



EMERGENCY

City of Cincinnati

DBS

AWB

An Ordinance No. 418

- 2021

**MODIFYING** 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.

WHEREAS, the Department of City Planning and Engagement has recommended text amendments to the Cincinnati Zoning Code and the Land Development Code to provide greater clarity, to correct scrivener's errors within those codes, and to promote efficient and complementary development throughout the City; and

WHEREAS, the changes include providing greater clarity concerning the types of signs permitted in certain zoning code districts, correcting and clarifying code references related to the City's urban agriculture land use regulations, refining the standards for the demolition of existing structures in Urban Design Overlay Districts, and certain other code refinements; and

WHEREAS, at its regularly scheduled meeting on October 1, 2021, the City Planning Commission reviewed the proposed text amendments and recommended their approval, finding them to be 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 proposed text amendments; and

WHEREAS, the text amendments are in accordance with the Plan Cincinnati (2012) “Compete” goal to “build a streamlined and cohesive development process” (p. 111); and

WHEREAS, the Council finds the proposed text amendments to be in the best interests 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 Section 1401-01-A8, “Animal Keeping,” of the Cincinnati Municipal Code is hereby amended as follows:

**§ 1401-01-A8. - Animal Keeping.**

“Animal Keeping” means the keeping of any animals, including fish and insects, for any purpose, including, but not limited to, companionship, commercial breeding, and/or the raising for human consumption. Types of Animal Keeping may include:

- (a) *Apiary*. Any structure where one or more colonies or nuclei of bees are kept.
- (b) *Aquaculture*. The cultivation, maintenance, and harvesting of aquatic species.
- (c) *Aquaponics*. The combination of aquaculture and hydroponics to grow food or ornamental crops and aquatic species together in a recirculating system without any discharge or exchange of water.

Reference to § 1422-03(d), “Animal Keeping.”

Section 2. That Section 1403-05, “Land Use Regulations,” of the Cincinnati Municipal Code is hereby amended as follows:

**§ 1403-05. - Land Use Regulations.**

Schedule 1403-05 below prescribes the land use regulations for SF Districts. Uses are defined in Chapter 1401, Definitions. Uses not listed in the Schedule 1403-05 are prohibited.

The regulations for each subdistrict are established by letter designations as follows:

- (a) “P” designates permitted uses. These uses may be subject to additional regulations as indicated.
- (b) “L” designates uses that are permitted, subject to certain limitations. Numeric suffixes refer to limitations listed at the bottom of Schedule 1403-05. Except as otherwise indicated, modifications of a numerical, locational or dimensional limitation requires a variance under Chapter 1445 - Variances, Special Exceptions and Conditional Uses.

- (c) "C" designates uses permitted only after review and approval of the conditional use by the Zoning Hearing Examiner. These uses may be subject to additional regulations as indicated.

**Schedule 1403-05: Use Regulations - Single-family Districts**

Use Classifications	SF-20	SF-10	SF-6	SF-4	SF-2	Additional Regulations
<b>Residential Uses</b>						
Bed and breakfast home	—	C	C	C	C	See § 1419-09
Child day care home	<del>L5</del>	<del>L5</del>	<del>L5</del>	<del>L5</del>	<del>L5</del>	
	<u>L4</u>	<u>L4</u>	<u>L4</u>	<u>L4</u>	<u>L4</u>	
<b>Group residential</b>						
Convents and monasteries	C	C	C	C	C	
Fraternities and sororities	—	—	—	—	—	
Patient family homes	—	—	—	—	—	
Rooming houses	—	—	—	—	—	
Shared housing for the elderly	—	—	—	<del>L4</del>	<del>L4</del>	
				<u>L3</u>	<u>L3</u>	
<b>Permanent residential</b>						
Single-family dwelling	P	P	P	P	P	See § 1403-11
Attached single-family dwelling	<del>L14</del>	<del>L14</del>	<del>L14</del>	P	P	See § 1403-11
	<u>L13</u>	<u>L13</u>	<u>L13</u>			
Two-family	<del>L12</del>	<del>L12</del>	<del>L12</del>	<del>L12</del>	<del>L12</del>	
	<u>L11</u>	<u>L11</u>	<u>L11</u>	<u>L11</u>	<u>L11</u>	
Multi-family	<del>L12</del>	<del>L12</del>	<del>L12</del>	<del>L12</del>	<del>L12</del>	

	<u>L11</u>	<u>L11</u>	<u>L11</u>	<u>L11</u>	<u>L11</u>	
<b>Residential care facilities</b>						
Developmental disability dwelling	P	P	P	P	P	
<b>Public and Semipublic Uses</b>						
Cemeteries	—	—	—	L1	L1	
Cultural institutions	—	—	C	C	C	
Park and recreation facilities	<u>L13</u>	<u>L13</u>	<u>L13</u>	<u>L13</u>	<u>L13</u>	
	<u>L12</u>	<u>L12</u>	<u>L12</u>	<u>L12</u>	<u>L12</u>	
Public safety facilities	—	—	—	C	C	
Religious assembly	C	C	C	C	C	
School, public or private	C	C	C	C	C	See § 1419-12
<b>Transportation, Communication and Utilities</b>						
Public utility distribution system	C	C	C	C	C	
Wireless communication antenna	L2	L2	L2	L2	L2	See § 1419-33
Wireless communication tower	C	C	C	C	C	See § 1419-33
<b>Agriculture and Extractive Uses</b>						
Animal keeping	P	P	P	P	P	See Chapter 1422
Farms	C	C	C	C	C	See Chapter 1422
Gardens	P	P	P	P	P	See Chapter 1422
<b>Accessory Uses</b>						
Any accessory use not listed below	<u>L9</u>	<u>L9</u>	<u>L9</u>	<u>L9</u>	<u>L9</u>	
	<u>L8</u>	<u>L8</u>	<u>L8</u>	<u>L8</u>	<u>L8</u>	

Home Occupation	P	P	P	P	P	See § 1419-17
Commercial Vehicle Parking	<del>L6</del>	<del>L6</del>	<del>L6</del>	<del>L6</del>	<del>L6</del>	
	<u>L5</u>	<u>L5</u>	<u>L5</u>	<u>L5</u>	<u>L5</u>	
Child day-care centers	<del>L5,7</del>	<del>L5,7</del>	<del>L5,7</del>	<del>L5,7</del>	<del>L5,7</del>	
	<u>L4,6</u>	<u>L4,6</u>	<u>L4,6</u>	<u>L4,6</u>	<u>L4,6</u>	
Refuse storage areas	P	P	P	P	P	See § 1421-35
Drive Box	<del>L8</del>	<del>L8</del>	<del>L8</del>	<del>L8</del>	<del>L8</del>	
	<u>L7</u>	<u>L7</u>	<u>L7</u>	<u>L7</u>	<u>L7</u>	
Fences and walls	P	P	P	P	P	See § 1421-33
Exterior lighting	P	P	P	P	P	See § 1421-39
Cemetery, incidental buildings and structures	—	—	—	<del>L10</del>	<del>L10</del>	
				<u>L9</u>	<u>L9</u>	
Rooming Unit	—	—	<del>L11</del>	<del>L11</del>	<del>L11</del>	
			<u>L10</u>	<u>L10</u>	<u>L10</u>	
Portable storage containers	P	P	P	P	P	See § 1419-24
Nonconforming Uses						See Chapter 1447

*Specific Limitations*

- L1 Only expansion of existing cemeteries allowed with a conditional use approval.
- L2 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may only be attached to a permitted agricultural, public or semi-public or public utility building or structure.
- L3 The minimum lot area for every resident is 800 square feet and the minimum living area for every resident is 250 square feet.
- L4 Fencing, a minimum of four feet in height must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.

- L5 One commercial vehicle completely enclosed in a garage may be parked or stored on the lot with the following exceptions:
  - a. An unlimited number of commercial vehicles conveying the necessary tools, materials and equipment to a premises where labor using such tools, materials and equipment is to be performed during actual time of parking.
  - b. One commercial vehicle with current license owned by a resident of the residential property on which it is stored or parked not to exceed two tons in capacity.
  - c. Recreational vehicles, watercraft and personal trailers may be parked on the lot beyond the front yard.
- L6 Only if accessory to a public or semi-public use.
- L7 Accessory to a public or semi-public use, provided the drive-box is at least 100 feet from any property used for residential purposes.
- L8 Accessory uses determined by the Zoning Administrator to be customarily incidental to a use of the district are permitted. All others require conditional use approval.
- L9 Mausoleums, columbaria and other incidental buildings and structures within and accessory to cemeteries, may be no less than 100 feet from abutting properties in the residential district and may not exceed the height limitation for principal buildings of the district in which it is located.
- L10 No more than two rooming units may be rented or leased in a single-family dwelling.
- L11 This use must be legally established prior to the effective date of this Zoning Code. The use has the rights of Chapter 1447, Nonconforming Uses and Structures except for the provisions of § 1447-09 Expansion of Nonconforming Use and § 1447-11 Substitution of a Nonconforming Use.
- L12 Publicly owned or operated park and recreation facilities are permitted. All park and recreation facilities, private or non-profit, require a conditional use approval.
- L13 Attached single-family is only permitted as part of a cluster housing development. See § 1403-13.

Section 3. That Section 1409-07, "Land Use Regulations," of the Cincinnati Municipal Code is hereby amended as follows:

**§ 1409-07. - Land Use Regulations.**

Schedule 1409-07 below prescribes the land use regulations for C Districts. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1409-07 below are prohibited.

The regulations for each subdistrict are established by letter designations as follows:

- (a) "P" designates permitted uses. These uses may be subject to additional regulations as indicated.
- (b) "L" designates uses that are permitted, subject to certain limitations. Numeric suffixes refer to limitations listed at the bottom of Schedule 1409-07. Except as otherwise indicated, modifications of a numerical, locational or dimensional limitation requires a variance under Chapter 1445 - Variances, Special Exceptions and Conditional Uses.
- (c) "C" designates uses permitted only after review and approval of the conditional use by the Zoning Hearing Examiner. These uses may be subject to additional regulations as indicated.

