



# City of Cincinnati

801 Plum Street  
Cincinnati, Ohio 45202

## CALENDAR

### Cincinnati City Council

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Wednesday, November 10, 2021

2:00 PM

Council Chambers, Room 300

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#### ROLL CALL

#### PRAYER AND PLEDGE OF ALLEGIANCE

#### FILING OF THE JOURNAL

#### MS. KEARNEY

1. [202103082](#) **MOTION**, submitted by Councilmember Kearney, **WE MOVE** for City Council to allocate \$6,000 from a source identified by the City Administration to the Whitney Strong Foundation to provide "Save a Life" training to local community organizations.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** Kearney

#### CITY MANAGER

2. [202103062](#) **REPORT**, dated 11/10/2021, submitted by Paula Boggs Muething, City Manager, regarding Special Event Permit Application for LIGHT UP THE SQUARE.

**Recommendation** FILE

**Sponsors:** City Manager

3. [202103064](#) **REPORT**, dated 11/10/2021, submitted by Paula Boggs Muething, City Manager, regarding Special Event Permit Application for USA VS MEXICO BLOCK WATCH PARTY.

**Recommendation** FILE

**Sponsors:** City Manager

4. [202103067](#) **REPORT**, dated 11/10/2021 submitted by Paula Boggs Muething, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for DEME KITCHEN LLC, DBA DEME KITCHEN, 627 Main Street 1st fl, Cincinnati, Ohio 45202. (#20696270005, D5J, D6, TRANSFER) [Objections: NONE]

**Recommendation** FILE

**Sponsors:** City Manager

5. [202103068](#) **REPORT**, dated 11/10/2021 submitted by Paula Boggs Muething, City Manager, on a communication from the State of Ohio, Division of Liquor

Control, advising of a permit application for GOODFELLA OTR LLC, DBA GOODFELLAS PIZZARIA, 1211 Main Street 1st & 2nd fl, Cincinnati, Ohio 45202. (#3276200, D5, D6, TRANSFER) [Objections: NONE]

**Recommendation** FILE

**Sponsors:** City Manager

6. [202103069](#) **REPORT**, dated 11/10/2021 submitted by Paula Boggs Muething, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for SPEEDWAY LLC, DBA SPEEDWAY1026, 3 E. North Bend Road, Cincinnati Ohio 45216. (#84189942080, C1, C2, TRANSFER) [Objections: NONE]

**Recommendation** FILE

**Sponsors:** City Manager

7. [202103072](#) **APPOINTMENT**, dated 11/10/2021, submitted by Paula Boggs Muething, City Manager, regarding the appointment of Joshua McMullen to the Board of Examiners of Plumbers.

**Recommendation** HOLD ONE WEEK PURSUANT TO THE RULES OF COUNCIL

**Sponsors:** City Manager

8. [202103074](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 11/10/2021, **AUTHORIZING** the City Manager to execute a *Grant of Easement* in favor of Textile Partners, LLC, pursuant to which the City of Cincinnati will grant an aerial encroachment easement above portions of Elm, West Fourth, and McFarland Streets in the Central Business District.

**Recommendation** ECONOMIC GROWTH & ZONING COMMITTEE

**Sponsors:** City Manager

## CLERK OF COUNCIL

9. [202103079](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent J. Douglas Moormann, Vice President, Development Strategies Group, 700 Walnut Street, Suite 450, Cincinnati, Ohio 45202. (QUEEN CITY HILLS DEVELOPMENT GROUP)

**Recommendation** FILE

**Sponsors:** Clerk of Council

10. [202103080](#) **COMMUNICATION**, submitted by the Clerk of Council, from Pat Keefe, regarding a petition from Jeremy Seebohm, Assistant City Attorney, to petition the Cincinnati City Council to bury the utility lines on Baum Street.

