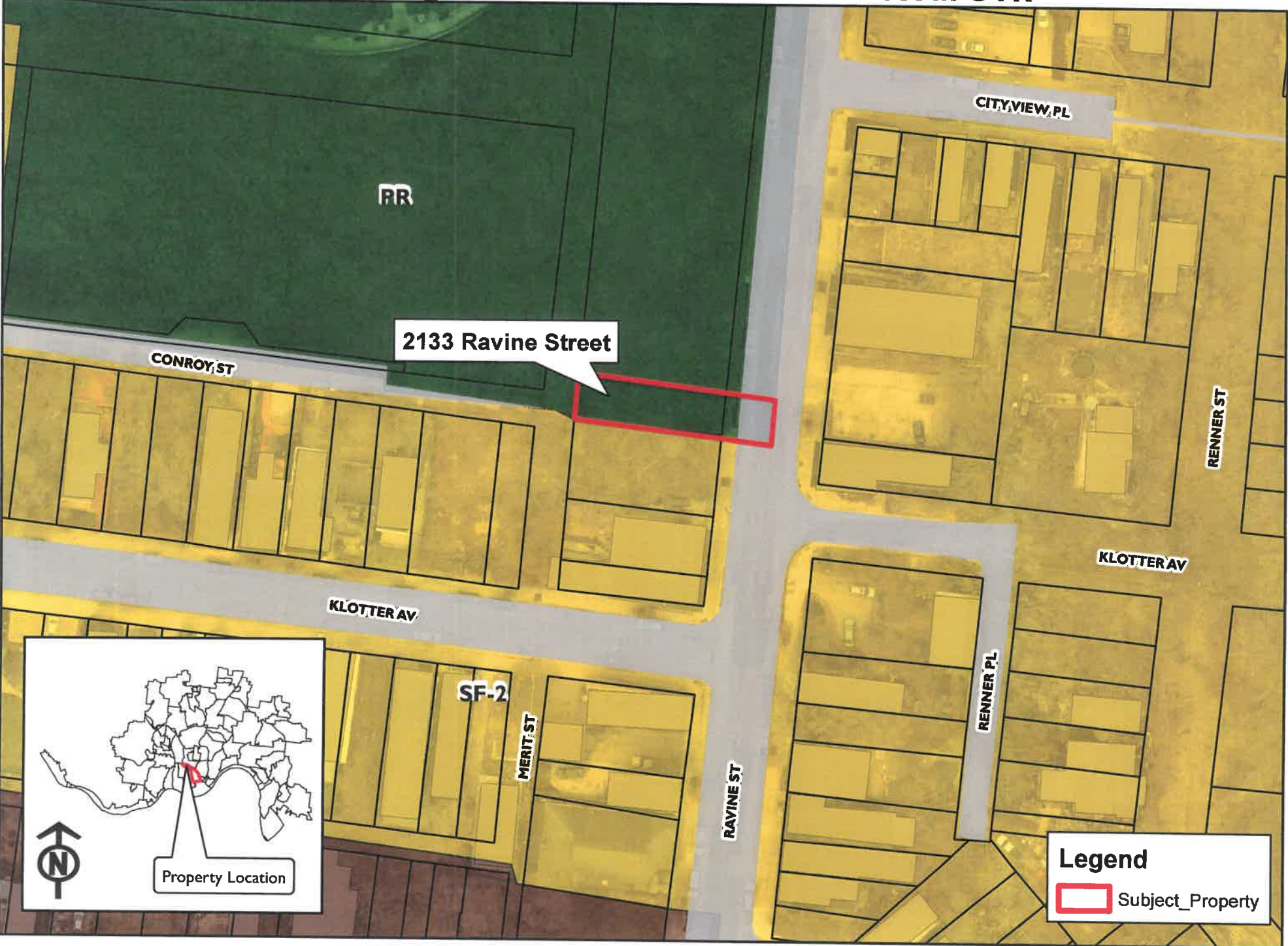
Approved:



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

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

Zone Change - PR to SF-2 - 2133 Ravine Street in OTR



Sean S. Suder, Esq.
J.P. Burleigh, Esq.
455 Delta Avenue
Suite 203
Cincinnati, Ohio 45226
513.694.7500
sean@ssuder.com
jp@ssuder.com

February 23, 2023

VIA HAND DELIVERY, WITH COPY VIA EMAIL (kasandra.maynes@cincinnati-oh.gov)

Department of Buildings & Inspections
c/o Kasandra Maynes
City of Cincinnati
805 Central Avenue, Suite 500
Cincinnati, OH 45202

Re: Petition for Re-Zoning of 2133 Ravine Street, Cincinnati, OH 45214 (the "Property")

Honorable Members of the Planning Commission and City Council,

Please accept this letter in support of the petition for re-zoning of the above-referenced Property from the "PR" Park and Recreation District to the "SF-2" Single-family District. By way of background, the Property is a narrow, undeveloped lot in the neighborhood of Clifton Heights/University Heights/Fairview ("CUF").¹ The Property is on the southern end of CUF, just up the hill from Central Parkway, in an area characterized by single-family homes.

As shown in the attached map from CAGIS (Exhibit B), the dominant zoning designation in this part of CUF is SF-2. The notable carveout from that designation is the classification of PR for the land around Fairview Park Drive. Each parcel in Fairview Park is owned by the City of Cincinnati. The Property at issue is privately owned, is adjacent to the City's property, and is also zoned as PR. One might reasonably wonder whether this designation was accidental: the Property is the only parcel in this cluster of PR zoning that is privately owned and it is the only private parcel in the area to be zoned PR instead of SF-2.²

Whether intentional or not, the City's classification of the Property as PR is manifestly unreasonable. The purposes of the PR district are to "[p]reserve, protect and enhance a system of public parks, parkways, greenspace, and recreation areas [and to p]reserve natural and scenic areas, and protect sensitive natural resource areas."³ This might be appropriate for public parkland, but

¹ A true and accurate legal description of the Property is attached hereto as Exhibit A.

² A true and accurate survey plat depicting street right-of-way lines, existing zone lines, abutting property owners, and dimensions of the Property is attached hereto as Exhibit C.

³ Cincinnati Zoning Code ("CZC") § 1416-01.

it makes no sense for private property in a dense, residential, and largely developed neighborhood. “The substantial value of property lies in its use.”⁴ Although government may restrict that use for the public good, such regulation may not go so far as to deprive a property owner of all economically viable use of his property.⁵ Unfortunately, that is exactly what has occurred here: the PR district allows for no use that would be economically feasible on the Property, including the single-family dwelling use that is permitted on every nearby private parcel.⁶

Changing the Property’s zoning to SF-2 would remedy these legal deficiencies and also serve several important public interests. First, the petitioner would be able to use the Property in the same way as every other private property owner in the area, advancing the City’s interest “[f]oster[ing] convenient, harmonious and workable relationships among land uses.”⁷ Further, because the petitioner plans to build to single-family dwelling on the Property, re-zoning would “[p]rovide opportunities for economic development and new housing.”⁸ The most recent strategic plan for the CUF neighborhood likewise provides as a goal to “develop and maintain quality housing.”⁹

For all these reasons, the petitioner respectfully asks that the Planning Commission recommend, and that the City approve, a change in the Property’s zoning to SF-2. Thank you for your consideration.

Sincerely,



Sean Suder

C: J.P. Burleigh
Chinedum Ndukwe
Daniel Buchenroth
Rebecca Walker

⁴ *Akron v. Chapman*, 160 Ohio St. 382, 388, 116 N.E.2d 697 (1953).

⁵ *Lucas v. S.C. Coastal Council*, 505 U.S. 1003, 1017-18 (1992).

⁶ CZC § 1416-05.

⁷ CZC § 1400-03(c).

⁸ CZC § 1400-03(f).

⁹ *University Impact Area Solutions Study: A Strategic Plan for the Neighborhoods Surrounding the University of Cincinnati*, CITY OF CINCINNATI (2016), [https://www.cincinnati-oh.gov/sites/planning/assets/File/UIASS%20Final%20Approved%20Plan%20\(Web\)%20\(Reduced\)\(1\).pdf](https://www.cincinnati-oh.gov/sites/planning/assets/File/UIASS%20Final%20Approved%20Plan%20(Web)%20(Reduced)(1).pdf), at page 65.

Kellam, Caroline

From: Jim Hautz <jjhautz@gmail.com>
Sent: Tuesday, May 2, 2023 2:59 PM
To: Kellam, Caroline
Subject: [External Email] Re: 2133 Ravine Street - Zone change from PR to SF-2 in OTR

External Email Communication

Thank you for sending the link Caroline,

Unfortunately I have had something personal come up and will not be able to participate. I do want to say that both my wife and I support the zoning change as we feel any development will enhance our neighborhood. We are always glad to hear that properties are seeking improvement whether it be vacant lots or blighted buildings which we are all too familiar with. Unfortunately we have many of the latter described buildings surrounding us and we hope the city will start enforcing the vacant building codes with more force in the future.

Sincerely,

Jim Hautz

On Tue, May 2, 2023 at 12:09 PM Kellam, Caroline <Caroline.Kellam@cincinnati-oh.gov> wrote:



Hi there,

Caroline.Kellam@cincinnati-oh.gov is inviting you to a scheduled Zoom meeting.

[Join Zoom Meeting](#)

One tap
mobile:

US: [+16469313860](tel:+16469313860), [84581603396#](tel:+184581603396) or [+19292056099](tel:+19292056099), [84581603396#](tel:+184581603396)

Meeting
URL:

<https://cincinnati-oh.zoom.us/j/84581603396?pwd=cDljZU8zd1JJTUEyS0N5TIJEM0dRQT09>

June 7, 2023

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

Dear Members of Council:

We are transmitting herewith an Ordinance captioned as follows:

AMENDING the official zoning map of the City of Cincinnati to rezone certain property located at 2133 Ravine Street in the Over-the-Rhine neighborhood from the PR, “Park and Recreation,” zoning district to the SF-2, “Single-family,” zoning district to facilitate construction of a single-family home.

Summary

The proposed zone change is for a small vacant lot at the northwest corner of Ravine Street and Conroy Place in Over-the-Rhine. The applicant is requesting the current PR (Park and Recreation) zoning be changed to the adjacent SF-2 (Single-family Residential) for future development of a single-family home. The property is surrounded by single-family zoning and predominantly single-family homes aside from Fairview Park, adjacent to the north.

This property is located within the Over-the-Rhine neighborhood, near the CUF neighborhood, and touches a Hillside Overlay District. Any future development will need to meet the Hillside Overlay regulations. This zone change to SF-2 will provide for a new residential development, hopefully spurring the revitalization of vacant lots in the area. It is a community goal to increase residential uses and homeownership and create a more pedestrian-friendly character to the neighborhood. This site is on the hillside and will provide significant views of the City. It is of no benefit to the City for this parcel to remain zoned Park and Recreation when there is no park located on this small parcel at this address and it is privately-owned. The Over-the-Rhine Community Council is supportive of the zone change.

On June 2, 2023, the City Planning Commission voted unanimously to recommend approval of the zone change at 2133 Ravine Street from Park and Recreation (PR) to Single-family (SF-2) in Over-the-Rhine to City Council.

Motion to Approve the

Administration’s recommendation: Mr. Samad

Ayes:

Ms. Tallent

Mr. Eby

Seconded:

Ms. Sesler

Ms. Kearney

Mr. Stallworth

Ms. Sesler

Mr. Samad

Ms. Beltran

THE CITY PLANNING COMMISSION



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

June 21, 2023

To: Members of the Equitable Growth and Housing Committee 202301749
From: Sheryl M. M. Long, City Manager
Subject: Presentation – Proposed Zone Change – 2133 Ravine Street

Attached is the presentation for proposed zone change at 2133 Ravine Street in Over-the-Rhine. The item has been placed on the June 21, 2023, Equitable Growth and Housing committee agenda.

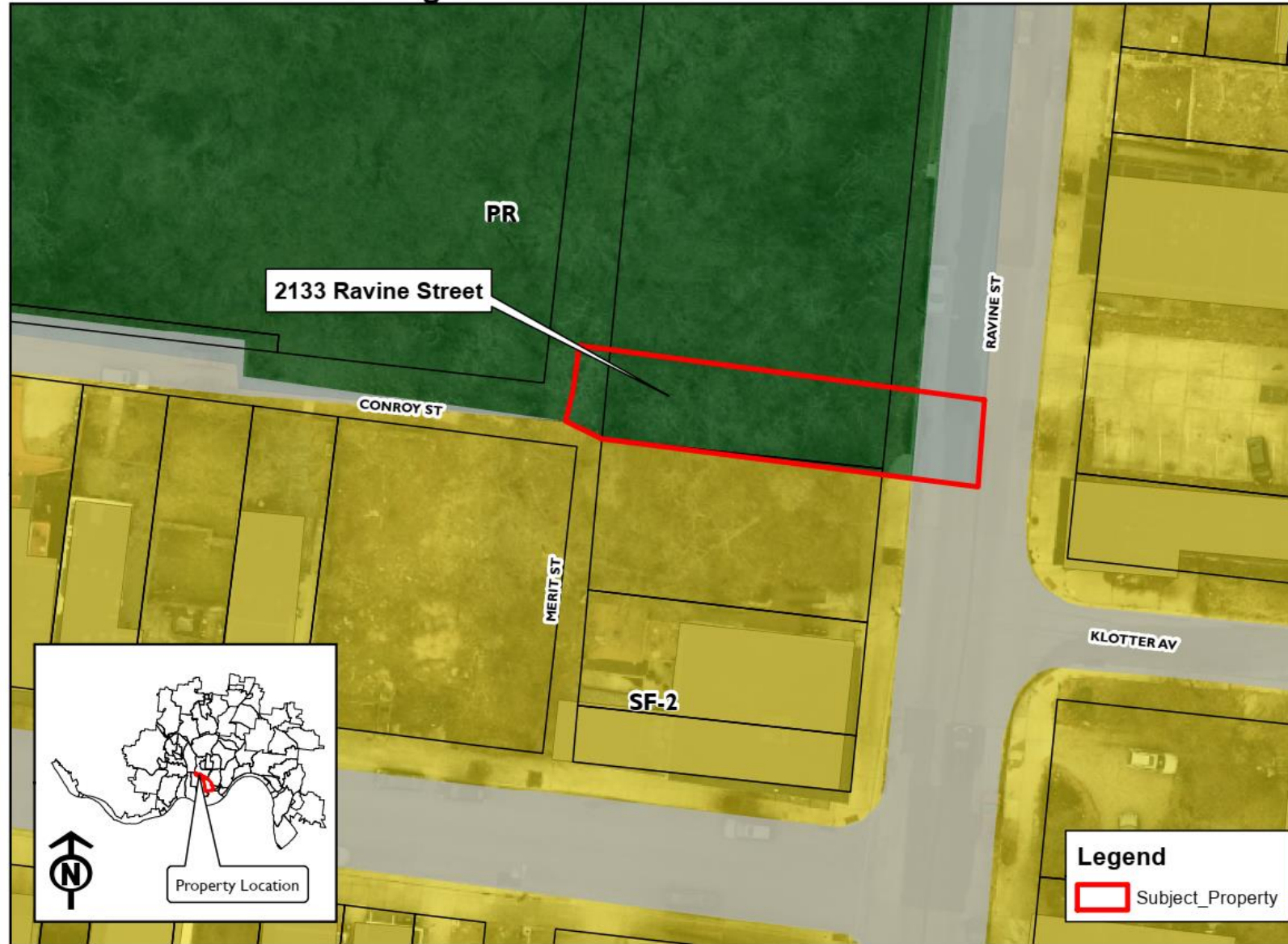
cc: Katherine Keough-Jurs, FAICP, Director
Department of City Planning and Engagement



**2133 Ravine Street
Zone Change
Park & Recreation (P-R) to
Single-family Residential (SF-2)
Over-the-Rhine**

Equitable Growth & Housing Committee
June 21, 2023

Zone Change - P- R to SF-2 - 2133 Ravine Street in OTR



BACKGROUND

Owner – Conroy Place, LLC

Applicant – Sean Suder, Suder, LLC

Proposal – Zone Change – small vacant parcel – NW corner Ravine and Conroy Place from Park and Recreation(P-R) to Single-family Residential (SF-2)

Property surrounded by predominantly single-family zoning aside from Fairview Park

BACKGROUND

Property touches a Hillside Overlay District

Future development – needs to meet Hillside Overlay regulations

ANALYSIS

- Zone change will provide for – new residential development and potentially spur revitalization of vacant lots in the area
- Community goal – increase residential uses and homeownership
- Create a pedestrian-friendly character
- Lot – not a part of Fairview Park, nor owned by City or controlled by the Park Board
- OTRCC – supportive of zone change

PUBLIC COMMENT

- Staff conference held – May 2, 2023
- Mailing – Property owners within 400' radius – OTRCC and neighboring CUF
- One property owner attended – had questions and is supportive
- Proposal was presented to OTRCC

CONSISTENCY WITH PLANS

Plan Cincinnati (2012)

Live Initiative Area

“to provide a full spectrum of housing options, and improve housing quality and affordability” (page 164)

Over-the-Rhine Comprehensive Plan (2002)

Housing Goal I to “Encourage and welcome new investment at all levels of the housing market and ensure the long-term sustainability of enough affordable housing to house current residents” (page 47)

RECOMMENDATION

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

APPROVE the proposed zone change from P-R (Park and Recreation) to SF-2 (Single-family Residential) at 2133 Ravine Street in Over-the-Rhine.



Over-the-Rhine Community Council
P.O. Box 662
Cincinnati OH 45201

June 1, 2023

City Planning Commission

Re: 2133 Ravine St

Dear Members of the City Planning Commission;

At our March 27, 2023 Over-the-Rhine Community Council meeting, the membership voted in favor of sending a letter of support for the proposed rezoning at 2133 Ravine Street. Chinedum Ndukwe and Daniel Buchenroth of Kingsley & Co presented and answered questions in regards to their project and explained that zoning will change from the "PR" Park and Recreation District to the "SF-2" Single-Family District to facilitate the construction of a single-family home. The Board of Trustees voted at the March 13th meeting in support of the proposal and forwarded to membership for approval, where it was approved by a vote of 13-5.

Respectfully,

A handwritten signature in black ink that reads "Danny Klingler". The signature is written in a cursive, flowing style.

Danny Klingler
President | Over-the-Rhine Community Council

cc: Chinedum Ndukwe, Daniel Buchenroth - Kingsley & Co.
Sean Suder - attorney for Kingsley & Co.
Planning Commission

202300881

Date: March 15, 2023

To: Councilmember Mark Jeffreys
From: Emily Smart Woerner, City Solicitor *EESW*
Subject: **Ordinance – Modifying Title XIV Zoning Code of CMC New Section
Accessory Dwelling Unit**

Transmitted herewith is an ordinance captioned as follows:

MODIFYING Title XIV, “Zoning Code of the City of Cincinnati,” of the Cincinnati Municipal Code, by **ORDAINING** new Sections 1401-01-A1A, “Accessory Dwelling Unit,” and 1421-06, “Accessory Dwelling Units,” and by **AMENDING** the provisions of Sections 1401-01-T3, “Two-Family Dwelling,” 1403-05, “Land Use Regulations,” 1405-05, “Land Use Regulations,” 1407-05, “Land Use Regulations,” 1409-07, “Land Use Regulations,” 1410-05, “Land Use Regulations,” 1411-05, “Land Use Regulations,” 1413-05, “Land Use Regulations,” 1415-05, “Land Use Regulations,” 1417-03, “Land Use Regulations,” 1421-01, “Accessory Residential Structures,” and 1501-12, “Class F Civil Offenses,” to provide, throughout the City, for the establishment of accessory dwelling units on the same lots as single-family dwellings.

EESW/DBS(dmm)
Attachment
376083



City of Cincinnati

DBS

EESW

An Ordinance No. _____

- 2023

MODIFYING Title XIV, “Zoning Code of the City of Cincinnati,” of the Cincinnati Municipal Code, by **ORDAINING** new Sections 1401-01-A1A, “Accessory Dwelling Unit,” and 1421-06, “Accessory Dwelling Units,” and by **AMENDING** the provisions of Sections 1401-01-T3, “Two-Family Dwelling,” 1403-05, “Land Use Regulations,” 1405-05, “Land Use Regulations,” 1407-05, “Land Use Regulations,” 1409-07, “Land Use Regulations,” 1410-05, “Land Use Regulations,” 1411-05, “Land Use Regulations,” 1413-05, “Land Use Regulations,” 1415-05, “Land Use Regulations,” 1417-03, “Land Use Regulations,” 1421-01, “Accessory Residential Structures,” and 1501-12, “Class F Civil Offenses,” to provide, throughout the City, for the establishment of accessory dwelling units on the same lots as single-family dwellings.

WHEREAS, the Department of City Planning and Engagement has recommended text amendments to the Cincinnati Zoning Code to permit the construction and development of accessory dwelling units on the same lots as single-family dwellings; and

WHEREAS, the proposed text amendments will allow accessory dwelling units to be constructed in all zoning districts that permit single-family dwellings, ensure accessory dwelling units are developed in a manner that respects neighboring land uses, increases housing supply and affordability for City residents, and makes efficient use of existing infrastructure; and

WHEREAS, the ability to establish accessory dwelling units across the City will also provide for equitable access to housing in neighborhoods of choice, mitigate the risks of displacement associated with rising property values, and generate wealth-building opportunities for residents in neighborhoods that are rapidly changing; and

WHEREAS, through the increased access to housing and wealth-building opportunities that accessory dwelling units bring, legacy residents will have more options for aging in place with dignity; and

WHEREAS, at its regularly scheduled meeting on _____, the City Planning Commission reviewed the proposed text amendments and recommended their approval, finding them to be in the interest of the public’s health, safety, morals, and general welfare; 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 consistent with *Plan Cincinnati* (2012), including its “Live” Initiative Area goals to “provide a full spectrum of housing options and improve housing quality and affordability” (p. 164) and to “create a more livable community” (p. 156); and

WHEREAS, the Council's authorization of accessory dwelling units is in furtherance of its commitment to address the City's housing needs holistically through comprehensive land-use reform and revisiting how it incentivizes and subsidizes the creation of housing; 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 new Section 1401-01-A1A, "Accessory Dwelling Unit," of the Cincinnati Municipal Code is hereby ordained to read as follows:

§ 1401-01-A1A. – Accessory Dwelling Unit.

"Accessory dwelling unit" means a self-contained dwelling unit designed for occupancy by one family for living and sleeping purposes that provides complete independent living facilities, including its own entrance, kitchen, bathroom, and sleeping area; that is located on the same lot as a larger single-family dwelling that serves as the principal use of the lot; and whose use is subordinate and incidental to the larger single-family dwelling.

Section 2. That Section 1401-01-T3, "Two-Family Dwelling," of the Cincinnati Municipal Code is hereby amended as follows:

§ 1401-01-T3. – Two-Family Dwelling.

"Two-family dwelling" means a single building that contains two dwelling units, neither of which is an accessory dwelling unit.

Section 3. That Section 1421-01, "Accessory Residential Structures," of the Cincinnati Municipal Code is hereby amended as follows:

§ 1421-01. – Accessory Residential Structures.

Structures ancillary to a principal structure are considered accessory structures. This section establishes regulations for residential accessory structures that are not accessory dwelling units. All accessory structures must be located, developed and operated in compliance with the following:

- (a) *Location.* Accessory structures are not permitted in a front yard or a side yard except for fences and walls, flagpoles, lamp posts, arbors, trellis, birdbaths, decorative fountains, or other similar structures as determined appropriate by the Zoning Administrator.
- (b) *Minimum Distance from Principal Structure:* One foot. Accessory structures, other than fences and walls, within one foot of the principal structure are considered part of the principal structure.

- (c) *Maximum Size*: 800 square feet for all structures other than fences and walls.
- (d) *Maximum Number of Accessory ~~Buildings~~ Structures*: Two—subject to the provisions set forth in § 1421-06(e).
- (e) *Maximum Height*: 15 feet.
- (f) *Setbacks*. A minimum three-foot rear yard setback and three-foot side yard setback is required. Agricultural structures and animal keeping shelter structures shall conform to the provisions set forth in Chapter 1422.

Section 4. That new Section 1421-06, “Accessory Dwelling Units,” of the Cincinnati Municipal Code is hereby ordained as follows:

§ 1421-06. – Accessory Dwelling Units.

This section establishes regulations for accessory dwelling units. All accessory dwelling units must be located, developed, and operated in compliance with the following provisions:

- (a) *General*. Where permitted, an accessory dwelling unit may be established within the building envelope of a single-family dwelling, as an addition to a single-family dwelling, or as a detached structure on the same lot as a single-family dwelling, provided that no more than one accessory dwelling unit may be established on a single lot.
- (b) *Entrance*. Each accessory dwelling unit must provide a separate exterior entrance independent of the entrance to the single-family dwelling to which it is subordinate and incidental.
- (c) *Lot Size*. Any lot on which an accessory dwelling unit is established must meet the minimum-lot-size requirements for single-family dwellings prescribed by the applicable zoning district or § 1421-09, whichever requirement is less restrictive.
- (d) *Lot Coverage*. The footprint of a detached accessory dwelling unit located on a lot of 4,000 square feet or larger shall not occupy more than 15% of the total lot area or 800 square feet, whichever is greater. If a lot is less than 4,000 square feet, the combined footprint of the primary single-family dwelling and an accessory dwelling unit shall not exceed 60% of the total lot area or 800 square feet, whichever is greater.

Exception: The alteration of a legally existing accessory structure (e.g., a garage) is permitted even though it may exceed the lot coverage restrictions above provided that the alteration of the structure does not expand its existing footprint.

- (e) *Maximum Number of Accessory Structures*: No more than two accessory structures of any type, inclusive of a detached accessory dwelling unit, are permitted on a single lot.
- (f) *Setbacks*.
 - (1) The establishment of an accessory dwelling unit within the building envelope of a legally existing single-family dwelling or through the alteration of a legally existing accessory structure is not subject to setback restrictions provided that the

establishment of the accessory dwelling unit does not expand the existing structure's footprint.

- (2) Detached accessory dwelling units are subject to the side and rear-yard setback requirements for accessory residential structures in the applicable zoning district.

Exception: The alteration of a legally existing accessory structure for the purpose of establishing an accessory dwelling unit is not subject to setback restrictions provided that the establishment of the accessory dwelling unit does not expand the existing structure's footprint.

- (3) An accessory dwelling unit established as an addition to a legally existing single-family dwelling must comply with all setback requirements for single-family dwellings in the applicable zoning district.

- (4) Detached accessory dwelling units are not permitted in front yards.

- (g) *Maximum Size:* The square footage of an accessory dwelling unit may not exceed the square footage (excluding unfinished spaces) of the principal single-family dwelling to which it is subordinate and incidental.

- (h) *Maximum Height.*

- (1) Detached accessory dwelling units shall not exceed 25 feet in height.

Exception: The alteration of a legally existing accessory structure for the purpose of establishing an accessory dwelling unit shall not exceed 25 feet in height or the existing height of the accessory structure, whichever is greater.

- (2) An addition to a principal single-family dwelling that will contain an accessory dwelling unit must comply with all height requirements for single-family dwellings in the applicable zoning district.

- (i) *Detached Accessory Dwelling Units:* Detached accessory dwelling units must be of permanent construction and must contain permanent utility hookups. Mobile tiny homes and recreational vehicles are not permitted as accessory dwelling units.

- (j) *Parking.* Accessory dwelling units are exempt from the off-street parking requirements set forth in § 1425-19.

- (k) *Short-Term Rentals.* An accessory dwelling unit may be operated as a short-term rental in accordance with the provisions of Chapter 856, Short Term Rentals.

- (l) *Occupancy by Owner or a Responsible Person.*

- (1) The owner of each lot on which an accessory dwelling unit is established must (i) maintain a residence in the principal single-family dwelling or the accessory dwelling unit on the lot for so long as the accessory dwelling unit exists; or (ii) designate a responsible person who maintains a residence in the principal single-family dwelling or the accessory dwelling on the lot for so long as the accessory dwelling unit exists.

(2) To ensure ongoing compliance with subsection (1), the owner of each lot on which an accessory dwelling unit is established and maintained shall:

- (i) record a covenant, in a form acceptable to the City Solicitor and irrevocable without the prior written consent of the Zoning Administrator, that provides the property owner or a responsible person shall maintain a residence on the property for so long as the accessory dwelling unit exists;
- (ii) register the accessory dwelling unit with the Zoning Administrator and verify compliance with subsection (1) upon the establishment of the accessory dwelling unit;
- (iii) renew the registration and verification no later than December 31 of every year ending in an odd number following the initial year of registration; and
- (iv) update each registration and verification upon a change in ownership of the property or the designated responsible person.