**Schedule 1409-07: Use Regulations - Commercial Subdistricts**

Use Classifications	CN-P	CN-M	CC-P	CC-M	CC-A	CG-A	Additional Regulations
<b>Residential Uses</b>							
Bed and breakfast home	P	P	P	P	—	—	See § 1419-09
Day care home - Adult	P	P	P	P	P	—	
Day care home - Type A	L3	L3	L3	L3	L3	—	
Day care home - Type B	L3	L3	L3	L3	—	—	
<b>Group residential</b>							
Congregate housing	P	P	P	P	P	P	
Convents & monasteries	P	P	P	P	—	—	
Dormitories	P	P	P	P	P	—	
Fraternities & sororities	P	P	P	P	—	—	

Patient family homes	P	P	P	P	—	—	
Rooming houses	L1	L1	L1	L1	—	—	
Shared housing for elderly	P	P	P	P	—	—	
<b>Permanent residential</b>							
Single-family dwelling	P	P	P	L2	L2	—	
Attached single-family dwelling	P	P	P	—	—	—	
Two-family dwelling	P	P	P	L2	L2	—	
Multi-family dwelling	P	P	P	L2	L2	—	
<b>Residential care facilities</b>							
Assisted living	P	P	P	P	P	—	
Developmental disability dwelling	P	P	P	L2	L2	—	
Nursing home	P	P	P	P	P	—	
Special assistance shelter	C	C	C	C	C	C	
<b>Transitional housing</b>							
Programs 1—4	P	P	P	L2	L2	—	
Program 5	—	—	—	P	P	P	
Program 6	—	—	—	C	P	P	
<b>Public and Semipublic Uses</b>							
Clubs and lodges	P	P	P	P	P	P	
Colleges, public or private	—	—	—	C	P	P	
Community service facilities	P	P	P	P	P	P	



Cultural institutions	P	P	P	P	P	P	
Day care center	P	P	P	P	P	P	
<b>Government facilities and offices</b>							
Offices	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Hospitals	—	—	—	—	—	P	
Park and recreation facilities	P	P	P	P	P	P	
Public maintenance facilities	—	—	—	—	C	C	
Public safety facilities	P	P	P	P	P	P	
Religious assembly	P	P	P	P	P	P	
Schools, public or private	P	P	P	P	P	P	See § 1419-12
<b>Commercial Uses</b>							
Ambulance services	—	—	—	—	P	P	
Animal service facilities	P	P	P	P	P	P	<u>See § 1419-05</u>
Banks and financial institutions	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Bed and breakfast inns	P	P	P	P	P	P	
Building maintenance services	—	—	—	—	P	P	
Building materials sales and services	—	—	—	L5	L5	P	
Business services	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	

Commercial meeting facility	—	—	—	P	P	P	
<b>Eating and drinking establishments</b>							
Convenience markets	L14 L9	L13 L9	P	P	P	P	
Drinking establishments	L13 L9	L13 L9	L13 L9	P	P	P	
Restaurants, full service	L6, L13 L9	L6, L13 L9	L13 L9	P	P	P	See § 1419-21
Restaurants, limited	L6, L13 L9	L6, L13 L9	L6 P	P	P	P	See § 1419-21
Food markets	L13 L9	L13 L9	P	P	P	P	
Food preparation	L13 L9	L13 L9	P	P	P	P	
Funeral and interment services	P	P	P	P	P	P	
Garden supply stores and nurseries	—	—	—	L5	L5	P	
Hotels and commercial lodging	—	—	—	P	P	P	
Laboratories, commercial	L13 L9	L13 L9	P	P	P	P	
Loft dwelling units	P	P	P	P	P	P	See § 1419-23
Maintenance and repair services	L13	L13	P	P	P	P	

	<u>L9</u>	<u>L9</u>					
Medical services and clinics	<u>L13</u> <u>L9</u>	<u>L13</u> <u>L9</u>	P	P	P	P	
Offices	<u>L13</u> <u>L9</u>	<u>L13</u> <u>L9</u>	P	P	P	P	
Parking facilities	C	P	C	P	P	P	See Chapter 1425
Personal instructional services	<u>L13</u> <u>L9</u>	<u>L13</u> <u>L9</u>	P	P	P	P	
Personal services	<u>L13</u> <u>L9</u>	<u>L13</u> <u>L9</u>	P	P	P	P	
Private vehicular storage lot	—	—	—	—	P	P	
<b>Recreation and entertainment</b>							
Indoor or small-scale	<u>L13</u> <u>L9</u>	<u>L13</u> <u>L9</u>	P	P	P	P	
Outdoor or large-scale	—	—	—	—	C	P	
Retail sales	<u>L13</u> <u>L9</u>	<u>L13</u> <u>L9</u>	P	P	P	P	
<b>Vehicle and equipment services</b>							
Vehicle and equipment sales and rental	—	—	—	C	<u>L8</u> <u>L7</u>	P	
Car wash	—	—	—	P	P	P	See § 1419-11
Fuel sales	—	P	—	P	P	P	See § 1419-15

Vehicle repair	—	—	—	C	P	P	See § 1419-27
<b>Industrial Uses</b>							
<b>Production industry</b>							
Artisan	C	C	C	C	P	P	
Limited	—	—	—	—	P	P	
<b>Warehousing and storage</b>							
Contractor storage	—	—	—	—	L5	L5	
Indoor storage	—	—	—	—	P	P	
Wholesaling and distribution	—	—	—	—	P	P	
<b>Transportation, Communication and Utilities Uses</b>							
Communications facilities	P	P	P	P	P	P	
Public utility distribution system	P	P	P	P	P	P	
Radio and television broadcast antenna	—	—	—	—	C	C	
<b>Transportation facilities</b>							
Heliports	—	—	—	—	C	C	
Railroad right-of-way	P	P	P	P	P	P	
Transportation passenger terminals	—	—	—	—	P	P	
Wireless communication antenna	<del>L7</del> <u>L4</u>	<del>L7</del> <u>L4</u>	<del>L7</del> <u>L4</u>	<del>L7</del> <u>L4</u>	<del>L7</del> <u>L4</u>	<del>L7</del> <u>L4</u>	See § 1419-33
Wireless communication tower	C	C	C	C	C	C	See § 1419-33

<b>Agriculture and Extractive Uses</b>							
Animal keeping	P	P	P	P	P	P	See Chapter 1422
Farms	C	C	C	P	P	P	See Chapter 1422
Gardens	P	P	P	P	P	P	See Chapter 1422
<b>Accessory Uses</b>							See Chapter 1421
Any accessory use not listed below	<del>L10</del>	<del>L10</del>	<del>L10</del>	<del>L10</del>	<del>L10</del>	<del>L10</del>	
	<u>L6</u>	<u>L6</u>	<u>L6</u>	<u>L6</u>	<u>L6</u>	<u>L6</u>	
Refuse storage areas	P	P	P	P	P	P	See § 1421-35
Drive box	<del>L11</del>	<del>L11</del>	<del>L11</del>	<del>L11</del>	<del>L11</del>	<del>L11</del>	
	<u>L10</u>	<u>L10</u>	<u>L10</u>	<u>L10</u>	<u>L10</u>	<u>L10</u>	
Commercial vehicle parking	P	P	P	P	P	P	
Exterior lighting	P	P	P	P	P	P	See § 1421-39
Small-scale specialized incinerator	<del>L12</del>	<del>L12</del>	<del>L12</del>	<del>L12</del>	<del>L12</del>	<del>L12</del>	
	<u>L11</u>	<u>L11</u>	<u>L11</u>	<u>L11</u>	<u>L11</u>	<u>L11</u>	
Portable storage containers	P	P	P	P	P	P	See § 1419-24
<b>Nonconforming Uses</b>							See Chapter 1447

*Specific Limitations*

- L1 Only rooming houses licensed pursuant to Chapter 855. Rooming Houses of the Municipal Code; the maximum number of rooming units is five, and a separate entrance for access to rooming units must be provided. The minimum rental is seven days. See § 1421-43.

- L2 Permitted only above the ground floor in a mixed-use building. Modification requires conditional use approval pursuant to the procedures and criteria of Chapter 1445, Variance, Special Exceptions, and Conditional Uses.
- L3 Fencing, a minimum of four feet in height must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.
- L4 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may be attached to a multi-family, public and semi-public, commercial or public utility building or structure.
- L5 Permitted provided that outside storage is screened with an 8 ft. privacy fence.
- L6 Accessory uses determined by the Zoning Administrator to be customarily incidental to a use of the district are permitted except where expressly prohibited. All others require conditional use approval.
- L7 Permitted on arterial streets with a maximum site size of two acres. Vehicle loading and unloading must occur on-site.
- L8 Use is limited to 2,500 square feet and the use must be located within a mixed-use building; more space requires conditional use approval.
- L9 Use is limited to 15,000 square feet; more space requires conditional use approval.
- L10 The storage space is less than 30 cubic yards; enclosed by a screen fence or within a structure; and at least 100 feet from any property used for residential purposes.
- L11 The material incinerated is generated on-site and is located on a roof or at least 100 feet from any property used for residential purposes.

*Specific Limitations*

- ~~L1~~ ~~Only rooming houses licensed pursuant to Chapter 855. Rooming Houses of the Municipal Code; the maximum number of rooming units is five, and a separate entrance for access to rooming units must be provided. The minimum rental is seven days. See § 1421-43.~~
- ~~L2~~ ~~Permitted only above the ground floor in a mixed-use building. Modification requires conditional use approval pursuant to the procedures and criteria of Chapter 1445, Variance, Special Exceptions, and Conditional Uses.~~
- ~~L3~~ ~~Fencing, a minimum of four feet in height must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.~~
- ~~L4~~ ~~Presentation of entertainment is not permitted in outdoor areas.~~
- ~~L5~~ ~~Antenna height may not exceed 20 feet; greater height required a conditional use approval. The antenna may be attached to a multi-family, public and semi-public, commercial or public utility building or structure.~~

~~L6 Permitted on arterial streets with a maximum site size of two acres. Vehicle loading and unloading must occur on site.~~

~~L7 Accessory uses determined by the Zoning Administrator to be customarily incidental to a use of the district are permitted except where expressly prohibited. All others require conditional use approval.~~

~~L8 The storage space is less than 30 cubic yards; enclosed by a screen fence or within a structure; and at least 100 feet from any property used for residential purposes.~~

~~L9 The material incinerated is generated on site and is located on a roof or at least 100 feet from any property used for residential purposes.~~

~~L10 Use is limited to 15,000 square feet; more space requires conditional use approval.~~

~~L11 Use is limited to 2,500 square feet and the use must be located within a mixed use building; more space requires conditional use approval.~~

Section 4. That Section 1411-05, "Land Use Regulations," of the Cincinnati Municipal Code is hereby amended as follows:

**§ 1411-05. - Land Use Regulations.**

Schedule 1411-05 below prescribes the land use regulations for DD Downtown Development Use Subdistricts. Use classifications are defined in Chapter 1401: Definitions. Use classifications not listed in Schedule 1411-05 ~~1413-05~~ are prohibited.

- (a) "P" designates permitted uses. These uses may be subject to additional regulations, as indicated.
- (b) "L" designates uses that are permitted, subject to certain limitations. Numeric suffixes refer to limitations listed at the bottom of Schedule 1411-05. Except as otherwise indicated, modifications of a numerical, locational or dimensional limitation requires a variance under Chapter 1445 - Variances, Special Exceptions and Conditional Uses.
- (c) "C" designates uses permitted only after review and approval of the Conditional Use by the Zoning Hearing Examiner. These uses may be subject to additional regulations, as indicated.

Use classifications are defined in Chapter 1401, Definitions.