**Recommendation** FILE

**Sponsors:** Clerk of Council

11. [202103083](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Anna Sesler, Senior Advisor, Government Strategies Group, 700 Walnut Street, Suite 450, Cincinnati, Ohio 45202. (TERMINATION)

**Recommendation** FILE

**Sponsors:** Clerk of Council

## NEIGHBORHOODS COMMITTEE



12. [202103059](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 11/3/2021, **RENAMING** the portion of Missouri Avenue located north of Newell Place and south of Rushton Road in the Columbia Tusculum neighborhood as “Flinn Avenue.”

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

13. [202103065](#) **ORDINANCE (EMERGENCY) (B VERSION)**, dated 11/2/2021, submitted by Vice Mayor Smitherman, **DECLARING** that Vine Street at Liberty Street hereby receives the honorary, secondary name of Clifford William George Way and that Liberty Street at Vine hereby receives the honorary, secondary named of Canine Bandit Way in memory of Cincinnati Police Officer Clifford William George and Canine Bandit, and in recognition of their service to the City of Cincinnati.

**Recommendation** PASS EMERGENCY

**Sponsors:** Smitherman

## BUDGET AND FINANCE COMMITTEE

14. [202103020](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 10/27/2021, **AUTHORIZING** the Greater Cincinnati Water Works to accept the donation of certain water quality measurement equipment, namely a YSI MultiLab 4010-2W, IDS ProOBOD, and IDS 4130 pH electrode with pH buffer, for use by the Greater Cincinnati Water Works with an estimated value of \$3,000.

**Recommendation** PASS

**Sponsors:** City Manager

15. [202103021](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 10/27/2021, **AUTHORIZING** the payment of \$68,189.04 as a moral obligation to Western Nursing Services for temporary services provided to the Cincinnati Health Department for the positions of Customer Relations Representative, Community Health Worker, and Epidemiologist; and **AUTHORIZING** the Finance Director to make a payment of \$68,189.04 to Western Nursing Services from the Cincinnati Health Department's operating budget account nos. 395x265x2110x7297, 395x265x3110x7297, 395x265x5110x7297, 395x265x6110x7297, 395x265x7110x7297, 350x263x6110x7297, and 395x265x1110x7297

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

16. [202103023](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 10/27/2021, **AUTHORIZING** the City Manager to accept and appropriate a cash donation in the amount of \$15,000 from St. Rose Catholic Church for the purpose of providing resources for the construction of a shared parking lot located near 2501 Riverside Drive in the East End; and **AUTHORIZING** the Finance Director to deposit the donated funds into capital improvement program project account no. 980x199x211900, “Outdoor Facilities Renovation.”

Recommendation

PASS EMERGENCY

Sponsors:

City Manager

17. [202103024](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 10/27/2021, **AUTHORIZING** the establishment of new capital improvement program project account no. 980x261x222609, "Health Center Infrastructure Support Grant," for the purpose of accepting resources to expand and renovate Cincinnati Health Department ("CHD") infrastructure; **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in an amount of up to \$1,000,000 from the United States Department of Health and Human Services, Health Resources and Services Administration, assistance listing 93.526, to newly established capital improvement program project account no. 980x261x222609, "Health Center Infrastructure Support Grant," for the purpose of expanding and renovating CHD infrastructure.

Recommendation PASSSponsors:

City Manager

18. [202103026](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 10/27/2021, **Authorizing** the City Manager to accept and appropriate a donation totaling \$4,980 from the Cincinnati Board of Park Commissioners' Fund; **AUTHORIZING** the Finance Director to deposit the resources into Parks Private Endowments and Donations Fund 430; and **AUTHORIZING** the payment of \$4,980 from Parks Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x203x2059x7288 as a moral obligation to WebFEAT for payment of outstanding charges for services received by the Cincinnati Park Board for website hosting.