(3) Any person who fails to maintain compliance with subsection (1) shall be liable for a Class F civil offense.

(4) For the purposes of this section 1421-06(l), the following terms shall have the following meanings:

- (i) “Residence” means a dwelling unit that is the true, fixed, and permanent home where an individual intends to remain permanently and indefinitely; to which, whenever absent, the individual intends to return; and that only one of which may exist for one person within the city limits of the City of Cincinnati at any time.
- (ii) “Responsible Person” means a natural person designated by the owner of a lot on which an accessory dwelling unit is established as having the independent duty, responsibility (including financial responsibility), and authority to operate, maintain, and manage the lot and all the dwelling units thereon.

Section 5. 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	P	P	P	P	P	See Chapter 1422
Accessory Uses						
Any accessory use not listed below	L8	L8	L8	L8	L8	
<u>Accessory dwelling unit</u>	<u>L14</u>	<u>L14</u>	<u>L14</u>	<u>L14</u>	<u>L14</u>	<u>See § 1421-06</u>

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 Permitted only when subordinate and incidental to a single-family dwelling that is the principal use of the lot.

Section 6. That Section 1403-05, "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	P	P	P	p	See Chapter 1422
Accessory Uses					
Any accessory use not listed below	L8	L8	L8	L8	
<u>Accessory dwelling unit</u>	<u>L18</u>	<u>L18</u>	<u>L18</u>	<u>L18</u>	<u>See § 1421-06</u>

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 Permitted only when subordinate and incidental to a single-family dwelling that is the principal use of the lot.

Section 7. That Section 1407-05, "Land Use Regulations," of the Cincinnati Municipal

Code is hereby amended as follows:

§ 1407-05. - Land Use Regulations.

Schedule 1407-05 below prescribes the land use regulations for O Office 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 1407-05. 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 1407-05: Use Regulations - Office Districts

Use Classifications	OL	OG	Additional Regulations
Residential Uses			
Bed and breakfast home	P	P	See § 1419-09
Day care home - Adult	P	P	
Day care home - Type A	L8	L8	
Day care home - Type B	L8	L8	
Group residential			
Congregate housing	P	P	
Convents and monasteries	P	P	
Fraternities and sororities	P	P	
Patient family homes	P	P	
Rooming house	—	L7	
Shared housing for elderly	P	P	

Permanent residential			
Single-family dwelling	P	L1	
Attached single-family dwelling	P	L1	
Rowhouse, single-family dwelling	P	—	
Two-family dwelling	P	L1	
Multi-family dwelling	P	L1	
Transitional housing			
Programs 1—4	P	P	
Program 5	—	P	
Program 6	—	C	
Public and Semipublic Uses			
Clubs or lodges	C	P	
Colleges, public or private	—	C	
Cultural institutions	P	P	
Day care center	P	P	
Government facilities and offices			
Offices	P	P	
Hospitals	—	C	
Parks and recreation facilities	P	P	
Public safety facilities	P	P	
Religious assembly	P	P	
Schools, public or private	P	P	See § 1419-12
Commercial Uses			

Animal services	—	P	See § 1419-05
Banks and financial institutions	P	P	See § 1419-13
Bed and breakfast inns	C	C	See § 1419-09
Business services	P	P	
Commercial meeting facility	L2	P	
Eating and drinking establishments			
Restaurants, full service	—	L4,5	See § 1419-21
Restaurants, limited	—	L4,5	See § 1419-21
Convenience markets	L4, 5	L4, 5	
Food markets	L4,5	L4,5	
Funeral and interment services	P	P	
Hotels and commercial lodging	—	P	
Laboratories, commercial	C	P	
Medical services and clinics	P	P	
Offices	P	P	
Parking facilities	C	C	See Chapter 1425
Personal instructional services	L3,4	L4	
Personal services	L3,4	L4	
Transportation, Communications and Utilities Uses			
Communications facilities	—	C	
Public utility distribution system	C	C	
Transportation facilities			
Heliports	—	C	

Railroad right-of-way	P	P	
Wireless communication antenna	L6	L6	See § 1419-33
Wireless communication tower	C	C	See § 1419-33
Agriculture and Extractive Uses			
Animal keeping	C	C	See Chapter 1422
Farms	C	C	See Chapter 1422
Gardens	P	P	See Chapter 1422
Accessory Uses			See Chapter 1421
Any accessory use not listed below	L9	L9	
<u>Accessory dwelling unit</u>	<u>L13</u>	<u>L13</u>	<u>See § 1421-06</u>
Home occupations	P	P	See § 1419-17
Rooming unit	L10	L10	
Refuse storage areas	P	P	See § 1421-35
Drive box	L11	L11	
Fences and walls	P	P	See § 1421-33
Exterior lighting	P	P	See § 1421-39
Small-scale specialized incinerator	—	L12	
Portable storage containers	P	P	See § 1419-24
Nonconforming Uses			See Chapter 1447

Specific Limitations

- L1 For new construction, permitted only above the ground floor in mixed-use building on arterial streets. Modification requires conditional use approval pursuant to the procedures and criteria of Chapter 1445, Variances, Special Exceptions, and Conditional Uses. Pre-existing permanent residential uses are permitted.
- L2 Not to exceed 3,000 square feet in gross floor area.

- L3 Permitted only on arterial streets.
- L4 Permitted on the ground floor occupying less than 2,500 sq. ft.; more space requires a conditional use approval.
- L5 Drive-through facilities are not permitted.
- L6 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, commercial or public utility building or structure.
- L7 Only rooming houses licensed pursuant to Chapter 855. Rooming Houses of the Municipal Code; no more than five rooming units for every building, and a separate entrance for access to rooming units must be provided. The minimum rental is seven days. See § 1421-43.
- L8 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.
- L9 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.
- L10 The maximum number of rooming units is two.
- L11 Accessory to a public or semi-public use, provided the drive box is at least 100 feet from any property used for residential purposes.
- L12 Accessory to hospitals, medical services, clinics commercial laboratories and research and development uses, provided the incinerator is located on a roof or at least 100 feet from any property used for residential purposes.
- L13 Permitted only when subordinate and incidental to a single-family dwelling that is the principal use of the lot.

Section 8. That Section 1409-07, "Land Use Regulations," of the Cincinnati Municipal

Code is hereby amended as follows:

§ 1409-07. - Land Use Regulations.

Schedule 1409-07 below prescribes the land use regulations for C Districts. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1409-07 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 1409-07. 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 1409-07: Use Regulations - Commercial Subdistricts

Use Classifications	CN-P	CN-M	CC-P	CC-M	CC-A	CG-A	Additional Regulations
Residential Uses							
Bed and breakfast home	P	P	P	P	—	—	See § 1419-09
Day care home - Adult	P	P	P	P	P	—	
Day care home - Type A	L3	L3	L3	L3	L3	—	
Day care home - Type B	L3	L3	L3	L3	—	—	
Group residential							
Congregate housing	P	P	P	P	P	P	
Convents & monasteries	P	P	P	P	—	—	
Dormitories	P	P	P	P	P	—	
Fraternities & sororities	P	P	P	P	—	—	
Patient family homes	P	P	P	P	—	—	
Rooming houses	L1	L1	L1	L1	—	—	
Shared housing for elderly	P	P	P	P	—	—	
Permanent residential							
Single-family dwelling	P	P	P	L2	L2	—	
Attached single-family dwelling	P	P	P	—	—	—	

Two-family dwelling	P	P	P	L2	L2	—	
Multi-family dwelling	P	P	P	L2	L2	—	
Residential care facilities							
Assisted living	P	P	P	P	P	—	
Developmental disability dwelling	P	P	P	L2	L2	—	
Nursing home	P	P	P	P	P	—	
Special assistance shelter	C	C	C	C	C	C	
Transitional housing							
Programs 1—4	P	P	P	L2	L2	—	
Program 5	—	—	—	P	P	P	
Program 6	—	—	—	C	P	P	
Public and Semipublic Uses							
Clubs and lodges	P	P	P	P	P	P	
Colleges, public or private	—	—	—	C	P	P	
Community service facilities	P	P	P	P	P	P	
Cultural institutions	P	P	P	P	P	P	
Day care center	P	P	P	P	P	P	
Government facilities and offices							
Offices	L9	L9	P	P	P	P	
Hospitals	—	—	—	—	—	P	
Park and recreation facilities	P	P	P	P	P	P	

Public maintenance facilities	—	—	—	—	C	C	
Public safety facilities	P	P	P	P	P	P	
Religious assembly	P	P	P	P	P	P	
Schools, public or private	P	P	P	P	P	P	See § 1419-12
Commercial Uses							
Ambulance services	—	—	—	—	P	P	
Animal service facilities	P	P	P	P	P	P	See § 1419-05
Banks and financial institutions	L9	L9	P	P	P	P	
Bed and breakfast inns	P	P	P	P	P	P	
Building maintenance services	—	—	—	—	P	P	
Building materials sales and services	—	—	—	L5	L5	P	
Business services	L9	L9	P	P	P	P	
Commercial meeting facility	—	—	—	P	P	P	
Eating and drinking establishments							
Convenience markets	L9	L9	P	P	P	P	
Drinking establishments	L9	L9	L9	P	P	P	
Restaurants, full service	L9	L9	L9	P	P	P	See § 1419-21
Restaurants, limited	L9	L9	P	P	P	P	See § 1419-21
Food markets	L9	L9	P	P	P	P	
Food preparation	L9	L9	P	P	P	P	

Funeral and interment services	P	P	P	P	P	P	
Garden supply stores and nurseries	—	—	—	L5	L5	P	
Hotels and commercial lodging	—	—	—	P	P	P	
Laboratories, commercial	L9	L9	P	P	P	P	
Loft dwelling units	P	P	P	P	P	P	See § 1419-23
Maintenance and repair services	L9	L9	P	P	P	P	
Medical services and clinics	L9	L9	P	P	P	P	
Offices	L9	L9	P	P	P	P	
Parking facilities	C	P	C	P	P	P	See Chapter 1425
Personal instructional services	L9	L9	P	P	P	P	
Personal services	L9	L9	P	P	P	P	
Private vehicular storage Lot	—	—	—	—	P	P	
Recreation and entertainment							
Indoor or small-scale	L9	L9	P	P	P	P	
Outdoor or large-scale	—	—	—	—	C	P	
Retail sales	L9	L9	P	P	P	P	
Vehicle and equipment services							
Vehicle and equipment sales and rental	—	—	—	C	L7	P	

Car wash	—	—	—	P	P	P	See § 1419-11
Fuel sales	—	P	—	P	P	P	See § 1419-15
Vehicle repair	—	—	—	C	P	P	See § 1419-27
Industrial Uses							
Production industry							
Artisan	C	C	C	C	P	P	
Limited	—	—	—	—	P	P	
Warehousing and storage							
Contractor storage	—	—	—	—	L5	L5	
Indoor storage	—	—	—	—	P	P	
Wholesaling and distribution	—	—	—	—	P	P	
Transportation, Communication and Utilities Uses							
Communications facilities	P	P	P	P	P	P	
Public utility distribution system	P	P	P	P	P	P	
Radio and television broadcast antenna	—	—	—	—	C	C	
Transportation facilities							
Heliports	—	—	—	—	C	C	
Railroad right-of-way	P	P	P	P	P	P	
Transportation passenger terminals	—	—	—	—	P	P	
Wireless communication antenna	L4	L4	L4	L4	L4	L4	See § 1419-33

Wireless communication tower	C	C	C	C	C	C	See § 1419-33
Agriculture and Extractive Uses							
Animal keeping	P	P	P	P	P	P	See Chapter 1422
Farms	C	C	C	P	P	P	See Chapter 1422
Gardens	P	P	P	P	P	P	See Chapter 1422
Accessory Uses							See Chapter 1421
Any accessory use not listed below	L6	L6	L6	L6	L6	L6	
<u>Accessory dwelling unit</u>	<u>L12</u>	<u>L12</u>	<u>L12</u>	<u>L12</u>	<u>L12</u>	<u>—</u>	See § 1421-06
Refuse storage areas	P	P	P	P	P	P	See § 1421-35
Drive box	L10	L10	L10	L10	L10	L10	
Commercial vehicle parking	P	P	P	P	P	P	
Exterior lighting	P	P	P	P	P	P	See § 1421-39
Small-scale specialized incinerator	L11	L11	L11	L11	L11	L11	
Portable storage containers	P	P	P	P	P	P	See § 1419-24
Nonconforming Uses							See Chapter 1447

Specific Limitations

- L1 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.

- L2 Permitted only above the ground floor in a mixed use building. Modification requires conditional use approval pursuant to the procedures and criteria of Chapter 1445, Variance, Special Exceptions, and Conditional Uses.
- L3 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.
- L4 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, commercial or public utility building or structure.
- L5 Permitted provided that outside storage is screened with an 8 ft. privacy fence.
- L6 Accessory uses determined by the Zoning Administrator to be customarily incidental to a use of the district are permitted except where expressly prohibited. All others require conditional use approval.
- L7 Permitted on arterial streets with a maximum site size of two acres. Vehicle loading and unloading must occur on-site.
- L8 Use is limited to 2,500 square feet and the use must be located within a mixed-use building; more space requires conditional use approval.
- L9 Use is limited to 15,000 square feet; more space requires conditional use approval.
- L10 The storage space is less than 30 cubic yards; enclosed by a screen fence or within a structure; and at least 100 feet from any property used for residential purposes.
- L11 The material incinerated is generated on-site and is located on a roof or at least 100 feet from any property used for residential purposes.
- L12 Permitted only when subordinate and incidental to a single-family dwelling that is the principal use of the lot.

Section 9. That Section 1410-05, “Land Use Regulations,” of the Cincinnati Municipal

Code is hereby amended as follows:

§ 14010-05. - Land Use Regulations.

Schedule 1410-05 below prescribes the land use regulations for UM District. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1410-05 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 1410-05. 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 1410-05: Use Regulations – Urban Mix District

Use Classifications	UM	Additional Regulations
Residential Uses		
Group Residential		
Bed and breakfast home	P	See § 1419-09
Day care home - Adult	P	
Day care home - Type A	L2	
Day care home - Type B	L2	
Group residential		
Congregate housing	P	
Convents and monasteries	L7	
Fraternities, sororities, dormitories	L7	
Patient family homes	L7	
Rooming houses	L1	
Shared housing for the elderly	L7	
Permanent Residential		
Single-family dwelling	P	See § 1403-11
Attached single-family dwelling	P	See § 1403-11
Rowhouse, single-family dwelling	P	
Two-family dwelling	P	

Multi-family dwelling	P	
Residential Care Facilities		
Assisted living	P	
Developmental disability dwelling	P	
Nursing home	P	
Special Assistance Shelter	C	
Transitional Housing		
Programs 1 - 4	P	
Program 5, 6	—	
Public and Semipublic Use		
Clubs and lodges	P	
Colleges, Public or Private	P	
Community service facilities	C	
Cultural institutions	P	
Day Care Center	P	
Government Facilities and Offices		
Offices	P	
Hospitals	P	
Parks and recreation facilities	P	
Public maintenance Facilities	C	
Public safety facilities	P	
Religious assembly	P	
Schools, public or private	P	See § 1419-12

Commercial Uses		
Ambulance Services	C	
Animal Services	C	See § 1419-05
Banks and Financial Institutions	L9	See § 1419-13
ATM, Stand Alone	C	
Bed and breakfast inns	P	See § 1419-09
Building maintenance services	P	
Building material sales & services	L3	
Business services	P	
Commercial meeting facilities	C	
Eating and Drinking Establishments		
Convenience markets	L9	
Drinking establishments	P	See § 1419-21
Restaurants, Full Service	L9	See § 1419-21
Restaurants, Limited Service	L9	See § 1419-21
Food markets	L9	
Food preparation	P	
Funeral and interment services	P	
Garden supply stores & nurseries	C	
Hotels & commercial lodging	P	
Laboratories, commercial	L6	
Loft dwelling units	P	See § 1419-23
Maintenance & repair services	P	

Medical services and clinics	P	
Offices	P	
Parking facilities	C	See § 1425, § 1411-25
Personal instructional services	P	
Personal services	P	
Recreation and Entertainment		
Indoor or small scale	P	
Outdoor or large scale	C	
Retail sales	L6	
Vehicle & Equipment Services	L10	
Car wash	L10	See § 1419-11
Vehicle repair	L11	See § 1419-27
Industrial Uses		
Production industry		
Artisan	P	
General	C	
Limited	P	
Research & development	C	
Warehouse & Storage		
Contractor's storage	L3	
Indoor storage	P	
Wholesale & distribution	C	
Transportation, Communication and Utilities		

Communications facilities	C	
Public utility distribution system	L12	
Transportation Facilities		
Heliports	C	
Railroad right-of-way	P	
Transportation passenger terminals	C	
Wireless communication antenna	L4	See § 1419-33
Wireless communication tower	C	See § 1419-33
Agriculture and Extractive Uses		
Animal keeping	P	See Chapter 1422
Farms	C	See Chapter 1422
Gardens	P	See Chapter 1422
Accessory Uses		
Any accessory use not listed below	L5	
<u>Accessory dwelling unit</u>	<u>L14</u>	<u>See § 1421-06</u>
Commercial services	P	See § 1419-35, 37
Commercial vehicle parking	P	
Drive box	L13	
Exterior lighting	P	See § 1421-39
Fences and walls	P	See § 1421-33
Home occupations	P	See § 1419-17
Refuse storage areas	P	See § 1421-35
Rooming unit	L8	

Small scale specialized incinerator	—	
Transitional Housing	—	
Portable Storage Containers	P	See § 1419-24
Nonconforming Uses		See Chapter 1447

Specific Limitations

- L1 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.
- L2 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.
- L3 Permitted provided outdoor storage is screened so as not to be visible from adjacent streets.
- L4 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, public utility, a commercial or industrial building or structure.
- L5 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.
- L6 Use is limited to 15,000 square feet.
- L7 A separate entrance for access to rooming units must be provided in a MIX-use building.
- L8 No more than two rooming units may be rented or leased in any dwelling.
- L9 Drive through facilities are not permitted.
- L10 Permitted as an accessory use located within a parking garage.
- L11 Permitted within a fully enclosed structure.
- L12 The facility must be underground, within a building or on the roof within an enclosure.
- L13 Accessory to a public or semi-public use provided that the drivebox is at least 100 feet from any property used for residential purposes.
- L14 Permitted only when subordinate and incidental to a single-family dwelling that is the principal use of the lot.

Section 10. That Section 1411-05, "Land Use Regulations," of the Cincinnati Municipal

Code is hereby amended as follows:

§ 1411-05. - Land Use Regulations.

Schedule 1411-05 below prescribes the land use regulations for DD Downtown Development Use Subdistricts. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1411-05 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 1411-05. 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 1411-05: Use Regulations – Downtown Development Use Subdistricts

Use Classifications	DD-A	DD-B	DD-C	DD-D	Additional Regulations
Residential Uses					
Bed and breakfast home	P	P	P	P	See § 1419-09
Day care home - Adult	P	P	P	P	
Day care home - Type A	L12	L12	L12	L12	
Day care home - Type B	L12	L12	L12	L12	
Group residential					
Convents and monasteries	L1	L1	L1	L1	
Fraternities and sororities	L1	L1	L1	L1	
Patient family homes	L1	L1	L1	L1	

Rooming houses	L2	L2	L2	L2	
Shared housing for elderly	L1	L1	L1	L1	
Permanent residential					
Single-family dwelling	P	P	P	P	
Attached single-family dwelling	P	P	P	P	
Single-family rowhouse	P	P	P	P	
Multi-family dwelling	P	P	P	P	
Two-family dwelling	P	P	P	P	
Residential care facilities					
Assisted living	—	P	P	—	
Developmental disability dwelling	P	P	P	P	
Nursing home	—	P	P	—	
Special assistance shelter	C	C	C	C	
Transitional housing					
Programs 1—5	P	P	P	P	
Program 6	L11	L11	L11	L11	
Public and Semipublic Uses					
Clubs and lodges	P	P	P	P	
Colleges, public or private	P	P	P	P	
Community service facilities	P	P	P	P	
Cultural institutions	P	P	P	P	

Day care center	P	P	P	P	
Government facilities and offices					
Correctional institutions	—	—	C	—	
Offices	P	P	P	P	
Hospitals	P	P	P	P	
Park and recreation facilities	P	P	P	P	
Public maintenance facility	—	P	P	P	
Public safety facilities	P	P	P	P	
Religious assembly	P	P	P	P	
Schools, public or private	P	P	P	P	See § 1419-12
Commercial Uses					
Animal service facilities	—	C	C	—	See § 1419-05
Banks and financial institutions	L3	L3	L3	L3	
ATM, stand-alone	—	—	C	C	See § 1419-07
Bed and breakfast inns	P	P	P	P	See § 1419-09
Building maintenance services	—	—	P	—	
Business services	P	P	P	P	
Commercial meeting facilities	L4	L4	L4	L4	
Eating and drinking establishments					

Convenience markets	L3	L3	L3	L3	
Drinking establishments	P	P	P	P	
Restaurants, full service	L3	L3	L3	L3	See § 1419-21
Restaurants, limited	L3	L3	L3	L3	See § 1419-21
Food markets	L3	L3	L3	L3	
Food preparation	P	P	P	P	
Funeral and interment services	—	—	P	—	
Hotels and commercial lodging	P	P	P	P	
Laboratories, commercial	L4	—	L4	L4	
Loft dwelling units	P	P	P	P	See § 1419-23
Maintenance and repair services	P	P	P	P	
Medical services and clinics	L4	P	L4	L4	
Offices	L4	P	L4	L4	
Parking facilities	L13	L13	L13	L13	See § 1411-25
Personal instructional services	L5	L5	P	L5	
Personal services	P	L6	P	P	
Recreation and entertainment					
Indoor or small-scale	L5	L5	P	L5	
Outdoor or large-scale	C	—	C	C	
Retail sales	P	L6	P	P	

Vehicle and equipment services					
Vehicle and equipment sales and rental	L7	—	L7	—	
Car wash	L7	L7	L7	L7	See § 1419-11
Vehicle repair	—	—	L8	—	See § 1419-27
Industrial Uses					
Production industry					
Artisan	—	—	P	P	
Limited	—	—	P	—	
Research and development	—	—	C	—	
Warehousing and storage					
Indoor storage	—	—	P	—	
Wholesaling and distribution	—	—	P	—	
Transportation, Communication and Utilities					
Communications facilities	P	—	P	P	
Public utility distribution system	L9	L9	L9	L9	
Public utility maintenance yard	—	—	C	—	
Public utility plant	C	—	C	—	
Transportation facilities					
Heliports	C	—	C	C	

Transportation passenger terminals	C	C	C	C	
Watercraft and riverfront facilities					
Commercial piers and ports	—	—	—	P	
Marinas	—	—	—	P	
Wireless communication antenna	L10	L10	L10	L10	See § 1419-33
Wireless communication tower	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	P	P	P	P	See Chapter 1422
Accessory Uses					See Chapter 1421
<u>Accessory dwelling unit</u>	<u>L14</u>	<u>L14</u>	<u>L14</u>	<u>L14</u>	<u>See § 1421-06</u>
Nonconforming Uses					See Chapter 1447

Specific Limitations

- L1 A separate entrance for access to rooming units must be provided in a mixed-use building.
- L2 Only rooming houses licensed pursuant to Chapter 855, Rooming Houses of the Municipal Code are allowed. A separate entrance for access to rooming units must be provided. The minimum rental is seven days. See § 1421-23.
- L3 Drive-through facilities are not permitted.

- L4 Not permitted as a principal ground floor use in locations indicated on Map 1411-17: Commercial Continuity Overlay.
- L5 Permitted only above the ground floor in a mixed-use building. Modification requires conditional use approval pursuant to Chapter 1445-Variances, Special Exceptions and Conditional Uses.
- L6 Permitted on the ground floor only.
- L7 Permitted as a secondary use located within a parking garage.
- L8 Permitted only if the entire use and storage is within an enclosed structure.
- L9 The facility must be underground, within a building or on the roof within an enclosure.
- L10 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, public utility, commercial or industrial building or structure.
- L11 Programs may not exceed 50 resident occupants.
- L12 Fencing must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.
- L13 See 1411-25.
- L14 Permitted only when subordinate and incidental to a single-family dwelling that is the principal use of the lot.

Section 11. That Section 1413-05, “Land Use Regulations,” of the Cincinnati Municipal Code is hereby amended as follows:

§ 1413-05. - Land Use Regulations.

Schedule 1413-05 below prescribes the land use regulations for M Manufacturing Districts. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1413-05 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 1413-05. 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 1413-05: Use Regulations - Manufacturing Districts

Use Classifications	MA	ML	MG	ME	Additional Regulations
Residential Uses					
Day care home—Adult	P	—	—		
Day care home—Type A	L9	—	—		
Day care home—Type B	L1	—	—		
Group residential					
Convents and monasteries	—	L1	—	—	
Fraternities and sororities	—	L1	—	—	
Patient family homes	—	L1	—	—	
Rooming houses	—	L1	—	—	
Shared housing for the elderly	P	L1	—	—	
Permanent residential					
Single-family dwelling	P	L1	—	—	
Attached single-family dwelling	P	L1	—	—	See § 1403-13
Two-family dwelling	—	L1	—	—	
Multi-family dwelling	—	L1	—	—	
Residential care facilities					
Developmental disability dwelling	P	P	—	—	
Special assistance shelter	—	C	—	—	
Transitional housing					

Programs 1—4	—	P	P	—	
Programs 5, 6	—	—	P	—	
Public and Semipublic Uses					
Community service facilities	P	P	—	—	
Day care center	P	P	L3	—	
Government facilities and offices					
Correctional institutions	—	—	C	—	
Facilities and installations	—	—	C	—	
Juvenile detention facilities	—	—	C	—	
Offices	P	P	P	—	
Park and recreation facilities	P	P	—	—	
Public maintenance facilities	—	P	P	—	
Public safety facilities	C	P	P	P	
Religious assembly	P	P	—	—	
Schools, public or private	P	P	—	—	See § 1419-12
Commercial Uses					
Ambulance services	—	P	P	—	
Animal service facilities	—	P	P	—	See § 1419-05
Banks and financial institutions	—	P	P	—	
Building maintenance services	—	P	P	—	
Building materials sales and services	—	P	P	P	
Business services	—	P	P	—	

Eating and drinking establishments					
Convenience markets	—	L5	L5	—	
Drinking establishments	—	P	P	—	
Restaurants, full service	—	P	P	—	See § 1419-21
Restaurants, limited	—	P	P	—	See § 1419-21
Food markets	—	L5	L5	—	
Food preparation	P	P	P	—	
Garden supply stores and nurseries	P	P	—	—	See § 1419-16
Laboratories, commercial	—	P	P	—	
Loft dwelling units	P	P	P	—	See § 1419-23
Maintenance and repair services	P	P	P	—	
Medical services and clinics	—	P	P	—	
Offices	P	P	P	P	
Parking facilities	—	P	P	C	See Chapter 1425
Personal instructional services	P	P	P	—	
Personal services	—	L5	L5	—	
Private vehicular storage lot	—	—	P	—	
Recreation and entertainment					
Indoor or small-scale	—	P	P	—	
Outdoor or large-scale	—	C	—	—	
Retail sales	—	L5	L5	—	
Sexually oriented business	—	—	P	—	See § 1419-25

Vehicle and equipment services					
Vehicle and equipment sales and rental	—	L2	L2	—	
Car wash	—	L3	P	—	See § 1419-11
Fuel sales	—	L3	P	—	See § 1419-15
Vehicle repair	—	—	P	—	See § 1419-27
Automobile holding facility	—	—	L4	—	
Industrial Uses					
Production industry					
Artisan	P	P	P	P	
General	—	—	P	P	
Intensive high-impact	—	—	C	C	See § 1419-19
Limited	P	P	P	P	
Research and development	P	P	P	—	
Warehousing and storage					
Contractor's storage	—	C	P	—	
Indoor storage	—	P	P	—	
Oil and gas storage	—	—	C	C	
Outdoor storage	—	—	C	C	
Metal waste salvage yard/junk yards	—	—	C	C	
Waste management					
Waste collection	—	P	P	P	See § 1419-31

Waste disposal	—	—	C	C	
Waste transfer	—	—	C	C	See § 1419-31
Wholesaling and distribution	P	P	P	P	
Transportation, communication and utilities					
Communications facilities	P	P	P	—	
Public utility distribution system	—	P	P	P	
Public utility maintenance yard	—	P	P	P	
Public utility plant	—	C	P	P	
Radio and television broadcast antenna	—	P	P	—	
Transportation facilities					
Airports	—	L6	—	—	
Heliports	—	L6	L6	L6	
Railroad train yards	—	L7	L7	L7	
Railroad right-of-way	—	P	P	P	
Transportation passenger terminals	—	P	P	P	
Truck terminal and warehouse	—	—	L7	L7	
Wireless communication antenna	L13	L8	L8	L8	
Wireless communication tower	—	C	C	C	
Agriculture and Extractive Uses					
Animal keeping	P	P	P	P	See Chapter 1422
Farms	P	P	P	P	See Chapter 1422

Gardens	P	P	P	P	See Chapter 1422
Mining and quarrying	—	—	C	C	
Accessory Uses					See Chapter 1421
Any accessory use not listed below	L10	L10	L10	L10	
<u>Accessory dwelling unit</u>	<u>L17</u>	<u>L1, L17</u>	=	=	<u>See § 1421-06</u>
Refuse storage area	L12	L12	L12	L12	See § 1421-35
Drive box	L11	L11	L11	L11	
Commercial vehicle parking	L14	P	P	P	
Exterior lighting	P	P	P	P	See § 1421-39
Composting facilities	P	—	—	—	See § 1421-37
Home occupation	P	—	—	—	See § 1419-17
Rooming unit	L15	—	—	—	
Retail Sales	L16	—	—	—	
Portable Storage Containers	P	P	P	P	See § 1419-24
Nonconforming Uses					See Chapter 1447

Specific Limitations

- L1 New residential is permitted only when abutting an existing residential use or structure.
- L2 Permitted on arterial street only. Vehicle loading and unloading must occur on-site.
- L3 Permitted only as an accessory use to a use allowed in the district.
- L4 The facility must be completely enclosed on all sides with a six foot screen fence which is protected from damage by a guardrail or other barriers approved by the Zoning Administrator. Must be located at least 100 feet from a residential district.
- L5 Permitted only if occupying less than 5,000 sq. ft. in ML and 10,000 sq. ft. in MG.

