

SUBJECT: A report and recommendation on proposed text amendments to modify Title XIV “Zoning Code of the City of Cincinnati” of the Cincinnati Municipal Code, by amending the provisions of Sections 1427-26 “Sandwich Board Sign Regulations,” 1437-07 “Applications Subject to Review,” and 1437-09 “Development Standards in UD Overlay Districts,” to allow the placement of sandwich board signs in designated Urban Design Overlay Districts, namely in Mt. Washington.

EXHIBITS:

Provided in addition to this report are the following exhibits:

- Exhibit A – Ordinance

BACKGROUND:

The issue of sandwich board regulations in Urban Design Overlay Districts (UDODs) was first raised in 2021 after several small business owners and residents of Mt. Washington, including members of the Mt. Washington Community Council and Community Development Corporation, began expressing concern over the current language prohibiting sandwich board signs. The City began receiving enforcement-related complaints and thus local business owners were receiving citations and daily fines for sandwich board signs that they had placed in front of their establishments for many years. The community had been operating under the assumption that these signs had always been permitted in their neighborhood. The Mt. Washington Community Urban Redevelopment Corporation (MWCURC), led by member Bob Wetterer, brought the issue to Vice Mayor Jan-Michele Lemon Kearney, asking that the Zoning Code be changed to permit sandwich board signs in the Mt. Washington UDOD, citing the impact they have on the vibrancy of the business district and their importance as a tool for local business to reach customers.

In early 2022, the MWCURC reached out to Vice Mayor Kearney to sponsor a proposed text amendment addressing their concerns and permitting sandwich board signs in their UDOD. The Law Department worked in partnership with the Zoning Division of the Department of City Planning and Engagement to draft a proposed text amendment to provide explicit language permitting sandwich board signs in UDODs that opt into allowing them, and then applying those revised regulations to Mt. Washington specifically at this time. Other neighborhoods with UDODs that also wish to permit sandwich board signs must go through a similar text amendment process to opt in to allowing them. In August of 2022, City Council officially referred the proposed Zoning Code text amendment to the Department of City Planning and Engagement to begin carrying out the approval process, which includes a public staff conference and a City Planning Commission review and vote.

PROPOSED TEXT AMENDMENTS AND ANALYSIS:

The Department of City Planning and Engagement and the Department of Law propose the following amendments to the Title XIV, “Zoning Code of the City of Cincinnati” of the Cincinnati Municipal Code:

Section 1427-26 “Sandwich Board Sign Regulations”

Overview: The proposed amendment:

1. Removes the provision in § 1427-26 (d) that sandwich board signs in the public right away shall be in compliance with § 723-12 “Retail Sidewalk Displays” of the Cincinnati Municipal Code.
2. Adds the provision in § 1427-26 (d) that sandwich board signs in the public right of way shall be in compliance with § 723-9 “Sandwich Board Signs” of the Cincinnati Municipal Code.

3. Adds the provision § 1427-26 (e) that sandwich board signs shall not require a building permit or Certificate of Compliance.

Analysis: The amendment of § 1427-26 establishes that sandwich board signs that are permitted under Schedule 1437-09 and § 1437-09 (a) S6 shall not require permit approval and are no longer subject to § 723-12 “Sidewalk Retail Displays,” but instead § 723-9 “Sandwich Board Signs.”

Section 1437-07 “Applications Subject to Review”

Overview: The proposed amendment exempts sandwich board signs authorized pursuant to § 723-9 from the provisions of § 1437-07.

Analysis: The amendment removes the required review process under the Zoning Administrator for placement of sandwich board signs.

Section 1437-09 “Development Standards in Urban Design Overlay Districts”

Overview: The proposed amendment:

1. Adds a provision to § 1437-09 (a) S1 that exempts sandwich board signs where permitted pursuant to § 1437-09 from the list of prohibited signs.
2. Adds the provision § 1437-09 (a) S6 to permit sandwich board signs subject to § 723-9 and § 1427-26.
3. Marks the provisions of § 1437-09 (a) S6 as applicable to UD #8, Mt. Washington Business District, in Schedule 1437-09.

Analysis: This amendment provides the language to explicitly permit sandwich board signs in § 1437-09 (a) S6, and then applies this provision to the UDOD in Mount Washington. If S6 is not adopted, sandwich board signs will remain as a prohibited sign per § 1437-09 (a) S1.

The proposed ordinance is attached as Exhibit A. Modifications to the zoning text are marked as strikethroughs (removals) and underlines (additions).

PUBLIC STAFF CONFERENCE:

A virtual public staff conference was held on Tuesday, September 6, 2022 to gather comment and input regarding the proposed text amendments. Mailed and emailed notice was sent 14 days in advance to all community councils and community development corporations, as is the standard process for a proposed Zoning Code text amendment. A webpage was created on the Department of City Planning and Engagement’s website with information on the public meeting dates, background on the proposal, a summary of the modifications, and the draft ordinance. The link to this webpage was provided on the notice. The meeting had eight attendees from Mt. Washington, Hyde Park, and Kennedy Heights neighborhoods, as well as a member of the Law Department and four City staff members from the Department of City Planning and Engagement to facilitate the discussion.

Attendees from Mt. Washington expressed support for having sandwich board signs in the business district. They cited how the signs are great marketing for small businesses and support pedestrian customers. One business owner expressed how important sandwich board signs are to attract drivers in the neighborhood to a business as well and stated that he feels he needs a sandwich board sign in order for his business to be successful.

There was confusion from community members of other neighborhoods that were in attendance on whether or not sandwich board signs are prohibited in their neighborhood. City staff explained that as it currently stands, sandwich board signs are prohibited in all UDODs, and that in order to alter this, a given neighborhood with a UDOD would have to go through a text amendment process similar to what Mt. Washington has done in order to adopt the revised regulations.

The Mt. Washington Community Development Corporation (MWDCDC) expressed full support of the proposed text amendments.

CONSISTENCY WITH PLANS:

Mt. Washington Comprehensive Plan (2007)

The proposed amendments are consistent with the Economic Development Goal I (EDI) of the *Mt. Washington Comprehensive Plan (2007)* to “Create an identity for the Mt. Washington Business District (MWBD),” through “providing and maintaining unifying appearance enhancements to MWBD... such as street banners, landscaping, lighting, art, and site amenities that define the area” (p. 79).

Plan Cincinnati (2012)

The proposed amendments are also consistent with the Compete Initiative Area of *Plan Cincinnati (2012)* to “Foster a climate conducive to growth, investment, stability, and opportunity,” through “growing our own by focusing on business expansion,” (p. 103) and the Live Initiative Area to “build a robust public life” through “developing inviting and engaging public spaces that encourage social interaction” and “creating a welcoming civic atmosphere” (p. 149).

CONCLUSION:

The goal of the proposed text amendments to Title XIV “Zoning Code of the City of Cincinnati” is to establish explicit regulations within the code where it was previously unclear in order to provide flexibility to neighborhood Urban Design Overlay Districts to either prohibit or permit the use of sandwich board signs according to their own discretion.

RECOMMENDATION:

The staff of the Department of City Planning and Engagement recommends that the City Planning Commission take the following action:

APPROVE the proposed text amendments to modify Title XIV, “Zoning Code of the City of Cincinnati” of the Cincinnati Municipal Code, by amending the provisions of Sections 1427-26 “Sandwich Board Sign Regulations,” 1437-07 “Applications Subject to Review,” and 1437-09 “Development Standards in UD Overlay Districts,” to allow the placement of sandwich board signs in designated Urban Design Overlay Districts, namely in Mount Washington.

Respectfully submitted:



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Approved:



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