**Schedule 1411-05: Use Regulations-Downtown Development Use Subdistricts**

Use Classifications	DD-A	DD-B	DD-C	DD-D	Additional Regulations
<b>Residential Uses</b>					

Bed and breakfast home	P	P	P	P	See § 1419-09
Day care home - Adult	P	P	P	P	
Day care home - Type A	L12	L12	L12	L12	
Day care home - Type B	L12	L12	L12	L12	
Group residential					
Convents and monasteries	L1	L1	L1	L1	
Fraternities and sororities	L1	L1	L1	L1	
Patient family homes	L1	L1	L1	L1	
Rooming houses	L2	L2	L2	L2	
Shared housing for elderly	L1	L1	L1	L1	
<b>Permanent residential</b>					
Single-family dwelling	P	P	P	P	
Attached single-family dwelling	P	P	P	P	
Single-family rowhouse	P	P	P	P	
Multi-family dwelling	P	P	P	P	
Two-family dwelling	P	P	P	P	
Residential care facilities					
Assisted living	—	P	P	—	
Developmental disability dwelling	P	P	P	P	
Nursing home	—	P	P	—	
Special assistance shelter	C	C	C	C	



<b>Transitional housing</b>					
Programs 1—5	P	P	P	P	
Program 6	L11	L11	L11	L11	
<b>Public and Semipublic Uses</b>					
Clubs and lodges	P	P	P	P	
Colleges, public or private	P	P	P	P	
Community service facilities	P	P	P	P	
Cultural institutions	P	P	P	P	
Day care center	P	P	P	P	
<b>Government facilities and offices</b>					
Correctional institutions	—	—	C	—	
Offices	P	P	P	P	
Hospitals	P	P	P	P	
Park and recreation facilities	P	P	P	P	
Public maintenance facility	—	P	P	P	
Public safety facilities	P	P	P	P	
Religious assembly	P	P	P	P	
Schools, public or private	P	P	P	P	See § 1419-12
<b>Commercial Uses</b>					
Animal service facilities	—	C	C	—	See § 1419-05
Banks and financial institutions	L3	L3	L3	L3	

ATM, stand-alone	—	—	C	C	See § 1419-07
Bed and breakfast inns	P	P	P	P	See § 1419-09
Building maintenance services	—	—	P	—	
Business services	P	P	P	P	
Commercial meeting facilities	L4	L4	L4	L4	
<b>Eating and drinking establishments</b>					
Convenience markets	L3	L3	L3	L3	
Drinking establishments	P	P	P	P	
Restaurants, full service	L3	L3	L3	L3	See § 1419-21
Restaurants, limited	L3	L3	L3	L3	See § 1419-21
Food markets	L3	L3	L3	L3	
Food preparation	P	P	P	P	
Funeral and interment services	—	—	P	—	
Hotels and commercial lodging	P	P	<u>P</u> —	P	
Laboratories, commercial	L4	—	L4	L4	
Loft dwelling units	P	P	P	P	See § 1419-23
Maintenance and repair services	P	P	P	P	
Medical services and clinics	L4	P	L4	L4	
Offices	L4	P	L4	L4	
Parking facilities	L13	L13	L13	L13	See § 1411-25
Personal instructional services	L5	L5	P	L5	

Personal services	P	L6	P	P	
<b>Recreation and entertainment</b>					
Indoor or small-scale	L5	L5	P	L5	
Outdoor or large-scale	C	—	C	C	
Retail sales	P	L6	P	P	
<b>Vehicle and equipment services</b>					
Vehicle and equipment sales and rental	L7	—	L7	—	
Car wash	L7	L7	L7	L7	See § 1419-11
Vehicle repair	—	—	L8	—	See § 1419-27
<b>Industrial Uses</b>					
<b>Production industry</b>					
Artisan	—	—	P	P	
Limited	—	—	P	—	
Research and development	—	—	C	—	
Warehousing and storage					
Indoor storage	—	—	P	—	
Wholesaling and distribution	—	—	P	—	
<b>Transportation, Communication and Utilities</b>					
Communications facilities	P	—	P	P	
Public utility distribution system	L9	L9	L9	L9	
Public utility maintenance yard	—	—	C	—	

Public utility plant	C	—	C	—	
<b>Transportation facilities</b>					
Heliports	C	—	C	C	
Transportation passenger terminals	C	C	C	C	
<b>Watercraft and riverfront facilities</b>					
Commercial piers and ports	—	—	—	P	
Marinas	—	—	—	P	
Wireless communication antenna	L10	L10	L10	L10	See § 1419-33
Wireless communication tower	C	C	C	—	See § 1419-33
<b>Agriculture and Extractive Uses</b>					
Animal keeping	P	P	P	P	See Chapter 1422
Farms	P	P	P	P	See Chapter 1422
Gardens	P	P	P	P	See Chapter 1422
<b>Accessory Uses</b>					See Chapter 1421
<b>Nonconforming Uses</b>					See Chapter 1447

*Specific Limitations*

- L1 A separate entrance for access to rooming units must be provided in a mixed-use building.
- L2 Only rooming houses licensed pursuant to Chapter 855, Rooming Houses, of the Municipal Code are allowed. A separate entrance for access to rooming units must be provided. The minimum rental is seven days. See § 1421-23.
- L3 Drive-through facilities are not permitted.
- L4 Not permitted as a principal ground floor use in locations indicated on Map 1411-17: Commercial Continuity Overlay.

- L5 Permitted only above the ground floor in a mixed-use building. Modification requires conditional use approval pursuant to Chapter 1445-Variances, Special Exceptions and Conditional Uses.
- L6 Permitted on the ground floor only.
- L7 Permitted as a secondary use located within a parking garage.
- L8 Permitted only if the entire use and storage is within an enclosed structure.
- L9 The facility must be underground, within a building or on the roof within an enclosure.
- L10 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may be attached to a multi-family, public and semi-public, public utility, commercial or industrial building or structure.
- L11 Programs may not exceed 50 resident occupants.
- L12 Fencing must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.
- L13 See 1411-25.

Section 5. That Section 1413-05, "Land Use Regulations," of the Cincinnati Municipal Code is hereby amended as follows:

**§ 1413-05. - Land Use Regulations.**

Schedule 1413-05 below prescribes the land use regulations for M Manufacturing Districts. Use classifications are defined in Chapter 1401: Definitions. Use classifications not listed in Schedule 1413-05 below are prohibited.

The regulations for each subdistrict are established by letter designations as follows:

- (a) "P" designates permitted uses. These uses may be subject to additional regulations as indicated.
- (b) "L" designates uses that are permitted, subject to certain limitations. Numeric suffixes refer to limitations listed at the bottom of Schedule 1413-05. Except as otherwise indicated, modifications of a numerical, locational or dimensional limitation requires a variance under Chapter 1445 - Variances, Special Exceptions and Conditional Uses.
- (c) "C" designates uses permitted only after review and approval of the conditional use by the Zoning Hearing Examiner. These uses may be subject to additional regulations as indicated.

**Schedule 1413-05: Use Regulations - Manufacturing Districts**

Use Classifications	MA	ML	MG	ME	Additional Regulations
<b>Residential Uses</b>					
Day care home—Adult	P	—	—	—	
Day care home—Type A	L9	—	—	—	
Day care home—Type B	L1	—	—	—	
<b>Group residential</b>					
Convents and monasteries	—	L1	—	—	
Fraternities and sororities	—	L1	—	—	
Patient family homes	—	L1	—	—	
Rooming houses	—	L1	—	—	
Shared housing for the elderly	P	L1	—	—	
<b>Permanent residential</b>					
Single-family dwelling	P	L1	—	—	
Attached single-family dwelling	P	L1	—	—	See § 1403-13
Two-family dwelling	—	L1	—	—	
Multi-family dwelling	—	L1	—	—	
<b>Residential care facilities</b>					
Developmental disability dwelling	P	P	—	—	
Special assistance shelter	—	C	—	—	
<b>Transitional housing</b>					

Programs 1—4	—	P	P	—	
Programs 5, 6	—	—	P	—	
<b>Public and Semipublic Uses</b>					
Community service facilities	P	P	—	—	
Day care center	P	P	L3	—	
<b>Government facilities and offices</b>					
Correctional institutions	—	—	C	—	
Facilities and installations	—	—	C	—	
Juvenile detention facilities	—	—	C	—	
Offices	P	P	P	—	
Park and recreation facilities	P	P	—	—	
Public maintenance facilities	—	P	P	—	
Public safety facilities	C	P	P	P	
Religious assembly	P	P	—	—	
Schools, public or private	P	P	—	—	See § 1419-12
<b>Commercial Uses</b>					
Ambulance services	—	P	P	—	
Animal service facilities	—	P	P	—	See § 1419-05
Banks and financial institutions	—	P	P	—	
Building maintenance services	—	P	P	—	
Building materials sales and services	—	P	P	P	

Business services	—	P	P	—	
<b>Eating and drinking establishments</b>					
Convenience markets	—	L5	L5	—	
Drinking establishments	—	P	P	—	
Restaurants, full service	—	P	P	—	See § 1419-21
Restaurants, limited	—	P	P	—	See § 1419-21
Food markets	—	L5	L5	—	
Food preparation	P	P	P	—	
Garden supply stores and nurseries	L17 P	P	—	—	See § 1419-16
Laboratories, commercial	—	P	P	—	
Loft dwelling units	P	P	P	—	See § 1419-23
Maintenance and repair services	P	P	P	—	
Medical services and clinics	—	P	P	—	
Offices	P	P	P	P	
Parking facilities	—	P	P	C	See Chapter 1425
Personal instructional services	P	P	P	—	
Personal services	—	L5	L5	—	
Private vehicular storage lot	—	—	P	—	
<b>Recreation and entertainment</b>					
Indoor or small-scale	—	P	P	—	



Outdoor or large-scale	—	C	—	—	
Retail sales	—	L5	L5	—	
Sexually oriented business	—	—	P	—	See § 1419-25
<b>Vehicle and equipment services</b>					
Vehicle and equipment sales and rental	—	L2	L2	—	
Car wash	—	L3	P	—	See § 1419-11
Fuel sales	—	L3	P	—	See § 1419-15
Vehicle repair	—	—	P	—	See § 1419-27
Automobile holding facility	—	—	L4	—	
<b>Industrial Uses</b>					
<b>Production industry</b>					
Artisan	P	P	P	P	
General	—	—	P	P	
Intensive high-impact	—	—	C	C	See § 1419-19
Limited	P	P	P	P	
Research and development	P	P	P	—	
<b>Warehousing and storage</b>					
Contractor's storage	—	C	P	—	
Indoor storage	—	P	P	—	
Oil and gas storage	—	—	C	C	
Outdoor storage	—	—	C	C	

Metal waste salvage yard/junk yards	—	—	C	C	
<b>Waste management</b>					
Waste collection	—	P	P	P	See § 1419-31
Waste disposal	—	—	C	C	
Waste transfer	—	—	C	C	See § 1419-31
Wholesaling and distribution	P	P	P	P	
<b>Transportation, communication and utilities</b>					
Communications facilities	P	P	P	—	
Public utility distribution system	—	P	P	P	
Public utility maintenance yard	—	P	P	P	
Public utility plant	—	C	P	P	
Radio and television broadcast antenna	—	P	P	—	
<b>Transportation facilities</b>					
Airports	—	L6	—	—	
Heliports	—	L6	L6	L6	
Railroad train yards	—	L7	L7	L7	
Railroad right-of-way	—	P	P	P	
Transportation passenger terminals	—	P	P	P	
Truck terminal and warehouse	—	—	L7	L7	
Wireless communication antenna	L13	L8	L8	L8	
Wireless communication tower	—	C	C	C	

<b>Agriculture and Extractive Uses</b>					
Animal keeping	P	P	P	P	See Chapter 1422
Farms	P	P	P	P	See Chapter 1422
Gardens	P	P	P	P	See Chapter 1422
Mining and quarrying	—	—	C	C	
<b>Accessory Uses</b>					See Chapter 1421
Any accessory use not listed below	L10	L10	L10	L10	
Refuse storage area	L12	L12	L12	L12	See § 1421-35
Drive box	L11	L11	L11	L11	
Commercial vehicle parking	L14	P	P	P	
Exterior lighting	P	P	P	P	See § 1421-39
Composting facilities	P	—	—	—	See § 1421-37
Home occupation	P	—	—	—	See § 1419-17
Rooming unit	L15	—	—	—	
Retail Sales	L16	—	—	—	
Portable Storage Containers	P	P	P	P	See § 1419-24
<b>Nonconforming Uses</b>					See Chapter 1447

*Specific Limitations*

- L1 New residential is permitted only when abutting an existing residential use or structure.
- L2 Permitted on arterial street only. Vehicle loading and unloading must occur on-site.
- L3 Permitted only as an accessory use to a use allowed in the district.