- L6 Landing strip, pad, or apron may not be located within 500 ft. of a residential district boundary.
- L7 Not allowed within 250 ft. of a residential use in a Residential District.
- L8 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may be attached to a multi-family, public or semi-public, public utility, a commercial or industrial building or structure.
- L9 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.
- L10 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.
- L11 The storage space is less than 30 cubic yards; enclosed by a screen fence or within a structure; and at least 100 feet from any property used for residential purposes.
- L12 Provisions of § 1421-35 apply when refuse storage.
- L13 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may be attached to an agricultural, public or semi-public or public utility building or structure.
- L14 One commercial vehicle may be parked or stored on residential property with the following provisions:
 - a. Commercial vehicles with current license owned by a resident of the residential property on which it is stored or parked may not exceed two tons in capacity.
 - b. Recreational vehicles, watercraft and personal trailers may be parked on the lot beyond the front yard.
- L15 No more than two rooming units may be rented or leased in a single-family dwelling.
- L16 Retail sales of products manufactured or wholesaled on the premises, when incidental and subordinate to a principal permitted use, provided that the floor area devoted to such retailing shall not exceed 35 percent of the floor area devoted to such principal use, but in no case shall the retail floor area exceed 5,000 square feet.
- L17 Permitted only when subordinate and incidental to a single-family dwelling that is the principal use of the lot.

Section 12. That Section 1415-05, "Land Use Regulations," of the Cincinnati Municipal

Code is hereby amended as follows:

§ 1415-05. - Land Use Regulations.

Schedule 1415-05 below prescribes the land use regulations for RF Riverfront Districts. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1415-05 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 1415-05. 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 1415-05: Use Regulations - Riverfront Districts

Use Classifications	RF-R	RF-C	RF-M	Additional Regulations
Residential Uses				
Bed and breakfast home	P	—	—	See § 1419-09
Day care home - Adult	C	—	—	
Day care home - Type A	C	—	—	
Day care home - Type B	L8	—	—	
Permanent residential				
Single-family dwelling	P	—	—	
Attached single-family dwelling	P	—	—	
Rowhouse single-family dwelling	P	—	—	
Two-family dwelling	P	—	—	
Multi-family dwelling	P	—	—	

Public and Semipublic Uses				
Community service facilities	P	—	—	
Cultural institutions	P	P	—	
Day care centers	P	P	—	
Government facilities and offices				
Facilities and installations	—	C	C	
Offices	P	P	—	
Parks and recreation facilities	P	—	—	
Public maintenance facilities	C	P	—	
Public safety facilities	P	P	P	
Religious assembly	P	P	P	
Schools, public and private	P	—	—	See § 1419-12
Commercial Uses				
Bed and breakfast inns	P	—	—	See § 1419-09
Eating and drinking establishments				
Drinking establishments	L1,2,3	L2,3	—	
Restaurants, full service	L1,2,3	L2,3	—	See § 1419-21
Restaurants, limited	L1,2,3	L2,3	—	See § 1419-21
Garden supply stores and plant nurseries	P	—	—	
Hotels and commercial lodging	L3	L3	—	
Recreation and entertainment				
Outdoor or large-scale	P	—	—	

Industrial Uses				
Production industry				
General	—	L4,6	L4,7	
Intensive high-impact	—	—	L4,7	See § 1419-19
Limited	—	L4,6	L4,7	
Metal waste salvage yard/junk yards	—	—	C	
Wholesaling and distribution	—	L4	L4	
Transportation, Communications and Utilities Uses				
Public utility distribution system	P	P	P	
Public utility plant	—	P	P	
Transportation facilities				
Railroad right-of-way	P	P	P	
Railroad train yards	—	L9	L9	
Transportation passenger terminals	P	P	P	
Watercraft and riverfront facilities				
Barge terminals	—	L6	L7	
Boat and ship yards	L6	L6	P	
Commercial piers and ports	—	P	—	
Marinas	P	P	—	
Marine sales and services	—	P	—	
Wireless communication antenna	L5	L5	L5	See § 1419-33

Wireless communication tower	C	C	C	See § 1419-33
Agriculture and Extractive Uses				
Animal keeping	P	P	P	See Chapter 1422
Farms	C	P	P	See Chapter 1422
Gardens	P	P	P	See Chapter 1422
Accessory Uses				See Chapter 1421
Any accessory use not listed below	L10	L10	L10	
<u>Accessory dwelling unit</u>	<u>L16</u>	=	=	<u>See § 1421-06</u>
Home occupation	P	—	—	See § 1419-17
Laundries and commissaries	L11	L11	—	
Refuse storage areas	L15	L15	L15	See § 1421-35
Drive box	L12	—	—	
Exterior lighting	P	P	P	See § 1421-39
Outside equipment storage areas	C	—	—	
Office uses	—	L13	L13	
Retail and repair	—	L14	—	
Portable Storage Containers	P	P	P	See § 1419-24
Nonconforming Uses				See Chapter 1447

Specific Limitations

- L1 Outdoor eating and drinking areas require a conditional use approval. Presentation of entertainment is not permitted in such areas.
- L2 Drive-through facilities are prohibited.
- L3 Permitted in marinas and boatyards otherwise a conditional use approval is required.
- L4 Use requires direct access to barge facilities.
- L5 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may be attached to an agricultural, multi-family, public or semi-public, public utility, commercial or industrial building or structure.
- L6 All storage to be in completely enclosed facilities.
- L7 Outdoor storage of chemicals, minerals and aggregate requires a conditional use approval.
- L8 Fencing must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.
- L9 Not allowed within 250 feet of a residential use in a Residential District.
- L10 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.
- L11 Accessory to a marina.
- 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 and is outside the 100-year floodplain.
- L13 Accessory to a permitted or conditional use but may not exceed 20,000 square feet of gross floor area.
- L14 Retail sales or repair of products incidental to the industrial uses of the district but may not exceed 5,000 square feet of gross floor area.
- L15 Provisions of § 1421-35 apply when refuse storage area is within 100 feet of any property used for residential purposes.
- L16 Permitted only when subordinate and incidental to a single-family dwelling that is the principal use of the lot.

Section 13. That Section 1417-03, "Land Use Regulations," of the Cincinnati Municipal Code is hereby amended as follows:

§ 1417-03. - Land Use Regulations.

Schedule 1417-03 below prescribes the land use regulations for IR Institutional Residential Districts. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1417-03 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 1417-03. 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 1417-03: Use Regulations - Institutional-Residential Districts

Use Classifications	IR	Additional Regulations
Residential Uses		
Bed and breakfast home	P	See § 1419-09
Day care home - Adult	P	
Day care home - Type A	L6	
Day care home - Type B	L6	
Group residential	P	
Permanent residential		
Single-family dwelling	P	
Attached single-family dwelling	P	
Two-family dwelling	P	
Multi-family dwelling	P	
Residential care facilities		

Assisted living	P	
Developmental disability dwelling	P	
Nursing home	P	
Transitional housing		
Programs 1—4	P	
Programs 5,6	C	
Public and Semipublic Uses		
Colleges, public or private	P	See § 1417-05
Community service facilities	P	
Cultural institutions	P	
Day care center	P	
Government facilities and offices		
Offices	P	
Hospitals	P	See § 1417-05
Park and recreation facilities	P	
Public safety facilities	P	
Religious assembly	P	
Schools, public or private	P	See § 1417-05 and § 1419-12
Commercial Uses		
Laboratories, commercial	P	See § 1417-05
Medical services and clinics	P	
Offices	P	
Transportation, Communication and Utilities		

Communications facilities	P	
Public utility distribution system	C	
Transportation facilities		
Heliports	C	
Transportation passenger terminals	P	
Wireless communication antenna	L1	See § 1419-33
Wireless communication tower	C	See § 1419-33
Agriculture and Extractive Uses		
Animal keeping	P	See Chapter 1422
Farms	C	See Chapter 1422
Gardens	P	See Chapter 1422
Accessory Uses		See Chapter 1421 and § 1417-05
Any accessory use not listed below	L2	
<u>Accessory dwelling unit</u>	<u>L7</u>	<u>See § 1421-06</u>
Drive box	L5	
Home occupations	P	See § 1419-17
Refuse storage area	L4	See § 1421-35
Rooming unit	L3	
Exterior lighting	P	See § 1421-39
Portable storage containers	P	See § 1419-24
Nonconforming Uses		See Chapter 1447

Specific Limitations

- L1 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may be attached to multi-family, public or semi-public, public utility or commercial building or structure.
- L2 Accessory uses determined by the Zoning Administrator to be customarily incidental to a use of the district other than those specified in § 1417-05 are permitted. All others require conditional use approval.
- L3 The maximum number of rooming units is two.
- L4 Provisions of § 1421-35 apply when refuse storage area is within 100 feet of any property used for residential purposes.
- L5 The storage space is less than 30 cubic yards; enclosed by a screen fence or within a structure; and at least 100 feet from any property used for residential purposes.
- L6 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.
- L7 Permitted only when subordinate and incidental to a single-family dwelling that is the principal use of the lot.

Section 14. That Section 1501-12, "Class F Civil Offenses," of the Cincinnati Municipal

Code is hereby amended to read as follows:

(a) A person who violates a standard of conduct set forth in a provision of Cincinnati Municipal Code Chapter 1001, Air Quality, is liable for the civil fine specified in Section 1501-99 for a Class F Civil Offense. If the person charged shows in accordance with Section 1501-15 that the violation has been corrected, the otherwise applicable civil fine is reduced by 50%. If a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year, that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, the amount of which fine is specified in Sec. 1501-99 and is not subject to reduction for correction of the violation.

(b) A person who violates Cincinnati Municipal Code ~~Chapter~~ Section 701-2(B)(4), "Leash Required; Responsibility for Injury," multiple times is liable for the civil fine specified in Sec. 1501-99 for a Class F Civil Offense.

(c) A person who violates Cincinnati Municipal Code Section 1421-06(l)(1), "Accessory Dwelling Units," is liable for the civil fine specified in Sec. 1501-99 for a Class F Civil Offense.

Section 15. That existing Sections 1401-01-T3, "Two-Family Dwelling," 1403-05, "Land Use Regulations," 1405-05, "Land Use Regulations," 1407-05, "Land Use Regulations," 1409-07, "Land Use Regulations," 1410-05, "Land Use Regulations," 1411-05, "Land Use Regulations,"

1413-05, "Land Use Regulations," 1415-05, "Land Use Regulations," 1417-03, "Land Use Regulations," 1421-01, "Accessory Residential Structures," and 1501-12, "Class F Civil Offenses," of the Cincinnati Municipal Code are hereby repealed.

Section 16. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strike through.

Date: June 26, 2023

To: Councilmember Mark Jeffeys
From: Emily Smart Woerner, City Solicitor *ESW*
Subject: **Ordinance – Accessory Dwelling Unit Text Amendment/B VERSION**

Transmitted herewith is an ordinance captioned as follows:

MODIFYING Title XIV, “Zoning Code of the City of Cincinnati,” of the Cincinnati Municipal Code, by **ORDAINING** new Sections 1401-01-A1A, “Accessory Dwelling Unit,” and 1421-06, “Accessory Dwelling Units,” and by **AMENDING** the provisions of Sections 1401-01-T3, “Two-Family Dwelling,” 1403-05, “Land Use Regulations,” 1405-05, “Land Use Regulations,” 1407-05, “Land Use Regulations,” 1409-07, “Land Use Regulations,” 1410-05, “Land Use Regulations,” 1411-05, “Land Use Regulations,” 1413-05, “Land Use Regulations,” 1415-05, “Land Use Regulations,” 1417-03, “Land Use Regulations,” 1421-01, “Accessory Residential Structures,” and 1501-12, “Class F Civil Offenses,” to provide, throughout the City, for the establishment of accessory dwelling units on the same lots as single-family dwellings.

ESW/DBS(dmm)
Attachment
385137

City of Cincinnati

DBS/B

EESW

An Ordinance No. _____ - 2023

MODIFYING Title XIV, “Zoning Code of the City of Cincinnati,” of the Cincinnati Municipal Code, by **ORDAINING** new Sections 1401-01-A1A, “Accessory Dwelling Unit,” and 1421-06, “Accessory Dwelling Units,” and by **AMENDING** the provisions of Sections 1401-01-T3, “Two-Family Dwelling,” 1403-05, “Land Use Regulations,” 1405-05, “Land Use Regulations,” 1407-05, “Land Use Regulations,” 1409-07, “Land Use Regulations,” 1410-05, “Land Use Regulations,” 1411-05, “Land Use Regulations,” 1413-05, “Land Use Regulations,” 1415-05, “Land Use Regulations,” 1417-03, “Land Use Regulations,” 1421-01, “Accessory Residential Structures,” and 1501-12, “Class F Civil Offenses,” to provide, throughout the City, for the establishment of accessory dwelling units on the same lots as single-family dwellings.

WHEREAS, the Department of City Planning and Engagement has recommended text amendments to the Cincinnati Zoning Code to permit the construction and development of accessory dwelling units on the same lots as single-family dwellings; and

WHEREAS, the proposed text amendments will allow accessory dwelling units to be constructed in all zoning districts that permit single-family dwellings, ensure accessory dwelling units are developed in a manner that respects neighboring land uses, increases housing supply and affordability for City residents, and makes efficient use of existing infrastructure; and

WHEREAS, the ability to establish accessory dwelling units across the City will also provide for equitable access to housing in neighborhoods of choice, mitigate the risks of displacement associated with rising property values, and generate wealth-building opportunities for residents in neighborhoods that are rapidly changing; and

WHEREAS, through the increased access to housing and wealth-building opportunities that accessory dwelling units bring, legacy residents will have more options for aging in place with dignity; and

WHEREAS, at its regularly scheduled meeting on June 2, 2023, the City Planning Commission reviewed the proposed text amendments and recommended their approval, finding them to be in the interest of the public’s health, safety, morals, and general welfare; 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 consistent with *Plan Cincinnati* (2012), including its “Live” Initiative Area goals to “provide a full spectrum of housing options and improve housing quality and affordability” (p. 164) and to “create a more livable community” (p. 156); and

WHEREAS, the Council’s authorization of accessory dwelling units is in furtherance of its commitment to address the City’s housing needs holistically through comprehensive land-use reform and revisiting how it incentivizes and subsidizes the creation of housing; 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 new Section 1401-01-A1A, “Accessory Dwelling Unit,” of the Cincinnati Municipal Code is hereby ordained to read as follows:

§ 1401-01-A1A. – Accessory Dwelling Unit.

“Accessory dwelling unit” means a self-contained dwelling unit designed for occupancy by one family for living and sleeping purposes that provides complete independent living facilities, including its own entrance, kitchen, bathroom, and sleeping area; that is located on the same lot as a larger single-family dwelling that serves as the principal use of the lot; and whose use is subordinate and incidental to the larger single-family dwelling.

Section 2. That Section 1401-01-T3, “Two-Family Dwelling,” of the Cincinnati Municipal Code is hereby amended as follows:

§ 1401-01-T3. – Two-Family Dwelling.

“Two-family dwelling” means a single building that contains two dwelling units, neither of which is an accessory dwelling unit.

Section 3. That Section 1421-01, “Accessory Residential Structures,” of the Cincinnati Municipal Code is hereby amended as follows:

§ 1421-01. – Accessory Residential Structures.

Structures ancillary to a principal structure are considered accessory structures. This section establishes regulations for residential accessory structures that are not accessory dwelling units. All accessory structures must be located, developed and operated in compliance with the following:

- (a) *Location.* Accessory structures are not permitted in a front yard or a side yard except for fences and walls, flagpoles, lamp posts, arbors, trellis, birdbaths, decorative fountains, or other similar structures as determined appropriate by the Zoning Administrator.

- (b) *Minimum Distance from Principal Structure:* One foot. Accessory structures, other than fences and walls, within one foot of the principal structure are considered part of the principal structure.
- (c) *Maximum Size:* 800 square feet for all structures other than fences and walls.
- (d) *Maximum Number of Accessory Buildings:* Two-, subject to the provisions set forth in § 1421-06(e).
- (e) *Maximum Height:* 15 feet.
- (f) *Setbacks.* A minimum three-foot rear yard setback and three-foot side yard setback is required. Agricultural structures and animal_keeping shelter structures shall conform to the provisions set forth in Chapter 1422.

Section 4. That new Section 1421-06, “Accessory Dwelling Units,” of the Cincinnati Municipal Code is hereby ordained as follows:

§ 1421-06. – Accessory Dwelling Units.

This section establishes regulations for accessory dwelling units. All accessory dwelling units must be located, developed, and operated in compliance with the following provisions:

- (a) *General.* Where permitted, an accessory dwelling unit may be established within the building envelope of a single-family dwelling, as an addition to a single-family dwelling, or as a detached structure on the same lot as a single-family dwelling, provided that no more than one accessory dwelling unit may be established on a single lot.
- (b) *Entrance.* Each accessory dwelling unit must provide a separate exterior entrance independent of the entrance to the single-family dwelling to which it is subordinate and incidental.
- (c) *Lot Size.* Any lot on which an accessory dwelling unit is established must meet the minimum-lot-size requirements for single-family dwellings prescribed by the applicable zoning district or § 1421-09, whichever requirement is less restrictive.
- (d) *Lot Coverage.* The footprint of a detached accessory dwelling unit located on a lot of 4,000 square feet or larger shall not occupy more than 15% of the total lot area or 800 square feet, whichever is greater. If a lot is less than 4,000 square feet, the combined footprint of the primary single-family dwelling and an accessory dwelling unit shall not exceed 60% of the total lot area or 800 square feet, whichever is greater.

Exception: The alteration of a legally existing accessory structure (e.g., a garage) is permitted even though it may exceed the lot coverage restrictions above provided that the alteration of the structure does not expand its existing footprint.

- (e) *Maximum Number of Accessory Buildings:* No more than two accessory buildings of any type, inclusive of a detached accessory dwelling unit, are permitted on a single lot.
- (f) *Setbacks.*
- (1) The establishment of an accessory dwelling unit within the building envelope of a legally existing single-family dwelling or through the alteration of a legally existing accessory structure is not subject to setback restrictions provided that the establishment of the accessory dwelling unit does not expand the existing structure's footprint.
 - (2) Detached accessory dwelling units are subject to the side and rear-yard setback requirements for accessory residential structures in the applicable zoning district.
Exception: The alteration of a legally existing accessory structure for the purpose of establishing an accessory dwelling unit is not subject to setback restrictions provided that the establishment of the accessory dwelling unit does not expand the existing structure's footprint.
 - (3) An accessory dwelling unit established as an addition to a legally existing single-family dwelling must comply with all setback requirements for single-family dwellings in the applicable zoning district.
 - (4) Detached accessory dwelling units are not permitted in front yards.
- (g) *Maximum Size:* The square footage of an accessory dwelling unit may not exceed the square footage (excluding unfinished spaces) of the principal single-family dwelling to which it is subordinate and incidental.
- (h) *Maximum Height.*
- (1) Detached accessory dwelling units shall not exceed 25 feet in height.
Exception: The alteration of a legally existing accessory structure for the purpose of establishing an accessory dwelling unit shall not exceed 25 feet in height or the existing height of the accessory structure, whichever is greater.
 - (2) An addition to a principal single-family dwelling that will contain an accessory dwelling unit must comply with all height requirements for single-family dwellings in the applicable zoning district.
- (i) *Detached Accessory Dwelling Units:* Detached accessory dwelling units must be of permanent construction and must contain permanent utility hookups. Mobile tiny homes and recreational vehicles are not permitted as accessory dwelling units.
- (j) *Parking.* Accessory dwelling units are exempt from the off-street parking requirements set forth in § 1425-19.
- (k) *Short-Term Rentals.* An accessory dwelling unit may be operated as a short-term rental in accordance with the provisions of Chapter 856, Short Term Rentals.

(l) *Occupancy by Owner or a Responsible Person.*

- (1) The owner of each lot on which an accessory dwelling unit is established must (i) maintain a residence in the principal single-family dwelling or the accessory dwelling unit on the lot for so long as the accessory dwelling unit exists; or (ii) designate a responsible person who maintains a residence in the principal single-family dwelling or the accessory dwelling on the lot for so long as the accessory dwelling unit exists.**
- (2) To ensure ongoing compliance with subsection (1), the owner of each lot on which an accessory dwelling unit is established and maintained shall:**
 - (i) record a covenant, in a form acceptable to the City Solicitor and irrevocable without the prior written consent of the Zoning Administrator, that provides the property owner or a responsible person shall maintain a residence on the property for so long as the accessory dwelling unit exists;**
 - (ii) register the accessory dwelling unit with the Zoning Administrator and verify compliance with subsection (1) upon the establishment of the accessory dwelling unit;**
 - (iii) renew the registration and verification no later than December 31 of every year ending in an odd number following the initial year of registration; and**
 - (iv) update each registration and verification upon a change in ownership of the property or the designated responsible person.**
- (3) Any person who fails to maintain compliance with subsection (1) shall be liable for a Class F civil offense.**
- (4) For the purposes of this section 1421-06(l), the following terms shall have the following meanings:**
 - (i) “Residence” means a dwelling unit that is the true, fixed, and permanent home where an individual intends to remain permanently and indefinitely; to which, whenever absent, the individual intends to return; and that only one of which may exist for one person within the city limits of the City of Cincinnati at any time.**
 - (ii) “Responsible Person” means a natural person designated by the owner of a lot on which an accessory dwelling unit is established as having the independent duty, responsibility (including financial responsibility), and authority to operate, maintain, and manage the lot and all the dwelling units thereon.**

Section 5. 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	P	P	P	P	P	See Chapter 1422
Accessory Uses						
Any accessory use not listed below	L8	L8	L8	L8	L8	
<u>Accessory dwelling unit</u>	<u>L14</u>	<u>L14</u>	<u>L14</u>	<u>L14</u>	<u>L14</u>	<u>See § 1421-06</u>
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 Permitted only when subordinate and incidental to a single-family dwelling that is the principal use of the lot.

Section 6. That Section 1403-05, “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	P	P	P	p	See Chapter 1422
Accessory Uses					
Any accessory use not listed below	L8	L8	L8	L8	
<u>Accessory dwelling unit</u>	<u>L18</u>	<u>L18</u>	<u>L18</u>	<u>L18</u>	<u>See § 1421-06</u>
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 Permitted only when subordinate and incidental to a single-family dwelling that is the principal use of the lot.

Section 7. That Section 1407-05, "Land Use Regulations," of the Cincinnati Municipal Code is hereby amended as follows:

§ 1407-05. - Land Use Regulations.

Schedule 1407-05 below prescribes the land use regulations for O Office 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 1407-05. 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 1407-05: Use Regulations - Office Districts

Use Classifications	OL	OG	Additional Regulations
Residential Uses			
Bed and breakfast home	P	P	See § 1419-09
Day care home - Adult	P	P	
Day care home - Type A	L8	L8	
Day care home - Type B	L8	L8	
Group residential			
Congregate housing	P	P	
Convents and monasteries	P	P	
Fraternities and sororities	P	P	
Patient family homes	P	P	
Rooming house	—	L7	
Shared housing for elderly	P	P	
Permanent residential			
Single-family dwelling	P	L1	
Attached single-family dwelling	P	L1	
Rowhouse, single-family dwelling	P	—	

Two-family dwelling	P	L1	
Multi-family dwelling	P	L1	
Transitional housing			
Programs 1—4	P	P	
Program 5	—	P	
Program 6	—	C	
Public and Semipublic Uses			
Clubs or lodges	C	P	
Colleges, public or private	—	C	
Cultural institutions	P	P	
Day care center	P	P	
Government facilities and offices			
Offices	P	P	
Hospitals	—	C	
Parks and recreation facilities	P	P	
Public safety facilities	P	P	
Religious assembly	P	P	
Schools, public or private	P	P	See § 1419-12
Commercial Uses			
Animal services	—	P	See § 1419-05
Banks and financial institutions	P	P	See § 1419-13
Bed and breakfast inns	C	C	See § 1419-09

Business services	P	P	
Commercial meeting facility	L2	P	
Eating and drinking establishments			
Restaurants, full service	—	L4,5	See § 1419-21
Restaurants, limited	—	L4,5	See § 1419-21
Convenience markets	L4, 5	L4, 5	
Food markets	L4,5	L4,5	
Funeral and interment services	P	P	
Hotels and commercial lodging	—	P	
Laboratories, commercial	C	P	
Medical services and clinics	P	P	
Offices	P	P	
Parking facilities	C	C	See Chapter 1425
Personal instructional services	L3,4	L4	
Personal services	L3,4	L4	
Transportation, Communications and Utilities Uses			
Communications facilities	—	C	
Public utility distribution system	C	C	
Transportation facilities			
Heliports	—	C	
Railroad right-of-way	P	P	
Wireless communication antenna	L6	L6	See § 1419-33

Wireless communication tower	C	C	See § 1419-33
Agriculture and Extractive Uses			
Animal keeping	C	C	See Chapter 1422
Farms	C	C	See Chapter 1422
Gardens	P	P	See Chapter 1422
Accessory Uses			See Chapter 1421
Any accessory use not listed below	L9	L9	
<u>Accessory dwelling unit</u>	<u>L13</u>	<u>L13</u>	<u>See § 1421-06</u>
Home occupations	P	P	See § 1419-17
Rooming unit	L10	L10	
Refuse storage areas	P	P	See § 1421-35
Drive box	L11	L11	
Fences and walls	P	P	See § 1421-33
Exterior lighting	P	P	See § 1421-39
Small-scale specialized incinerator	—	L12	
Portable storage containers	P	P	See § 1419-24
Nonconforming Uses			See Chapter 1447

Specific Limitations

- L1 For new construction, permitted only above the ground floor in mixed-use building on arterial streets. Modification requires conditional use approval pursuant to the procedures and criteria of Chapter 1445, Variances, Special Exceptions, and Conditional Uses. Pre-existing permanent residential uses are permitted.
- L2 Not to exceed 3,000 square feet in gross floor area.
- L3 Permitted only on arterial streets.

- L4 Permitted on the ground floor occupying less than 2,500 sq. ft.; more space requires a conditional use approval.
- L5 Drive-through facilities are not permitted.
- L6 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, commercial or public utility building or structure.
- L7 Only rooming houses licensed pursuant to Chapter 855. Rooming Houses of the Municipal Code; no more than five rooming units for every building, and a separate entrance for access to rooming units must be provided. The minimum rental is seven days. See § 1421-43.
- L8 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.
- L9 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.
- L10 The maximum number of rooming units is two.
- L11 Accessory to a public or semi-public use, provided the drive box is at least 100 feet from any property used for residential purposes.
- L12 Accessory to hospitals, medical services, clinics commercial laboratories and research and development uses, provided the incinerator is located on a roof or at least 100 feet from any property used for residential purposes.
- L13 Permitted only when subordinate and incidental to a single-family dwelling that is the principal use of the lot.

Section 8. That Section 1409-07, "Land Use Regulations," of the Cincinnati Municipal

Code is hereby amended as follows:

§ 1409-07. - Land Use Regulations.

