



City of Cincinnati

MEH

An Ordinance No. 11

- 2023

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MODIFYING Chapter 119 of the Cincinnati Municipal Code, “Prohibition on the Solicitation of or Acceptance of Campaign Contributions from Persons with a Financial Interest in City Business,” by amending Section 119-1-C2, “City Business”; **MODIFYING** Chapter 331 of the Cincinnati Municipal Code, “Sale or Lease of City-Owned Real Property – Approval as to Form and Recording of Conveyance Documents,” by amending Section 331-9, “Sale, Lease, or Use of City-Owned Real Property Without Council Approval”; and **MODIFYING** Chapter 1101 of the Cincinnati Municipal Code, “Administration,” by amending Section 1101-15, “Permits, Prior Approvals Required,” all to improve the efficiency and transparency of the City’s process for conveying easements in city-owned real property.

WHEREAS, the City’s current process that requires Council approval for all easements on City property is time- and resource-intensive for the City Administration and inefficient for residents and small-business owners whose projects can face delays while easements proceed through the legislative process; and

WHEREAS, Council wishes to streamline the approval process for low-value easements pertaining to minor uses of City-owned property while also identifying the financially interested persons associated with high-value easements that will continue to require approval by Council; and

WHEREAS, CMC Chapter 331 authorizes the City Manager to administratively grant a lease of, or right of entry upon, any City-owned real property for a term of one year or less without the need for legislative review; and

WHEREAS, Council wishes to extend the City Manager’s authority under CMC Chapter 331 to include easements with an appraised fair market value of less than \$25,000, which easements typically pertain to sidewalk encroachments, water mains and appurtenances, and other minor uses of City-owned property, and which represent a large number of the easements of City-owned property, to reduce the time and resources necessary to process these low-value easements; and

WHEREAS, Cincinnati Municipal Code (“CMC”) Chapter 119 imposes enhanced reporting requirements upon applicants for certain incentives or property sales or zoning changes requiring approval by Council, and it further prohibits current City elected officials’ campaigns for City elected offices from receiving campaign contributions from those applicants while those requests or applications are under review by Council; and

WHEREAS, Council wishes to extend the requirements of CMC Chapter 119 to easements having a fair market value of \$25,000 or more, which easements often relate to significant development projects, to improve transparency around their approval; and

WHEREAS, in adopting these changes, Council seeks to balance the need to provide transparency in connection with higher-value easements with the need to ensure that the day-to-day business of City government remains efficient; and

WHEREAS, Council finds that the proposed amendments are consistent with Plan Cincinnati (2012), including the “Compete” goal to “[f]oster a climate conducive to growth, investment, stability, and opportunity” (page 103) by “[b]uild[ing] a streamlined and cohesive development process” (page 111); now, therefore,

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

Section 1. That Section 119-1-C2, “City Business,” of the Cincinnati Municipal Code is hereby amended as follows:

Sec. 119-1-C2. – City Business.

“City business” means requests or applications for the following items requiring approval by council:

- (a) development incentives, including loans and tax incentives, with an estimated potential value of \$100,000 or more per year;
- (b) sales of city property with an estimated fair market value of \$200,000 or more; or
- (c) easements with an estimated fair market value of \$25,000 or more; or
- (d) zoning changes.

Section 2. That Section 331-9, “Sale, Lease, or Use of City-Owned Real Property Without Council Approval,” of the Cincinnati Municipal Code is hereby amended as follows:

Sec. 331-9. – Sale, Lease, or Use of City-Owned Real Property Without Council Approval.

(a) The city manager is authorized, without the approval of Council, to do the following:

- (1) Grant a lease of, or right of entry upon, any city-owned real property for a term of one year or less;
- (2) Grant an easement on, over, under, or across city-owned real property that has a fair market value as determined by appraisal of less than \$25,000; and
- (3) Sell nonproductive land acquired by the city under the Cincinnati Land Reutilization Program (“CLRP”), as established by ordinance No. 265-1996, provided that the sale meets all of the following:
 - (A) such sale complies with the city’s CLRP procedures;

(B) such sale complies with Ohio Revised Code chapter 5722 (Land Reutilization Program); and

(C) the fair market value of the nonproductive land does not exceed \$25,000.

(b) The city manager may take the action authorized by section 331-9(a) provided all of the following occur:

- (1) The city manager finds that the interest conveyed will not be adverse to the city's retained interest in the subject city-owned property and will not unreasonably interfere with the city's use of the property for municipal purposes; and
- (2) The city board or commission with jurisdiction and control of the subject city-owned real property, if any, approves the conveyance; and
- (3) The grantee pays the appraised fair market value of the interest conveyed; and
- (4) The proceeds from the transaction are first deposited into Property Management Fund 209 to pay the fees for services provided by the City's Real Estate Services Division and then the proceeds in excess thereof are deposited in Miscellaneous Permanent Improvement Fund 757 or, if the affected property is held in a restricted fund, the applicable restricted fund.

(c) Notwithstanding the provisions of Section 331-5, "Sale or Lease Without Competitive Bidding," the city manager is authorized to grant the interests described in subsection (a) without competitive bidding if the city manager determines that the conveyance is in the best interest of the city.

(d) The city manager or the city manager's designee is authorized to adopt written rules and regulations as are necessary and proper to carry out the provisions of this section.

