



EMERGENCY

City of Cincinnati

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EESW

An Ordinance No. _____

- 2023

EXTENDING Interim Development Control Overlay District No. 88, “Surface Parking in the Downtown Development District,” as an overlay district for an additional six 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 to restrict the development of surface parking lots within the district (“Proposed Legislation”); and

WHEREAS, in September 2022, the City Manager requested that the Department of City Planning and Engagement 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, in connection with the Proposed Legislation, pursuant to Ordinance No. 300-2022, enacted on and effective as of September 21, 2022, Council established Interim Development Control Overlay District No. 88, “Surface Parking in the Downtown Development Zoning District” (“IDC 88”), effective for three months to protect the area while the City Planning Commission and the Department of City Planning and Engagement conduct their study; and

WHEREAS, pursuant to Ordinance No. 345-2022, enacted on and effective as of November 9, 2022, Council extended IDC 88 for an additional nine months, up to and including September 20, 2023, to protect the area while the City Planning Commission and the Department of City Planning and Engagement conduct their study; and

WHEREAS, the City Planning Commission and the Department of City Planning and Engagement’s study remains ongoing, and an extension of IDC 88 is necessary to ensure that the potential zoning text amendments resulting from the Proposed Legislation and the study of it are not frustrated before their completion and implementation; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on July 21, 2023, recommended the extension of IDC 88 for an additional six months upon finding that the criteria in Cincinnati Municipal Code Section 1431-13 are satisfied; and

WHEREAS, a committee of the Council held a public hearing on the proposed extension of IDC 88, following due and proper notice pursuant to Cincinnati Municipal Code Sections 111-1 and 1431-13, and the committee approved the extension, finding it in the interest of the public health, safety, morals, and general welfare; and

WHEREAS, the Council finds that extending IDC 88 over the study area is consistent with Plan Cincinnati (2012), including 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 as described on 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” as described on page 129; and its “Live” Initiative goal to “[b]ecome more walkable” as described on page 157; and

WHEREAS, the Council further finds that extending IDC 88 over the study area is in the best interests of the City and the public 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. At its regularly scheduled meeting on July 21, 2023, the City Planning Commission affirmatively recommended that Council extend Interim Development Control Overlay District No. 88, “Surface Parking in the Downtown Development District” (“IDC 88”), for an additional six months while the City studies proposed zoning code text amendments concerning the development of surface parking lots within the affected area.
- B. The study of the proposed zoning code text amendments has proven to be extraordinarily complex because the study area covered by IDC 88 is one of the City’s densest commercial and residential areas. Proposed regulations would affect how a significant number of users, such as residents, workers, visitors, business owners, and patrons, access and engage within the study area and could impact the provision of City services and commercial activity in and around the study area.
- C. The Administration’s study of the proposed zoning code text amendments concerning the development of surface parking lots within the study area is not yet complete, but it expects to conclude the study within the additional six-month period. The Administration plans to conduct further community engagement with internal and external stakeholders, continue to research potential regulatory frameworks and analyze anticipated social, economic, and environmental effects of potential regulations, and present findings and recommendations to the City Planning Commission and City Council in early 2024. The adoption of any zoning code changes is expected to require another

three to six months. The extension of IDC 88 affords the City the time needed to complete its zoning study and implement the proposed zoning code text amendments, which may include incorporating recommendations from the study.

- D. Following Council's establishment of IDC 88, the City Planning Commission has reviewed two permit applications related to surface parking lots. The Administration anticipates further requests to build or expand surface parking lots in the study area if IDC 88 is dissolved before the City's study is complete and any zoning code text amendments are considered for adoption. The development and expansion of surface parking lots within the study area are inconsistent with the preliminary objectives for IDC 88, and the six-month extension of IDC 88 is needed to protect against such development and expansion.

Section 2. That IDC 88, as depicted on the map attached as Exhibit "A" to Ordinance No. 300-2022 and incorporated herein by reference, is extended throughout the area designated on the map as the interim development control overlay district for an additional period of six months, up to and including March 21, 2024.

Section 3. That the Regulations and Application Review Guidelines for IDC 88 and Designation of Administrative Reviewer, attached as Exhibit "B" to Ordinance No. 300-2022 and incorporated herein by reference, shall remain in effect for the duration of IDC 88 and be used by the City Planning Commission in its review of applications for the use of property within IDC 88.

Section 4. 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 City's study area for up to an additional six-month period 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 study and review of those amendments are not prematurely destroyed or impaired.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk