



# City of Cincinnati

MEH/B

EESW

## An Ordinance No. \_\_\_\_\_ - 2023

**MODIFYING** Title XIV, “Zoning Code of the City of Cincinnati,” of the Cincinnati Municipal Code, by **AMENDING** the provisions of Section 1403-05, “Land Use Regulations,” and by **ORDAINING** new Section 1403-08, “Two-, Three-, and Four-Family Restoration,” to permit the restoration of existing homes in single-family zoning districts that were once legally established as two-, three-, and four-family homes to be returned to that use.

WHEREAS, City Council wishes to permit the restoration and use of existing buildings as two-, three-, and four-family homes in single-family zoning districts if the buildings were once legally established as two-, three-, and four-family homes; and

WHEREAS, allowing existing buildings to be restored to their prior use as two-, three-, and four-family homes will increase housing availability and affordability within the City without disturbing the character of neighborhoods; and

WHEREAS, adding additional housing options within single-family zoning districts will add new residents, improve walkability, and encourage healthy growth within neighborhoods; and

WHEREAS, at its regularly scheduled meeting on \_\_\_\_\_, the City Planning Commission reviewed and considered the proposed text amendments and determined that the text amendments are in the interest of the public’s health, safety, morals, and general welfare; and

WHEREAS, a committee of Council held a public hearing on the proposed text amendments, following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved the amendments, finding them in the interest of the public’s health, safety, morals, and general welfare; and

WHEREAS, the text amendments are in accordance with the Live Initiative Area of Plan Cincinnati (2012), particularly the goal to “create a more livable community” by supporting and stabilizing our neighborhoods (p. 156); and

WHEREAS, the Council finds the proposed text amendments to be in the best interest of the City and the public’s health, safety, morals, and general welfare; now, therefore,

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

Section 1. That 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	L4	L4	L4	L4	L4	
<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	—	—	—	L3	L3	
<b>Permanent residential</b>						
Single-family dwelling	P	P	P	P	P	See § 1403-11
Attached single-family dwelling	L13	L13	L13	P	P	See § 1403-11
Two-family dwelling	L11	L11	L11	L11	L11	See § 1403-08
Multi-family dwelling	L11	L11	L11	L11	L11	See § 1403-08
<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	L12	L12	L12	L12	L12	
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	L8	L8	L8	L8	L8	
Home Occupation	P	P	P	P	P	See § 1419-17
Commercial Vehicle Parking	L5	L5	L5	L5	L5	
Child day-care centers	L4,6	L4,6	L4,6	L4,6	L4,6	
Refuse storage areas	P	P	P	P	P	See § 1421-35
Drive Box	L7	L7	L7	L7	L7	
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	—	—	—	L9	L9	
Rooming Unit	—	—	L10	L10	L10	
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, unless otherwise permitted pursuant to § 1403-08. The ~~u~~Uses established prior to the effective date of this Zoning Code have 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 2. That existing Section 1403-05, “Land Use Regulations,” of the Cincinnati Municipal Code is hereby repealed.

Section 3. That new Section 1403-08, “Two-, Three-, and Four-Family Restoration,” of the Cincinnati Municipal Code is hereby ordained to read as follows:

**§ 1403-08. Two-, Three-, and Four-Family Restoration.**

(a) *Two-Family Homes.* An existing single-family dwelling may be restored to use as a two-family dwelling when it is established to the satisfaction of the Zoning Administrator that the building was once legally established and used as a two-family dwelling.

(b) *Three-Family Homes.* An existing single-family or two-family dwelling may be restored to use as a three-family dwelling when it is established to the satisfaction of the Zoning Administrator that the building was once legally established and used as a three-family dwelling.

(c) *Four-Family Homes.* An existing single-family, two-family, or three-family dwelling may be restored to use as a four-family dwelling when it is established to the satisfaction of the Zoning Administrator that the building was once legally established and used as a four-family dwelling.

(d) *Standards.* The restoration of a building to two-, three-, or four-family use pursuant to subsection (a-c) is subject to the following standards:

- (1) The restoration shall not be required to conform to minimum lot area, lot width, front yard, side yard, rear yard, or maximum height requirements; provided, however, that any addition to, or expansion of, the existing building must conform to those requirements.
- (2) Additional parking spaces shall not be required pursuant to § 1425-19, "Off-Street Parking and Loading Requirements," as a result in the increase of dwelling units caused by the restoration.

(e) *Legal Conforming Use.* The restoration of a building to two-, three-, or four-family use pursuant to subsection (a-c) shall constitute a permitted and legal conforming use of property.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

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