Recommendation PASS EMERGENCYSponsors:

City Manager

19. [202103043](#) **MOTION, (AMENDED)**, submitted by Councilmember Kearney, **WE MOVE** for the City Administration to prepare a report on acquiring funding for an infrastructure project on Westwood Northern Blvd from Baltimore Ave to McHenry Ave, in order to increase the pedestrian safety of Roll Hill School students. Funding sources in the report should include but not be limited to the Ohio Department of Transportation's and the Ohio-Kentucky-Indiana Regional Council of Governments' Safe Routes to School programs. **WE MOVE that Item 1 (202103043) be amended to also include a meeting of all relevant parties including by not limited to: Cincinnati Public Schools, Cincinnati Police Department, Department of Transportation and Engineering, and the relevant Community Councils. (STATEMENT ATTACHED)**

Recommendation ADOPTSponsors:

Kearney

20. [202103053](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 11/3/2021, **ACCEPTING AND CONFIRMING** the grant of permanent public utility easements in favor of the City of Cincinnati for stormwater sewers, appurtenances, fixtures, and equipment in and upon certain real property located north of River Road in Riverside.

**Recommendation** PASS

**Sponsors:** City Manager

21. [202103056](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 11/3/2021, **AUTHORIZING** the City Manager to execute a Grant of Easement in favor of Almira Alim Darden, pursuant to which the City of Cincinnati will grant an encroachment easement upon a portion of Storrs Street in Lower Price Hill.

**Recommendation** PASS

**Sponsors:** City Manager

22. [202103061](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 11/3/2021, **MODIFYING** Section 324-7, "Scope and Effective Period of Chapter," of Chapter 324, "Minority and Women Business Enterprise Programs," of the Cincinnati Municipal Code to extend the effective period of Chapter 324 to allow time for a new disparity study to be completed.

**Recommendation** PASS

**Sponsors:** City Manager

23. [202103081](#) **ORDINANCE (EMERGENCY), (B VERSION)**, submitted by Paula Boggs Muething, City Manager, on 11/3/2021, **AUTHORIZING** the City Manager to execute and implement the labor management agreement between the City of Cincinnati and the American Federation of State, County and Municipal Employees, Locals 190, 223, 240, 250, 1543, and 3119, the updated terms of which are reflected in the summary attached hereto.

**Recommendation** PASS EMERGENCY

**Sponsors:** Budget and Finance Committee

## SUPPLEMENTAL ITEMS

### LAW & PUBLIC SAFETY COMMITTEE

24. [202103048](#) **MOTION**, submitted by Councilmembers Landsman and Kearney, In an effort to further protect citizens and acknowledge constituent concerns, **WE MOVE** that the Administration looks into the placement of additional stop signs at the following locations: *Middleton and Lafayette (Clifton)*, *Hanfield and Gordon (Northside)*, *Pitts and Chase (Downtown Business District)*, *Teakwood and Devonwood (College Hill)*, and *Mad Anthony and Knowlton (Northside)*. (STATEMENT ATTACHED)

**Recommendation** ADOPT

**Sponsors:** Landsman

25. [202103054](#) **ORDINANCE**, dated 10/28/2021, submitted by Councilmember Landsman, from Andrew Garth, City Solicitor, **MODIFYING** the provisions of Chapter 871, "Landlord-Tenant Relationships," of Title VIII, "Business Regulations," of the Cincinnati Municipal Code, by **AMENDING** Section 871-9, "Obligations of Landlords and Tenants," to recognize the right of tenants living in residential rental properties to assert payment of past due rent as a defense in any forcible entry and detainer (eviction) action filed on the basis of nonpayment of rent.

Recommendation PASS

Sponsors: Landsman

## ECONOMIC GROWTH & ZONING COMMITTEE

26. [202102920](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 10/13/2021, **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.

Recommendation PASS EMERGENCY

Sponsors: City Manager

27. [202102926](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 10/13/2021, **AMENDING** the official zoning map of the City of Cincinnati to align the boundaries of certain portions of the CG-A, "Commercial General Auto-Oriented," zoning district and Planned Development District No. 64, "Oakley Station," in the Oakley neighborhood with the curvature of Disney Street and its intersection with Jared Ellis Drive.