Schedule 1409-07 below prescribes the land use regulations for C Districts. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1409-07 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 1409-07. 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 1409-07: Use Regulations - Commercial Subdistricts

Use Classifications	CN-P	CN-M	CC-P	CC-M	CC-A	CG-A	Additional Regulations
Residential Uses							
Bed and breakfast home	P	P	P	P	—	—	See § 1419-09
Day care home - Adult	P	P	P	P	P	—	
Day care home - Type A	L3	L3	L3	L3	L3	—	
Day care home - Type B	L3	L3	L3	L3	—	—	
Group residential							
Congregate housing	P	P	P	P	P	P	
Convents & monasteries	P	P	P	P	—	—	
Dormitories	P	P	P	P	P	—	
Fraternities & sororities	P	P	P	P	—	—	
Patient family homes	P	P	P	P	—	—	
Rooming houses	L1	L1	L1	L1	—	—	
Shared housing for elderly	P	P	P	P	—	—	
Permanent residential							
Single-family dwelling	P	P	P	L2	L2	—	

Attached single-family dwelling	P	P	P	—	—	—	
Two-family dwelling	P	P	P	L2	L2	—	
Multi-family dwelling	P	P	P	L2	L2	—	
Residential care facilities							
Assisted living	P	P	P	P	P	—	
Developmental disability dwelling	P	P	P	L2	L2	—	
Nursing home	P	P	P	P	P	—	
Special assistance shelter	C	C	C	C	C	C	
Transitional housing							
Programs 1—4	P	P	P	L2	L2	—	
Program 5	—	—	—	P	P	P	
Program 6	—	—	—	C	P	P	
Public and Semipublic Uses							
Clubs and lodges	P	P	P	P	P	P	
Colleges, public or private	—	—	—	C	P	P	
Community service facilities	P	P	P	P	P	P	
Cultural institutions	P	P	P	P	P	P	
Day care center	P	P	P	P	P	P	
Government facilities and offices							
Offices	L9	L9	P	P	P	P	

Hospitals	—	—	—	—	—	P	
Park and recreation facilities	P	P	P	P	P	P	
Public maintenance facilities	—	—	—	—	C	C	
Public safety facilities	P	P	P	P	P	P	
Religious assembly	P	P	P	P	P	P	
Schools, public or private	P	P	P	P	P	P	See § 1419-12
Commercial Uses							
Ambulance services	—	—	—	—	P	P	
Animal service facilities	P	P	P	P	P	P	See § 1419-05
Banks and financial institutions	L9	L9	P	P	P	P	
Bed and breakfast inns	P	P	P	P	P	P	
Building maintenance services	—	—	—	—	P	P	
Building materials sales and services	—	—	—	L5	L5	P	
Business services	L9	L9	P	P	P	P	
Commercial meeting facility	—	—	—	P	P	P	
Eating and drinking establishments							
Convenience markets	L9	L9	P	P	P	P	
Drinking establishments	L9	L9	L9	P	P	P	

Restaurants, full service	L9	L9	L9	P	P	P	See § 1419-21
Restaurants, limited	L9	L9	P	P	P	P	See § 1419-21
Food markets	L9	L9	P	P	P	P	
Food preparation	L9	L9	P	P	P	P	
Funeral and interment services	P	P	P	P	P	P	
Garden supply stores and nurseries	—	—	—	L5	L5	P	
Hotels and commercial lodging	—	—	—	P	P	P	
Laboratories, commercial	L9	L9	P	P	P	P	
Loft dwelling units	P	P	P	P	P	P	See § 1419-23
Maintenance and repair services	L9	L9	P	P	P	P	
Medical services and clinics	L9	L9	P	P	P	P	
Offices	L9	L9	P	P	P	P	
Parking facilities	C	P	C	P	P	P	See Chapter 1425
Personal instructional services	L9	L9	P	P	P	P	
Personal services	L9	L9	P	P	P	P	
Private vehicular storage Lot	—	—	—	—	P	P	
Recreation and entertainment							

Indoor or small-scale	L9	L9	P	P	P	P	
Outdoor or large-scale	—	—	—	—	C	P	
Retail sales	L9	L9	P	P	P	P	
Vehicle and equipment services							
Vehicle and equipment sales and rental	—	—	—	C	L7	P	
Car wash	—	—	—	P	P	P	See § 1419-11
Fuel sales	—	P	—	P	P	P	See § 1419-15
Vehicle repair	—	—	—	C	P	P	See § 1419-27
Industrial Uses							
Production industry							
Artisan	C	C	C	C	P	P	
Limited	—	—	—	—	P	P	
Warehousing and storage							
Contractor storage	—	—	—	—	L5	L5	
Indoor storage	—	—	—	—	P	P	
Wholesaling and distribution	—	—	—	—	P	P	
Transportation, Communication and Utilities Uses							
Communications facilities	P	P	P	P	P	P	
Public utility distribution system	P	P	P	P	P	P	

Radio and television broadcast antenna	—	—	—	—	C	C	
Transportation facilities							
Heliports	—	—	—	—	C	C	
Railroad right-of-way	P	P	P	P	P	P	
Transportation passenger terminals	—	—	—	—	P	P	
Wireless communication antenna	L4	L4	L4	L4	L4	L4	See § 1419-33
Wireless communication tower	C	C	C	C	C	C	See § 1419-33
Agriculture and Extractive Uses							
Animal keeping	P	P	P	P	P	P	See Chapter 1422
Farms	C	C	C	P	P	P	See Chapter 1422
Gardens	P	P	P	P	P	P	See Chapter 1422
Accessory Uses							See Chapter 1421
Any accessory use not listed below	L6	L6	L6	L6	L6	L6	
<u>Accessory dwelling unit</u>	<u>L12</u>	<u>L12</u>	<u>L12</u>	<u>L12</u>	<u>L12</u>	—	<u>See § 1421-06</u>
Refuse storage areas	P	P	P	P	P	P	See § 1421-35
Drive box	L10	L10	L10	L10	L10	L10	
Commercial vehicle parking	P	P	P	P	P	P	

Exterior lighting	P	P	P	P	P	P	See § 1421-39
Small-scale specialized incinerator	L11	L11	L11	L11	L11	L11	
Portable storage containers	P	P	P	P	P	P	See § 1419-24
Nonconforming Uses							See Chapter 1447

Specific Limitations

- L1 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.
- L2 Permitted only above the ground floor in a mixed use building. Modification requires conditional use approval pursuant to the procedures and criteria of Chapter 1445, Variance, Special Exceptions, and Conditional Uses.
- L3 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.
- L4 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, commercial or public utility building or structure.
- L5 Permitted provided that outside storage is screened with an 8 ft. privacy fence.
- L6 Accessory uses determined by the Zoning Administrator to be customarily incidental to a use of the district are permitted except where expressly prohibited. All others require conditional use approval.
- L7 Permitted on arterial streets with a maximum site size of two acres. Vehicle loading and unloading must occur on-site.
- L8 Use is limited to 2,500 square feet and the use must be located within a mixed-use building; more space requires conditional use approval.
- L9 Use is limited to 15,000 square feet; more space requires conditional use approval.
- L10 The storage space is less than 30 cubic yards; enclosed by a screen fence or within a structure; and at least 100 feet from any property used for residential purposes.
- L11 The material incinerated is generated on-site and is located on a roof or at least 100 feet from any property used for residential purposes.

L12 Permitted only when subordinate and incidental to a single-family dwelling that is the principal use of the lot.

Section 9. That Section 1410-05, “Land Use Regulations,” of the Cincinnati Municipal Code is hereby amended as follows:

§ 1410-05. - Land Use Regulations.

Schedule 1410-05 below prescribes the land use regulations for UM District. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1410-05 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 1410-05. 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 1410-05: Use Regulations – Urban Mix District

Use Classifications	UM	Additional Regulations
Residential Uses		
Group Residential		
Bed and breakfast home	P	See § 1419-09
Day care home - Adult	P	
Day care home - Type A	L2	
Day care home - Type B	L2	
Group residential		
Congregate housing	P	

Convents and monasteries	L7	
Fraternities, sororities, dormitories	L7	
Patient family homes	L7	
Rooming houses	L1	
Shared housing for the elderly	L7	
Permanent Residential		
Single-family dwelling	P	See § 1403-11
Attached single-family dwelling	P	See § 1403-11
Rowhouse, single-family dwelling	P	
Two-family dwelling	P	
Multi-family dwelling	P	
Residential Care Facilities		
Assisted living	P	
Developmental disability dwelling	P	
Nursing home	P	
Special Assistance Shelter	C	
Transitional Housing		
Programs 1 - 4	P	
Program 5, 6	—	
Public and Semipublic Use		
Clubs and lodges	P	
Colleges, Public or Private	P	

Community service facilities	C	
Cultural institutions	P	
Day Care Center	P	
Government Facilities and Offices		
Offices	P	
Hospitals	P	
Parks and recreation facilities	P	
Public maintenance Facilities	C	
Public safety facilities	P	
Religious assembly	P	
Schools, public or private	P	See § 1419-12
Commercial Uses		
Ambulance Services	C	
Animal Services	C	See § 1419-05
Banks and Financial Institutions	L9	See § 1419-13
ATM, Stand Alone	C	
Bed and breakfast inns	P	See § 1419-09
Building maintenance services	P	
Building material sales & services	L3	
Business services	P	
Commercial meeting facilities	C	
Eating and Drinking Establishments		

Convenience markets	L9	
Drinking establishments	P	See § 1419-21
Restaurants, Full Service	L9	See § 1419-21
Restaurants, Limited Service	L9	See § 1419-21
Food markets	L9	
Food preparation	P	
Funeral and interment services	P	
Garden supply stores & nurseries	C	
Hotels & commercial lodging	P	
Laboratories, commercial	L6	
Loft dwelling units	P	See § 1419-23
Maintenance & repair services	P	
Medical services and clinics	P	
Offices	P	
Parking facilities	C	See § 1425, § 1411-25
Personal instructional services	P	
Personal services	P	
Recreation and Entertainment		
Indoor or small scale	P	
Outdoor or large scale	C	
Retail sales	L6	
Vehicle & Equipment Services	L10	

Car wash	L10	See § 1419-11
Vehicle repair	L11	See § 1419-27
Industrial Uses		
Production industry		
Artisan	P	
General	C	
Limited	P	
Research & development	C	
Warehouse & Storage		
Contractor's storage	L3	
Indoor storage	P	
Wholesale & distribution	C	
Transportation, Communication and Utilities		
Communications facilities	C	
Public utility distribution system	L12	
Transportation Facilities		
Heliports	C	
Railroad right-of-way	P	
Transportation passenger terminals	C	
Wireless communication antenna	L4	See § 1419-33
Wireless communication tower	C	See § 1419-33
Agriculture and Extractive Uses		

Animal keeping	P	See Chapter 1422
Farms	C	See Chapter 1422
Gardens	P	See Chapter 1422
Accessory Uses		
Any accessory use not listed below	L5	
<u>Accessory dwelling unit</u>	<u>L14</u>	<u>See § 1421-06</u>
Commercial services	P	See § 1419-35, 37
Commercial vehicle parking	P	
Drive box	L13	
Exterior lighting	P	See § 1421-39
Fences and walls	P	See § 1421-33
Home occupations	P	See § 1419-17
Refuse storage areas	P	See § 1421-35
Rooming unit	L8	
Small scale specialized incinerator	—	
Transitional Housing	—	
Portable Storage Containers	P	See § 1419-24
Nonconforming Uses		See Chapter 1447

Specific Limitations

- L1 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.

- L2 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.
- L3 Permitted provided outdoor storage is screened so as not to be visible from adjacent streets.
- L4 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, public utility, a commercial or industrial building or structure.
- L5 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.
- L6 Use is limited to 15,000 square feet.
- L7 A separate entrance for access to rooming units must be provided in a MIX-use building.
- L8 No more than two rooming units may be rented or leased in any dwelling.
- L9 Drive through facilities are not permitted.
- L10 Permitted as an accessory use located within a parking garage.
- L11 Permitted within a fully enclosed structure.
- L12 The facility must be underground, within a building or on the roof within an enclosure.
- L13 Accessory to a public or semi-public use provided that the drivebox is at least 100 feet from any property used for residential purposes.
- L14 Permitted only when subordinate and incidental to a single-family dwelling that is the principal use of the lot.

Section 10. That Section 1411-05, "Land Use Regulations," of the Cincinnati Municipal

Code is hereby amended as follows:

§ 1411-05. - Land Use Regulations.

Schedule 1411-05 below prescribes the land use regulations for DD Downtown Development Use Subdistricts. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1411-05 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 1411-05. 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 1411-05: Use Regulations – Downtown Development Use Subdistricts

Use Classifications	DD-A	DD-B	DD-C	DD-D	Additional Regulations
Residential Uses					
Bed and breakfast home	P	P	P	P	See § 1419-09
Day care home - Adult	P	P	P	P	
Day care home - Type A	L12	L12	L12	L12	
Day care home - Type B	L12	L12	L12	L12	
Group residential					
Convents and monasteries	L1	L1	L1	L1	
Fraternities and sororities	L1	L1	L1	L1	
Patient family homes	L1	L1	L1	L1	
Rooming houses	L2	L2	L2	L2	
Shared housing for elderly	L1	L1	L1	L1	
Permanent residential					
Single-family dwelling	P	P	P	P	
Attached single-family dwelling	P	P	P	P	

Single-family rowhouse	P	P	P	P	
Multi-family dwelling	P	P	P	P	
Two-family dwelling	P	P	P	P	
Residential care facilities					
Assisted living	—	P	P	—	
Developmental disability dwelling	P	P	P	P	
Nursing home	—	P	P	—	
Special assistance shelter	C	C	C	C	
Transitional housing					
Programs 1—5	P	P	P	P	
Program 6	L11	L11	L11	L11	
Public and Semipublic Uses					
Clubs and lodges	P	P	P	P	
Colleges, public or private	P	P	P	P	
Community service facilities	P	P	P	P	
Cultural institutions	P	P	P	P	
Day care center	P	P	P	P	
Government facilities and offices					
Correctional institutions	—	—	C	—	
Offices	P	P	P	P	

Hospitals	P	P	P	P	
Park and recreation facilities	P	P	P	P	
Public maintenance facility	—	P	P	P	
Public safety facilities	P	P	P	P	
Religious assembly	P	P	P	P	
Schools, public or private	P	P	P	P	See § 1419-12
Commercial Uses					
Animal service facilities	—	C	C	—	See § 1419-05
Banks and financial institutions	L3	L3	L3	L3	
ATM, stand-alone	—	—	C	C	See § 1419-07
Bed and breakfast inns	P	P	P	P	See § 1419-09
Building maintenance services	—	—	P	—	
Business services	P	P	P	P	
Commercial meeting facilities	L4	L4	L4	L4	
Eating and drinking establishments					
Convenience markets	L3	L3	L3	L3	
Drinking establishments	P	P	P	P	
Restaurants, full service	L3	L3	L3	L3	See § 1419-21
Restaurants, limited	L3	L3	L3	L3	See § 1419-21

Food markets	L3	L3	L3	L3	
Food preparation	P	P	P	P	
Funeral and interment services	—	—	P	—	
Hotels and commercial lodging	P	P	P	P	
Laboratories, commercial	L4	—	L4	L4	
Loft dwelling units	P	P	P	P	See § 1419-23
Maintenance and repair services	P	P	P	P	
Medical services and clinics	L4	P	L4	L4	
Offices	L4	P	L4	L4	
Parking facilities	L13	L13	L13	L13	See § 1411-25
Personal instructional services	L5	L5	P	L5	
Personal services	P	L6	P	P	
Recreation and entertainment					
Indoor or small-scale	L5	L5	P	L5	
Outdoor or large-scale	C	—	C	C	
Retail sales	P	L6	P	P	
Vehicle and equipment services					
Vehicle and equipment sales and rental	L7	—	L7	—	

Car wash	L7	L7	L7	L7	See § 1419-11
Vehicle repair	—	—	L8	—	See § 1419-27
Industrial Uses					
Production industry					
Artisan	—	—	P	P	
Limited	—	—	P	—	
Research and development	—	—	C	—	
Warehousing and storage					
Indoor storage	—	—	P	—	
Wholesaling and distribution	—	—	P	—	
Transportation, Communication and Utilities					
Communications facilities	P	—	P	P	
Public utility distribution system	L9	L9	L9	L9	
Public utility maintenance yard	—	—	C	—	
Public utility plant	C	—	C	—	
Transportation facilities					
Heliports	C	—	C	C	
Transportation passenger terminals	C	C	C	C	
Watercraft and riverfront facilities					

Commercial piers and ports	—	—	—	P	
Marinas	—	—	—	P	
Wireless communication antenna	L10	L10	L10	L10	See § 1419-33
Wireless communication tower	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	P	P	P	P	See Chapter 1422
Accessory Uses					See Chapter 1421
<u>Accessory dwelling unit</u>	<u>L14</u>	<u>L14</u>	<u>L14</u>	<u>L14</u>	<u>See § 1421-06</u>
Nonconforming Uses					See Chapter 1447

Specific Limitations

- L1 A separate entrance for access to rooming units must be provided in a mixed-use building.
- L2 Only rooming houses licensed pursuant to Chapter 855, Rooming Houses of the Municipal Code are allowed. A separate entrance for access to rooming units must be provided. The minimum rental is seven days. See § 1421-23.
- L3 Drive-through facilities are not permitted.
- L4 Not permitted as a principal ground floor use in locations indicated on Map 1411-17: Commercial Continuity Overlay.

- L5 Permitted only above the ground floor in a mixed-use building. Modification requires conditional use approval pursuant to Chapter 1445-Variances, Special Exceptions and Conditional Uses.
- L6 Permitted on the ground floor only.
- L7 Permitted as a secondary use located within a parking garage.
- L8 Permitted only if the entire use and storage is within an enclosed structure.
- L9 The facility must be underground, within a building or on the roof within an enclosure.
- L10 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, public utility, commercial or industrial building or structure.
- L11 Programs may not exceed 50 resident occupants.
- L12 Fencing must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.
- L13 See 1411-25.
- L14 Permitted only when subordinate and incidental to a single-family dwelling that is the principal use of the lot.

Section 11. That Section 1413-05, "Land Use Regulations," of the Cincinnati Municipal

Code is hereby amended as follows:

§ 1413-05. - Land Use Regulations.

Schedule 1413-05 below prescribes the land use regulations for M Manufacturing Districts. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1413-05 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 1413-05. 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 1413-05: Use Regulations - Manufacturing Districts

Use Classifications	MA	ML	MG	ME	Additional Regulations
Residential Uses					
Day care home—Adult	P	—	—		
Day care home—Type A	L9	—	—		
Day care home—Type B	L1	—	—		
Group residential					
Convents and monasteries	—	L1	—	—	
Fraternities and sororities	—	L1	—	—	
Patient family homes	—	L1	—	—	
Rooming houses	—	L1	—	—	
Shared housing for the elderly	P	L1	—	—	
Permanent residential					
Single-family dwelling	P	L1	—	—	
Attached single-family dwelling	P	L1	—	—	See § 1403-13
Two-family dwelling	—	L1	—	—	
Multi-family dwelling	—	L1	—	—	
Residential care facilities					
Developmental disability dwelling	P	P	—	—	
Special assistance shelter	—	C	—	—	

Transitional housing					
Programs 1—4	—	P	P	—	
Programs 5, 6	—	—	P	—	
Public and Semipublic Uses					
Community service facilities	P	P	—	—	
Day care center	P	P	L3	—	
Government facilities and offices					
Correctional institutions	—	—	C	—	
Facilities and installations	—	—	C	—	
Juvenile detention facilities	—	—	C	—	
Offices	P	P	P	—	
Park and recreation facilities	P	P	—	—	
Public maintenance facilities	—	P	P	—	
Public safety facilities	C	P	P	P	
Religious assembly	P	P	—	—	
Schools, public or private	P	P	—	—	See § 1419-12
Commercial Uses					
Ambulance services	—	P	P	—	
Animal service facilities	—	P	P	—	See § 1419-05
Banks and financial institutions	—	P	P	—	
Building maintenance services	—	P	P	—	

Building materials sales and services	—	P	P	P	
Business services	—	P	P	—	
Eating and drinking establishments					
Convenience markets	—	L5	L5	—	
Drinking establishments	—	P	P	—	
Restaurants, full service	—	P	P	—	See § 1419-21
Restaurants, limited	—	P	P	—	See § 1419-21
Food markets	—	L5	L5	—	
Food preparation	P	P	P	—	
Garden supply stores and nurseries	P	P	—	—	See § 1419-16
Laboratories, commercial	—	P	P	—	
Loft dwelling units	P	P	P	—	See § 1419-23
Maintenance and repair services	P	P	P	—	
Medical services and clinics	—	P	P	—	
Offices	P	P	P	P	
Parking facilities	—	P	P	C	See Chapter 1425
Personal instructional services	P	P	P	—	
Personal services	—	L5	L5	—	
Private vehicular storage lot	—	—	P	—	
Recreation and entertainment					

Indoor or small-scale	—	P	P	—	
Outdoor or large-scale	—	C	—	—	
Retail sales	—	L5	L5	—	
Sexually oriented business	—	—	P	—	See § 1419-25
Vehicle and equipment services					
Vehicle and equipment sales and rental	—	L2	L2	—	
Car wash	—	L3	P	—	See § 1419-11
Fuel sales	—	L3	P	—	See § 1419-15
Vehicle repair	—	—	P	—	See § 1419-27
Automobile holding facility	—	—	L4	—	
Industrial Uses					
Production industry					
Artisan	P	P	P	P	
General	—	—	P	P	
Intensive high-impact	—	—	C	C	See § 1419-19
Limited	P	P	P	P	
Research and development	P	P	P	—	
Warehousing and storage					
Contractor's storage	—	C	P	—	
Indoor storage	—	P	P	—	
Oil and gas storage	—	—	C	C	

Outdoor storage	—	—	C	C	
Metal waste salvage yard/junk yards	—	—	C	C	
Waste management					
Waste collection	—	P	P	P	See § 1419-31
Waste disposal	—	—	C	C	
Waste transfer	—	—	C	C	See § 1419-31
Wholesaling and distribution	P	P	P	P	
Transportation, communication and utilities					
Communications facilities	P	P	P	—	
Public utility distribution system	—	P	P	P	
Public utility maintenance yard	—	P	P	P	
Public utility plant	—	C	P	P	
Radio and television broadcast antenna	—	P	P	—	
Transportation facilities					
Airports	—	L6	—	—	
Heliports	—	L6	L6	L6	
Railroad train yards	—	L7	L7	L7	
Railroad right-of-way	—	P	P	P	
Transportation passenger terminals	—	P	P	P	
Truck terminal and warehouse	—	—	L7	L7	

Wireless communication antenna	L13	L8	L8	L8	
Wireless communication tower	—	C	C	C	
Agriculture and Extractive Uses					
Animal keeping	P	P	P	P	See Chapter 1422
Farms	P	P	P	P	See Chapter 1422
Gardens	P	P	P	P	See Chapter 1422
Mining and quarrying	—	—	C	C	
Accessory Uses					See Chapter 1421
Any accessory use not listed below	L10	L10	L10	L10	
<u>Accessory dwelling unit</u>	<u>L17</u>	<u>L1, L17</u>	=	=	<u>See § 1421-06</u>
Refuse storage area	L12	L12	L12	L12	See § 1421-35
Drive box	L11	L11	L11	L11	
Commercial vehicle parking	L14	P	P	P	
Exterior lighting	P	P	P	P	See § 1421-39
Composting facilities	P	—	—	—	See § 1421-37
Home occupation	P	—	—	—	See § 1419-17
Rooming unit	L15	—	—	—	
Retail Sales	L16	—	—	—	
Portable Storage Containers	P	P	P	P	See § 1419-24
Nonconforming Uses					See Chapter 1447

Specific Limitations

- L1 New residential is permitted only when abutting an existing residential use or structure.
- L2 Permitted on arterial street only. Vehicle loading and unloading must occur on-site.
- L3 Permitted only as an accessory use to a use allowed in the district.
- L4 The facility must be completely enclosed on all sides with a six foot screen fence which is protected from damage by a guardrail or other barriers approved by the Zoning Administrator. Must be located at least 100 feet from a residential district.
- L5 Permitted only if occupying less than 5,000 sq. ft. in ML and 10,000 sq. ft. in MG.
- L6 Landing strip, pad, or apron may not be located within 500 ft. of a residential district boundary.
- L7 Not allowed within 250 ft. of a residential use in a Residential District.
- L8 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may be attached to a multi-family, public or semi-public, public utility, a commercial or industrial building or structure.
- L9 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.
- L10 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.
- L11 The storage space is less than 30 cubic yards; enclosed by a screen fence or within a structure; and at least 100 feet from any property used for residential purposes.
- L12 Provisions of § 1421-35 apply when refuse storage.
- L13 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may be attached to an agricultural, public or semi-public or public utility building or structure.
- L14 One commercial vehicle may be parked or stored on residential property with the following provisions:
 - a. Commercial vehicles with current license owned by a resident of the residential property on which it is stored or parked may not exceed two tons in capacity.
 - b. Recreational vehicles, watercraft and personal trailers may be parked on the lot beyond the front yard.
- L15 No more than two rooming units may be rented or leased in a single-family dwelling.

L16 Retail sales of products manufactured or wholesaled on the premises, when incidental and subordinate to a principal permitted use, provided that the floor area devoted to such retailing shall not exceed 35 percent of the floor area devoted to such principal use, but in no case shall the retail floor area exceed 5,000 square feet.

L17 Permitted only when subordinate and incidental to a single-family dwelling that is the principal use of the lot.

Section 12. That Section 1415-05, "Land Use Regulations," of the Cincinnati Municipal Code is hereby amended as follows:

§ 1415-05. - Land Use Regulations.

Schedule 1415-05 below prescribes the land use regulations for RF Riverfront Districts. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1415-05 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 1415-05. 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 1415-05: Use Regulations - Riverfront Districts

Use Classifications	RF-R	RF-C	RF-M	Additional Regulations
Residential Uses				
Bed and breakfast home	P	—	—	See § 1419-09
Day care home - Adult	C	—	—	
Day care home - Type A	C	—	—	
Day care home - Type B	L8	—	—	

Permanent residential				
Single-family dwelling	P	—	—	
Attached single-family dwelling	P	—	—	
Rowhouse single-family dwelling	P	—	—	
Two-family dwelling	P	—	—	
Multi-family dwelling	P	—	—	
Public and Semipublic Uses				
Community service facilities	P	—	—	
Cultural institutions	P	P	—	
Day care centers	P	P	—	
Government facilities and offices				
Facilities and installations	—	C	C	
Offices	P	P	—	
Parks and recreation facilities	P	—	—	
Public maintenance facilities	C	P	—	
Public safety facilities	P	P	P	
Religious assembly	P	P	P	
Schools, public and private	P	—	—	See § 1419-12
Commercial Uses				
Bed and breakfast inns	P	—	—	See § 1419-09
Eating and drinking establishments				

Drinking establishments	L1,2,3	L2,3	—	
Restaurants, full service	L1,2,3	L2,3	—	See § 1419-21
Restaurants, limited	L1,2,3	L2,3	—	See § 1419-21
Garden supply stores and plant nurseries	P	—	—	
Hotels and commercial lodging	L3	L3	—	
Recreation and entertainment				
Outdoor or large-scale	P	—	—	
Industrial Uses				
Production industry				
General	—	L4,6	L4,7	
Intensive high-impact	—	—	L4,7	See § 1419-19
Limited	—	L4,6	L4,7	
Metal waste salvage yard/junk yards	—	—	C	
Wholesaling and distribution	—	L4	L4	
Transportation, Communications and Utilities Uses				
Public utility distribution system	P	P	P	
Public utility plant	—	P	P	
Transportation facilities				
Railroad right-of-way	P	P	P	
Railroad train yards	—	L9	L9	

Transportation passenger terminals	P	P	P	
Watercraft and riverfront facilities				
Barge terminals	—	L6	L7	
Boat and ship yards	L6	L6	P	
Commercial piers and ports	—	P	—	
Marinas	P	P	—	
Marine sales and services	—	P	—	
Wireless communication antenna	L5	L5	L5	See § 1419-33
Wireless communication tower	C	C	C	See § 1419-33
Agriculture and Extractive Uses				
Animal keeping	P	P	P	See Chapter 1422
Farms	C	P	P	See Chapter 1422
Gardens	P	P	P	See Chapter 1422
Accessory Uses				See Chapter 1421
Any accessory use not listed below	L10	L10	L10	
<u>Accessory dwelling unit</u>	<u>L16</u>	—	—	<u>See § 1421-06</u>
Home occupation	P	—	—	See § 1419-17
Laundries and commissaries	L11	L11	—	

Refuse storage areas	L15	L15	L15	See § 1421-35
Drive box	L12	—	—	
Exterior lighting	P	P	P	See § 1421-39
Outside equipment storage areas	C	—	—	
Office uses	—	L13	L13	
Retail and repair	—	L14	—	
Portable Storage Containers	P	P	P	See § 1419-24
Nonconforming Uses				See Chapter 1447

Specific Limitations

- L1 Outdoor eating and drinking areas require a conditional use approval. Presentation of entertainment is not permitted in such areas.
- L2 Drive-through facilities are prohibited.
- L3 Permitted in marinas and boatyards otherwise a conditional use approval is required.
- L4 Use requires direct access to barge facilities.
- L5 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may be attached to an agricultural, multi-family, public or semi-public, public utility, commercial or industrial building or structure.
- L6 All storage to be in completely enclosed facilities.
- L7 Outdoor storage of chemicals, minerals and aggregate requires a conditional use approval.
- L8 Fencing must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.
- L9 Not allowed within 250 feet of a residential use in a Residential District.
- L10 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.