- L4 The facility must be completely enclosed on all sides with a six-foot screen fence which is protected from damage by a guardrail or other barriers approved by the Zoning Administrator. Must be located at least 100 feet from a residential district.
- L5 Permitted only if occupying less than 5,000 sq. ft. in ML and 10,000 sq. ft. in MG.
- L6 Landing strip, pad, or apron may not be located within 500 ft. of a residential district boundary.
- L7 Not allowed within 250 ft. of a residential use in a Residential District.
- L8 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may be attached to a multi-family, public or semi-public, public utility, a commercial or industrial building or structure.
- L9 Fencing a minimum of four feet in height must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.
- L10 Accessory uses determined by the Zoning Administrator to be customarily incidental to a use of the district are permitted. All others require conditional use approval.
- L11 The storage space is less than 30 cubic yards; enclosed by a screen fence or within a structure; and at least 100 feet from any property used for residential purposes.
- L12 Provisions of § 1421-35 apply when refuse storage.
- L13 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may be attached to an agricultural, public or semi-public or public utility building or structure.
- L14 One commercial vehicle may be parked or stored on residential property with the following provisions:
  - a. Commercial vehicles with current license owned by a resident of the residential property on which it is stored or parked may not exceed two tons in capacity.
  - b. Recreational vehicles, watercraft, and personal trailers may be parked on the lot beyond the front yard.
- L15 No more than two rooming units may be rented or leased in a single-family dwelling.
- L16 Retail sales of products manufactured or wholesaled on the premises, when incidental and subordinate to a principal permitted use, provided that the floor area devoted to such retailing shall not exceed 35 percent of the floor area devoted to such principal use, but in no case shall the retail floor area exceed 5,000 square feet.

Section 6. That Section 1422-05, "Development Regulations," of the Cincinnati Municipal

Code is hereby amended as follows:

**§ 1422-05. - Development Regulations.**

- (a) *Agricultural Structures and Uses.* Agricultural Structures must be located, developed and operated in compliance with the following:
- (1) *Permanent Agricultural Structures.* Permanent Agricultural Structures exceeding 200 square feet require a building permit.
  - (2) *Animal Keeping Structures.* Agricultural Structures, including fences and walls, used for animal keeping must comply with both the requirements established below and per Schedule 1422-05.
  - (3) *Agricultural Structures in Non-Residential Districts.* In non-residential zoning districts, Agricultural Structures not used for Animal Keeping are subject to the principal and accessory structure standards of the zoning district.
  - (4) *Agricultural Structures in Residential Districts.* In residential zoning districts, Agricultural Structures not used for Animal Keeping are subject to the standards of §1421-01, "Accessory Residential Structures," and §1421-05, "Accessory Structures on Corner Lots."
  - (5) *Agricultural Structures on Lots Containing No Principal Structure or Dwelling in Residential Districts.*
    - (i) *Required Rear Yard Location.* In residential districts, where a parcel contains no dwelling or principal structure, Agricultural Structures must be located to the rear of the line determined by rear yard averaging of the adjoining parcels principal structures.
  - (6) *Temporary Agricultural Structures.* Temporary structures, particularly greenhouse and membrane structures, shall be regulated as identified below.
    - (i) Temporary Agricultural Structures less than four (4) ft. in height, and of minimum structural character; the maximum area requirement is no greater than the minimum yard setback requirements.
    - (ii) Temporary Agricultural Structures greater than four (4) ft. in height, shall be regulated as follows:
      - (A) Structures shall comply with Chapter 3103 of the Ohio Basic Building Code and are limited to 400 sq. ft. in area with 12 ft. spacing between structures.
      - (B) Structures meeting any of the following requirements, shall submit for appropriate building permits: Structures greater than 400 sq. ft. in area; Structures proposed to remain for greater 180 days
  - (7) *Fences and Walls.* Fences and walls must comply with §1421-33.
- (b) *Animal Keeping.* The provisions set forth herein and in Schedule 1422-05 ~~1425-05~~

below prescribe the development regulations governing minimum area size, containment, and setback and maintenance requirements for animal keeping.

(1) *Maximum Number of Categories/Species of Animals.*

- (i) Keeping more than two categories/species of animals requires a cumulative minimum land area based on the requirements for each category/species as set forth in Schedule 1422-05. This provision does not apply to dogs, cats, common indoor household pets, and bees.
- (ii) Exceeding the maximum number of categories/species of animals requires Conditional Use approval.

(2) *Animal Keeping Shelter Structure Requirements.* Animal Keeping Shelter Structures shall:

- (i) Provide adequate protection from the elements and predators;
- (ii) Provide thorough ventilation;
- (iii) Be designed to be readily accessed and cleaned; and,
- (iv) Provide access for fowl, rabbits, and other small animals to an outdoor enclosure adequately bounded to prevent escape or access by predators.

(3) *Animal Keeping Enclosures.* Animal keeping enclosures should be of sufficient height and durability to contain the species of animal.

**Schedule 1422-05: Animal Keeping Requirements**

Animal Category/ Species	Adult Animals Permitted Per Lot Area	Containment Required	Shelter Structure Requirements	Location and Minimum Setbacks for Shelter Structures, Feeders, and Water Stations
Bees	Minimum 2,500 square feet per apiary.	Yes, with a 6-foot flyway screen (fence or hedge) within three feet of any hive entry is required, unless the apiary is more than 150 feet	A maximum two Apiaries of 30 cubic feet per 10,000 square feet.	Apiaries may be located on the ground or on rooftops.  Apiaries shall be setback a minimum of 10 feet from any property line and

		from all property lines.		<p>25 feet from the nearest inhabited structure when a flyway screen is provided.</p> <p>Apiaries located on rooftops shall be setback a minimum of six feet from the edge of roof.</p> <p>Bee warning or notice signs shall be placed at property lines per Ohio Dept. of Agriculture rules and regulations.</p>
Chickens, Ducks, Quail, Doves, and other Smaller Birds	<p>6 permitted for lots less than 10,000 square feet.</p> <p>12 permitted for 10,000 to 20,000 square foot lots. A maximum of 24 permitted for lots exceeding 20,000 square feet.</p> <p>1 rooster permitted per every 15 hens.</p>	<p>Yes, if animals are permitted to range outside of a structure.</p> <p>More than 1 rooster requires tethering. Roosters must be kept a minimum of 50 feet from all property lines.</p>	A minimum of 4 square feet per adult.	A setback of 10 feet from all property lines.
Rabbits	<p>6 permitted for lots less than 10,000 square feet.</p> <p>12 permitted for 10,000 to 20,000</p>	<p>Yes, if animals are permitted to range outside of a structure.</p>	A minimum of 4 square feet per adult.	A setback of 10 feet from all property lines.

	<p>square foot lots.</p> <p>A maximum of 24 permitted for lots exceeding 20,000 square feet.</p>			
<p>Geese, Turkeys, and other Medium-Sized Birds</p>	<p>4 permitted for lots less than 10,000 square feet.</p> <p>8 permitted for 10,000 to 20,000 square foot lots.</p> <p>A maximum of 16 permitted for lots exceeding 20,000 square feet.</p>	<p>Yes, if animals are permitted to range outside of a structure.</p>	<p>A minimum of 6 square feet per adult.</p>	<p>A setback of 10 feet from all property lines.</p>
<p>Dehorned Goats and Sheep</p>	<p>2 permitted for lots less than 10,000 square feet.</p> <p>4 permitted for 10,000 to 20,000 square foot lots,</p> <p>A maximum of 8 permitted for lots exceeding 20,000 square feet.</p>	<p>Yes, with a minimum of a 5-foot setback from property lines.</p> <p>No temporary or permanent structures are permitted within 10 feet of a fence that would enable an animal to climb or jump over a fence.</p>	<p>A minimum of 20 square feet per adult.</p>	<p>A setback of 50 feet from all property lines.</p>
<p>Swine</p>	<p>A minimum of 20,000 square feet per adult; a maximum of 2.</p>	<p>Yes, with a setback of 20 feet from property lines.</p>	<p>A minimum of 30 square feet per adult.</p>	<p>A setback of 50 feet from all property lines.</p>



Horses and Cattle and like-size animals	A minimum of 20,000 square feet per adult; a maximum of 2.	Yes, with a setback of 5 feet from property lines.	A minimum of 100 square feet per adult.	A setback of 50 feet from all property lines.
Alpacas and Llamas	A minimum of 20,000 square feet per adult; a maximum of 2.	Yes, with a setback of 5 feet from property lines.	A minimum 100 square feet per adult.	A setback of 50 feet from all property lines.
Ostriches, Emus, and other Large Birds	A minimum of 20,000 square feet per adult; a maximum of 2.	Yes, with a setback of 5 feet from property lines.	A minimum of 20 square feet per adult.	A setback of 50 feet from all property lines.

Section 7. That Section 1422-07, "Maintenance and Storage," of the Cincinnati Municipal Code is hereby amended as follows:

**§ 1422-07. – Maintenance and Storage.**

(a) *Site Maintenance.*

- (1) The owner of the property on which a Garden, Farm or Animal Keeping Facility is located is responsible for all maintenance requirements.
- (2) The site shall be designed and maintained to prevent any chemical, pesticide, fertilizer, or other waste from draining onto adjacent property.
- (3) Cultivated areas shall not encroach onto adjacent properties.
- (4) The site must be maintained free of high grass, weeds, or other debris.
- (5) Dead plant growth must be sufficiently trimmed to no higher than six inches above the ground, composted, or removed from the site not later than December 1st of each year.
- (6) The property must be kept free of refuse.

(b) *Maintenance and Care of Animal Keeping Facility*

- (1) In general, all Animal Keeping facilities shall provide a constant supply of water and food for all animals, store food in a rodent and predator proof containers, be maintained to be free from odor, prevent the breeding of flies, pests or vermin, properly dispose of animal waste, and prevent animal waste discharge into the stormwater conveyance system.

- (2) All areas and structures utilized for the raising of animals shall comply with the standards prescribed by the Cincinnati Board of Health Regulations, as well as other applicable local and state law.
- (c) *Equipment and Material Storage*
- (1) Use of large-scale agricultural equipment such as tractors, tillers, or other machinery equal to or exceeding the size of an economy automobile is prohibited on property not qualifying as a Farm as defined in §1401-01.F3 ~~§1422-03-F1~~. Such equipment must be completely enclosed in an Agricultural or Principal Structure when not in use.
- (2) Tools and supplies shall be stored indoors or removed from the property daily. Pesticides and fertilizers stored on the property shall be contained in a locked storage structure and must comply with any other applicable requirements for hazardous materials.
- (3) Bulk supplies and water tanks must be stored to the rear of the lot must not create visual blight or offensive odors.
- (4) Refuse storage is prohibited in any required front yard, street side yard, or required parking or landscape area. Refuse storage must comply with §1421-35.
- (d) *Accessory Composting.*
- (1) *Area.* Composting activities using less than 500 square feet of land and considered accessory to a residential or agricultural use are defined as “Accessory Composting.”
- (2) *Setbacks and Location.*
- (i) Maximum distance of 30 feet from the rear lot line; and
- (ii) Minimum 10 feet from side and rear lot lines; and
- (iii) Minimum 10 feet from all Principal Structures; and
- (iv) Minimum 5 feet from any Accessory Structures; and
- (v) Minimum 20 feet from any natural watercourse or wetland.
- (vi) Minimum 50 feet from any private water supply system.
- (3) *Management.* Compost may only consist of plant derived materials. Management of Accessory Composting shall comply with all applicable Cincinnati Board of Health regulations.
- (4) *Enclosure.* Accessory Composting shall be contained and managed per best practices within an appropriate enclosure, container or structure.