~~The city manager may, without the approval of council, grant a lease of, or right of entry upon, any city-owned real property for a term of one year or less. Any such lease or right of entry upon real property under the jurisdiction and control of any board or commission of the city shall be approved by such board or commission.~~

~~The city manager may, without the approval of council, sell nonproductive land acquired by the city under the Cincinnati Land Reutilization Program ("CLRP"), as established by ordinance No. 265-1996, provided that: (i) such sale complies with the city's CLRP procedures; (ii) such sale complies with Ohio Revised Code chapter 5722 (*Land Reutilization Program*); and (iii) the fair market value of the nonproductive land does not exceed \$25,000. As used in the preceding sentence, "fair market value" shall have the meaning set forth in Ohio Revised Code section 5722.07; namely, the appraised value of the nonproductive land made with reference to such redevelopment and reutilization~~

~~restrictions as may be imposed by the city as a condition of sale or as may be otherwise applicable to such land. If the nonproductive land being sold to a single buyer in any one transaction consists of two or more contiguous parcels, the combined fair market value of all such parcels shall be determined for purposes of determining whether the fair market value exceeds \$25,000.~~

Section 3. That Section 1101-15, "Permits, Prior Approvals Required," of the Cincinnati Municipal Code is hereby amended as follows:

Sec. 1101-15. – Permits, Prior Approvals Required.

1101-15.1 *Sewers*: No permit for the construction of any building or addition shall be issued by the director of buildings and inspections until the applicant has obtained review and approval from the metropolitan sewer district of greater Cincinnati.

1101-15.2 *Electrical supply*: No permit for the construction, change of use, or addition to any building shall be issued by the director of buildings and inspections until the applicant has obtained review and approval from the electrical inspection agency for the installation of the electrical system.

Exception: Buildings of use groups regulated under the Residential Code of Ohio.

1101-15.3 *Driveways*: When the applicant applies for a building permit upon a dedicated street where no sidewalks are constructed and where a driveway is to be constructed, he shall be required to present detailed drawings in triplicate to the engineering division of the department of public works of the City of Cincinnati to obtain a special approval before the building permit is issued to assure proper construction of the driveway. The grade of the proposed driveway at the property line and on the street right-of-way shall be constructed to meet the requirements of the engineering division of the department of transportation and engineering of the City of Cincinnati.

1101-15.4 *Water supply*: No permit for the construction of any building shall be issued by the director of buildings and inspections except where adequate water supply and facilities for fire fighting purposes are available, as determined by the fire chief. No permit for the construction of any building intended for human occupancy shall be issued by the director of buildings and inspections until the water works has certified the availability of city water, or the commissioner of health has approved some other source. If the director of buildings and inspections finds that upon inspection of any building under construction that adequate water supply or facilities for firefighting purposes, as determined by the fire chief, are not being furnished as required, then the director of buildings and inspections may stop such construction and revoke the permit previously issued therefor until such time as adequate water supply or facilities for firefighting purposes, as determined by the fire chief, are furnished.

1101-15.5 *Flood insurance program:* The director of buildings and inspections shall review all permit applications to assure that proposed new construction, alterations, additions or development will be in accordance with Chapter 1109 CBC and the applicant has received all necessary permits from those governmental agencies from which prior approval is required.

1101-15.6 *Historic conservation:* No permit for the alteration of any historic structure, as determined by the historic conservation board, shall be issued by the director of buildings and inspections except where a certificate of appropriateness has been issued by the urban conservator.

1101-15.7 *Stormwater management:* No permit for the construction of any building, building addition, or parking lot, or for the excavation or fill of land shall be issued by the director of buildings and inspections until the applicant has obtained review and approval of the proposed work from the stormwater management utility division of the metropolitan sewer district water works.

Exceptions:

- (1) Permits for buildings, building additions, and parking lots less than 800 square feet in area.
- (2) Cut or fill permits for the demolition of structures or for the installation of underground tanks.

1101-15.8 *Street Encroachments:* No permit involving the use of space in, under, or above any street or alley ~~other than as authorized by the Ohio Building Code, or Cincinnati Building Code and other parts of the Cincinnati Municipal Code,~~ shall be issued except unless the encroachment is authorized by the city manager or the city manager's designee under the authority of the Cincinnati Municipal Code or other applicable authority, law, rule, or regulation by special ordinance defining the terms and conditions of such use, or by Administrative Regulation 73. The right of private occupancy of any part of a city street or alley is permissive only and may be withdrawn or revoked at any time. When the right is withdrawn or revoked, the occupancy shall be terminated and all necessary construction for such street or sidewalk restorations shall be made at the expense of the property owner or person in control. Every property owner or person in control using space in, under, or above any street or alley for private purposes shall be liable to the public and to the city for any loss or damage from nuisance arising out of such use.

1101-15.9 *Excavation and Fill:* The director of buildings and inspections may not issue a permit to place at a fill site more than 500 cubic yards of fill material from an off-site borrow unless the fill material has been approved under Chapter 1031, Soil Contamination Standards, of Title X, Environmental Code, of the Cincinnati Municipal Code.

Exceptions:

- (1) Up to 1,000 cubic yards of fill material if the fill site is wholly within a zone district less restrictive than the R-0.7 District.