- L11 Accessory to a marina.
- 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 and is outside the 100-year floodplain.
- L13 Accessory to a permitted or conditional use but may not exceed 20,000 square feet of gross floor area.
- L14 Retail sales or repair of products incidental to the industrial uses of the district but may not exceed 5,000 square feet of gross floor area.
- L15 Provisions of § 1421-35 apply when refuse storage area is within 100 feet of any property used for residential purposes.
- L16 Permitted only when subordinate and incidental to a single-family dwelling that is the principal use of the lot.

Section 13. That Section 1417-03, "Land Use Regulations," of the Cincinnati Municipal

Code is hereby amended as follows:

§ 1417-03. - Land Use Regulations.

Schedule 1417-03 below prescribes the land use regulations for IR Institutional Residential Districts. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1417-03 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 1417-03. 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 1417-03: Use Regulations - Institutional-Residential Districts

Use Classifications	IR	Additional Regulations
Residential Uses		

Bed and breakfast home	P	See § 1419-09
Day care home - Adult	P	
Day care home - Type A	L6	
Day care home - Type B	L6	
Group residential	P	
Permanent residential		
Single-family dwelling	P	
Attached single-family dwelling	P	
Two-family dwelling	P	
Multi-family dwelling	P	
Residential care facilities		
Assisted living	P	
Developmental disability dwelling	P	
Nursing home	P	
Transitional housing		
Programs 1—4	P	
Programs 5,6	C	
Public and Semipublic Uses		
Colleges, public or private	P	See § 1417-05
Community service facilities	P	
Cultural institutions	P	
Day care center	P	

Government facilities and offices		
Offices	P	
Hospitals	P	See § 1417-05
Park and recreation facilities	P	
Public safety facilities	P	
Religious assembly	P	
Schools, public or private	P	See § 1417-05 and § 1419-12
Commercial Uses		
Laboratories, commercial	P	See § 1417-05
Medical services and clinics	P	
Offices	P	
Transportation, Communication and Utilities		
Communications facilities	P	
Public utility distribution system	C	
Transportation facilities		
Heliports	C	
Transportation passenger terminals	P	
Wireless communication antenna	L1	See § 1419-33
Wireless communication tower	C	See § 1419-33
Agriculture and Extractive Uses		
Animal keeping	P	See Chapter 1422
Farms	C	See Chapter 1422

Gardens	P	See Chapter 1422
Accessory Uses		See Chapter 1421 and § 1417-05
Any accessory use not listed below	L2	
<u>Accessory dwelling unit</u>	<u>L7</u>	<u>See § 1421-06</u>
Drive box	L5	
Home occupations	P	See § 1419-17
Refuse storage area	L4	See § 1421-35
Rooming unit	L3	
Exterior lighting	P	See § 1421-39
Portable storage containers	P	See § 1419-24
Nonconforming Uses		See Chapter 1447

Specific Limitations

- L1 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may be attached to multi-family, public or semi-public, public utility or commercial building or structure.
- L2 Accessory uses determined by the Zoning Administrator to be customarily incidental to a use of the district other than those specified in § 1417-05 are permitted. All others require conditional use approval.
- L3 The maximum number of rooming units is two.
- L4 Provisions of § 1421-35 apply when refuse storage area is within 100 feet of any property used for residential purposes.
- L5 The storage space is less than 30 cubic yards; enclosed by a screen fence or within a structure; and at least 100 feet from any property used for residential purposes.
- L6 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.
- L7 Permitted only when subordinate and incidental to a single-family dwelling that is the principal use of the lot.

Section 14. That Section 1501-12, "Class F Civil Offenses," of the Cincinnati Municipal Code is hereby amended to read as follows:

(a) A person who violates a standard of conduct set forth in a provision of Cincinnati Municipal Code Chapter 1001, Air Quality, is liable for the civil fine specified in Section 1501-99 for a Class F Civil Offense. If the person charged shows in accordance with Section 1501-15 that the violation has been corrected, the otherwise applicable civil fine is reduced by 50%. If a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year, that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, the amount of which fine is specified in Sec. 1501-99 and is not subject to reduction for correction of the violation.

(b) A person who violates Cincinnati Municipal Code ~~Chapter~~ Section 701-2(B)(4), "Leash Required; Responsibility for Injury," multiple times is liable for the civil fine specified in Sec. 1501-99 for a Class F Civil Offense.

(c) A person who violates Cincinnati Municipal Code Section 1421-06(1)(1), "Accessory Dwelling Units," is liable for the civil fine specified in Sec. 1501-99 for a Class F Civil Offense.

Section 15. That existing Sections 1401-01-T3, "Two-Family Dwelling," 1403-05, "Land Use Regulations," 1405-05, "Land Use Regulations," 1407-05, "Land Use Regulations," 1409-07, "Land Use Regulations," 1410-05, "Land Use Regulations," 1411-05, "Land Use Regulations," 1413-05, "Land Use Regulations," 1415-05, "Land Use Regulations," 1417-03, "Land Use Regulations," 1421-01, "Accessory Residential Structures," and 1501-12, "Class F Civil Offenses," of the Cincinnati Municipal Code are hereby repealed.

Section 16. That the proper City officials are hereby authorized to take all necessary and proper actions to prepare for implementation of the provisions of this ordinance, and they are further authorized to take all necessary and proper actions to implement the provisions of this ordinance once they become effective.

Section 17. That Sections 1 through 15 of this ordinance shall take effect and be in force from and after October 2, 2023.

Section 18. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strike through.

June 21, 2023

To: Members of the Equitable Growth and Housing Committee 202301747
From: Sheryl M. M. Long, City Manager
Subject: Presentation – Modifying Title XIV of the Zoning Code of the City of Cincinnati to Permit Accessory Dwelling Units on the Same Lots as Single-Family Dwellings

Attached is the presentation for the modification of Title XIV of the Zoning Code of the City of Cincinnati to Permit Accessory Dwelling Units on the Same Lots as Single-Family Dwellings.

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

Proposed Text Amendments Permitting Accessory Dwelling Units on the Same Lots as Single-Family Dwellings

Equitable Growth & Housing

June 21, 2023

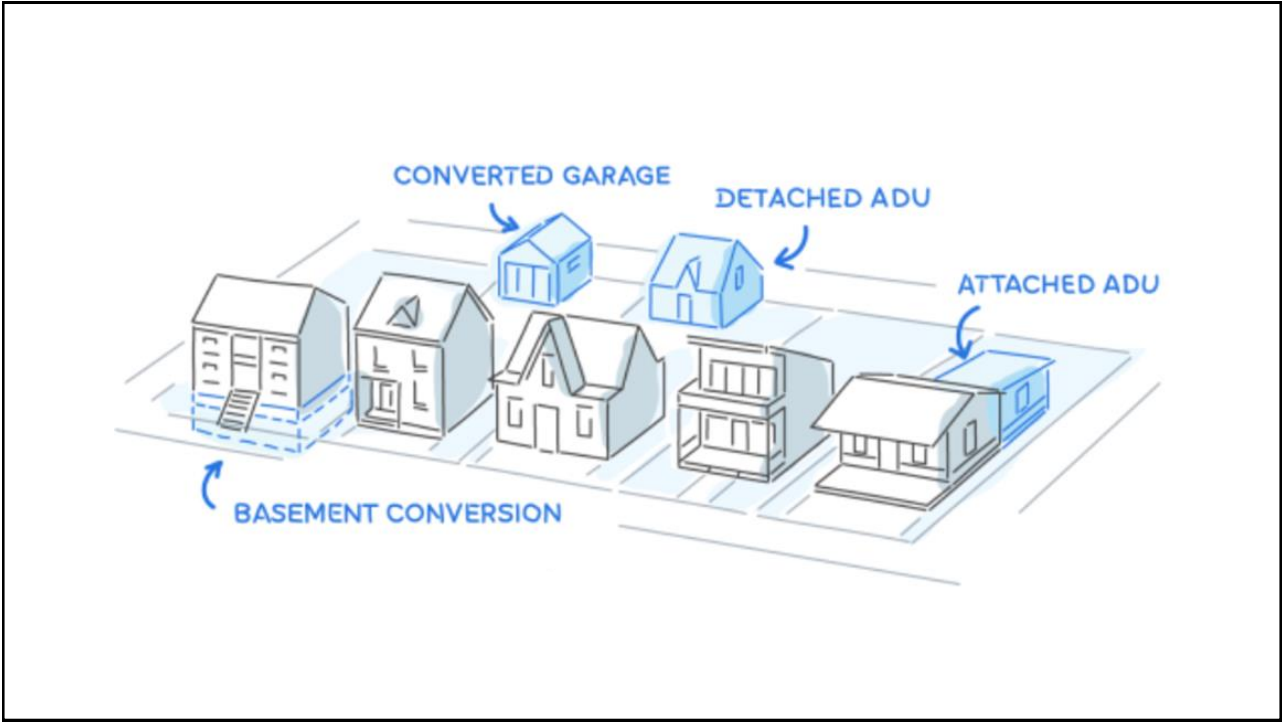
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What is an ADU?

§ 1401-01-A1A - Accessory Dwelling Units

“Accessory Dwelling Unit” means a **self-contained** dwelling unit designed for occupancy by one family for living and sleeping purposes that provides complete independent living facilities, including its **own entrance, kitchen, bathroom, and sleeping area**; that is located on the same lot as a larger single-family dwelling that serves as the principal use of the lot; and **whose use is subordinate and incidental to the larger single-family dwelling**.

2

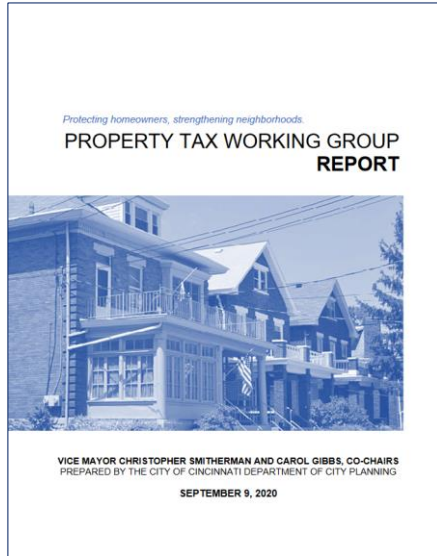


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4

Background | Property Tax Working Group

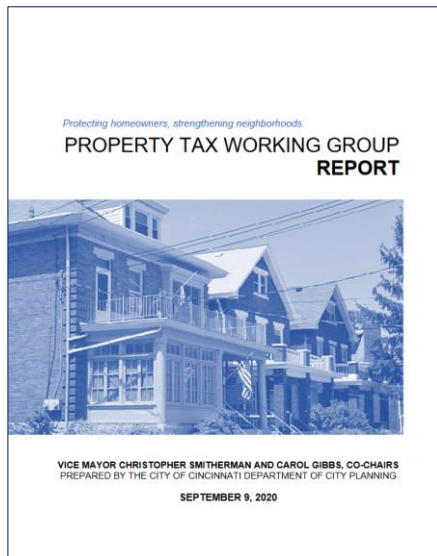


Purpose:

- Support and protect vulnerable homeowners such as **seniors, legacy residents**, those with **limited income**, and those with **disabilities**.
- **Provide options** to allow them to **remain in their homes** as their neighborhoods change and develop.

5

Background | Property Tax Working Group



Section III: Other Measures Recommendation 1

Change the Zoning Code to **permit accessory dwelling units/granny flats** with stipulations that:

- Either the large or smaller residence must be occupied as the primary residence by the owner more than 75% of the year.
- Require landlord training on fair housing, sample rental contracts, landlord best practices, and more.

6

Background | ADU Research Report

Report on Accessory Dwelling Unit Property Tax Working Group Recommendation

Motion 20200951 includes the following recommendation from the Property Tax Working Group (Section III, Recommendation 1):

Change the Zoning Code to permit accessory dwellings/granny flats with stipulations that:

- Either the larger or smaller residence must be occupied as the primary residence by the owner more than 75% of the year.
- Require landlord training on fair housing, sample rental contracts, landlord best practices, and more.

This report responds to the recommendation in the following sections. The information included in this report is based on a survey of case studies and review of existing ADU ordinances and manuals:

- Section I: Definition of Accessory Dwelling Unit (ADU)
- Section II: Benefits of ADUs
- Section III: Challenges of ADUs
- Section IV: Implementation Components
- Section V: Economic Impact of ADU Policy
- Section VI: Recommendation and Considerations
- Appendix: Case Studies

SECTION I: Definition of Accessory Dwelling Unit (ADU)

According to the U.S. Department of Housing and Urban Development (HUD), accessory dwelling units (ADUs) are "additional living quarters on single-family lots that are independent of the primary dwelling unit" (HUD 2008). ADUs are referred to by different names, including granny flats, as referenced in the Property Tax Working Group, accessory apartments, mother-in-law flats, and second units.

They are independent, self-contained units with their own kitchens or kitchenettes, bathrooms, and sleeping areas that are either attached to or detached from the primary residence, as seen in Figure A.

Figure A. Examples of accessory dwelling units (AARP 2019)

1

Accessory Dwelling Units:

- Facilitate **multi-generational living, aging in place, and flexibility** for families.
- Increase **housing supply** and population density without substantive change to **neighborhood character**.
- Efficiently make use of **existing infrastructure** by connecting to utilities of the primary structure.
- Provide an income stream to homeowners, making **homeownership more affordable**.
- Provide **affordable choices** in exclusive neighborhoods, increasing their **socio-economic, racial, and age diversity**.
- Are **environmentally friendly**, with smaller carbon footprints and more efficient use of land
- **Support neighborhood business districts** through increased population density.

Background | ADU Research Report

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Figure A. Examples of accessory dwelling units (AARP 2019)

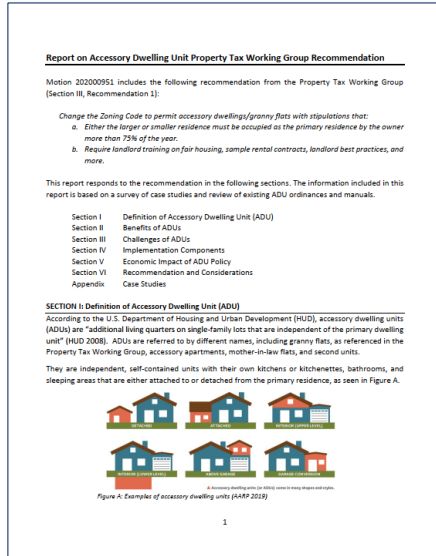
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Recommendation:

The City should pursue the inclusion of ADUs in the Zoning Code. This would

- Address the **intentions of the PTWG** and additional housing needs.
- **Provide housing** for different family sizes and configurations and people with varying incomes and needs.
- Support the City's commitment to increasing its **AARP Livability Index score** and being a community for people of all ages.

Background | ADU Research Report



In addition, the following should be considered:

- 1. Purpose of Recommendation:** The ordinance should be in line with the intentions of the PTWG.
- 2. Community Engagement:** Further community engagement should occur during the development of an ordinance.
- 3. Further Legal Review:** There should be legal review of potential owner-occupancy stipulations and licensing requirements.

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Proposed Amendments | General

§ 1401-01-A1A “Accessory Dwelling Unit”

Establishes a new section with the **definition** of an Accessory Dwelling Unit (earlier slide).

§ 1401-01-T3 “Two-Family Dwelling”

Modifies the definition of a two-family dwelling to provide that this classification only applies when **neither unit is an ADU**.

§ 1421-01 “Accessory Residential Structures”

Modifies the regulations for Accessory Residential Structures to provide that **these regulations do not apply to ADUs**, and that the maximum number of Accessory Structures must be compliant with the “Maximum Size” regulations for ADUs.

22

Proposed Amendments | General

§ 1403-05, 1405-05, 1407-05, 1409-07, 1410-05, 1411-05, 1413-05, 1415-05, 1417-03 “Land Use Regulations” for Single Family, Residential Multi-family, Office, Commercial, Urban Mix, Downtown Development, Manufacturing, Riverfront, and Institutional Residential Districts

Modifies the respective land use tables associated with each zoning district to effectively **permit an ADU to be built on any lot where a single-family home is permitted** to be built.

§ 1501-12 “Class F Civil Offenses”

Modifies violations that are considered Class F Civil Offenses to include the **owner-occupancy or Responsible Person requirement** for ADUs.

Proposed Amendments | ADU Regulations

§ 1421-06 - Accessory Dwelling Units

- | | |
|--------------|--|
| (a) General | ADUs may be established within the interior of, as an addition to, or as a detached structure on the same lot as a single-family dwelling. |
| (b) Entrance | The ADU must provide a separate exterior entrance independent of the entrance to the primary home. |
| (c) Lot Size | A lot must meet the minimum lot-size requirements of the existing zoning district in order to build an ADU. |

Proposed Amendments | ADU Regulations

§ 1421-06 - Accessory Dwelling Units

- (d) Lot Coverage For lots of 4,000 sqft or more:
An ADU cannot exceed **800 sqft** or **15% of the total lot area**, whichever is greater.

For lots less than 4,000 sqft:
An ADU cannot exceed **800 sqft**, or the **combined footprint** of the primary home and the ADU **cannot exceed 60% of the total lot area**, whichever is greater.

The size restrictions **do not apply** to alterations of legally existing accessory structures (e.g. garages) so long as the alteration **does not expand** the building's **existing footprint**.

Proposed Amendments | ADU Regulations

§ 1421-06 - Accessory Dwelling Units

- (e) # Structures Only **one ADU** is permitted per residence.

- (f) Setback Interior ADUs or alterations of existing structures (e.g. garages) are **not subject to setback** regulations unless they expand the existing building footprint.

Detached ADUs are subject to **side and rear-yard setbacks** except when they are an alteration to an existing structure that does not expand its footprint.

Attached ADUs expanding the footprint of the existing home are subject to **all applicable setback regulations**.

Proposed Amendments | ADU Regulations

§ 1421-06 - Accessory Dwelling Units

(g) Max. Size An ADU **cannot exceed** the square footage of the **principal home**.

(h) Max. Height Detached ADUs cannot exceed **25 ft**.

Alterations to an existing structure **cannot exceed 25 ft** or the **existing height** of the structure, whichever is greater.

Attached ADUs are subject to **existing height regulations**.

Proposed Amendments | ADU Regulations

§ 1421-06 - Accessory Dwelling Units

(i) Detached Units Detached ADUs must be **permanently constructed** with permanent utility hookups. Mobile tiny-homes and RVs are **not permitted**.

(j) Parking Additional off-street parking is **not required** for ADUs.

(k) Short-Term Rentals ADUs **may be operated as short-term rentals** in accordance with the Short-Term Rental Registration outlined in Chapter 856 of the Municipal Code.

Proposed Amendments | ADU Regulations

§ 1421-06 – Accessory Dwelling Units

- (l) Occupancy An owner **must reside** in one of the two structures as long as the ADU exists or designate a **“responsible person”** to do so.

To ensure compliance, owners must **record a covenant** with the City Solicitor that provides the above. Failure to comply will result in a Class F civil offense and a **\$15,000 fine**.

All ADUs **must be registered with the Zoning Administrator** to verify compliance. Registration must be renewed biennially and updated and reverified whenever there is a change of ownership or responsible person.

“Responsible Person” means any person designated by the owner of a lot as **having independent duty, responsibility** (including financial), and authority **to operate, manage, and maintain the lot**.

53

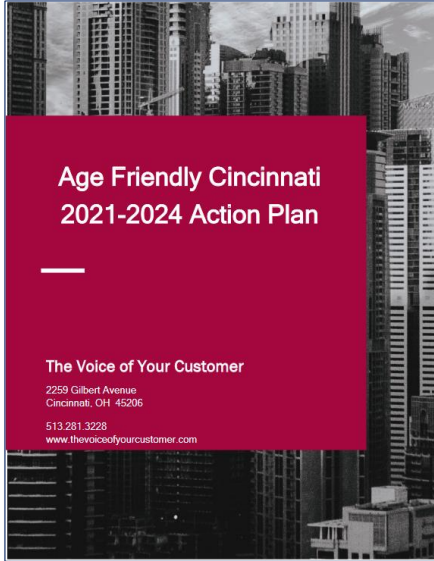
Public Engagement | Property Tax Working Group



- Coordinated effort between the City and community to **identify solutions** to issues related to displacement of legacy residents.
- Was itself a community engagement process that **produced the recommendations**.
- 25 working group members, over **1,000 members of the public** involved in some way.
- Met monthly for over a year, all meetings **open to the public**.
- Multiple open sessions specifically for the purpose of **gathering public feedback** directly from the community and other stakeholders on concerns and proposals throughout the process.

54

Public Engagement | Age Friendly Cincinnati



- In 2018 the Age Friendly Cincy Advisory Council was created to help Cincinnati become a place for **people of all ages**.
- Includes community leaders, representatives from City departments, and professionals from the Aging Network.
- Established a Housing Committee to create requirements for housing development to include **universal design, accessibility** and **policies** that are not age-restrictive.
- This **includes ADUs**.

55

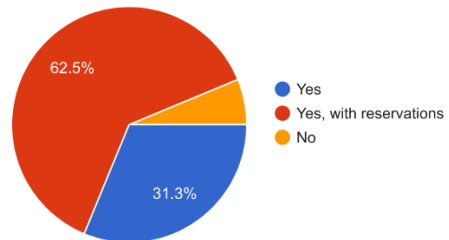
Public Engagement | Housing Summit 2022



- Special session discussing ADUs for housing production and generational wealth-building.
- Designed and moderated by members of the Housing Committee of Age Friendly Cincinnati.



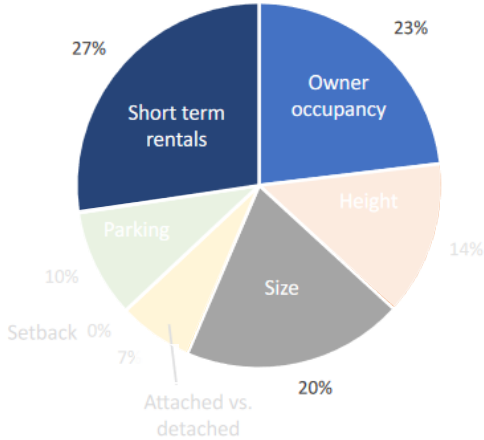
Do you think the Zoning Code should allow ADUS in the City?



56

Public Engagement | ADU Conversations

What regulations do you feel most strongly about as it pertains to ADUs?



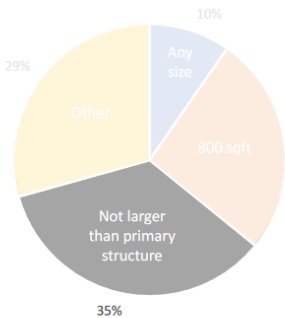
Other Priorities:

- Conformity with surrounding **architectural styles**.
- The role of ADUs in addressing the **housing shortage**.

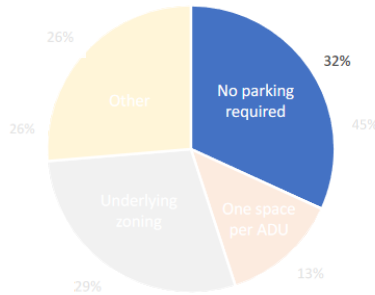
62

Public Engagement | ADU Conversations

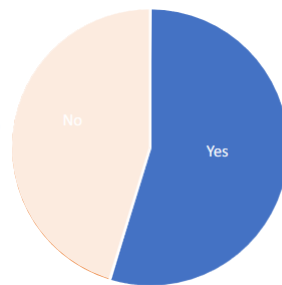
What is a reasonable allowable size of an ADU?



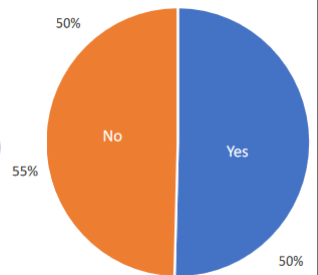
How much parking should be required?



Should short-term rentals be allowed?

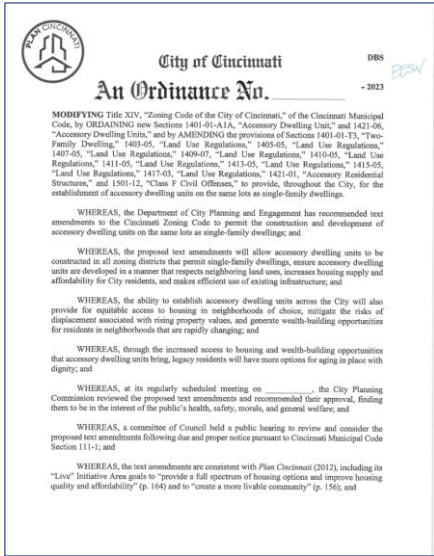


Should owner-occupancy be required?



67

Public Engagement | Invest in Neighborhoods Session



- First public meeting **after the ordinance was released.**
- Presentation about the components and regulations included in the proposed ordinance followed by question-and-answer.
- Primarily focused on **introducing and explaining** the contents and specifics of the ordinance, such as size and height restrictions.
- Some concerns expressed related to maintaining **owner-occupancy**, and potential **overcrowding.**
- Generally supportive.

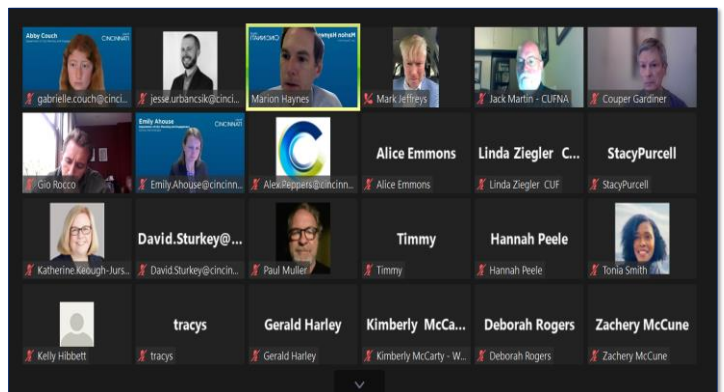
68

Public Engagement | Public Staff Conference

Support for ADUs in general, citing positive impacts for

- Aging in-place
- Multigenerational households
- Accessibility
- Addressing affordability
- Addressing the housing shortage.

With a few **areas of key concern** in the proposed ordinance expressed throughout.

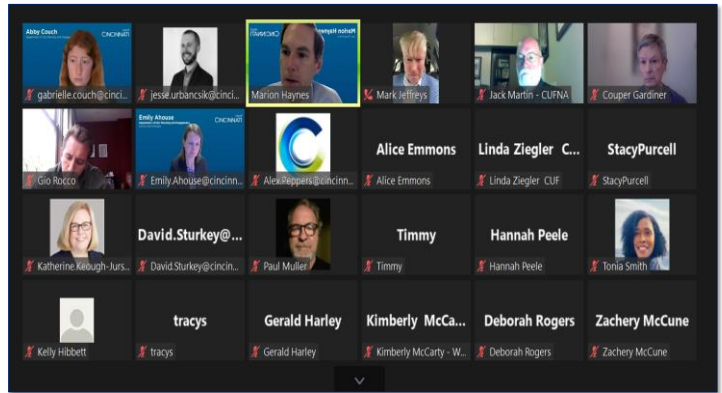


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Public Engagement | Public Staff Conference

Responsible Person

- Overall appreciation for owner-occupancy provision, but some expressed that “Responsible Person” is **too ambiguous**.
- Could **allow for abuse** by irresponsible landlords, facilitating poor property maintenance, which is **already a problem** in many areas.
- Some felt that the “Responsible Person” language is **not strict enough** to close loopholes.

