

Proposed Text Amendments to Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code”

Economic Growth & Zoning Committee | November 9, 2021

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Types of Amendments

- Scrivener’s Errors/Clarifications
- Urban Agriculture (Chapter 1422) Consistency
- Title XVII “Land Development Code” Signage & addition of definitions
- Urban Design Overlay District (UDOD) review standards

Scrivener’s Errors/Clarifications

- Do not make any significant modifications to the content
- Clean up the language and address Scrivener’s errors
- Add clarity for ease of interpretation of
 - Chapter references
 - Limitation references

Section 1401-01-A8 “Animal Keeping”

Addition of a reference to Section 1422-03(d) “Animal Keeping” for definition consistency with Chapter 1422 - Urban Agriculture

Section 1403-05 “Land Use Regulations”

Correction of references to the Specific Limitations list for the Use Regulations for Single-family Districts.

Section 1409-07 “Land Use Regulations”

Correction of references to the Specific Limitations list for the Use Regulations for Commercial Subdistricts. Removal of, and addition of Specific Limitations.

Section 1411-05 “Land Use Regulations”

Correction of section reference for the Use Regulations-Downtown Development Use Subdistrict Schedule. Addition of “Hotel and Commercial Lodging” to Subdistrict “C” of the Downtown Development district.

Section 1413-05 “Land Use Regulations”

Removal of refence to L17 (Specific Limitation) that does not exist for “Garden supply stores and nurseries.” Addition of a reference to Section 1419-16, Additional Development Regulations for “Garden supply stores and nurseries.”

Section 1422-05 “Development Regulations”

Correction of section reference for the Schedule for Animal Keeping Requirements.

Section 1422-07 “Maintenance and Storage”

Correction of section reference for the definition of Farm.

Section 1429-19 “Off-Street Parking and Loading Requirements”

Addition of the RMX district to the schedule for off-street parking requirements for multi-family uses.

Section 1703-5.50 (D), “Parking; Number of Motor Vehicle Parking Spaces Required”

Clarification language for the calculation of minimum number of parking spaces required.

Section 1703-8.50, “Relationship to Overlay Districts”

Clarification language regarding the relationship of transect zones to Overlay Districts including Urban Design Overlay Districts, Hillside Overlay Districts, Historic Assets, and Interim Development Control Overlay Districts.

Urban Agriculture (Chapter 1422) Consistency

- In June 2019, City Council approved Chapter 1422, “Urban Agriculture: Horticulture and Animal Keeping” to Title XIV, “Zoning Code of the City of Cincinnati”
 - Included terms and definitions related to urban agriculture, horticulture, and animal keeping to create consistency throughout the Zoning Code
- The proposed amendments will create consistency between the terminology and definitions in Title XIV, Chapter 1422 and Title XVII, “Land Development Code” which addresses Form Based Code districts

Section 1703-2.40 “T3 Estate (T3E); T3E Use Table; Use Type; Agriculture”

Section 1703-2.50 “T3 Neighborhood (T3N); T3N Use Table; Use Type; Agriculture”

Section 1703-2.60 “T4 Neighborhood Medium Footprint (T4N.MF); T4N.MF Use Table; Use Type; Agriculture”

Section 1703-2.70 “T4 Neighborhood Small Footprint (T4N.SF); T4N.SF Use Table; Use Type; Agriculture”

Section 1703-2.80 “T5 Main Street (T5MS) T5MS Use Table; Use Type; Agriculture”

Section 1703-2.90 “T5 Neighborhood Large Setback (T5N.LS) T5N.LS Use Table; Use Type; Agriculture”

Section 1703-2.100 “T5 Neighborhood Small Setback (T5N.SS) T5N.SS Use Table; Use Type; Agriculture”

Section 1703-2.110 “T5 Flex (T5F) T5F Use Table; Use Type; Agriculture”

Section 1703-2.120 “T6 Core (T6C) T6C Use Table; Use Type; Agriculture”

Removal of references to Community Gardens as this former use type is now regulated under Chapter 1422 of the Zoning Code. Addition of “Animal Keeping,” “Farm,” and “Garden” uses for consistency with the use types established by Chapter 1422.

Section 1703-5.100, “Additional Standards for Specific Uses; Community Gardens”

Replace Community Garden language with a reference to Urban Agriculture provisions established by Section 1422 of the Cincinnati Municipal Code.

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Title XVII “Land Development Code” Signage

- Requested by Form Based Code neighborhoods as effort to support neighborhood businesses
- Establishes illumination criteria for specific signage types
- Defines changeable copy signs and where they are permitted
- Clarification language for permanent signs in the transect zones
- Provide city reviewing agencies with language to consistency review signage applications

Section 21 – Section 1703-5.80 (E), “Permanent Signs”

Addition of language related to permitting and allowance of permanent sign types in transect zones.

Section 22 – Section 1703-5.80 (L), “Directory Signs”

Clarification language for defining Directory Signs.

Section 23 – Section 1703-5.8 (O), “Pole/Monument Signs”

Clarification of the transect zones that Changeable Copy Pole/Monument Signs are permitted.

Section 24 – Section 1703-5.80 (S), “Wall Signs”

Clarification regarding the allowable height for wall sign lettering. Clarification of the transect zones that Changeable Copy Wall Signs are permitted.

Section 25 – Section 1703-5.80 (T), “Wall Mural Signs”

Clarification that wall mural signs may only be externally illuminated.