Recommendation PASS EMERGENCY

Sponsors: City Manager

28. [202102999](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 10/20/2021, **AUTHORIZING** the real property located at 4870 Winton Road in the Spring Grove Village neighborhood to be developed and used as a day care center NOTWITHSTANDING the use limitations contained chapter 1403, "Single-Family," and Section 1405, "Residential Multi-Family," of the Cincinnati Municipal Code and any other applicable zoning regulations that would restrict the property's development and use as a day care center.

**Recommendation** PASS

**Sponsors:** City Manager

## **EQUITY, INCLUSION, YOUTH, & THE ARTS COMMITTEE**

29. [202103055](#) **ORDINANCE**, dated 10/28/2021, submitted by Councilmember Seelbach, from Andrew Garth, City Solicitor, **MODIFYING** the provisions of Chapter 407, "Public Vehicles," Chapter 408, "Drivers' Licenses for Public Vehicles," Chapter 510, "Assemblages and Parades," Chapter 765, "Special Events," and Chapter 850, "Advertising of Tobacco Products" of the Cincinnati Municipal Code by AMENDING Section 407-1-P1, "Public Vehicle," Section 407-3, "License Fees for Public Vehicles," Section 407-5, "Application for License," Section 407-30, "Uninsured and Underinsured Motorist Coverage Insurance," Section 407-35, "Insignia," Section 407-55, "Rates of Fare for Limousines, Pedicabs, Tour Vehicles, Low Speed Vehicles, and Animal-Drawn Carriages," Section 407-69, "Rates To Be Filed With Director," Section 407-71, "Rate Card or Rate Information to be Reviewable by Passengers," Section 407-83, "Illegal Use of Hotel or Bus Zones," Section 407-107, "Equipment Requirements," Section 407-117-A, "Animal-Drawn Carriage and Pedicab Stands," Section 407-125, "Rules and Regulations," Section 408, "Driver's License for Public Vehicles," Section 408-1, "Application and Digital Identification Permit," Section 408-3, "Driver's License Fee," Section 408-5, "Examination of Applicant," Section 408-7, "Issuance or Denial of License," Section 408-25, "Smoking Prohibited," Section 408-45, "Rules and Regulations," Section 510-3, "Special Parades Requiring Permits," Section 765-11, "Required Terms and Conditions," and Section 850-1-P3, "Public Vehicle"; ORDAINING new Section 407-12, "Animal-Drawn Carriages,"; and REPEALING in their entirety Section 407-137, "Litter Control for Animal-Drawn Carriages," Section 407-139, "Dimensions for Animal-Drawn Carriages," and Section 407-143, "Veterinarian's Certificate Required," to prohibit the use of animal-drawn carriages for commercial purposes.

**Recommendation** PASS

**Sponsors:** Seelbach

## **ANNOUNCEMENTS**

Adjournment

# City of Cincinnati



801 Plum Street, Suite 346-A  
Cincinnati, Ohio 45202

Phone (513) 352-5205  
Email [Jan-Michele.Kearney@cincinnati-oh.gov](mailto:Jan-Michele.Kearney@cincinnati-oh.gov)  
Web [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)

**Jan-Michele Lemon Kearney**  
*Councilmember*

November 8, 2021

## MOTION

WE MOVE for City Council to allocate \$6,000 from a source identified by the City Administration to the Whitney Strong Foundation to provide "Save a Life" training to local community organizations.

  
\_\_\_\_\_  
Councilmember Jan-Michele Lemon Kearney

## STATEMENT

See attached information.