(e) *Vehicular Storage, Parking and Egress.*

- (1) In residential districts, one commercial vehicle completely enclosed in a garage may be parked or stored on the lot subject to the limitations found in §1403-05-L6 and §1405-05-L11.
- (2) On lots that do not contain a dwelling, commercial vehicles and trailers may be temporarily parked on the lot beyond the front yard for a period not to exceed 24 hours per week.
- (3) Vehicles parked onsite shall comply with parking requirements of Chapter 1425. Additional onsite parking may be required per §1425-19 when commercial sales or employees are proposed as part of the agricultural use.

Section 8. That Section 1425-19, "Off-Street Parking and Loading Requirements," of the Cincinnati Municipal Code is hereby amended as follows:

**§ 1425-19. – Off-Street Parking and Loading Requirements.**

Off-street parking and loading requirements must be provided in accordance with Schedules 1425-19-A and 1425-19-B. Unless a use is specifically noted under the appropriate use classification heading, the parking and loading requirements apply uniformly to all uses within a use classification. Off-street parking and loading requirements for uses in the DD Districts are subject to the provisions of Chapter 1411, Downtown Development Districts.

Off-street parking and loading facilities must be made permanently available to the use served. Where the use is undetermined or the parking requirement is not established in Schedule 1425-19-A, the Zoning Administrator must determine the probable use and number of spaces required.

Commercial uses located in Commercial, Office, and Manufacturing zoning districts are entitled to an exemption from the parking requirements as follows:

- (a) *Commercial Uses in the CN-P and CC-P Zoning Districts.* The first 2,000 square feet of gross floor area of existing and new commercial uses are exempted from the off-street parking requirements.
- (b) *Commercial Uses in the CN-M, CC-M, OL, OG, IR, RF-C and ML Zoning Districts.* The first 2,000 square feet of gross floor area of existing commercial uses are exempted from the off-street parking requirements. New commercial uses are not exempted from the parking requirements.
- (c) *Commercial Uses in the CC-A, CG-A, MG and RF-M Zoning Districts.* Commercial uses are not exempted from the parking requirements.

**Schedule 1425-19-A: Off-Street Parking and Loading Requirements**

Use Classifications	Required Parking (Sq. Ft. of Floor Area)	Loading User Group
<b>Residential Uses</b>		
Bed and breakfast home	2 for every dwelling, plus 1 for every guest room	
Child day care home	No additional spaces required	
Group residential	1 for every 2 residents	
<b>Permanent residential</b>		
<b>Single-family</b>		
SF-4, SF-6, SF-10, SF-20	2 for every unit	
SF-2, RM, O, C, M, UM, RF-R and IR	1 for every unit	
Attached single-family	1 for every unit	
Rowhouse single-family	1 for every unit	

Two-family	1 for every unit	
Multi-family		
<u>RMX</u> , RM2.0, RM1.2, OL	1.5 for every unit	
RM0.7, OG, C, UM, M, RF-R and IR	1 for every unit	
<b>Residential care facilities</b>		
Assisted living	1 for every 4 residents	
Developmental disability dwelling	1 for every 4 residents	
Nursing home	1 for every 4 residents	
Special assistance shelters	1 for every 3 employees plus 1 for every facility vehicle	
Transitional housing	1 for every facility plus 1 for every 8 beds	
<b>Public and Semi Public Uses</b>		
Cemeteries	None	

Day care center	2 for every facility, plus 1 for every 8 clients	
Clubs and lodges	1 for every 100 sq. ft.	3
Colleges, public or private	1 for every 3 auditorium seats plus 1 for every 5 classroom seats	3
Community service facilities	1 for every 100 sq. ft.	
Cultural institutions	1 for every 500 sq. ft. or 1 for every 8 seats, whichever is greater	3
<b>Government facilities and offices</b>		
Facilities and installations	1 for every 1,000 sq. ft.	1
Correctional institutions	1 for every 20 beds	1
Offices	1 for every 750 sq. ft.	1
Hospitals	1 for every bed	3
Parks and recreation facilities	1 for every 100 sq. ft. of indoor area	

Public maintenance facilities	1 for every 1,000 sq. ft.	
Public safety facilities	1 for every 250 sq. ft.	
Religious assembly	1 for every 30 sq. ft. in principal assembly area	
School, public or private	High School: 1 for every 10 classroom seats	3
	Elementary School: 1 for every 30 classroom seats	3
<b>Commercial Uses</b>		
First 2,000 square feet of gross floor area of existing and new commercial uses in the CN-P and the CC-P districts.	Exempt - no spaces required.	
First 2,000 square feet of gross floor area of existing commercial uses in the CN-M, CC-M, OL, OG, IR, RF-C and ML districts.	Exempt - no spaces required.	
New commercial uses in the CC-M, CC-A, CG-A, OL, OG, IR,	As required below.	

RF-C, ML, MG and RF-M districts.		
New and existing commercial uses in the CC-A and CG-A districts.	As required below.	
Ambulance services	1 for every 250 sq. ft.	
Animal services	1 for every 400 sq. ft.	
Banks and financial institutions	1 for every 200 sq. ft. of gross floor area of the first floor area, plus 1 for every 250 sq. ft. of gross floor area of any other floors	2
Bed and breakfast inns	1 for every facility plus 1 for every guest room	
Building materials and services	1 for every 400 sq. ft.	4
Building maintenance services	1 for every 400 sq. ft.	
Business services	1 for every 250 sq. ft.	
Commercial meeting	1 for every 150 sq.	3



facility	ft.	
<b>Eating and drinking establishments</b>		
Drinking establishments	1 for every 150 sq. ft.	
Restaurants, full service	1 for every 150 sq. ft.	
Restaurants, limited service	1 for every 150 sq. ft.	
Food markets	1 for every 150 sq. ft. where it exceeds 2,000 sq. ft.	1
Food preparation	1 for every 750 sq. ft.	
Funeral and interment services	1 for every 50 sq. ft. used for assembly	
Garden supply stores and nurseries	1 for every 400 sq. ft.	
Hotels and commercial lodging	1 for every guest room	3
Loft dwelling units	1 for every unit	
Laboratories, commercial	1 for every 250 sq. ft.	

Maintenance and repair services	1 for every 400 sq. ft.	
Medical services and clinics	1 for every 150 sq. ft.	
Offices	1 for every 400 sq. ft.	2
Personal services	1 for every 250 sq. ft.	
Personal instructional services	1 for every 250 sq. ft.	
<b>Recreation and entertainment</b>		
<b>Indoor and small scale</b>		
Fitness centers, gyms, handball, racquetball or tennis clubs, ice or roller rinks, miniature golf courses	1 for every 350 sq. ft.	
Billiard parlors, poolrooms	1 for every 250 sq. ft.	
Bingo parlors, amusement arcades	1 for every 150 sq. ft.	
Movie theater (three or less screens)	1 for every 5 seats	

Bowling centers	5 for every bowling lane	
<b>Outdoor or large scale</b>		
Sports stadiums and arenas, movie theaters (4 or more screens), racetracks	1 for every 5 seats	
Amusement and theme parks, driving ranges, swimming or wave pools, entertainment complexes, drive-in theaters, archery or shooting ranges, riding stables, campgrounds	1 for every 1,000 sq. ft.	
Retail sales	1 for every 250 sq. ft.	1
Sexually oriented business	1 for every 250 sq. ft.	
<b>Vehicle and equipment services</b>		
Vehicle and equipment sales and rental	1 for every 400 sq. ft. of office sales or rental area	
Car wash	See §1419-11	
Fuel sales	None	

Vehicle repair	2 for every service bay or 1 for every 250 sq. ft., whichever is greater	
Automobile holding facilities	None	
<b>Industrial Uses</b>		
Production industry	1 for every 1,000 sq. ft.	4
Research and development	1 for every 750 sq. ft.	2
<b>Warehousing and storage</b>		
Contractor's storage	1 for every 1,000 sq. ft.	
Indoor storage	4 spaces	
Waste management	1 for every 1,000 sq. ft.	
Wholesaling and distribution	1 for every 1,000 sq. ft.	4
<b>Transportation, Communication and Utilities Uses</b>		
Communications facilities	1 for every 600 sq. ft. plus 1 for every	2

	3 auditorium seats	
Public utility distribution system	1 for every 1,000 sq. ft.	
Public utility maintenance yard	1 for every 1,000 sq. ft.	
Public utility plant	1 for every 1,000 sq. ft.	
Public vehicle operations and service	1 for every employee plus 1 for every taxi and/or limousine	
<b>Transportation facilities</b>		
Airports	1 for every 250 sq. ft of terminal building	1
Heliports	None	
Railroad train yards	None	
Railroad right-of-way	None	
Transportation passenger terminals	1 for every 2,000 sq. ft.	
Truck terminal and warehouse	0—100,000 sq. ft: 1 for every 2,000 feet	4

Truck terminal and warehouse	Over 100,000: 1 for every 4,000 sq. ft. over 100,000 sq. ft.	4
<b>Watercraft and riverfront facilities</b>		
Barge terminals	1 for every 2,000 sq. ft.	
Boat and ship yards	1 for every 2,000 sq. ft.	
Commercial piers and ports	1 for every 2,000 sq. ft.	
Marinas	1 for every two berths	
Marine sales and services	1 for every 400 sq. ft.	
<b>Agriculture and Extractive Uses</b>		
Farming	1 for every site	
Mining and quarrying	1 for every 1,000 sq. ft.	

**Schedule 1425-19-B: Loading User Group Classification**

Group	Requirement
<b>Group 1</b>	
0—9,999 sq. ft.	No spaces required
10,000—24,999 sq. ft.	1 space
25,000—49,999 sq. ft.	2 spaces
50,000—99,999 sq. ft.	3 spaces
100,000 sq. ft. or more	1 additional space for each 100,000 sq. ft. in excess of 100,000 sq. ft.
<b>Group 2</b>	
0—29,999 sq. ft.	No spaces required
30,000—99,999 sq. ft.	1 space
100,000—499,000 sq. ft.	1 additional space for every 100,000
500,000 sq. ft. or more	1 additional space for every 500,000

<b>Group 3</b>	
0—9,999 sq. ft.	No spaces required
10,000—99,999 sq. ft.	1 space
100,000 sq. ft. or more	1 additional space for each 100,000 sq. ft.
<b>Group 4</b>	
0—4,999 sq. ft.	No spaces required
5,000—39,999 sq. ft.	1 space
40,000—99,999 sq. ft.	2 spaces
100,000 sq. ft. or more	1 additional space for each 100,000 in excess of 100,000

Section 9. That Section 1437-05, “Establishment of UD Overlay Districts,” of the Cincinnati Municipal Code is hereby amended as follows:

**§ 1437-05. – Establishment of Urban Design Overlay Districts.**

Council may establish an Urban Design Overlay District whenever both of the following conditions are satisfied:

- (a) *Neighborhood Business Center.* Upon finding that an area comprising a concentration of retail and service-oriented commercial establishments serves as the principal business activity center for a socio-geographic community.