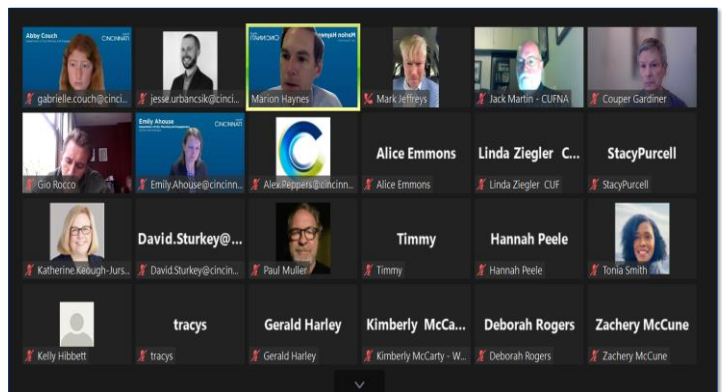


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Public Engagement | Public Staff Conference

Short-Term Rentals

- Some expressed discontent with allowance of short-term rentals.
- Concern about **noise** and **partying**.
- Some expressed support due to a homeowner's potential **opportunity** for **additional income**.
- Some supported **longer-term rentals** (30-day minimum) for people like travel nurses.

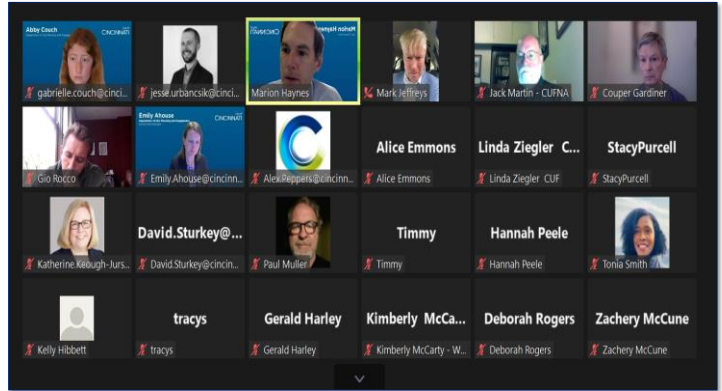


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Public Engagement | Public Staff Conference

Other

- Some concern about **additional density**, particularly in areas such as CUF with lots of students.
- Some objection to the lack of **off-street parking** requirements.
- There were also comments about potential impact to **utilities, setback**, and the implications of **subdividing** a lot with an ADU.



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Administrative Review

This ordinance, due to its scope, will require a **period of administrative review** after passage in order to effectively **establish the necessary new processes** and procedures for implementation, including potential opportunities to **better address key community concerns**.

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Consistency with *Plan Cincinnati* (2012)

Compete Initiative Area

Goal: Foster a climate conducive to growth, investment, stability, and opportunity.

Live Initiative Area

Goal: Provide a full spectrum of housing options and improve housing quality and affordability.

Strategy: Incentivize housing options of varied sizes and types for residents at all stages of life.

Conclusion

Ordinance Goals:

- Increase housing **supply** and **affordability**.
- Provide equitable access to housing in **neighborhoods of choice**.
- Mitigate risks of **displacement** associated with rising property values.
- Generate **wealth-building opportunities** for residents in neighborhoods that are rapidly changing.
- Provide legacy residents with the option to **age in place** with dignity.
- Make efficient use **of existing infrastructure**.

Conclusion

Staff finds that the proposed ordinance is **consistent** with its stated goals, as well as those established by the Property Tax Working Group and Plan Cincinnati (2012).

The proposed ordinance **aligns Cincinnati with comparable cities** who have adopted similar legislation and enables the City to uphold current identified **best practices in the field of Urban Planning**.

The proposal was born **as part of a solution** to several issues identified by the community through a year-long focus group initiative. It underwent **extensive community engagement** and its components were drafted **in accordance** with this feedback.

Recommendation

The City Planning Commission recommends that City Council 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 ordaining new Sections 1401-01-A1A, “Accessory Dwelling Unit,” and 1421-06, “Accessory Dwelling Units,” and by amending the provisions of Sections 1401-01, 1403-05, 1405-05, 1407-05, 1409-07, 1410-05, 1411-05, 1413-05, 1415-05, 1417-03, 1421-01, and 1501-12 to provide for the establishment of accessory dwelling units on the same lots as single-family dwellings throughout the city.

June 21, 2023

To: Mayor and Members of City Council 202301577
From: Sheryl M. M. Long, City Manager
Subject: Ordinance – Modifying Title XIV, “Zoning Code of the City of Cincinnati,” of Sections 1437-07 and 1437-09

Transmitted is an Ordinance captioned:

MODIFYING Title XIV “Zoning Code of the City of Cincinnati” of the Cincinnati Municipal Code by repealing and reordaining the provisions of Sections 1427-26 “Sandwich Board Sign Regulations” and Section 1437-09 “Development Standards in UD Overlay Districts,” to allow the placement of sandwich board signs in the Urban Design Overlay Districts of College Hill, Hyde Park, and Mt. Airy neighborhoods.

The City Planning Commission recommended approval of the designation at its June 2, 2023 meeting.

Summary

On October 11, 2022, Cincinnati City Council approved permitting sandwich board signs in Urban Design Overlay Districts (UDOD) in which they were previously prohibited, allowing neighborhoods with UDODs to “opt in” for allowing them if so desired. Each neighborhood must individually seek a text amendment to permit sandwich board signs in their UDODs. Since the approval of sandwich board signs in Mt. Washington, three additional communities reached out to Vice Mayor Kearney to sponsor an ordinance permitting sandwich boards in their UDODs, including:

- College Hill
- Hyde Park (Hyde Park Square)
- Mt. Airy

The City Planning Commission recommended the following on June 2, 2023 to City Council:

APPROVE the proposed text amendments as identified in Exhibit B modifying Title XIV, “Zoning Code of the City of Cincinnati” of the Cincinnati Municipal Code, by **REPEALING AND REORDAINING** the provisions of Section 1437-07 “Applications Subject to Review,” and Section 1437-09 “Development Standards in UD Overlay Districts,” to allow the placement of sandwich board signs in Urban Design Overlay Districts in the College Hill, Hyde Park, and Mt. Airy neighborhoods.

APPROVE including UDOD #11, Hyde Park East, into the Exhibit B ordinance.

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

City of Cincinnati

MEH

EESW

An Ordinance No. _____

- 2023

MODIFYING Title XIV, “Zoning Code of the City of Cincinnati,” of the Cincinnati Municipal Code, by **REPEALING AND REORDAINING** the provisions of Section 1437-07, “Applications Subject to Review,” and Section 1437-09, “Development Standards in Urban Design Overlay Districts,” to allow the placement of sandwich board signs in Urban Design Overlay Districts in the College Hill, Hyde Park, and Mt. Airy neighborhoods.

WHEREAS, City Council wishes to permit the placement of sandwich board signs in the Urban Design Overlay Districts in the College Hill, Hyde Park, and Mt. Airy neighborhoods (“Districts”) to allow for the efficient and affordable marketing of businesses within those Districts; and

WHEREAS, the use of sandwich board signs will allow for temporary marketing of neighborhood businesses and the dissemination of messages without detracting from the aesthetics, character, or safety of the Districts or the surrounding area; and

WHEREAS, allowing the use of sandwich board signs will support and facilitate future development in the Districts and is compatible with existing commercial uses in the Districts; and

WHEREAS, at its regularly scheduled meeting on _____, the City Planning Commission reviewed and considered proposed text amendments to allow the placement of sandwich board signs in the Districts, and it determined that the text amendments are in the interest of the public’s health, safety, morals, and general welfare; and

WHEREAS, a committee of Council held a public hearing on the proposed text amendments, following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved the amendments, finding them in the interest of the public’s health, safety, morals, and general welfare; 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, this ordinance is additionally necessary to reinstate amendments to the provisions of Section 1437-07, “Applications Subject to Review,” and Section 1437-09, “Development Standards in Urban Design Overlay Districts,” that were ordained by Ord. No. 418-2021 and inadvertently modified by Ord. No. 320-2022; 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 existing Sections 1437-07, "Applications Subject to Review," and 1437-09, "Development Standards in Urban Design Overlay Districts," of the Cincinnati Municipal Code are hereby repealed.

Section 2. That Section 1437-07, "Applications Subject to Review," of the Cincinnati Municipal Code is hereby reordained as follows:

§ 1437-07. Applications Subject to Review.

- (a) The Zoning Administrator has the duty to review applications for the following permits in an established Urban Design Overlay District for compliance with the base requirements of the district:
 - (1) *Signs*: Permits for the installation of all signs, with the exception of sandwich board signs authorized pursuant to § 723-9.
 - (2) *Awnings*: Permits for the installation of all awnings.
 - (3) *Mechanical Equipment and Utilities*: Permits for the installation of all exterior mechanical equipment and utility service connections.
 - (4) *Replacement Windows*: Permits for the installation of replacement windows.
 - (5) *Exterior Renovation or Alterations of Existing Structures*: Permits for exterior renovations, alterations, or additions.
 - (6) *Eating and Drinking Establishments*: Permits for Restaurants, Limited.
- (b) The Zoning Board of Appeals shall approve, approve with conditions, or disapprove an application for the following types of development in an established Urban Design Overlay District in accordance with the base requirements of the district:
 - (1) *New construction*: Permits for new construction.
 - (2) *Demolition*: Permits for demolition.
- (c) The City Planning Commission is authorized to exercise the powers granted to the Zoning Board of Appeals pursuant to this Chapter when an application is submitted in connection with an application to subdivide land.

- (c) The Director of Buildings and Inspections is authorized to order the demolition of a building located in an established Urban Design Overlay District, notwithstanding the provisions of subsection (b), if he or she finds that the building poses an immediate threat to public health or safety.

Section 3. That Section 1437-09, “Development Standards in Urban Design Overlay Districts,” of the Cincinnati Municipal Code is hereby reordained as follows:

§ 1437-09. – Development Standards in Urban Design Overlay Districts.

Development within individual Urban Design Overlay Districts must comply with the standards prescribed below that the ordinance that establishes the Urban Design Overlay District declares applicable to that district. These standards are intended to implement policies in adopted urban design plans. Whenever the standards conflict with the development regulations of the underlying district, these standards supersede those regulations. The following regulations will apply to some or all of the Urban Design Overlay Districts as determined by the urban design plan prepared and adopted for each district. Refer to Schedule 1437-09 for applicability.

Urban Design Overlay District Standards

Schedule 1437-09

	UD #1	UD #2	UD #3	UD #4	UD #5	UD #6	UD #7	UD #8	UD #9	UD #10	UD #11	UD #12	UD #13	UD #14	UD #15
S1		X	X	X	X	X	X	X	X	X	X	X	X	X	X
S2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
S3	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
S4	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
S5	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

S6	X			X				X	X						
A1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
M1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
W1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
R1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
R2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
E1		X	X	X	X		X				X				
F1		X													X
N1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
N2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
D1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

UD #1 - College Hill Business District	UD #9 - Mt. Airy Business District
UD #2 - Clifton Business District	UD #10 - Columbia-Tusculum Business District
UD #3 - Hartwell Business District	UD #11 - Hyde Park East Business District
UD #4 - Hyde Park Square Business District	UD #12 - Mt. Lookout Square
UD #5 - Oakley Square Business District	UD #13 - Pleasant Ridge Business District
UD #6 - University Village Business District	UD #14 - Kennedy Heights Business District
UD #7 - North Avondale Along Reading Road	UD #15 - Roselawn Business District
UD #8 - Mt. Washington Business District	

(a) *Signs and Signage Standards:*

S1. Prohibited Signs:

- All blinking, flashing, rotating or moving signs, except barber poles and theater marquees;
- Neon signs;
- Banners, portable or temporary signs except sandwich board signs where permitted pursuant to Schedule 1437-09;
- Rooftop signs, signs or awnings extending above the roofline of the building, or signs or awnings that extend above the window sill line of the second floor of the building;
- Any advertising sign on or about an unoccupied building, except those related to the sale or rental of that building;
- All signs, handbills, or flyers on utility poles, except those installed by the city and state.
- All outdoor advertising signs, as that term is defined in Cincinnati Municipal Code Chapter 895.

S2. Projecting Signs

- Projecting signs shall not be used except for small identification or trademark signs symbolic of the business identified.

- The copy of all signs should identify the predominant business on the premises or its principal product or service.
 - Advertising signs are prohibited.
 - Projecting signs shall not exceed six square feet per sign face and shall not exceed 12 square feet for all faces.
 - Projecting signs should be located over entry doors or building columns or piers and shall be limited to one projecting sign per business.
 - All sign supports shall be simple in nature, have no visible guy wires and be made less obtrusive with camouflaging color in harmony with the surrounding environment.
- S3. In the case where buildings have multiple storefronts occupied by different tenants, the allowable signage area for each tenant will be calculated based upon the storefront street frontage in order to maintain a proportional distribution of signage area.
- S4. For businesses located within an interior portion of a building, or on the second floor or higher story of a building and lacking an exterior wall or window area, a sign identifying the business no larger than six square feet may be affixed to the exterior of the building. This sign area shall be included in the maximum allowable area for all signs on the property.
- S5. Ground signs: where permitted, ground signs shall meet the following standards:
- Ground signs shall be a maximum sign area of not more than one square foot of sign area per linear foot of street frontage per sign face, up to a maximum sign area of 30 square feet per face, or 60 square feet for all sign faces.
 - Ground signs shall be limited to two sign faces and shall not exceed six feet in height.
 - Ground signs shall be located at or near the primary street frontage.
 - Ground signs shall be compatible with the design of the building in proportion, shape, scale, materials, colors, and lighting.
- S6. Sandwich board signs are permitted, subject to the provisions of § 723-9 and § 1427-26.

(b) *Awning Standards:*

- A1. Awnings shall meet the following standards:
- Awnings shall project no more than two-thirds the width of the sidewalk or six feet, whichever is less.
 - Awnings shall run parallel to the face of the building.

- Awnings shall be located within the existing building framework - between columns and below spandrel panels. Awning colors and design shall be compatible with the colors and design of the building.
- Structural supports for all awnings shall be contained within the awning covering.
- Each storefront bay shall have a similar awning to the other storefront bays on the same building.
- Awnings shall be designed to be harmonious with the architecture of the building that they are to be placed on. They shall relate in shape and proportion to the building's architectural elements such as window and opening shapes, facade articulation and general character of the building.

(c) *Mechanical Equipment and Utility Standards:*

M1. Mechanical equipment, including air conditioning, piping, ducts, and conduits external to the building shall be concealed from view from adjacent buildings or street level by grills, screens or other enclosures. Electric and other utility service connections shall be underground for new construction and encouraged for all other changes.

(d) *Replacement Window Standards:*

W1. Replacement windows shall meet the following standards:

- Replacement windows shall fit the size and style of the original openings.
- Original window and door openings shall not be enclosed or bricked-in on the street elevation. Where openings on the sides or rear of the building are to be closed, the infill materials shall match that of the wall and be recessed a maximum of three inches within the opening.

(e) *Exterior Renovation or Alterations of Existing Structures:*

R1. Renovations, alterations or additions shall be designed and executed in a manner that is sympathetic to the particular architectural character of the structure being worked on. Architectural elements shall be sensitively designed to reflect the detailing and materials associated with the particular style of the building.

R2. Renovations and restorations of older buildings shall respect the original building design, including structure, use of materials and details. New materials or signs shall not cover original materials and detailing. Natural materials (brick, slate, glass, stone, etc.) shall be retained in their natural state and not covered with any other contemporary materials. Materials that are out of keeping with the historic character of the building shall be removed from the facade upon significant exterior renovation or restoration of the existing structure.

(f) *Eating and Drinking Establishments:*

E1. Restaurants, Limited shall meet the following standards:

- No more than 45 percent of their gross floor area may be devoted to food preparation, related activities and other space not accessible to the public;
- No more than 35 percent of the restaurant's sales by dollar volume are carry-out and the patrons are served with other than single-use utensils, plates and beverage containers.
- The consumption of food or beverage in automobiles parked upon the premises is prohibited.

(g) *Franchise Establishments:*

F1. New businesses should contribute to the desired mix of commercial activities; franchise type establishments are acceptable provided that they are primarily pedestrian and not automobile oriented.

(h) *New Construction:*

N1. New buildings shall be compatible with their surroundings. Architectural style, bulk, shape, massing, scale and form of new buildings and the space between and around buildings shall be consistent with the area and should be in harmony with neighboring buildings.

- New buildings shall respond to the pattern of window placement in the district. The designs of new buildings shall avoid long unrelieved expanses of wall along the street by maintaining the rhythm of windows and structural bays in the district. The preferred pattern of ground floor windows is open show windows, with inset or recessed entryways; and landscaping, lighting, and other amenities equivalent to those existing in the district.
- Buildings shall de-emphasize secondary rear or side door entrances to commercial space, unless the entrances are associated with public parking areas.

N2. The Zoning Board of Appeals shall review and consider the applicable urban design plan and other applicable community plans approved by City Council when determining the compatibility of new construction proposed within an Urban Design Overlay District.

- New buildings and proposed uses shall be consistent with the goals, objectives, and guidelines of the applicable urban design plan or other applicable community plans approved by City Council.

N3 At the request of an applicant, the Zoning Board of Appeals may conduct a review of a new building or change in use of a property in two parts: (i) first, an initial review of schematic plans in which setbacks, structure and site improvement

placement, massing, building envelope, and uses are considered; and (ii) second, a subsequent review in which final plans, materials, and designs are considered.

(i) Demolition:

D1. An existing building may only be demolished if the owner of the building, or a person authorized by the owner of the building, demonstrates that one of the following standards is met:

- **The building does not contribute to the physical character and economic vitality of the district, which is determined by weighing the following factors:**
 - (i) whether the building is identified as a contributing building or noncontributing building by the applicable urban design plan or other applicable community plans approved by City Council;**
 - (ii) whether the building is recommended for demolition by the applicable urban design plan or other applicable community plans approved by City Council;**
 - (iii) whether the building's architectural style, bulk, shape, massing, scale, form, and setbacks are consistent with the predominant characteristics of the district;**
 - (iv) whether the building is iconic or specially associated with the district;**
 - (v) whether the demolition of the building will negatively impact the district streetscape; and**
 - (vi) whether the building is obsolete, damaged, in a state of disrepair, dilapidated, or unsanitary, and whether its condition was caused by the owner or his or her predecessors through deliberate action or willful neglect.**
- **The demolition of the building will facilitate the construction of a new building or the establishment of a use that will contribute to the physical character and economic vitality of the district, which is demonstrated by evidence that the owner, or a person authorized by the owner, has:**
 - (i) obtained final approval to construct a new building or change the use of property pursuant to the requirements of subsection (h) above;**
 - (ii) obtained all building permit approvals necessary to commence the new construction or effect the change in use; and**

- (iii) certified via affidavit or sworn testimony as to his or her intent and capacity to diligently pursue the construction of the new building or change in use if demolition of the building is approved.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

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 repealing and reordaining the provisions of Sections 1427-26 “Sandwich Board Sign Regulations” and Section 1437-09 “Development Standards in UD Overlay Districts,” to allow the placement of sandwich board signs in the Urban Design Overlay Districts of College Hill, Hyde Park, and Mt. Airy neighborhoods.

EXHIBITS:

Provided in addition to this report are the following exhibits:

- Exhibit A – Location Map
- Exhibit B – Ordinance

BACKGROUND:

On October 11, 2022, Cincinnati City Council approved permitting sandwich board signs in Urban Design Overlay Districts (UDOD) in which they were previously prohibited, allowing neighborhoods with UDODs to “opt in” for allowing them if so desired. The City began receiving enforcement complaints related to sandwich board signs in Mt. Washington’s UDOD which caused several business owners to incur daily fines. Several small business owners and residents of Mt. Washington, including members of the Mt. Washington Community Council (MWCC) and Mt. Washington Community Urban Redevelopment Corporation (MWCURC), then sought to allow sandwich board signs citing the impact they have on the vibrancy of the business district and their importance as a tool for local businesses to reach customers. In early 2022, the MWCURC reached out to Vice Mayor Kearney to sponsor a proposed Cincinnati Zoning Code text amendment addressing their concerns and permitting sandwich board signs in their UDOD, which was ultimately approved.

Each neighborhood must individually seek a text amendment to permit sandwich board signs in their UDODs. Since the approval of sandwich board signs in Mt. Washington, three additional communities reached out to Vice Mayor Kearney to sponsor an ordinance permitting sandwich boards in their UDODs, including:

- College Hill
- Hyde Park (Hyde Park Square)
- Mt. Airy

On May 10, 2023, City Council officially referred the proposed Zoning Code text amendment to the Department of City Planning and Engagement to begin the formal public approval process, which includes a public staff conference, a City Planning Commission review and vote, followed by a final decision by City Council. It should be noted that this proposed ordinance is repealing and reordaining two sections of Chapter 1437, “Urban Design Overlay District,” due to the accidental inclusion of incorrect versions of two sections in Chapter 1437:

- § 1437-07, “Applications Subject to Review”
- § 1437-09, “Development Standards in Urban Design Overlay Districts”

Repealing and reordaining the provisions of these two sections will restore these sections to the most recently approved changes from October 2021. The proposed ordinance will not make any additional changes, except to permit sandwich boards in the UDODs as stated above.

PROPOSED TEXT AMENDMENTS AND ANALYSIS:

The Department of City Planning and Engagement and the Department of Law propose the following amendments to the Title XIV, “Zoning Code of the City of Cincinnati” of the Cincinnati Municipal Code:

Section 1437-09 “Development Standards in Urban Design Overlay Districts”

Overview: The proposed amendment:

1. Marks the provisions of § 1437-09 (a) S6 as applicable to UD #1, College Hill Business District; UD #4, Hyde Park Square Business District; and UD #9, Mt. Airy Business District, in Schedule 1437-09.

Analysis: This amendment applies the provision to permit sandwich board signs in § 1437-09 (a) S6 to the UDODs in College Hill, Hyde Park Square, Hyde Park East, and Mt. Airy. If S6 is not adopted, sandwich board signs will remain as a prohibited sign per § 1437-09 (a) S1. After conversations with Hyde Park Neighborhood Council, their intention was for the proposed ordinance to include both of their UDODs in this ordinance, including Hyde Park Square (included in proposed ordinance) and the Hyde Park East Business District. Therefore, staff is recommending to also include UDOD #11, Hyde Park East in this ordinance.

The proposed ordinance is attached as Exhibit B. Modifications to the zoning text are not marked as underlines (additions) or strikethroughs (deletions) due to repealing and reordaining all provisions of §1437-07 and §1437-09.

PUBLIC STAFF CONFERENCE:

A virtual public staff conference will be held on Tuesday, May 30, 2023 to gather comment and input regarding the proposed text amendments. Mailed and emailed notice was sent 14 days in advance to all community councils, as is the standard process for a proposed Zoning Code text amendment. A webpage was created on the Department of City Planning and Engagement’s website with information on the public meeting dates, background on the proposal, a summary of the modifications, and the draft ordinance. The link to this webpage was provided on the notice. Although the public staff conference will occur after the staff report is publicly released, a summary of the public comment and any additional correspondence will be shared with the City Planning Commission before and at the June 2, 2023 meeting.

As a brief review of the October 2022 public comment from the text amendments allowing sandwich boards in UDODs, attendees from Mt. Washington expressed support for having sandwich board signs in the business district citing that the signs are great marketing for small businesses and support pedestrian customers. This ordinance includes three additional neighborhoods at the request of their community council leadership.

CONSISTENCY WITH PLANS:

College Hill Urban Design Plan (2001)

The proposed amendment is consistent with the Preliminary Strategic Recommendation in Chapter 4.1.6 Image/Appearance section of the *College Hill Urban Design Plan (2001)* to “Develop unique street signs to attract pedestrians and motorists, as well as directing them to parking areas and businesses. Establish business directories and maps at strategic locations for pedestrians” (p. 13).

Hyde Park Square Neighborhood Business District Urban Design Plan (1984)

The proposed amendments are generally consistent with the Vehicular/Pedestrian Circulation Recommendation 8 of the *Hyde Park Square Neighborhood Business District Urban Design Plan (1984)*

to “Develop pedestrian level communication and identity signage, especially in the inner-block parking areas” (p.25) and with the Streetscape Recommendation for Signage and Graphics recommendation to “provide pedestrian low-level signage for shopping opportunities” (p. 79).

Hyde Park East Neighborhood Business District Urban Design Plan (1997)

The proposed amendments are generally consistent with the Marketing and Promotions Goal of the *Hyde Park East Neighborhood Business District Urban Design Plan (1997)* to “Market the district as a separate and distinct business district offering a variety of personal service and specialty retail stores” (p.21).

Mount Airy Neighborhood Business District Urban Design Plan (1996)

The proposed amendments are generally consistent with the Business Development goal of the *Mount Airy Neighborhood Business District Urban Design Plan (1997)* to “enhance the economic vitality of the existing businesses and the business district as a whole” (p.12).

Plan Cincinnati (2012)

The proposed amendments are also consistent with the Compete Initiative Area of *Plan Cincinnati (2012)* to “Foster a climate conducive to growth, investment, stability, and opportunity,” through “growing our own by focusing on business expansion,” (p. 103) and the Live Initiative Area to “build a robust public life” through “developing inviting and engaging public spaces that encourage social interaction” and “creating a welcoming civic atmosphere” (p. 149).

RECOMMENDATION:

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

APPROVE the proposed text amendments as identified in Exhibit B modifying Title XIV, “Zoning Code of the City of Cincinnati” of the Cincinnati Municipal Code, by REPEALING AND REORDAINING the provisions of Section 1437-07 “Applications Subject to Review,” and Section 1437-09 “Development Standards in UD Overlay Districts,” to allow the placement of sandwich board signs in Urban Design Overlay Districts in the College Hill, Hyde Park, and Mt. Airy neighborhoods.

APPROVE including UDOD #11, Hyde Park East, into the Exhibit B ordinance.

Respectfully submitted:



Maria Dienger, City Planner
Department of City Planning & Engagement




Approved:

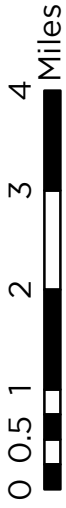
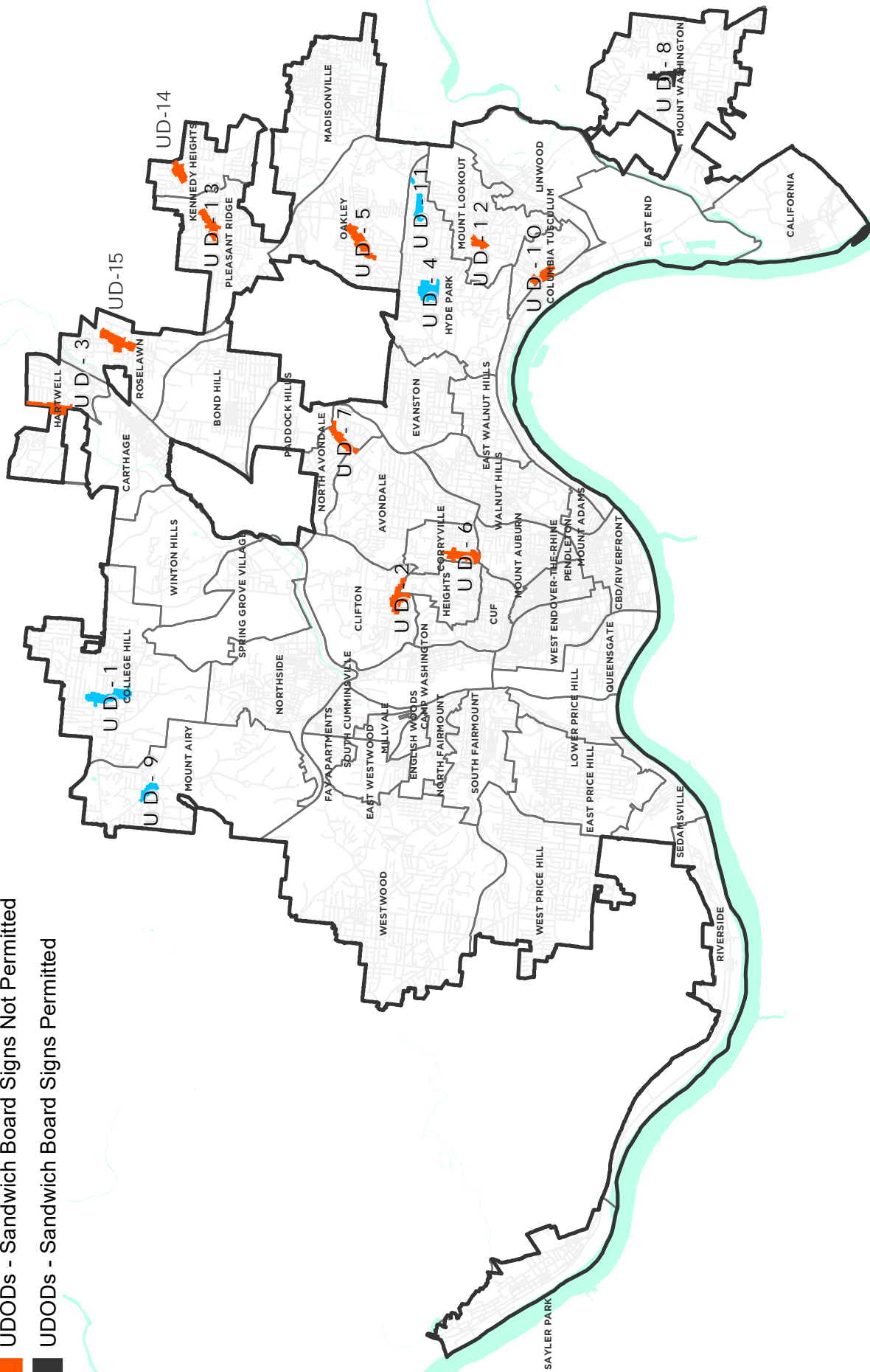


Katherine Keough-Jurs, FAICP, Director
Department of City Planning & Engagement

Proposed Text Amendments to Urban Design Overlay Districts to Allow Sandwich Board Signs

Legend

-  UDODs - Seeking to Permit Sandwich Board Signs
-  UDODs - Sandwich Board Signs Not Permitted
-  UDODs - Sandwich Board Signs Permitted



City of Cincinnati

MEH

EESW

An Ordinance No. _____

- 2023

MODIFYING Title XIV, "Zoning Code of the City of Cincinnati," of the Cincinnati Municipal Code, by REPEALING AND REORDAINING the provisions of Section 1437-07, "Applications Subject to Review," and Section 1437-09, "Development Standards in Urban Design Overlay Districts," to allow the placement of sandwich board signs in Urban Design Overlay Districts in the College Hill, Hyde Park, and Mt. Airy neighborhoods.

