



EMERGENCY

City of Cincinnati

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An Ordinance No. 300

- 2022

**ESTABLISHING** Interim Development Control Overlay District No. 88, “Surface Parking in the Downtown Development Zoning District” as an overlay district for a period of three months, pursuant to Chapter 1431, “Interim Development Control Overlay Districts,” of the Cincinnati Municipal Code.

WHEREAS, Councilmember Mark Jeffreys has introduced legislation to amend certain zoning code provisions governing development in the DD, “Downtown Development,” zoning district in order to restrict the development of surface parking lots within the district (“Proposed Legislation”); and

WHEREAS, in response to the introduction of the Proposed Legislation, the City Manager directed the Department of City Planning and Engagement to undertake a zoning study within the DD, “Downtown Development,” zoning district to investigate the potential impacts of the Proposed Legislation, to make recommendations on the adoption or modification of the Proposed Legislation, and to commence the process for establishing an interim development control overlay district (“IDC”) over the district during the pendency of the zoning study; and

WHEREAS, the City Planning Commission at its regularly scheduled meeting on Sept 16, 2022, and pursuant to Cincinnati Municipal Code Section 1431-05, affirmatively recommended that the Council establish an IDC over the DD, “Downtown Development,” zoning district to ensure that any development during the pendency of the City’s zoning study is appropriate and will not detrimentally or adversely impact the implementation of the Proposed Legislation and any potential modifications that may result from the City’s zoning study; and

WHEREAS, a committee of Council considered the establishment of an IDC to regulate the DD, “Downtown Development,” zoning district during the pendency of the City’s study and further considered the City Planning Commission’s affirmative recommendation of the proposed IDC; and

WHEREAS, the Council finds that placing interim development controls over the DD, “Downtown Development,” zoning district during the pendency of the Department of City Planning and Engagement’s study and review is consistent with *Plan Cincinnati* (2012) and its “Compete” Initiative goals to “[t]arget investment to geographic areas where there is already economic activity” and “[c]ontinue development of Existing Growth Opportunity Areas,” which specifically include the Central Business District (page 115); its “Connect” Initiative goals to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” and “[e]xpand options for non-automotive travel” (page 129); and its “Live” Initiative goal to “[b]ecome more walkable” (page 157); and

WHEREAS, the Council further finds that the proposed IDC is in the interest of the public's health, safety, and general welfare; now, therefore,

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

Section 1. That Council makes the following findings:

- A. The City Manager has directed the Department of City Planning and Engagement to undertake a zoning study within the DD, "Downtown Development," zoning district ("Study Area") to investigate the potential impacts of proposed zoning code text amendments concerning the development of surface parking lots within the area, and to make recommendations on the adoption or modification of those proposed zoning code text amendments.
- B. At its regularly scheduled meeting on Sept 16, 2022, the City Planning Commission affirmatively recommended that the Council establish an interim development control overlay district ("IDC") over the Study Area, set forth on the map as shown in Exhibit "A," attached hereto and incorporated herein, to remain in effect while the Department of City Planning and Engagement conducts its zoning study of the proposed zoning code text amendments concerning the development of surface parking lots within the Study Area.
- C. The proposed zoning code text amendments concerning the development of surface parking lots will substantially affect permitted uses in the Study Area as parking availability and access can be an important component of development. Accordingly, the impact of the proposed zoning code text amendments requires study and review by the Council, City Administration, and City Planning Commission prior to their adoption.
- D. The establishment of an IDC over the Study Area for a three-month period is necessary to protect the public interest and ensure that the substance and purposes of the proposed zoning code text amendments are not adversely impacted during the pendency of the City's study and review of the area.

Section 2. That, pursuant to Cincinnati Municipal Code Section 1431-05, the official City zone map is amended to superimpose Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District" ("IDC District No. 88"), over the Study Area.

Section 3. That, pursuant to Cincinnati Municipal Code Sections 1431-07 and 1431-15, the Council adopts the Application Review Guidelines for IDC District No. 88, attached hereto as

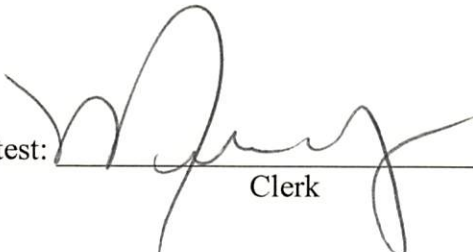
Exhibit "B" and incorporated herein by reference, which shall be used by the City Planning Commission in its review of permit applications subject to the guidelines.

Section 4. That, when reviewing permit applications pursuant to Section 3 herein, the City Planning Commission shall be authorized to exercise the same authority granted to the Zoning Hearing Examiner and the Historic Conservation Board, as applicable, to hear and decide applications for variances, special exceptions, conditional uses, certificates of appropriateness, and other development permissions governed by the zoning code.

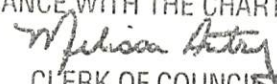
Section 5. That IDC District No. 88 shall remain in effect for three months following the effective date of this ordinance.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to impose interim development controls over the Study Area to ensure that the substance and purpose of proposed zoning code text amendments concerning the development of surface parking lots within the Study Area and the planning, land use, and zoning solutions that may result from the Department of City Planning and Engagement's study and review of those amendments are not prematurely destroyed or impaired.

Passed: September 21, 2022

Attest:   
Clerk

  
Aftab Pureval, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 300-2022  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 10-4-2022  
  
CLERK OF COUNCIL