Section 28 – Section 1703-9.10 (E), “E. Definitions”

Addition of a definition for Edison Bulbs.

Section 29 – Section 1703-9.10 (F), “F. Definitions”

Addition of a definition for Front-Lit Signs.

Section 30 – Section 1703-9.10 (H), “H. Definitions”

Addition of a definition for Halo/Reverse-Lit Signs.

Section 31 – Section 1703-9.10 (N), “N. Definitions”

Addition of a definition for Neon Signs.

Section 32 – Section 1703-9.10 (O), “O. Definitions”

Addition of a definition for Open-Lit Signs.

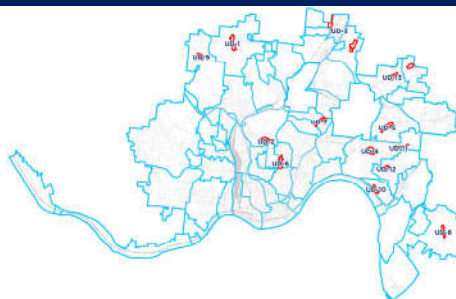
Section 33 – Section 1703-9.10 (P), “P. Definitions”

Addition of a definition for Push Through Sign.

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UDOD Amendments

- Applies to properties within the 15 UDODs
- Clarifies review process for new construction
- Establishes criteria for demolition
- Defines contributing and non-contributing buildings
- Changes decision making body for new construction and demolitions in UDOD from Zoning Hearing Examiner to the Zoning Board of Appeals



Sec. 1437-05, Establishment of Urban Design Overlay Districts

Sec. 1437-07, Applications Subject to Review

Sec. 1437-09, Development Standards in UD Overlay District

Sec. 1437-11, Approval

Sec. 1437-13, Appeal

Sec. 1439-07, Zoning Hearing Examiner

Sec. 1439-11, Zoning Board of Appeals

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Consistency with *Plan Cincinnati* (2012)

Compete Initiative Area

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

Strategy: Build a streamlined and cohesive development process

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Public Comment

- General clarification questions (website was updated to include clearer language, additional staff conferences held)
- Concerns about hotel/commercial lodging use in DD-C district
- Concerns about UDOD-related text amendments (feedback incorporated into modified text amendments)
- Concerns about demolition review criteria
- Support for demolition review criteria
- General concerns about lack of community engagement prior to application in UDOD

Analysis and Conclusions

The proposed text amendments...

- Add consistency between Title XIV and XVII of the Cincinnati Municipal Code
- Add clarity to process, terminology, and references
- Provide clear review and decision-making criteria for applicant, community members, and city staff
- Incorporate community feedback
- Accomplish the goals of building a streamlined, cohesive, and transparent development process
- Are consistent with Compete Initiative Area of *Plan Cincinnati*

Recommendation

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

APPROVE the proposed text amendments to modify Title XIV, "Zoning Code of the City of Cincinnati," and Title XVII, "Land Development Code," of the Cincinnati Municipal Code, by AMENDING the provisions of Sections 1401-01-A8, "Animal Keeping," 1403-05, "Land Use Regulations," 1409-07, "Land Use Regulations," 1411-05, "Land Use Regulations," 1413-05, "Land Use Regulations," 1422-05, "Development Regulations," 1422-07, "Maintenance and Storage," 1425-19, "Off-Street Parking and Loading Requirements," 1437-05, "Establishment of UD Overlay Districts," 1437-07, "Applications Subject to Review," 1437-09, "Development Standards in UD Overlay Districts," 1437-11, "Approval," 1437-13, "Appeal," 1439-07, "Zoning Hearing Examiner," 1439-11, "Zoning Board of Appeals," 1703-2.40, "T3 Estate," 1703-2.50, "T3 Neighborhood," 1703-2.60, "T4 Neighborhood Medium Footprint," 1703-2.70, "T4 Neighborhood Small Footprint," 1703-2.80, "T5 Main Street," 1703-2.90, "T5 Neighborhood Large Setback," 1703-2.100, "T5 Neighborhood Small Setback," 1703-2.110, "T5 Flex," 1703-2.120, "T6 Core," 1703-5.50(D), "Parking," 1703-5.80(E), "Permanent Signs," 1703-5.80(L), "Directory Sign," 1703-5.80(O), "Pole/Monument Sign," 1703-5.80(S), "Wall Sign," 1703-5.80(T), "Wall Mural Sign," 1703-5.100, "Additional Standards for Specific Uses," 1703-8.50, "Administration and Procedures," 1703-9.10(E), "Definitions," 1703-9.10(F), "Definitions," 1703-9.10(H), "Definitions," 1703-9.10(N), "Definitions," 1703-9.10(O), "Definitions," and 1703-9.10(P), "Definitions," and by REPEALING Sections 1401-01-C14, "Community Gardens," 1419-41, "Community Gardens," 1703-5.110, "Accessory Uses," and 1703-5.120, "Temporary Uses," to provide greater clarity and to correct scrivener's errors in the City's zoning codes, and to promote efficient and complementary development throughout the City.

ADOPT the following condition to the approval above:

1. The text amendments to Sections 1437-05, "Establishment of UD Overlay Districts," 1437-07, "Applications Subject to Review," 1437-09, "Development Standards in UD Overlay Districts," 1437-11, "Approval," 1437-13, "Appeal," 1439-07, "Zoning Hearing Examiner," and 1439-11, "Zoning Board of Appeals," shall take effect and be in force from approximately six months from the date of City Council approval.