Law & Public Safety

JB

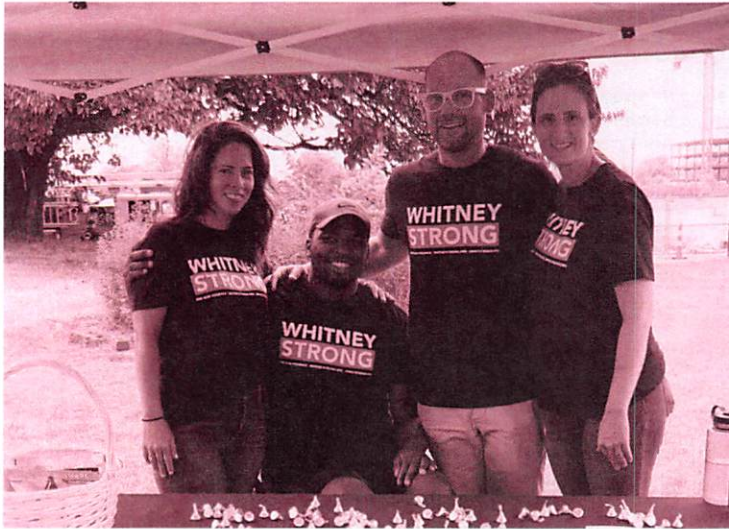




**W/S**  
WHITNEY/STRONG



**1N5**



**Whitney/Strong's mission** is to realize fewer lives impacted by gun violence through advocating and executing responsible gun ownership. We are proud to partner with Christ Emmanuel Christian Fellowship, 1N5, Project ChildSafe, and the Cincinnati Police Department to provide training and resources to help reduce firearm death and injury.

**You can learn more about our organization and the miraculous survival story behind it by visiting [WhitneyStrong.org](https://WhitneyStrong.org) or by following on social media:**



@whitstrongorg

## Firearm Suicide Statistics

- Suicide is the 10th leading cause of death in the United States\*
- On average, there are 132 suicides per day in the United States\*
- In 2018, 1,555 people died of gun violence in Ohio\*\*
  - 962 died to firearm suicide
  - 48 of those were 18 and younger

\*American Foundation of Suicide Prevention (AFSP)

\*\*WISQARS, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control

# What can you do?



## Learn the warning signs/risk factors

- Lost interest in things they once enjoyed
- Low energy/sleeping too much/too little
- Isolated socially/avoids social interactions
- Engages in self-harm behaviors or researching ways to harm themselves
- Increase in drug/alcohol use
- Difficulty concentrating
- Decreased academic performance
- Acting irritable, anxious or reckless, or displaying mood swings

- Talking about:
  - Wanting to die or kill oneself – thoughts of suicide
  - Feeling hopeless or having no reason to live
  - Feeling trapped or in unbearable pain
  - Being a burden to others, saying goodbye
  - Fears weight gain and/or diets and exercises obsessively

**Do not wait for symptoms to appear to begin conversations about mental wellness. Encourage strategies for healthy living.**



## Start The Conversation – How To:

1. Set up a time & place — Pick a comfortable, relaxed time to talk
2. Be direct — Let them know you've been noticing a change in their behavior, be honest
3. Listen — Listen carefully to their response and look for any warning signs, let the person explain how they are feeling without passing judgement
4. Respond empathetically — Emphasize that you want to support the person, let them know you recognize and respect their feelings



## Protective Factors Can Help

- Caring relationship with a trusted adult
- Sense of connection or participation in school
- Positive self-esteem and good coping skills
- Access to care for emotional & physical problems or for substance abuse disorders



## Safely Store Firearms

Studies have shown a decreased risk for self-inflicted injury among adolescents when guns are stored safely.<sup>\*\*\*</sup>

### What do we mean by safe storage?

Safe storage means all guns are stored in a locked gun safe, cabinet or case, locked in a gun rack or stored with a cable lock (like the one provided in this kit). Ammunition should be locked in a separate location.