WHEREAS, City Council wishes to permit the placement of sandwich board signs in the Urban Design Overlay Districts in the College Hill, Hyde Park, and Mt. Airy neighborhoods ("Districts") to allow for the efficient and affordable marketing of businesses within those Districts; and

WHEREAS, the use of sandwich board signs will allow for temporary marketing of neighborhood businesses and the dissemination of messages without detracting from the aesthetics, character, or safety of the Districts or the surrounding area; and

WHEREAS, allowing the use of sandwich board signs will support and facilitate future development in the Districts and is compatible with existing commercial uses in the Districts; and

WHEREAS, at its regularly scheduled meeting on _____, the City Planning Commission reviewed and considered proposed text amendments to allow the placement of sandwich board signs in the Districts, and it determined that the text amendments are in the interest of the public's health, safety, morals, and general welfare; and

WHEREAS, a committee of Council held a public hearing on the proposed text amendments, following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved the amendments, finding them in the interest of the public's health, safety, morals, and general welfare; 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, this ordinance is additionally necessary to reinstate amendments to the provisions of Section 1437-07, "Applications Subject to Review," and Section 1437-09, "Development Standards in Urban Design Overlay Districts," that were ordained by Ord. No. 418-2021 and inadvertently modified by Ord. No. 320-2022; 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 existing Sections 1437-07, "Applications Subject to Review," and 1437-09, "Development Standards in Urban Design Overlay Districts," of the Cincinnati Municipal Code are hereby repealed.

Section 2. That Section 1437-07, "Applications Subject to Review," of the Cincinnati Municipal Code is hereby reordained as follows:

§ 1437-07. Applications Subject to Review.

- (a) The Zoning Administrator has the duty to review applications for the following permits in an established Urban Design Overlay District for compliance with the base requirements of the district:
 - (1) *Signs*: Permits for the installation of all signs, with the exception of sandwich board signs authorized pursuant to § 723-9.
 - (2) *Awnings*: Permits for the installation of all awnings.
 - (3) *Mechanical Equipment and Utilities*: Permits for the installation of all exterior mechanical equipment and utility service connections.
 - (4) *Replacement Windows*: Permits for the installation of replacement windows.
 - (5) *Exterior Renovation or Alterations of Existing Structures*: Permits for exterior renovations, alterations, or additions.
 - (6) *Eating and Drinking Establishments*: Permits for Restaurants, Limited.
- (b) The Zoning Board of Appeals shall approve, approve with conditions, or disapprove an application for the following types of development in an established Urban Design Overlay District in accordance with the base requirements of the district:
 - (1) *New construction*: Permits for new construction.
 - (2) *Demolition*: Permits for demolition.
- (c) The City Planning Commission is authorized to exercise the powers granted to the Zoning Board of Appeals pursuant to this Chapter when an application is submitted in connection with an application to subdivide land.

- (c) The Director of Buildings and Inspections is authorized to order the demolition of a building located in an established Urban Design Overlay District, notwithstanding the provisions of subsection (b), if he or she finds that the building poses an immediate threat to public health or safety.

Section 3. That Section 1437-09, “Development Standards in Urban Design Overlay Districts,” of the Cincinnati Municipal Code is hereby reordained as follows:

§ 1437-09. – Development Standards in Urban Design Overlay Districts.

Development within individual Urban Design Overlay Districts must comply with the standards prescribed below that the ordinance that establishes the Urban Design Overlay District declares applicable to that district. These standards are intended to implement policies in adopted urban design plans. Whenever the standards conflict with the development regulations of the underlying district, these standards supersede those regulations. The following regulations will apply to some or all of the Urban Design Overlay Districts as determined by the urban design plan prepared and adopted for each district. Refer to Schedule 1437-09 for applicability.

Urban Design Overlay District Standards

Schedule 1437-09

	UD #1	UD #2	UD #3	UD #4	UD #5	UD #6	UD #7	UD #8	UD #9	UD #10	UD #11	UD #12	UD #13	UD #14	UD #15
S1		X	X	X	X	X	X	X	X	X	X	X	X	X	X
S2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
S3	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
S4	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
S5	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

S6	X			X				X	X						
A1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
M1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
W1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
R1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
R2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
E1		X	X	X	X		X				X				
F1		X													X
N1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
N2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
D1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

UD #1 - College Hill Business District	UD #9 - Mt. Airy Business District
UD #2 - Clifton Business District	UD #10 - Columbia-Tusculum Business District
UD #3 - Hartwell Business District	UD #11 - Hyde Park East Business District
UD #4 - Hyde Park Square Business District	UD #12 - Mt. Lookout Square
UD #5 - Oakley Square Business District	UD #13 - Pleasant Ridge Business District
UD #6 - University Village Business District	UD #14 - Kennedy Heights Business District
UD #7 - North Avondale Along Reading Road	UD #15 - Roselawn Business District
UD #8 - Mt. Washington Business District	

(a) *Signs and Signage Standards:*

S1. Prohibited Signs:

- All blinking, flashing, rotating or moving signs, except barber poles and theater marquees;
- Neon signs;
- Banners, portable or temporary signs except sandwich board signs where permitted pursuant to Schedule 1437-09;
- Rooftop signs, signs or awnings extending above the roofline of the building, or signs or awnings that extend above the window sill line of the second floor of the building;
- Any advertising sign on or about an unoccupied building, except those related to the sale or rental of that building;
- All signs, handbills, or flyers on utility poles, except those installed by the city and state.
- All outdoor advertising signs, as that term is defined in Cincinnati Municipal Code Chapter 895.

S2. Projecting Signs

- Projecting signs shall not be used except for small identification or trademark signs symbolic of the business identified.

- The copy of all signs should identify the predominant business on the premises or its principal product or service.
 - Advertising signs are prohibited.
 - Projecting signs shall not exceed six square feet per sign face and shall not exceed 12 square feet for all faces.
 - Projecting signs should be located over entry doors or building columns or piers and shall be limited to one projecting sign per business.
 - All sign supports shall be simple in nature, have no visible guy wires and be made less obtrusive with camouflaging color in harmony with the surrounding environment.
- S3. In the case where buildings have multiple storefronts occupied by different tenants, the allowable signage area for each tenant will be calculated based upon the storefront street frontage in order to maintain a proportional distribution of signage area.
- S4. For businesses located within an interior portion of a building, or on the second floor or higher story of a building and lacking an exterior wall or window area, a sign identifying the business no larger than six square feet may be affixed to the exterior of the building. This sign area shall be included in the maximum allowable area for all signs on the property.
- S5. Ground signs: where permitted, ground signs shall meet the following standards:
- Ground signs shall be a maximum sign area of not more than one square foot of sign area per linear foot of street frontage per sign face, up to a maximum sign area of 30 square feet per face, or 60 square feet for all sign faces.
 - Ground signs shall be limited to two sign faces and shall not exceed six feet in height.
 - Ground signs shall be located at or near the primary street frontage.
 - Ground signs shall be compatible with the design of the building in proportion, shape, scale, materials, colors, and lighting.
- S6. Sandwich board signs are permitted, subject to the provisions of § 723-9 and § 1427-26.

(b) *Awning Standards:*

- A1. Awnings shall meet the following standards:
- Awnings shall project no more than two-thirds the width of the sidewalk or six feet, whichever is less.
 - Awnings shall run parallel to the face of the building.

- Awnings shall be located within the existing building framework - between columns and below spandrel panels. Awning colors and design shall be compatible with the colors and design of the building.
- Structural supports for all awnings shall be contained within the awning covering.
- Each storefront bay shall have a similar awning to the other storefront bays on the same building.
- Awnings shall be designed to be harmonious with the architecture of the building that they are to be placed on. They shall relate in shape and proportion to the building's architectural elements such as window and opening shapes, facade articulation and general character of the building.

(c) *Mechanical Equipment and Utility Standards:*

M1. Mechanical equipment, including air conditioning, piping, ducts, and conduits external to the building shall be concealed from view from adjacent buildings or street level by grills, screens or other enclosures. Electric and other utility service connections shall be underground for new construction and encouraged for all other changes.

(d) *Replacement Window Standards:*

W1. Replacement windows shall meet the following standards:

- Replacement windows shall fit the size and style of the original openings.
- Original window and door openings shall not be enclosed or bricked-in on the street elevation. Where openings on the sides or rear of the building are to be closed, the infill materials shall match that of the wall and be recessed a maximum of three inches within the opening.

(e) *Exterior Renovation or Alterations of Existing Structures:*

R1. Renovations, alterations or additions shall be designed and executed in a manner that is sympathetic to the particular architectural character of the structure being worked on. Architectural elements shall be sensitively designed to reflect the detailing and materials associated with the particular style of the building.

R2. Renovations and restorations of older buildings shall respect the original building design, including structure, use of materials and details. New materials or signs shall not cover original materials and detailing. Natural materials (brick, slate, glass, stone, etc.) shall be retained in their natural state and not covered with any other contemporary materials. Materials that are out of keeping with the historic character of the building shall be removed from the facade upon significant exterior renovation or restoration of the existing structure.

(f) *Eating and Drinking Establishments:*

E1. Restaurants, Limited shall meet the following standards:

- No more than 45 percent of their gross floor area may be devoted to food preparation, related activities and other space not accessible to the public;
- No more than 35 percent of the restaurant's sales by dollar volume are carry-out and the patrons are served with other than single-use utensils, plates and beverage containers.
- The consumption of food or beverage in automobiles parked upon the premises is prohibited.

(g) *Franchise Establishments:*

F1. New businesses should contribute to the desired mix of commercial activities; franchise type establishments are acceptable provided that they are primarily pedestrian and not automobile oriented.

(h) *New Construction:*

N1. New buildings shall be compatible with their surroundings. Architectural style, bulk, shape, massing, scale and form of new buildings and the space between and around buildings shall be consistent with the area and should be in harmony with neighboring buildings.

- New buildings shall respond to the pattern of window placement in the district. The designs of new buildings shall avoid long unrelieved expanses of wall along the street by maintaining the rhythm of windows and structural bays in the district. The preferred pattern of ground floor windows is open show windows, with inset or recessed entryways; and landscaping, lighting, and other amenities equivalent to those existing in the district.
- Buildings shall de-emphasize secondary rear or side door entrances to commercial space, unless the entrances are associated with public parking areas.

N2. The Zoning Board of Appeals shall review and consider the applicable urban design plan and other applicable community plans approved by City Council when determining the compatibility of new construction proposed within an Urban Design Overlay District.

- New buildings and proposed uses shall be consistent with the goals, objectives, and guidelines of the applicable urban design plan or other applicable community plans approved by City Council.

N3 At the request of an applicant, the Zoning Board of Appeals may conduct a review of a new building or change in use of a property in two parts: (i) first, an initial review of schematic plans in which setbacks, structure and site improvement

placement, massing, building envelope, and uses are considered; and (ii) second, a subsequent review in which final plans, materials, and designs are considered.

(i) Demolition:

D1. An existing building may only be demolished if the owner of the building, or a person authorized by the owner of the building, demonstrates that one of the following standards is met:

- **The building does not contribute to the physical character and economic vitality of the district, which is determined by weighing the following factors:**
 - (i) whether the building is identified as a contributing building or noncontributing building by the applicable urban design plan or other applicable community plans approved by City Council;**
 - (ii) whether the building is recommended for demolition by the applicable urban design plan or other applicable community plans approved by City Council;**
 - (iii) whether the building's architectural style, bulk, shape, massing, scale, form, and setbacks are consistent with the predominant characteristics of the district;**
 - (iv) whether the building is iconic or specially associated with the district;**
 - (v) whether the demolition of the building will negatively impact the district streetscape; and**
 - (vi) whether the building is obsolete, damaged, in a state of disrepair, dilapidated, or unsanitary, and whether its condition was caused by the owner or his or her predecessors through deliberate action or willful neglect.**
- **The demolition of the building will facilitate the construction of a new building or the establishment of a use that will contribute to the physical character and economic vitality of the district, which is demonstrated by evidence that the owner, or a person authorized by the owner, has:**
 - (i) obtained final approval to construct a new building or change the use of property pursuant to the requirements of subsection (h) above;**
 - (ii) obtained all building permit approvals necessary to commence the new construction or effect the change in use; and**

- (iii) certified via affidavit or sworn testimony as to his or her intent and capacity to diligently pursue the construction of the new building or change in use if demolition of the building is approved.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Clifton Town Meeting
P. O. Box 20042
45220

College Hill Forum
P.O. Box 24160
45224

Columbia Tusculum Community
Council
P.O. Box 68075
45206

Corryville Community Council
260 Stetson Street, Suite E
45219

Hartwell Improvement Association
c/o HIA P.O. Box 15608
45215

Hyde Park Neighborhood Council
P.O. Box 8064
45208

Kennedy Heights Community
Council
PO Box 36318
45213

Mt. Airy Town Council
P.O Box 53737
45224

Mt. Lookout Community Council
P.O. Box 8444
45208

Mt. Washington Community Council
P.O. Box 30387
45230

North Avondale Neighborhood
Association
PO Box 16152
45216

Oakley Community Council
P.O. Box 9244
45209

Pleasant Ridge Community Council
P.O. Box 128705
45212

Roselawn Community Council
7610 Reading Road, 411,
Cincinnati, OH 45237

June 7, 2023

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 repealing and reordaining the provisions of Sections 1427-26 “Sandwich Board Sign Regulations” and Section 1437-09 “Development Standards in UD Overlay Districts,” to allow the placement of sandwich board signs in the Urban Design Overlay Districts of College Hill, Hyde Park, and Mt. Airy neighborhoods.

Summary:

On October 11, 2022, Cincinnati City Council approved permitting sandwich board signs in Urban Design Overlay Districts (UDOD) in which they were previously prohibited, allowing neighborhoods with UDODs to “opt in” for allowing them if so desired. Each neighborhood must individually seek a text amendment to permit sandwich board signs in their UDODs. Since the approval of sandwich board signs in Mt. Washington, three additional communities reached out to Vice Mayor Kearney to sponsor an ordinance permitting sandwich boards in their UDODs, including:

- College Hill
- Hyde Park (Hyde Park Square)
- Mt. Airy

The City Planning Commission recommended the following on June 2, 2023 to City Council:

APPROVE the proposed text amendments as identified in Exhibit B modifying Title XIV, “Zoning Code of the City of Cincinnati” of the Cincinnati Municipal Code, by **REPEALING AND REORDAINING** the provisions of Section 1437-07 “Applications Subject to Review,” and Section 1437-09 “Development Standards in UD Overlay Districts,” to allow the placement of sandwich board signs in Urban Design Overlay Districts in the College Hill, Hyde Park, and Mt. Airy neighborhoods.

APPROVE including UDOD #11, Hyde Park East, into the Exhibit B ordinance.

Motion to Approve: Mr. Samad

Ayes:

Mr. Stallworth
Mr. Eby
Ms. Kearney
Mr. Samad
Ms. Sessler
Ms. Long
Ms. Beltran

Seconded: Ms. Sessler

THE CITY PLANNING COMMISSION



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

202301634
Date: June 14, 2023

To: Vice Mayor Jan-Michele Lemon Kearney
From: Emily Smart Woerner, City Solicitor *EESW*
Subject: **Ordinance – UDOD Text Amendment – Sandwich Board Signs II / B VERSION**

Transmitted herewith is an ordinance captioned as follows:

MODIFYING Title XIV, “Zoning Code of the City of Cincinnati,” of the Cincinnati Municipal Code, by **REPEALING AND REORDAINING** the provisions of Section 1437-07, “Applications Subject to Review,” and Section 1437-09, “Development Standards in Urban Design Overlay Districts,” to allow the placement of sandwich board signs in Urban Design Overlay Districts in the College Hill, Hyde Park, and Mt. Airy neighborhoods.

ESW/MEH (dmm)
Attachment
384258

City of Cincinnati

MEH/B

EESW

An Ordinance No. _____

- 2023

MODIFYING Title XIV, “Zoning Code of the City of Cincinnati,” of the Cincinnati Municipal Code, by **REPEALING AND REORDAINING** the provisions of Section 1437-07, “Applications Subject to Review,” and Section 1437-09, “Development Standards in Urban Design Overlay Districts,” to allow the placement of sandwich board signs in Urban Design Overlay Districts in the College Hill, Hyde Park, and Mt. Airy neighborhoods.

WHEREAS, City Council wishes to permit the placement of sandwich board signs in the Urban Design Overlay Districts in the College Hill, Hyde Park (including the Hyde Park Square business district and the Hyde Park East business district), and Mt. Airy neighborhoods (“Districts”) to allow for the efficient and affordable marketing of businesses within those Districts; and

WHEREAS, the use of sandwich board signs will allow for temporary marketing of neighborhood businesses and the dissemination of messages without detracting from the aesthetics, character, or safety of the Districts or the surrounding area; and

WHEREAS, allowing the use of sandwich board signs will support and facilitate future development in the Districts and is compatible with existing commercial uses in the Districts; and

WHEREAS, at its regularly scheduled meeting on June 2, 2023, the City Planning Commission reviewed and considered proposed text amendments to allow the placement of sandwich board signs in the Districts, and it recommended adoption of the text amendments finding them in the interest of the public’s health, safety, morals, and general welfare; and

WHEREAS, a committee of Council held a public hearing on the proposed text amendments, following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved the amendments, finding them in the interest of the public’s health, safety, morals, and general welfare; 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, this ordinance is additionally necessary to reinstate amendments to the provisions of Section 1437-07, “Applications Subject to Review,” and Section 1437-09, “Development Standards in Urban Design Overlay Districts,” that were ordained by Ord. No. 418-2021 and inadvertently modified by Ord. No. 320-2022; 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 existing Sections 1437-07, “Applications Subject to Review,” and 1437-09, “Development Standards in Urban Design Overlay Districts,” of the Cincinnati Municipal Code are hereby repealed.

Section 2. That Section 1437-07, “Applications Subject to Review,” of the Cincinnati Municipal Code is hereby reordained as follows:

§ 1437-07. Applications Subject to Review.

- (a) The Zoning Administrator has the duty to review applications for the following permits in an established Urban Design Overlay District for compliance with the base requirements of the district:
 - (1) *Signs*: Permits for the installation of all signs, with the exception of sandwich board signs authorized pursuant to § 723-9.
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- (b) The Zoning Board of Appeals shall approve, approve with conditions, or disapprove an application for the following types of development in an established Urban Design Overlay District in accordance with the base requirements of the district:
 - (1) *New construction*: Permits for new construction.
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- (c) The City Planning Commission is authorized to exercise the powers granted to the Zoning Board of Appeals pursuant to this Chapter when an application is submitted in connection with an application to subdivide land.

- (d) The Director of Buildings and Inspections is authorized to order the demolition of a building located in an established Urban Design Overlay District, notwithstanding the provisions of subsection (b), if he or she finds that the building poses an immediate threat to public health or safety.

Section 3. That Section 1437-09, "Development Standards in Urban Design Overlay

Districts," of the Cincinnati Municipal Code is hereby reordained as follows:

§ 1437-09. – Development Standards in Urban Design Overlay Districts.

Development within individual Urban Design Overlay Districts must comply with the standards prescribed below that the ordinance that establishes the Urban Design Overlay District declares applicable to that district. These standards are intended to implement policies in adopted urban design plans. Whenever the standards conflict with the development regulations of the underlying district, these standards supersede those regulations. The following regulations will apply to some or all of the Urban Design Overlay Districts as determined by the urban design plan prepared and adopted for each district. Refer to Schedule 1437-09 for applicability.

Urban Design Overlay District Standards

Schedule 1437-09

	UD #1	UD #2	UD #3	UD #4	UD #5	UD #6	UD #7	UD #8	UD #9	UD #10	UD #11	UD #12	UD #13	UD #14	UD #15
S1		X	X	X	X	X	X	X	X	X	X	X	X	X	X
S2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
S3	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
S4	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
S5	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

S6	X			X				X	X		X				
A1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
M1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
W1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
R1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
R2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
E1		X	X	X	X		X				X				
F1		X													X
N1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
N2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
D1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

UD #1 - College Hill Business District	UD #9 - Mt. Airy Business District
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(a) *Signs and Signage Standards:*

S1. Prohibited Signs:

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- Any advertising sign on or about an unoccupied building, except those related to the sale or rental of that building;
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- The copy of all signs should identify the predominant business on the premises or its principal product or service.
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 - Projecting signs should be located over entry doors or building columns or piers and shall be limited to one projecting sign per business.
 - All sign supports shall be simple in nature, have no visible guy wires and be made less obtrusive with camouflaging color in harmony with the surrounding environment.
- S3. In the case where buildings have multiple storefronts occupied by different tenants, the allowable signage area for each tenant will be calculated based upon the storefront street frontage in order to maintain a proportional distribution of signage area.
- S4. For businesses located within an interior portion of a building, or on the second floor or higher story of a building and lacking an exterior wall or window area, a sign identifying the business no larger than six square feet may be affixed to the exterior of the building. This sign area shall be included in the maximum allowable area for all signs on the property.
- S5. Ground signs: where permitted, ground signs shall meet the following standards:
- Ground signs shall be a maximum sign area of not more than one square foot of sign area per linear foot of street frontage per sign face, up to a maximum sign area of 30 square feet per face, or 60 square feet for all sign faces.
 - Ground signs shall be limited to two sign faces and shall not exceed six feet in height.
 - Ground signs shall be located at or near the primary street frontage.
 - Ground signs shall be compatible with the design of the building in proportion, shape, scale, materials, colors, and lighting.
- S6. Sandwich board signs are permitted, subject to the provisions of § 723-9 and § 1427-26.

(b) *Awning Standards:*

- A1. Awnings shall meet the following standards:
- Awnings shall project no more than two-thirds the width of the sidewalk or six feet, whichever is less.
 - Awnings shall run parallel to the face of the building.

- Awnings shall be located within the existing building framework - between columns and below spandrel panels. Awning colors and design shall be compatible with the colors and design of the building.
- Structural supports for all awnings shall be contained within the awning covering.
- Each storefront bay shall have a similar awning to the other storefront bays on the same building.
- Awnings shall be designed to be harmonious with the architecture of the building that they are to be placed on. They shall relate in shape and proportion to the building's architectural elements such as window and opening shapes, facade articulation and general character of the building.

(c) *Mechanical Equipment and Utility Standards:*

M1. Mechanical equipment, including air conditioning, piping, ducts, and conduits external to the building shall be concealed from view from adjacent buildings or street level by grills, screens or other enclosures. Electric and other utility service connections shall be underground for new construction and encouraged for all other changes.

(d) *Replacement Window Standards:*

W1. Replacement windows shall meet the following standards:

- Replacement windows shall fit the size and style of the original openings.
- Original window and door openings shall not be enclosed or bricked-in on the street elevation. Where openings on the sides or rear of the building are to be closed, the infill materials shall match that of the wall and be recessed a maximum of three inches within the opening.

(e) *Exterior Renovation or Alterations of Existing Structures:*

R1. Renovations, alterations or additions shall be designed and executed in a manner that is sympathetic to the particular architectural character of the structure being worked on. Architectural elements shall be sensitively designed to reflect the detailing and materials associated with the particular style of the building.

R2. Renovations and restorations of older buildings shall respect the original building design, including structure, use of materials and details. New materials or signs shall not cover original materials and detailing. Natural materials (brick, slate, glass, stone, etc.) shall be retained in their natural state and not covered with any other contemporary materials. Materials that are out of keeping with the historic character of the building shall be removed from the facade upon significant exterior renovation or restoration of the existing structure.

(f) *Eating and Drinking Establishments:*

E1. Restaurants, Limited shall meet the following standards:

- No more than 45 percent of their gross floor area may be devoted to food preparation, related activities and other space not accessible to the public;
- No more than 35 percent of the restaurant's sales by dollar volume are carry-out and the patrons are served with other than single-use utensils, plates and beverage containers.
- The consumption of food or beverage in automobiles parked upon the premises is prohibited.

(g) *Franchise Establishments:*

F1. New businesses should contribute to the desired mix of commercial activities; franchise type establishments are acceptable provided that they are primarily pedestrian and not automobile oriented.

(h) *New Construction:*

N1. New buildings shall be compatible with their surroundings. Architectural style, bulk, shape, massing, scale and form of new buildings and the space between and around buildings shall be consistent with the area and should be in harmony with neighboring buildings.

- New buildings shall respond to the pattern of window placement in the district. The designs of new buildings shall avoid long unrelieved expanses of wall along the street by maintaining the rhythm of windows and structural bays in the district. The preferred pattern of ground floor windows is open show windows, with inset or recessed entryways; and landscaping, lighting, and other amenities equivalent to those existing in the district.
- Buildings shall de-emphasize secondary rear or side door entrances to commercial space, unless the entrances are associated with public parking areas.

N2. The Zoning Board of Appeals shall review and consider the applicable urban design plan and other applicable community plans approved by City Council when determining the compatibility of new construction proposed within an Urban Design Overlay District.

- New buildings and proposed uses shall be consistent with the goals, objectives, and guidelines of the applicable urban design plan or other applicable community plans approved by City Council.

N3. At the request of an applicant, the Zoning Board of Appeals may conduct a review of a new building or change in use of a property in two parts: (i) first, an initial review of schematic plans in which setbacks, structure and site improvement placement, massing, building envelope, and uses are considered; and (ii) second, a subsequent review in which final plans, materials, and designs are considered.

(i) *Demolition:*

D1. An existing building may only be demolished if the owner of the building, or a person authorized by the owner of the building, demonstrates that one of the following standards is met:

- The building does not contribute to the physical character and economic vitality of the district, which is determined by weighing the following factors:
 - (i) whether the building is identified as a contributing building or noncontributing building by the applicable urban design plan or other applicable community plans approved by City Council;
 - (ii) whether the building is recommended for demolition by the applicable urban design plan or other applicable community plans approved by City Council;
 - (iii) whether the building's architectural style, bulk, shape, massing, scale, form, and setbacks are consistent with the predominant characteristics of the district;
 - (iv) whether the building is iconic or specially associated with the district;
 - (v) whether the demolition of the building will negatively impact the district streetscape; and
 - (vi) whether the building is obsolete, damaged, in a state of disrepair, dilapidated, or unsanitary, and whether its condition was caused by the owner or his or her predecessors through deliberate action or willful neglect.
- The demolition of the building will facilitate the construction of a new building or the establishment of a use that will contribute to the physical character and economic vitality of the district, which is demonstrated by evidence that the owner, or a person authorized by the owner, has:
 - (i) obtained final approval to construct a new building or change the use of property pursuant to the requirements of subsection (h) above;

- (ii) obtained all building permit approvals necessary to commence the new construction or effect the change in use; and
- (iii) certified via affidavit or sworn testimony as to his or her intent and capacity to diligently pursue the construction of the new building or change in use if demolition of the building is approved.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 21, 2023

To: Members of the Equitable Growth and Housing Committee
From: Sheryl M. M. Long, City Manager
Subject: Presentation – Proposed Zoning Code Text Amendment to Permit Sandwich Board Signs in Urban Design Overlay Districts in College Hill, Hyde Park, and Mt. Airy.

