

City of Cincinnati

MEH/B

EESW

An Ordinance No. 267

- 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.
 - (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.

- (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
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:*

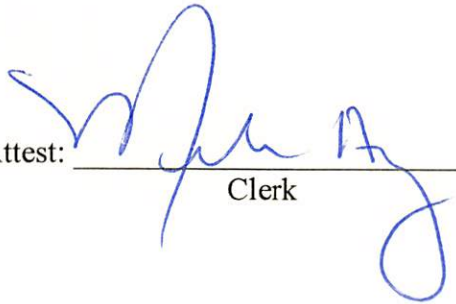
D1. An existing building may only be demolished if the owner of the building, or a person authorized by the owner of the building, demonstrates that one of the following standards is met:

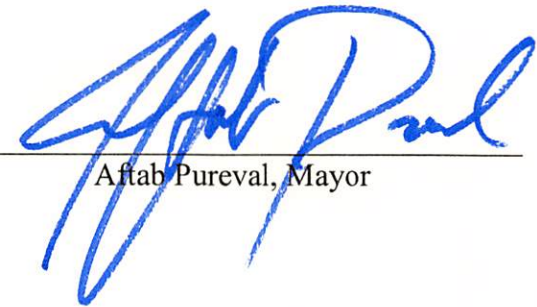
- The building does not contribute to the physical character and economic vitality of the district, which is determined by weighing the following factors:
 - (i) whether the building is identified as a contributing building or noncontributing building by the applicable urban design plan or other applicable 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;

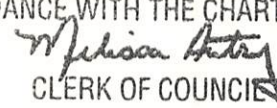
- (ii) obtained all building permit approvals necessary to commence the new construction or effect the change in use; and
- (iii) certified via affidavit or sworn testimony as to his or her intent and capacity to diligently pursue the construction of the new building or change in use if demolition of 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: June 26, 2023

Attest: 
Clerk


Aftab Pureval, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 267-2023
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 7/11/2023

CLERK OF COUNCIL