## Know Your Resources

### Visit:

- Your Primary Care Provider or Pediatrician
- Mental Health Professional
- Walk-in Clinic
- Emergency Department
- Urgent Care Center

### Find a Mental Health Provider:

- [findtreatment.samhsa.gov](http://findtreatment.samhsa.gov)
- [Mentalhealthamerica.net/finding-help](http://Mentalhealthamerica.net/finding-help)

### Access the National Suicide Prevention Lifeline:

1-800-273-TALK (8255)  
[Suicidepreventionlifeline.org](http://Suicidepreventionlifeline.org)

**Text HELLO** to 741741  
(Free, 24/7, confidential crisis support by text.)

**Call 911** for emergencies

### Local Ohio Resources

**Psychiatric Intake Response Center:**  
(PIRC) at Children's Hospital  
(513) 636-4124

**Find a mental health professional:**  
[www.mindpeacecincinnati.org](http://www.mindpeacecincinnati.org)

**Mental Health Access Point (MHAP):**  
[www.mentalhealthaccesspoint.org](http://www.mentalhealthaccesspoint.org)  
(513) 558-8888

<sup>\*\*\*</sup>Council on Injury, Violence, and Poison Prevention Executive Committee. Firearm-related Injuries Affected the Pediatric Population, American Academy of Pediatrics 2012.



Date: 11/10/2021

To: Mayor and Members of City Council 202103062  
From: Paula Boggs Muething, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: Light up the Square**

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In accordance with Cincinnati Municipal Code, Chapter 765; 3CDC has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering. There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Light up the Square  
EVENT SPONSOR/PRODUCER: 3CDC  
CONTACT PERSON: Chelsea Brown  
LOCATION: 520 Vine Street (Fountain Square)  
DATE(S) AND TIME(S): November 26th, 2021 5:00PM to 11:30PM  
EVENT DESCRIPTION: Party to celebrate the lighting of the Holiday Tree on Fountain Square  
ANTICIPATED ATTENDANCE: 15,000  
ALCOHOL SALES: ☒ YES. ☐ NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: The F8 on Fountain Square permits sales on 5<sup>th</sup> Street.

cc: Colonel Eliot K. Isaac, Police Chief

Date: 11/10/2021

To: Mayor and Members of City Council 202103064  
From: Paula Boggs Muething, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: USA vs Mexico Block Watch Party**

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In accordance with Cincinnati Municipal Code, Chapter 765; Lori Salzarulo has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering. There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: USA vs Mexico Block Watch Party  
EVENT SPONSOR/PRODUCER: Banks Community Authority  
CONTACT PERSON: Lori Salzarulo  
LOCATION: Freedom Way from Joe Nuxhall Way to Rosa Parks Dr.  
DATE(S) AND TIME(S): November 12th, 2021 7:00PM to 11:00PM  
EVENT DESCRIPTION: Block Party to watch USA vs Mexico soccer game.  
ANTICIPATED ATTENDANCE: 500  
ALCOHOL SALES: ☐ YES. ☒ NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS:

cc: Colonel Eliot K. Isaac, Police Chief

**Date:** November 10, 2021

**To:** Mayor and Members of City Council

202103067

**From:** Paula Boggs Muething, City Manager

**Subject:** Liquor License – Transfer of Ownership

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***FINAL RECOMMENDATION REPORT***

**OBJECTIONS:** None

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

**APPLICATION:** 20696270005  
**PERMIT TYPE:** TRFO  
**CLASS:** D5J D6  
**NAME:** DEME KITCHEN LLC  
**DBA:** DEME KITCHEN  
627 MAIN ST 1<sup>ST</sup> FL  
CINCINNATI, OH 45202

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On September 23, 2021, Downtown Residents Council was notified of this application and do not object.