- (b) *Urban Design Plan*. Upon adoption of an urban design plan for the area that includes: A textual and graphic description of the physical and environmental improvements necessary for the coordinated revitalization of the business district. The Urban Design Plan should include but is not limited to: the location of buildings, architectural character of the buildings, signage, pedestrian and vehicular circulations, parking, open space and landscaping. An urban design plan may also include a list of contributing and noncontributing buildings within the business district.
- (1) For the purposes of this section, a contributing building is one that has unique or distinguishable physical attributes that add to the cohesive character and setting of the business district, including its siting and location, architectural characteristics, and massing, and further are consistent with the applicable urban design plan or other applicable community plans approved by City Council.
- (2) For the purposes of this section, a noncontributing building is one that detracts from the established physical character and setting of the business district because the building's architectural style, bulk, shape, massing, scale, form, or setbacks are inconsistent with the predominant characteristics of the district, or the building is obsolete, damaged, in a state of disrepair, dilapidated, or unsanitary.

Section 10. That Section 1437-07, "Applications Subject to Review," of the Cincinnati Municipal Code is hereby amended 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.
  - (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 ~~Zoning Hearing Examiner~~ 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 ~~Zoning Hearing Examiner~~ pursuant to this Chapter-1437 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 11. That Section 1437-09, “Development Standards in UD Overlay Districts,” of the Cincinnati Municipal Code is hereby amended as follows:

**§ 1437-09. – Development Standards in Urban Design UD Overlay Districts.**

Development within individual Urban Design UD Overlay Districts must comply with the standards prescribed below that the ordinance that establishes the Urban Design UD 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 UD 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
A 1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
M 1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
W 1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
R 1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
R 2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
E 1		X	X	X	X		X				X				
F1		X													X

N 1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
N 2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
D 1	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;

- 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.

**(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 Zoning Hearing Examiner shall review and consider the applicable urban design plan and other applicable community plans approved by City Council applicable Community Plans approved by City Council when making decisions for projects 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 Zoning Hearing Examiner 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: ~~Demolition has been ordered by the Director of Buildings and Inspections for reasons of public health and safety and:~~

- The building does not contribute to the physical character and economic vitality of the district, which is determined by weighing the following factors:
  - 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;
  - whether the building is recommended for demolition by the applicable urban design plan or other applicable community plans approved by City Council;
  - whether the building's architectural style, bulk, shape, massing, scale, form, and setbacks are consistent with the predominant characteristics of the district;
  - whether the building is iconic or specially associated with the district;
  - whether the demolition of the building will negatively impact the district streetscape; and
  - 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.
- ~~The existing building does not contribute to the architectural quality of the district;~~
- ~~The demolition is necessary to accomplish the construction of a building which would meet the guidelines contained in the urban design plan;~~
- ~~The demolition is necessary to provide parking and/or other uses in a manner specified in the urban design plan;~~
- ~~The owner has endeavored in good faith to find a use for the structure and is unable to obtain a reasonable rate of return on the property; or~~
- ~~Demolition has been ordered to remove blight.~~

Section 12. That Section 1437-11, "Approval," of the Cincinnati Municipal Code is hereby amended as follows:

**§ 1437-11. - Approval.**

- (a) If the Zoning Administrator determines that an permit application conforms to the requirements of § 1437-09 and all other requirements of this Code, the Zoning Administrator has the duty to approve a building permit for the proposed work. The Zoning Administrator has the duty to notify all owners of property abutting the subject property and the community organization recognized by the City Council as representing the area that includes the subject property.
- (b) If the Zoning Administrator determines an permit application does not conform to the requirements of § 1437-09, or if a permit application includes a request for new construction or demolition, a hearing and decision by the Zoning Board of Appeals Zoning Hearing Examiner has the duty to determine whether the application satisfies the standards set forth in this Chapter required, pursuant to Chapter 1443, Zoning Hearing Examiner Procedures, prior to the issuance of a building permit.

- (c) In reviewing a permit application pursuant to § 1437-11(b), the Zoning Board of Appeals shall conduct a hearing and issue a decision in the same manner as prescribed for the Zoning Hearing Examiner under Chapter 1443, Zoning Hearing Examiner Procedures. In considering a permit application, the Zoning Board of Appeals is authorized to grant all additional forms of relief the Zoning Hearing Examiner is authorized to grant (e.g., variance, conditional use, special exceptions, etc.), provided that the Zoning Board of Appeals may not grant a use variance from the provisions of this Chapter.

Section 13. That Section 1437-13, “Appeal,” of the Cincinnati Municipal Code is hereby amended as follows:

**§ 1437-13. - Appeal.**

Any party with standing may appeal a final decision of the Zoning Board of Appeals issued in accordance with this Chapter to the Hamilton County Court of Common Pleas as allowed by Ohio Revised Code Chapter 2506 or other applicable law, pursuant to Chapter 1449, Zoning Board of Appeals, appeal to the Zoning Board of Appeals within 30 days after the decision of the Zoning Hearing Examiner.

Section 14. That Section 1439-07, “Zoning Hearing Examiner,” of the Cincinnati Municipal Code is hereby amended as follows:

**§ 1439-07. – Zoning Hearing Examiner.**

Pursuant to Chapter 1443, the Zoning Hearing Examiner conducts public hearings and makes decisions, subject to appeal to the Zoning Board of Appeals, on applications for:

- (a) Variances;
- (b) Special exceptions;
- (c) Conditional uses;
- (d) Expansion or substitution of nonconforming uses;
- (e) Development permission in Hillside Overlay Districts; and
- (f) Phased development in the DD District. ~~Development permission in Urban Design Overlay Districts; and~~
- ~~(g) Phased development in the DD District.~~

Section 15. That Section 1439-11, “Zoning Board of Appeals,” of the Cincinnati Municipal Code is hereby amended as follows:

**§ 1439-11. – Zoning Board of Appeals.**

The Zoning Board of Appeals is established pursuant to Article XXX, § 6 of the Administrative Code and has the following powers and duties under the Cincinnati Zoning Code and the Land Development Code:

- (a) To hear and decide appeals from any order, decision, determination or interpretation made by the Director of Buildings and Inspections and those serving under the authority of the director in the administration or the enforcement of this Code and the Land Development Code, pursuant to the procedures and standards established in Chapter 1449, Zoning Board of Appeals.
- (b) To hear and decide appeals from any order, decision, determination or interpretation made by the Zoning Administrator in the administration or the enforcement of this Code and the Land Development Code, pursuant to the procedures and standards established in Chapter 1449, Zoning Board of Appeals.
- (c) To hear and decide appeals from any decision of the Zoning Hearing Examiner, pursuant to the procedures and standards established in Chapter 1449, Zoning Board of Appeals.
- (d) To hear and decide appeals from any decision of the Historic Conservation Board.
- (e) To hear and decide all other appeals as provided for by this Code and the Land Development Code.
- (f) To conduct public hearings and makes decisions on certain applications for development permissions in Urban Design Overlay Districts.

Section 16. That Section 1703-2.40, “T3 Estate (T3E); T3E Use Table; Use Type; Agriculture,” of the Cincinnati Municipal Code is hereby amended as follows:

**1703-2.40 T3 Estate (T3E)**

**I. T3E Use Table**

<u>Use Type</u>	<u>Specific Use Standards</u>	<u>T3E</u>
<b><u>Agriculture</u></b>		
<u>Community Garden</u>	<u>1703-5.100.D</u>	<u>P</u>
<u>Animal Keeping</u>	<u>Chapter 1422</u>	<u>P</u>
<u>Farm</u>	<u>Chapter 1422</u>	<u>UP</u>
<u>Garden</u>	<u>Chapter 1422</u>	<u>P</u>

Section 17. That Section 1703-2.50, “T3 Neighborhood (T3N); T3N Use Table; Use Type; Agriculture,” of the Cincinnati Municipal Code is hereby amended as follows:

**1703-2.50 T3 Neighborhood (T3N)**

**I. T3N Use Table**

<u>Use Type</u>	<u>Specific Use Standards</u>	<u>T3N</u>
<b><u>Agriculture</u></b>		
<u>Community Garden</u>	<u>1703-5.100.D</u>	<u>P</u>
<u>Animal Keeping</u>	<u>Chapter 1422</u>	<u>P</u>
<u>Farm</u>	<u>Chapter 1422</u>	<u>UP</u>
<u>Garden</u>	<u>Chapter 1422</u>	<u>P</u>

Section 18. That Section 1703-2.60, “T4 Neighborhood Medium Footprint (T4N.MF); T4N.MF Use Table; Use Type; Agriculture,” of the Cincinnati Municipal Code is hereby amended as follows:

**1703-2.60 T4 Neighborhood Medium Footprint (T4N.MF)**

**I. T4N.MF Use Table**

<u>Use Type</u>	<u>Specific Use Standards</u>	<u>MF</u>	<u>MF-O</u>
<b><u>Agriculture</u></b>			
<u>Community Garden</u>	<u>1703-5.100.D</u>	<u>P</u>	<u>P</u>
<u>Animal Keeping</u>	<u>Chapter 1422</u>	<u>P</u>	<u>P</u>
<u>Farm</u>	<u>Chapter 1422</u>	<u>UP</u>	<u>UP</u>
<u>Garden</u>	<u>Chapter 1422</u>	<u>P</u>	<u>P</u>

Section 19. That Section 1703-2.70, “T4 Neighborhood Small Footprint (T4N.SF) T4N.SF Use Table; Use Type; Agriculture,” of the Cincinnati Municipal Code is hereby amended as follows:

**1703-2.70 T4 Neighborhood Small Footprint (T4N.SF)**

**I. T4N.SF Use Table**

<u>Use Type</u>	<u>Specific Use Standards</u>	<u>SF</u>	<u>SF-O</u>
<b><u>Agriculture</u></b>			
<u>Community Garden</u>	<u>1703-5.100.D</u>	<u>P</u>	<u>P</u>
<u>Animal Keeping</u>	<u>Chapter 1422</u>	<u>P</u>	<u>P</u>
<u>Farm</u>	<u>Chapter 1422</u>	<u>UP</u>	<u>UP</u>
<u>Garden</u>	<u>Chapter 1422</u>	<u>P</u>	<u>P</u>

Section 20. That Section 1703-2.80, “T5 Main Street (T5MS) T5MS Use Table; Use Type; Agriculture,” of the Cincinnati Municipal Code is hereby amended as follows:

**1703-2.80 T5 Main Street (T5MS)**

**I. T5MS Use Table**

<u>Use Type</u>	<u>Specific Use Standards</u>	<u>MS</u>	<u>MS-O</u>
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**Agriculture**

<u>Community Garden</u>	<u>1703-5.100.D</u>	<u>P</u>	<u>P</u>
<u>Animal Keeping</u>	<u>Chapter 1422</u>	<u>UP</u>	<u>UP</u>
<u>Farm</u>	<u>Chapter 1422</u>	<u>UP</u>	<u>UP</u>
<u>Garden</u>	<u>Chapter 1422</u>	<u>P</u>	<u>P</u>

Section 21. That Section 1703-2.90, “T5 Neighborhood Large Setback (T5N.LS) T5N.LS Use Table; Use Type; Agriculture,” of the Cincinnati Municipal Code is hereby amended as follows:

**1703-2.90 T5 Neighborhood Large Setback (T5N.LS)**

**I. T5N.LS Use Table**

<u>Use Type</u>	<u>Specific Use Standards</u>	<u>LS</u>	<u>LS-O</u>
<b><u>Agriculture</u></b>			
<u>Community Garden</u>	<u>1703-5.100.D</u>	<u>P</u>	<u>P</u>
<u>Animal Keeping</u>	<u>Chapter 1422</u>	<u>P</u>	<u>P</u>
<u>Farm</u>	<u>Chapter 1422</u>	<u>UP</u>	<u>UP</u>
<u>Garden</u>	<u>Chapter 1422</u>	<u>P</u>	<u>P</u>