202301748

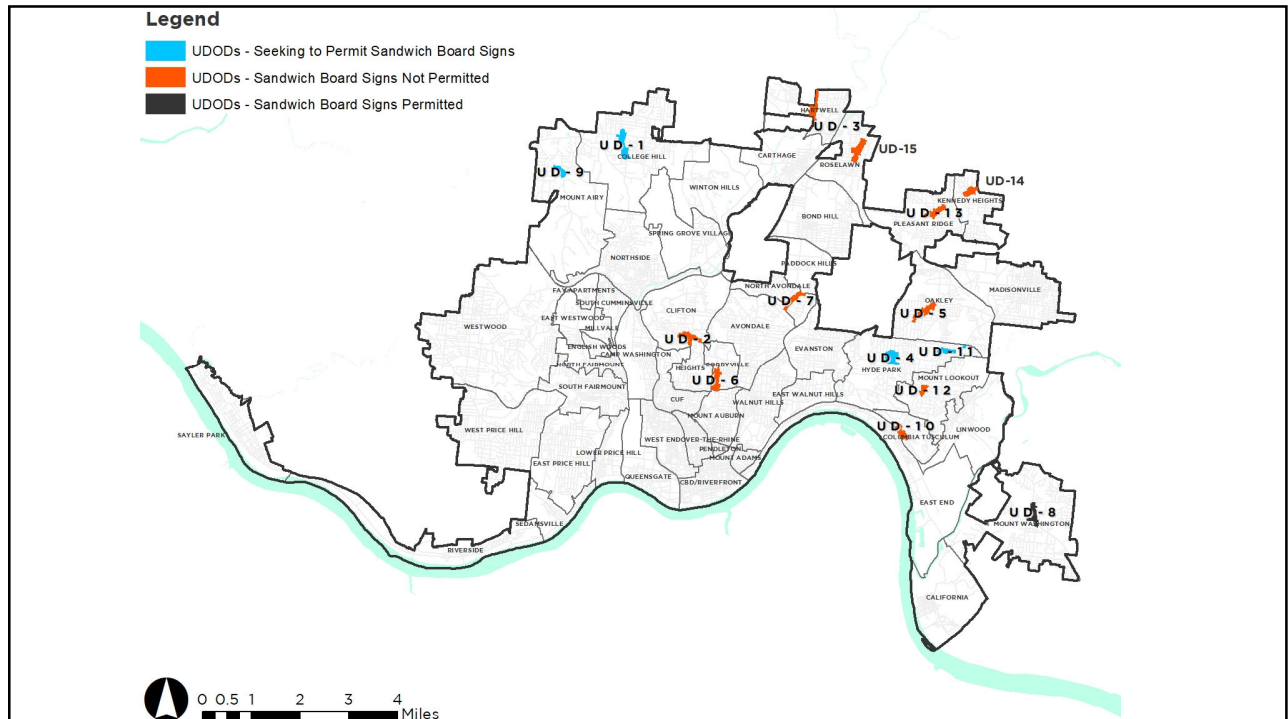
Attached is the presentation for the June 21, 2023 Equitable Growth and Housing Committee for a text amendment to the Cincinnati Zoning Code to permit sandwich board signs in the Urban Design Overlay Districts in College Hill, Hyde Park, and Mt. Airy.

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

Proposed Zoning Code Text Amendment to Permit Sandwich Board Signs in Urban Design Overlay Districts in College Hill, Hyde Park, and Mt. Airy

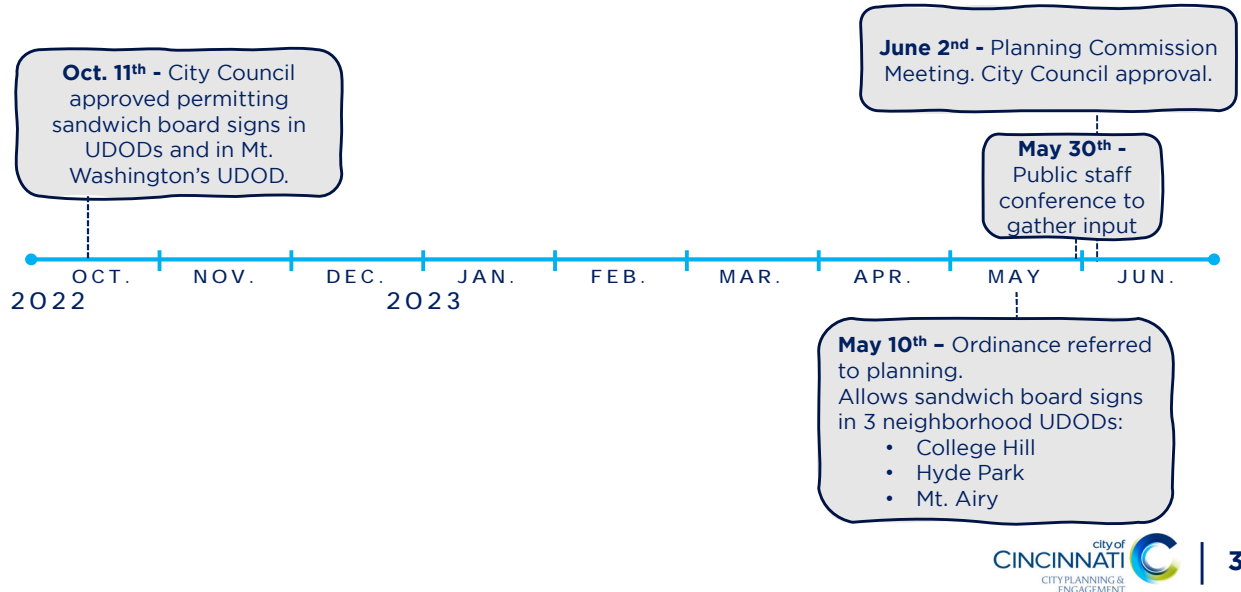
City Council | June 21, 2023

1



2

Background



3

UD #1 - College Hill Business District	UD #9 - Mt. Airy Business District
UD #2 - Clifton Business District	UD #10 - Columbia-Tusculum Business District
UD #3 - Hartwell Business District	UD #11 - Hyde Park East Business District
UD #4 - Hyde Park Square Business District	UD #12 - Mt. Lookout Square
UD #5 - Oakley Square Business District	UD #13 - Pleasant Ridge Business District
UD #6 - University Village Business District	UD #14 - Kennedy Heights Business District
UD #7 - North Avondale Along Reading Road	UD #15 - Roselawn Business District
UD #8 - Mt. Washington Business District	

Urban Design Overlay District Standards
Schedule 1437-09

	UD #1	UD #2	UD #3	UD #4	UD #5	UD #6	UD #7	UD #8	UD #9	UD #10	UD #11	UD #12	UD #13	UD #14	UD #15
S1		X	X	X	X	X	X	X	X	X	X	X	X	X	X
S2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
S3	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
S4	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
S5	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

S6	X		X						X	X		X			
A1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
M1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
W1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
R1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
R2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
E1		X	X	X	X			X				X			
F1		X													X
N1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
N2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
D1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

4

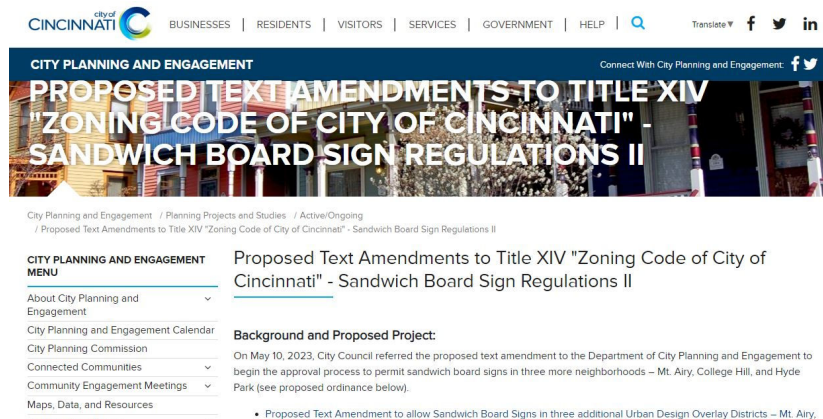
Public Comment

Joint Notice:

Public Staff Conference,
May 30th

- Notice mailed and emailed to all community councils with UDODs
- No attendees
- No additional correspondence

City Planning Commission,
June 2nd



5

Consistency with *Plan Cincinnati* (2012)

Compete Initiative Area

Goal: Foster a climate conducive to growth, investment, stability, and opportunity

Strategy: Growing our own by focusing on business expansion

Live Initiative Area

Goal: Build a robust public life

Strategy: Developing inviting and engaging public spaces that encourage social interaction and creating a welcoming civic atmosphere

6

Neighborhood Plan Consistency

College Hill Urban Design Plan (2001)

Image and Appearance section:
“Develop unique street signs to attract pedestrians and motorists...”

Hyde Park Square NBD Urban Design Plan (1984)

Vehicular & Pedestrian Circulation Recommendation 8:
“Develop pedestrian level communication and identity signage...”

Streetscape Recommendation
“provide pedestrian low-level signage for shopping opportunities”

Hyde Park East NBD Urban Design Plan (1997)

Marketing and Promotions Goal:
“Market the district... offering specialty retail stores”

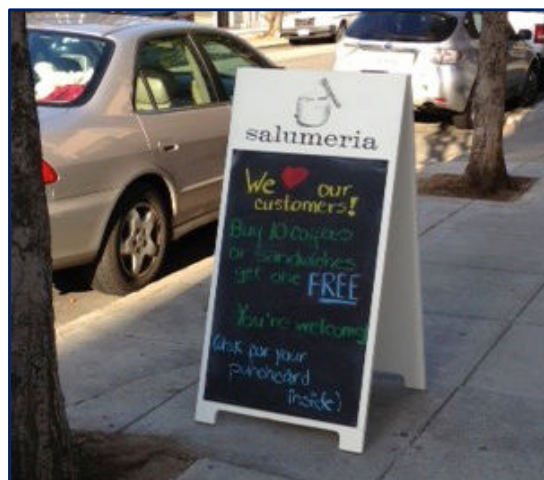
Mt. Airy NBD Urban Design Plan (1996)

Business Development Goal:
“enhance the economic vitality of the existing businesses”

7

Analysis

- Community Councils proactively reached out
- If not adopted, sandwich board signs will remain prohibited
- Allow them in both Hyde Park UDODs



8

Recommendation

The City Planning Commission recommends that City Council take the following action:

APPROVE the proposed text amendments modifying Title XIV, “Zoning Code of the City of Cincinnati” of the Cincinnati Municipal Code, by **REPEALING AND REORDAINING** the provisions of Section 1437-07 “Applications Subject to Review,” and Section 1437-09 “Development Standards in UD Overlay Districts,” to allow the placement of sandwich board signs in Urban Design Overlay Districts in the College Hill, Hyde Park, and Mt. Airy neighborhoods.



202301704

Meeka D. Owens
Cincinnati City Council

June 13, 2023

MOTION

"Tenants Bill of Rights" - Landlord & Tenant Training Initiatives

As part of the ongoing efforts to expand renter protections through the Cincinnati Tenants Bill of Rights, **WE MOVE** for the City Administration to update the Housing Provider and Tenant Education Initiatives that have been previously conducted.

WE FURTHER MOVE for the Administration to engage with housing provider and renter stakeholders to determine potential incentives for both landlords and tenants to participate in the respective training. For example, whether there are housing providers who might offer a waiver on the application fee for a tenant who has taken the training, or if there are City fees that could be waived or discounted for participating housing providers.

WE FURTHER MOVE for the Administration to provide a report within the next hundred and twenty (120) days that outline the updates made, what resources are needed to continue implementing the training, and what, if any, incentives have been identified.

Councilmember Meeka D. Owens



202301731

Meeka D. Owens
Cincinnati City Council

June 13, 2023

MOTION

“Tenants Bill of Rights” – Tenants Guide Public Release and Engagement

WE MOVE that the Administration conduct strategic engagement with residents of Cincinnati to collect feedback on the drafted “Tenant’s Guide.” The engagement period should be at least ninety (90) days and include distribution of the Guide to a diverse range of tenants, housing providers, community stakeholders and partners; public-facing survey(s); and focus groups.

WE FURTHER MOVE that once the Guide has been finalized based on the feedback received by these stakeholders, the Administration take the necessary steps to present an ordinance to Council that would require the Guide to be presented to, and signed by, all Tenants in a physical form. This would either be in lieu of, along with, the Notice to Tenants currently required until C.M.C. Sec. 871-11.


Councilmember Meeka D. Owens

STATEMENT

Last year, Council requested that the Administration create a “Tenants Guide” to be distributed to tenants in Cincinnati and inform them of their rights, responsibilities, and available resources. Since the documents creation, the Office of Councilmember Owens has engaged with the Administration, community partners, and various stakeholders to workshop the language and layout of the Guide.

Moving forward, it is the intention of Council that this Guide be adopted as a formal mechanism to share this information with every tenant in the City of Cincinnati. However, before it is formally adopted the Guide should be further workshopped with the public, and in particular with renters.

The Office of Councilmember Owens is committed to continuing to engage in this work in partnership with the engagement professionals of the Administration so that the Guide is as complete as possible before it is codified as the law of the City.



202301710

Meeka D. Owens
Cincinnati City Council

June 13, 2023

MOTION

“Tenants Bill of Rights” - Re-examining “Renter’s Choice” Legislation

WE MOVE that the City Administration conduct a city-wide survey to determine residents’ awareness, understanding, and views on the “Renter’s Choice” legislation that was passed by Council in 2020. The Administration should additionally engage with the City’s renter and housing provider stakeholders on this subject. The survey should be available for a minimum of thirty (30) days or longer.

WE FURTHER MOVE that, within forty-five (45) days of the end engagement, the City Administration submit a report to Council detailing the results of the survey, any unintended consequences that have occurred as a result of the legislation, and recommendations for whether or not the Renter’s Choice legislation should remain in effect and how the ordinance could be adjusted to better protect tenants (if continued at all).


Councilmember Meeka D. Owens


Vice Mayor Jan-Michele Lemon Kearney

STATEMENT

While this program is billed as “insurance,” the product title is misleading as it is closer to a surety bond than insurance. Companies offering the service still go after tenants in court and it frequently has a “high deductible” for the tenant to pay before they receive the benefit of the “insurance.” Renter’s Choice has been criticized by the National Housing Law Project, which called the marketing “deceptive” and a representative said that, “[t]he word ‘insurance’ communicates to people that you’re buying coverage[.] You’re paying a monthly premium for the peace of mind that if you cause some kind of damage that you would be responsible for, this is going to cover it. And that’s not what happens.”¹

Rather than function as insurance, the security deposit insurance company makes the renters responsible for reimbursing the company for the approved claim amount. In other words, renters are still responsible for covering any damages on top of monthly fees they have been paying.

¹<http://www.nbclosangeles.com/investigations/companies-selling-security-deposit-insurance-face-skepticism/2607806/>

A memorandum from Santa Cruz, CA (Attachment A) further outlines the damages that this policy can cause for tenants:

“From tenants’ perspective, it has been noted that tenants do not get any of the monthly insurance fees back upon move out, the way a traditional deposit would be refunded after moving out. In addition, when landlords file a claim for damages caused by the tenant, if the insurer pays any amount to the landlord for the claim, under the policy language, the tenant is then responsible for reimbursing the insurer for that amount. If the landlord’s claim exceeds the amount of the policy, the landlord could also attempt to collect that excess damage cost from the tenant, as is done with traditional security deposits. Any disputes about the amount of damage and/or costs to repair continue to be between the landlord and tenant, and not the insurance provider. However, the insurance agency may go after the tenant to collect for damages, up to the entire amount of the claim paid out by the insurer.”

In similar engagement done by the Office of Councilmember Owens as it relates to the City’s ordinance, there have been significant concerns from landlords, tenants, and stakeholders. With this in mind, it would be beneficial for the City to engage in more formal engagement and data collection to ensure that we are not keeping a harmful policy active.

MEMORANDUM

Date: February 24, 2020
To: Housing Advisory Commission (HAC)
From: Ad-Hoc Subcommittee of the HAC
Re: Security Deposit Insurance Proposal

BACKGROUND

On January 14, the Board of Supervisors directed the HAC to consider and make a recommendation to the Board regarding a proposal related to insurance in lieu of security deposits, described below. At the January HAC meeting, Chair Geisreiter appointed an ad-hoc subcommittee consisting of Commissioners Carney, Chambers, and Washburn to consider this proposal, conduct initial research and community outreach, and report back to the HAC on their findings. The subcommittee's report and recommendation to the HAC on this proposal is provided herein.

PROPOSAL

Consider a potential Renter's Choice policy that would lower the financial barriers for renting an apartment by requiring landlords to accept security deposits in the form of insurance; work with landlords and tenant-rights groups; and make a recommendation to the Board of Supervisors, as recommended by Supervisor Coonerty.¹

In researching this proposal, the HAC ad-hoc subcommittee decided to focus its research on whether landlords and property managers of multi-family rental properties (apartment complexes of five or more units) should be required and/or encouraged to accept insurance policies or surety bonds rather than a traditional security deposit.

Current Laws Regarding Security Deposits

California Civil Code Section 1950.5, as amended January 1, 2020 by the State Legislature (see link in References section below) defines the meaning of a security deposit and limits the amount that landlords can charge for a security deposit to no more than two month's rent for the unit in question. For prospective tenants who are active duty military personnel, landlords may not charge more than one month's rent for a security deposit.

Security Deposit Options and How It Works

Currently, State and local law allows landlords to accept insurance policies and/or bonds in lieu of insurance if they wish, if both parties agree to using one of these options, as long as the amount of coverage required does not exceed the limits on the amount of security deposit noted in the CA Civil Code, above. For example, if a landlord required a security deposit of \$4,000, a tenant could purchase an insurance policy or bond to cover the \$4,000 amount. The landlord

¹ January 14, 2020 Board Memorandum

MEMORANDUM

would have to sign contract(s) with one or more insurance or surety companies, then notify prospective tenants that they can buy a policy from those entities rather than providing a check for the deposit when they move in. Tenants would then contact the company(s) to apply for an insurance policy or bond for the deposit for a specific rental unit. The insurer would do a "soft" check of the tenant's credit and then provide a quote for the policy, similar to the process of purchasing other types of insurance, such as auto or property insurance. The insurance companies do not provide any credit check or background check to the landlord as part of their screening of the tenant. The tenant could pay for the policy in monthly increments, or in advance for a 6- or 12-month policy, similar to how car insurance is billed. Monthly fees could be \$20 or more, depending on the amount of the deposit required, and possibly other factors used by the insurer to set rates, and would be due for as long as the policy remained active, even if the total monthly fees at a certain point exceed the amount of the deposit that was due initially.

Once a policy is in place and the tenant has moved in, a landlord can file a claim with the insurer for damages to the unit (beyond normal wear and tear), or unpaid rent. According to some of the insurance representatives the sub-committee contacted, the insurer would pay the claim, up to the policy amount (in the example above, \$4,000) promptly, possibly within twenty four hours of receiving the claim. Following the tenant's move out, the landlord would have to submit proof of damages, if any, and a repair cost analysis to the tenant and insurer in order to file a claim for payment under the policy. The landlord would have to provide photos of damage (or documentation of unpaid rents, if applicable) to make a claim against the tenant's policy. Then the insurer would wire money to the landlord's account within hours or a business day, according to one of the insurance providers.

From tenants' perspective, it has been noted that tenants do not get any of the monthly insurance fees back upon move out, the way a traditional deposit would be refunded after moving out. In addition, when landlords file a claim for damages caused by the tenant, if the insurer pays any amount to the landlord for the claim, under the policy language, the tenant is then responsible for reimbursing the insurer for that amount. If the landlord's claim exceeds the amount of the policy, the landlord could also attempt to collect that excess damage cost from the tenant, as is done with traditional security deposits. Any disputes about the amount of damage and/or costs to repair continue to be between the landlord and tenant, and not the insurance provider. However, the insurance agency may go after the tenant to collect for damages, up to the entire amount of the claim paid out by the insurer.

Subcommittee members attempted to get more detail from at least one of the insurers providing this type of policy, including detailed explanations of the procedures for landlords to file and collect a claim, as well as how the company pursues tenants to repay claims paid out by the insurer. Sample policy documents and contracts were requested, but the insurer they contacted (Rhino) was unable or unwilling to provide such sample documents to the subcommittee. However, a representative of the companies noted that even if a tenant stops paying their monthly insurance policy fee, their company would still honor the policy for the full security deposit amount insured, even if the tenant had only paid one month's policy fee. He noted that

MEMORANDUM

their company would just attempt to recover the outstanding policy fees from tenant in such cases.

At the end of each term of the policy (typically six months or a year) the tenant would have the option to renew the policy, or to pay the landlord the full security deposit in cash at that time if they wished. The representative noted that their company would not notify landlords of unpaid policy fees by tenants, but would honor the policy, once issued, for its term, regardless of payment status. Both parties, landlord and tenant, would have to agree to renew the insurance policy for the subsequent terms. Landlords have 60 days to make a claim after the end of each term of a policy expired.

Surety Bond Options

Surety bonds are another alternative to traditional security deposits. Links to several articles on surety bonds for this purpose are provided in the references section at the end of this report.

Security Deposit Programs offered by Local Public Agencies

For many years, the County of Santa Cruz and several local cities as well as the Housing Authority have offered programs that provide funding for security deposits to lower-income households. Most of these programs are administered by the Housing Authority. They target primarily households transitioning from homelessness and other low-income households. In recent years, the County has been able to provide adequate funding to meet demand for these programs to meet the needs of this segment of the renter population. The groups not served by these programs, and possibly more interested in the insurance option, are renters who are not low income (i.e., moderate or above moderate income households).

Conclusion

In speaking with local stakeholders on this issue, predominantly landlords and property managers, subcommittee members found that many stakeholders had questions that were difficult to answer with the limited information that the insurance representatives contacted were able to provide. The subcommittee feels it would be risky for the County to require landlords to offer something that is new and hard to explain. In addition, landlords and property managers shared some concerns with the subcommittee (see comment letters attached to this item). There appears to be a lot of interest in this insurance option, with new start-ups jumping in to offer solutions to allow more tenants to get into expensive rentals by not tying up such large sums in deposits that neither they, nor the landlords or the local economies can benefit from. The subcommittee encourages stakeholders, particularly from the following types of involved parties, to attend the HAC meeting on March 4, 2020 and/or submit written comments on this item for the HAC's consideration:

1. Rental housing industry representatives: owners and property managers of multi-family rental properties, particularly those with 5 or more units per property, and/or apartment owners' associations;
2. Tenants' groups and/or housing advocates;
3. Financial literacy organizations;
4. Insurers providing this type of insurance;

MEMORANDUM

5. Tenants interested in the security deposit insurance option.

RECOMMENDATION TO THE HAC

1. Consider this report and public input received on this proposal at the March 4, HAC meeting;
2. Provide the Board with a copy of this report, the March 4 HAC Minutes, and copies of any comment letters received by the HAC on this item;
3. Recommend that the Board take no action at this time, as this niche of the insurance industry appears to be still evolving, and based on the subcommittee's research, it would be prudent for the County to wait for it to mature further before endorsing or requiring use of such policies among local landlords and/or tenants.

The Housing Advisory Commission will consider comments made at the meeting on March 4 and may modify the draft recommendations above before forwarding them to the Board.

References

- A. California Civil Code Section 1950.5 (current California law regarding security deposits)
- B. January 14, 2020 Board Direction
- C. Tips When Using Surety Bonds in Lieu of Traditional Security Deposits, Ted Kimball, Esq., February 2009
- D. Surety Bonds: 7 reasons why they can make great alternatives to security deposits, Jason Van Steenwyk
- E. This startup wants to help renters avoid massive security deposits, Adele Peters, Fast Company, October 2019



202301745

Meeka D. Owens
Cincinnati City Council

June 13, 2023

MOTION

“Tenants Bill of Rights” - Guide to Housing Providers’ Rights, Responsibilities, and Resources

As part of the ongoing efforts to expand renter protections through the Cincinnati Tenants Bill of Rights, **WE MOVE** that City Administration create a short, concise, and simple document entitled “Guide to Housing Providers’ Rights, Responsibilities, and Resources” (“Guide”) to serve as a companion document to the “Tenants’ Guide.” The Rights and Responsibilities should include the information from Cincinnati Municipal Code Section 871-9 (Obligations of Landlords and Tenants) and any other relevant Federal, State, or Local laws. The Resources should include information and contact information for landlord resources, organizations, or programs offered through the City of Cincinnati or other local organizations, such as the Housing Provider Training, Buildings and Inspections information, etc.

WE FURTHER MOVE that the Administration provide a report on strategy for distributing to housing providers in the City of Cincinnati.

WE FURTHER MOVE that the Guide and report be submitted to Council for its review by the end of this calendar year.


Councilmember Meeka D. Owens


Councilmember Reggie Harris

STATEMENT

In the City of Cincinnati, 61.1 percent of housing units are occupied by renters.¹ It is pivotal that landlords be aware of their responsibilities as housing providers, as well as their available rights and resources. Making sure that housing providers are aware of this information in a simple, straightforward presentation is critical not just for them, but also for tenants.

State law requires that housing providers “make all repairs and do whatever is reasonably necessary to put and keep the premises in a fit and habitable condition.”² Yet all too often, Council offices hear concerns from renters who are in dire circumstances because their landlord is unaware of what they are responsible for providing as part of the renter’s right to a livable unit. As part of the Cincinnati Tenants Bill of Rights, this Housing Provider Guide is being requested so as to achieve a broader understanding among the population of these requirements.

¹ <https://www.census.gov/quickfacts/cincinnati-ohio>

² O.R.C. 5321.04(A)(2).



207301717

Meeka D. Owens
Cincinnati City Council

June 13, 2023

MOTION

“Tenants Bill of Rights” - Protecting Renters through City Financial Incentives

As part of the ongoing efforts to expand renter protections through the Cincinnati Tenants Bill of Rights, **WE MOVE** for the City of Cincinnati Administration to provide a report that assesses the administrative feasibility of implementing additional renter protections through the City’s available development incentives, including the Residential and / or Property Tax Abatement Program; Notice of Funding Availability Program; the Fund of Funds administered by the Cincinnati Development Fund; and any other forces of City influence that are permissible under O.R.C. 5321.19.

The following protections should be addressed in the report, as well as any others identified by the Administration:

- Limiting rent increases for residential real property over a twelve-month period
- Just / Good Cause for Eviction
- Relocation services and fees
- Fee limitations, including for pets, late rent, renter applications, and other fees associated with renting
- Increase the time for notice for a rent increase
- Full compliance with the City’s rental registry requirements
- Regulate the term of a lease to require an offer of a year-long lease unless the tenant requests otherwise

WE FURTHER MOVE that the report consider whether landlords may act in bad faith and pass on potential auxiliary fees or other costs onto their renters, and recommend ways in which this can be counteracted through city incentives.

WE FURTHER MOVE that this report should be submitted to Council within ninety (90) days of this motion’s passage.

Councilmember Meeka D. Owens

Councilmember Seth Walsh

STATEMENT

Many Cincinnati residents have been subjected to landlords suddenly seeking an increase in rent, and then been forced to seek new housing in a short amount of time. In June 2022, the State of Ohio passed a natural gas line regulation measure that additionally blocked Ohio cities from implementing regulations on rent increases.¹ However, the law still included a carveout so that cities are not preempted from imposing regulations that are tied to voluntary incentives, including federal and state incentives, tax abatements, tax credit financing, bond or other financing, or loans or grants from the political subdivision.²

The benefits and incentivizes that the City provides for development are pivotal to increasing and preserving the available housing supply at all levels. However, we should also be considering ways that these incentives can be leveraged to offer the maximum possible protections for the tenants who live within those developments.

¹ O.R.C. 5321.01(O) defines rent control as “requiring below-market rents for residential premises or controlling rental rates for residential premises in any manner, including by prohibiting rent increases, regulating rental rate changes between tenancies, limiting rental rate increases, regulating the rental rates of residential premises based on income or wealth of tenants, and other forms of restraints or limitation of rental rates.” In addition, O.R.C. 5321.01(P) defines rent stabilization as “allowing rent increases for residential premises of a fixed amount or on a fixed schedule as set by a political subdivision.”

² See O.R.C. 5321.19(B)(3).