Section 22. That Section 1703-2.100, “T5 Neighborhood Small Setback (T5N.SS); T5N.SS Use Table; Use Type; Agriculture,” of the Cincinnati Municipal Code is hereby amended as follows:

**1703-2.100 T5 Neighborhood Small Setback (T5N.SS)**

**I. T5N.SS Use Table**

<u>Use Type</u>	<u>Specific Use Standards</u>	<u>SS</u>	<u>SS-O</u>
<b><u>Agriculture</u></b>			
<u>Community Garden</u>	<u>1703-5.100.D</u>	<u>P</u>	<u>P</u>
<u>Animal Keeping</u>	<u>Chapter 1422</u>	<u>P</u>	<u>P</u>
<u>Farm</u>	<u>Chapter 1422</u>	<u>UP</u>	<u>UP</u>
<u>Garden</u>	<u>Chapter 1422</u>	<u>P</u>	<u>P</u>

Section 23. That Section 1703-2.110(I), “T5 Flex (T5F) T5 Use Table; Use Type; Agriculture,” of the Cincinnati Municipal Code is hereby amended as follows:

**1703-2.110 T5 Flex (T5F)**

**I. T5 Use Table**

<u>Use Type</u>	<u>Specific Use Standards</u>	<u>T5F</u>
<b><u>Agriculture</u></b>		
<u>Community Garden</u>	<u>1703-5.100.D</u>	<u>P</u>

<u>Animal Keeping</u>	<u>Chapter 1422</u>	<u>P</u>	<u>P</u>
<u>Farm</u>	<u>Chapter 1422</u>	<u>UP</u>	<u>UP</u>
<u>Garden</u>	<u>Chapter 1422</u>	<u>P</u>	<u>P</u>

Section 24. That Section 1703-2.120, “T6 Core (T6C) T6C Use Table; Use Type; Agriculture,” of the Cincinnati Municipal Code is hereby amended as follows:

**1703-2.120 T6 Core (T6C)**

**I. T6C Use Table**

<u>Use Type</u>	<u>Specific Use Standards</u>	<u>C</u>	<u>C-O</u>
<u>Agriculture</u>			
<del>Community Garden</del>	<del>1703-5.100.D</del>	<del>P</del>	<del>P</del>
<u>Animal Keeping</u>	<u>Chapter 1422</u>	<u>P</u>	<u>P</u>
<u>Farm</u>	<u>Chapter 1422</u>	<u>UP</u>	<u>UP</u>
<u>Garden</u>	<u>Chapter 1422</u>	<u>P</u>	<u>P</u>

Section 25. That Section 1703-5.50 (D), “Parking; Number of Motor Vehicle Parking Spaces Required,” of the Cincinnati Municipal Code is hereby amended as follows:

**D. Number of Motor Vehicle Parking Spaces Required**

1. **Required Spaces.** The minimum number of parking spaces required are listed in Table A (Parking Spaces Required). However, if the minimum number of parking space requirements are provided in Section 1703-2 (Specific to Transect Zones) for the applicable transect zone and use, then those standards take precedence over the standards in Table A (Parking Spaces Required). When calculating the minimum number of parking spaces, numbers shall be rounded up to the closest whole number.
2. **Maximum Number of Parking Spaces.** When calculating the maximum number of parking spaces, numbers shall be rounded down to the closest whole number. The maximum number of off -street parking spaces shall be as follows:
  - a. For buildings with a footprint less than or equal to 60,000 gsf, 140 percent of the required minimum number of parking spaces; ~~and~~
  - b. For buildings with a footprint greater than 60,000 gsf, 125 percent of the required minimum number of parking spaces.
  - c. The required minimum number of parking spaces shall be rounded ~~up or~~ down to the closest whole number.

Section 26. That Section 1703-5.80(E), “Permanent Signs,” of the Cincinnati Municipal Code is hereby amended as follows:

**E. Permanent Signs**

1. Permanent Signs shall meet the standards set forth in Subsections 1703-5.80.K-V ~~1703-5.70.G-R.~~
2. The number of allowed permanent signs is set forth within the transect zone, see Section 1703-2 (Specific to Transect Zones).
3. Permanent Signs require a building permit pursuant to Cincinnati Municipal Code Section 1101-17.1.
4. Except where expressly prohibited, internal illumination is permitted for permanent building and ground signs in the following forms:
  - a. Individually illuminated letter and logo signs, including:
    1. Front-Lit Signs
    2. Halo/Reverse-Lit Signs
    3. Push Through Signs
    4. Open-Lit Signs
  - b. Internally illuminated logos shall not be permitted on Front-Lit Signs
5. External illumination is permitted for permanent building and ground signs.
6. Changeable copy signs are only permitted in accordance with the following conditions:
  - a. Changeable copy signs shall be limited to ground signs and wall signs only and shall not exceed 25% of the square footage of a sign’s sign face area.
  - b. Changeable copy signs shall be programmed so that the message or image on the sign changes no more than every 10 seconds.
  - c. Effects of movement, flashing, scintillation, or similar effects in the individual images are prohibited.
  - d. Changes of images shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving, or similar effects as part of the change.
  - e. Video technology in signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following:
    1. All electronic or digital display unit message boards shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic board based on ambient light conditions.

Section 27. That Section 1703-5.80(L), “Directory Sign,” of the Cincinnati Municipal Code is hereby amended as follows:

**L. Directory Sign**

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**Description**

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The directory sign type is a wall mounted or freestanding sign ~~provides a listing of establishments~~ within a building or series of buildings- near entrances and parking locations.

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**Size**

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Signable Area	6 sf max.	(A)
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**Location**

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Height		(D)
Wall Mounted	8' max.	
Free Standing	3' max.	

\*See Subsection 1703-5.80 (Pole/Monument Sign Type) for additional standards

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**Miscellaneous**

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~~May include the name of the business and business address. Shall not include any other words.~~

Section 28. That Section 1703-5.80(O), "Pole/Monument Sign," of the Cincinnati Municipal Code is hereby amended as follows:

**O. Pole/Monument Sign**

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**Description**

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The pole/monument sign type encompasses a variety of signs that are not attached to a building and have an integral support structure. A pole sign, usually double-faced, is mounted on a single or pair of round poles, square tubes, or other fabricated members without any type of secondary support. A pole/monument sign stands directly on the ground or ground level foundation and is often used to mark a place of significance or the entrance to a location.

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**Size**

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Signable Area	12 sf max.	(A)
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**Location**

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Signs per Frontage	1 max.	
Height	8' max.	(B)
Width	8' max.	(C)

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**Miscellaneous**

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~~Changeable copy signs are only allowed for gasoline price signs, directory signs listing more than one tenant, and signs advertising restaurant food specials, films and live entertainment which change on a weekly or daily basis.~~  
Changeable copy pole/monument signs are permitted in all transect zones except for T5MS, T5N.LS, T5N.SS, T5F, and T6C transect zones.

Section 29. That Section 1703-5.80(S), “Wall Sign,” of the Cincinnati Municipal Code is hereby amended as follows:

**S. Wall Sign**

**Description**

The wall sign type is flat against the façade consisting of individual cut letters applied directly to the building, raised letters on a panel or painted directly on the surface of the building. Wall signs are placed above shopfronts and often run horizontally along the “expression line,” entablature of traditional buildings, or decorative cornice or sign band at the top of the building. Wall signs shall not protrude beyond the roof line or cornice of a building.

**Size**

Signable Area

Area	1 sf per linear foot of shopfront width up to 80 sf max. (A)	
Width	Shopfront width, max.	(B)
Height	12” min.; 3’ max.	(C)

Lettering

Width	75% of signable width, max.	(D)
Height	75% or 10” (whichever is lesser) of signable height max.	(E)

**Location**

Projection	8” max.
Signs per building	1 per establishment max.

**Miscellaneous**

~~Changeable copy signs are only allowed for gasoline price signs, directory signs listing more than one tenant, and signs advertising restaurant food specials, films and live entertainment which change on a regular basis.~~

Changeable copy wall signs are permitted in all transect zones subject to the individual regulations of each transect zone.

~~Wall signs shall not be internally illuminated.~~

Section 30. That Section 1703-5.80(T), "Wall Mural Sign," of the Cincinnati Municipal Code is hereby amended as follows:

**T. Wall Mural Sign**

**Description**

The wall mural sign type is flat against a secondary facade, typically along a side street, alley, or paseo. These signs are typically painted directly on the building and contain a combination of text and graphic elements. These signs are intended to be visible from a greater distance and are accompanied by additional signage on the primary facade at the business entrance. ~~Wall signs that do not provide signage for a business (artistic wall mural) are subject to approval by the Director. Billboards~~ Outdoor advertising signs are not considered wall mural signs and are prohibited within the Form-Based Code transect zones areas. See Cincinnati Municipal Code Section 895 (Outdoor Advertising Signs) for additional regulations.

**Size**

**Signable Area**

Area	1000 sf max.	(A)
Width	60' max	(B)
Height	50' max.	(C)

**Location**

Height Above Ground	3' min.	(D)
Projection	8" max.	

**Miscellaneous**

Wall mural signs may only be externally illuminated.

Section 31. That Section 1703-5.100, "Additional Standards for Specific Uses; Community Gardens," of the Cincinnati Municipal Code is hereby amended as follows:

**1703-5.100. - Additional Standard for Specific Uses.**

**D. Urban AgricultureCommunity Gardens.** ~~Shall comply with the following~~ The provisions of Cincinnati Municipal Code Chapter 1422 shall govern the establishment of urban agriculture uses permitted within in a transect zone, e.g., Animal Keeping, Farms, and Gardens.

~~**Table 1703-5.100.A: Community Gardens**~~

~~**Hours of Operation**~~

~~Community gardens shall not be used between the hours of 10:00 pm and 7:00 am~~

~~**Building Form Standards**~~

<del>Building Height</del>	<del>15' max</del>
<del>Buildings or structures</del>	<del>800 sf max.</del>
<del>Number of Buildings or Enclosed Structures</del>	<del>2 max</del>

**~~Buildings and Structures Placement~~**

~~Buildings and structures, including those for the storage of compost and refuse, shall comply with the building placement standards set forth for structures found in Section 1703-2 (Specific to Transect Zones).~~

**~~Fencing and Walls~~**

~~Height~~

<del>Along Front or Side Street Lot Line</del>	<del>4' max.</del>
<del>Along Side or Rear Lot Line, other locations</del>	<del>6' max.</del>

~~Opacity~~

<del>Along Front or Side Street Lot Line</del>	<del>50% max.</del>
<del>Along Side or Rear Lot Line, other Locations</del>	<del>100% max.</del>

~~Fences and walls shall not include electrified, barbed or razor wire.~~

**~~Tools and Supplies~~**

~~Tools and supplies shall be stored indoors or removed on a daily basis.~~

~~Bulk supplies and water tanks shall not be store in required frontyard or sideyard setbacks.~~

~~Use of commercial or industrial farm equipment is prohibited.~~

**~~Compost and Refuse~~**

<del>Area Dedicated to Composting</del>	<del>200 sf max.</del>
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~~Compost shall be stored in an enclosed screened fence or structure.~~

~~Composting shall be only of materials generated on site.~~

~~Water that has come in to contact with compost shall be prevented from flowing onto adjacent properties, into natural or human-made storm channels or the public right of way.~~

~~Compost enclosure shall be maintained to prevent adverse environmental, health and safety impacts such as noise, odors, and the attraction of rodents or other pests onto adjacent properties.~~

~~All refuse storage areas shall be screened from ground level view from adjacent properties and public rights of way~~

**~~Compost and/or Refuse Storage Area Setbacks~~**

<del>Front</del>	<del>10' min.</del>
<del>Side Street</del>	<del>10' min.</del>
<del>Side</del>	<del>3' min.</del>

Rear \_\_\_\_\_ 3' min., 25' max.

### **Fertilizer and Pesticides**

~~Fertilizer and pesticides shall be stored in a locked storage structure and shall comply with any other applicable requirements for hazardous materials.~~

~~Chemical, pesticide, fertilizer or other garden waste shall be prevented from draining onto adjacent sites or street right-of-ways.~~

### **Maintenance**

~~The property owner of the site on which a community garden is located is responsible for all maintenance requirements.~~

~~Property shall be maintained free of high grass, weeds or other debris.~~

~~Dead plant growth must be composted or removed from the site not later than December 1<sup>st</sup> of each year.~~

~~Property shall be maintained to prevent cultivated areas from encroaching on to adjacent sites.~~

~~Property shall be maintained to prevent chemicals, pesticides, fertilizers, other garden wastes or water that has come in contact with compost from draining onto adjacent lots.~~

Section 32. That Section 1703-8.50, "Relationship to Overlay Districts," of the Cincinnati

Municipal Code is hereby amended as follows:

### **1703-8.50. - Relationship to Overlay Districts**

A. ~~Transect zones may be established in certain overlay districts~~Overlay districts established by Cincinnati Municipal Code Title XIV may be applied to transect zones. In the event of a conflict between the provisions of the Form-Based Code and an overlay district, the conflict shall be resolved as follows following sets forth the legal effect of establishing a transect zone in each of the overlay districts contained in Cincinnati Municipal Code Title XIV - Cincinnati Zoning Code:

1. **Urban Design Overlay District (Cincinnati Municipal Code Chapter 1433 1437).** ~~The provisions of the Form-Based Code shall apply and govern, and~~ the provisions of Cincinnati Municipal Code Chapter 1433 1437 shall be inoperative and of no effect where in conflict with the provisions of the Form-Based Code.
2. **Hillside Overlay District (Cincinnati Municipal Code Chapter 1433).** The provisions of Cincinnati Municipal Code Chapter 1433 shall apply and govern where in conflict with the provisions of the Form-Based Code.
3. **Historic Asset (Cincinnati Municipal Code Chapter 1435).** The provisions of Cincinnati Municipal Code Chapter 1435 ~~shall overlay a transect zone and shall apply and govern in all instances~~where in conflict with the Form-Based Code.

4. **Interim Development Control Overlay District (“IDC”) (Cincinnati Municipal Code Chapter 1431).** The terms of the an IDC established pursuant to Cincinnati Municipal Code Chapter 1431 shall remain in effect and shall apply and govern where in conflict with the Form-Based Code until the IDC expires or is repealed.

Section 33. That Section 1703-9.10(E), “E. Definitions,” of the Cincinnati Municipal Code is hereby amended as follows:

**E. Definitions**

**Eave.** The overhang at the lower edge of a roof.

**Edison Bulbs.** Reproduction light bulbs manufactured to have the appearance of the original light bulbs introduced by Thomas Edison. Typically, these are incandescent bulbs with filaments and lens shaped like the original bulbs.

**Elevated Ground Floor.** A ground floor situated above the grade plane at street-level.

**Encroachment.** Any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace or deck, that breaks the plane of a vertical or horizontal regulatory limit, and extends into a setback, beyond the build-to-line, into the public frontage, or above a height limit.

**Entry.** An opening, such as a door, passage, or gate, that allows access to a building.

**Entry, Service.** An entry used for the delivery of goods and removal of refuse.

**External Employee.** An employee who does not reside at his or her place of employment.

Section 34. That Section 1703-9.10(F), “F. Definitions,” of the Cincinnati Municipal Code is hereby amended as follows:

**F. Definitions**

**Facade.** The vertical surface of a building. **Facade Zone.** The area between the minimum and maximum setback lines.

**Facility.** An improvement, structure or building that is designed and used for a particular purpose.

**Fence.** A structure made of wire, wood, metal, masonry or other material, and typically used as a screen or enclosure for a yard or open space or as a divider along a lot line.

**Finished Grade.** The final ground elevation around a building after all earthwork has been completed.

**Flex Space.** A room or group of internally connected rooms designed to accommodate an evolution of use over time in response to an evolving market demand. Typically designed to accommodate future commercial uses, while accommodating less intense shortterm uses, such as residential or live/work, until the full commercial demand has been established.

**Floorplate.** An area measurement in square feet of either the gross or the rentable floor area of a typical floor in a building.

**Floorplate, Commercial.** The square footage area measurement of a floorplate dedicated to commercial uses.

**Floorplate, Residential.** The square footage area measurement of a floorplate dedicated to residential uses.

**Footprint.** The outline of the area of ground covered by a building or structure.

**Footprint Area.** The total square footage contained within a footprint.

**Freestanding Wall.** A wall that is separate from a building and supported by independent means.

**Front-Lit Signs.** Individual letters are solid material (typically aluminum) on the back and sides (returns) with internal illumination and a polycarbonate sign face allowing light to illuminate the individual letter faces from within.

**Frontage.** A strip or extent of land abutting a thoroughfare, civic space or other public right-of-way.

1. **Frontage, Private.** The area between the building facade and the shared lot line between the public right-of-way and the lot.

2. **Frontage, Public.** The area between the curb of the vehicular lanes and the edge of the right-of-way.

**Frontage Line.** The lot lines fronting a thoroughfare or other public way, or a civic space.

**Frontage Type.** See Section 1703-4 (Specific to Frontage Types).

**Furniture Area.** An area of space that allows for the placement of furniture without restricting the movement of pedestrians.

Section 35. That Section 1703-9.10(H), "H. Definitions," of the Cincinnati Municipal Code is hereby amended as follows:

## **H. Definitions**

**Habitable Space.** The portion of a building that is suitable for human occupancy.

**Halo/ Reverse-Lit Signs.** Letters or logos are solid material (typically aluminum) on the sides (returns) and faces, being mounted away from the wall to project illumination onto the wall surface creating a halo effect. Letters or logos themselves are opaque and not illuminated.

**Height, Building.** See Subsection 1703-5.60 (Building Height).

**Household.** Up to four persons unrelated to each other by blood, marriage or legal adoption, living together as a single housekeeping unit; or up to eight persons, other than foster parents and employees, living together in a foster home approved and regulated by the State of Ohio.

Section 36. That Section 1703-9.10(N), “N. Definitions,” of the Cincinnati Municipal Code is hereby amended as follows:

#### **N. Definitions**

**Neighborhood Center.** A development that provides a mix of civic, institutional and/or commercial uses.

**Neon Signs.** Electric signs lighted by luminous gas-discharge tubes that contain rarified neon or other gases. If true neon is substituted for LED arrays, the lumen-level of the LED array may not exceed that of traditional neon.

**New Construction.** New development in which permits were filed for on or after the effective date of this Code.

**Non-Conforming Uses.** A use of an improvement or a lot that was lawfully established prior to the effective date of the Ordinance and maintained since that time but does not conform with the regulations and standards established by the Ordinance and all subsequent amendments.

Section 37. That Section 1703-9.10(O), “O. Definitions,” of the Cincinnati Municipal Code is hereby amended as follows:

#### **O. Definitions**

**Open-Lit Signs.** Letters or logos are solid material (typically aluminum) on the back and sides (returns) with a clear or open face. Illumination is provided within the sign and is exposed and visible from the front of the sign. These signs are typically designed with neon or Edison Bulb lighting.

**Open Zone.** A sub-zone within a transect zone that allows for a greater range of land uses without relaxing the building form standards of the zone.

**Outdoor Advertising Sign.** See Cincinnati Municipal Code, Chapter 895.

**Overhead Doors.** Doors constructed in horizontally hinged sections that are equipped with hardware that rolls the sections into an overhead position clear of the opening.

Section 38. That Section 1703-9.10(P), "P. Definitions," of the Cincinnati Municipal Code is hereby amended as follows:

**P. Definitions**

**Parapet.** A low wall along the edge of a roof or the portion of a wall that extends above the roof line.

**Parcel.** See "Lot."

**Parking Driveway Width.** The horizontal dimension, measured perpendicular to the direction of travel, of a driveway. *Passive Recreation.* See "Recreation, Passive."

**Path of Travel.** A continuous, unobstructed pedestrian way.

**Pedestrian Shed.** An area centered on a major destination. Its size is measured by the average distance that may be traveled at an easy walking pace in a given amount of time from its center to its edge. Pedestrian sheds are useful for planning walkable areas. See Subsection 1703-6.30.B (Pedestrian Sheds).

**Planting Strips.** A landscaped or grassy area located between a street and a sidewalk.

**Podium.** A continuous projecting base or pedestal under a building.

**Podium Tops.** A flat, elevated and open area above a podium that can be used as common area.

**Porch.** A covered shelter projecting in front of the entrance of a building.

**Pre-Development Grade.** The grade of a lot prior to any site improvements related to the proposed development.

**Presumable Curb.** The point at which the paved area of a street with no curb ends.

**Property.** See "Lot."

**Public Use.** A use undertaken by a political subdivision, its agents or assigns.

**Push Through Signs.** Letters or logos are routed out of a solid opaque surface and matching acrylic letters are pushed through the back of the sign to protrude from the surface.



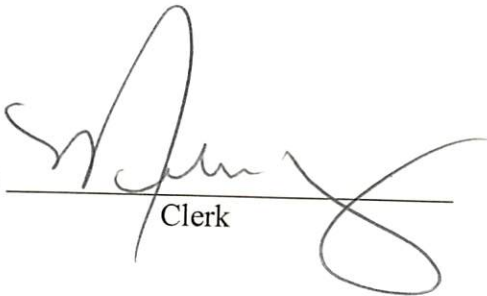
Section 39. That existing Sections 1401-01-A8, "Animal Keeping," 1401-01-C14, "Community Gardens," 1403-05, "Land Use Regulations," 1409-07, "Land Use Regulations," 1411-05, "Land Use Regulations," 1413-05, "Land Use Regulations," 1419-41, "Community Gardens," 1422-05, "Development Regulations," 1422-07, "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," 1703-5.110, "Accessory Uses," 1703-5.120, "Temporary 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," of the Cincinnati Municipal Code are hereby repealed.

Section 40. That Sections 9, 10, 11, 12, 13, 14, and 15 of this ordinance shall take effect and be in force from and after May 15, 2022, and that the remaining sections in this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Section 41. 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

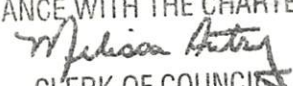
of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to provide greater clarity and to correct scrivener's errors within the City's zoning codes, and to provide for efficient and complementary development throughout the City.

Passed: November 10, 2021

Attest:   
Clerk

  
Mayor

\_\_\_\_\_  
New language underscored. Deleted language indicated by strike through.

I HEREBY CERTIFY THAT ORDINANCE NO 418-2021  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 11-23-2021  
  
CLERK OF COUNCIL