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Police Department Approval

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David M. Laing, Assistant City Prosecutor  
Law Department - Recommendation  
☐ Objection      ☐ No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 16, 2021

**Date:** November 10, 2021

**To:** Mayor and Members of City Council  
**From:** Paula Boggs Muething, City Manager  
**Subject:** **Liquor License – Transfer of Stock**

202103068

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***FINAL RECOMMENDATION REPORT***

**OBJECTIONS:** None

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

**APPLICATION:** 3276200  
**PERMIT TYPE:** STCK  
**CLASS:** D5 D6  
**NAME:** GOODFELLA OTR LLC  
**DBA:** GOODFELLAS PIZZERIA  
1211 MAIN ST  
1<sup>ST</sup> & 2<sup>ND</sup> FL  
CINCINNATI, OH 45202

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On September 20, 2021, Over-the-Rhine Community Council was notified of this application and do not object.

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Police Department Approval

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David M. Laing, Assistant City Prosecutor  
Law Department - Recommendation  
☐ Objection ☐ No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 10, 2021

**Date:** November 10, 2021

**To:** Mayor and Members of City Council  
**From:** Paula Boggs Muething, City Manager  
**Subject:** **Liquor License – Transfer of Stock**

202103069

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***FINAL RECOMMENDATION REPORT***

**OBJECTIONS:** None

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

**APPLICATION:** 84189942080  
**PERMIT TYPE:** STCK  
**CLASS:** C1 C2  
**NAME:** SPEEDWAY LLC  
**DBA:** SPEEDWAY 1026  
3 E NORTH BEND RD  
CINCINNATI, OH 45216

On September 27, 2021, Hartwell Improvement Association was notified of this application and do not object.

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Police Department Approval

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David M. Laing, Assistant City Prosecutor  
Law Department - Recommendation  
☐ Objection ☐ No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 19, 2021



November 10, 2021

To: Mayor and Members of Council

From: Paula Boggs Muething, City Manager

**202103072**

Subject: Appointment to the Board of Examiners of Plumbers – Joshua McMullen

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The Administration is requesting the appointment of Joshua McMullen to the Board of Examiners of Plumbers. Mr. McMullen has over eight years of experience in the plumbing profession and has been serving as an instructor, covering various areas of the field, since 2019.

With the approval of City Council, the Administration will proceed with this appointment, which will be for a term of five years. Mr. McMullen's resume is attached for your information.

Attachment

## OBJECTIVE

To obtain a seat on the Cincinnati Plumbing Committee.

## EXPERIENCE

### JOURNEYMAN PLUMBER

### NELSON STARK

2019 - Present Day

#### Point of Contact

Todd Elliot

I have worked on all phases of new construction and remodel projects on Commercial and Industrial projects. I was temporarily assigned to a service/small projects van for the first few months of the covid-19 pandemic. I have currently ran some smaller jobs and have ran crews on larger jobs. I am being groomed to run work for Nelson Stark.

### INSTRUCTOR

### LOCAL 392 JATC

2019 - PRESENT DAY

#### Point of Contact

Matt Taylor

Last year I instructed soldering and brazing and 5th year Ohio Code/Drawing review. This year I plan to teach Transit and Excavation Class, 2 Kentucky Code Classes, and the 5th year Plumbing/Drawing Classes.

### PLUMBING APPRENTICE

### NELSON STARK

2015 - 2019

#### Point of Contact

Todd Elliot

I worked on all phases of new construction and remodel projects on commercial and Industrial Projects. I distinguished my self as being reliable, detailed, knowledgeable and having a good work ethic. I was trusted to work with very little supervision.

### INSURANCE AGENT

### AUTON INSURANCE

2012-2015

#### Point of Contact

Michael Walker

I sold and serviced property and casualty policies for people and businesses. This job required good organization, communication skills, and good risk assessment.

### CAR SALESMAN

### SUPERIOR HYUNDAI NORTH

2007 - 2012

#### Point of Contact

Dale Bryant

I sold new and used vehicles. This job required good communication skills, organization, sales skills, and product knowledge. I helped bring people and cars together, negotiated pricing, navigated financing challenges, and made sure the customer was happy.

### PLUMBING APPRENTICE

### MASTER PLUMBING

2004 - 2007

#### POINT OF CONTACT

RICK REEDER

I worked on all phases of residential plumbing, new construction, remodel and service.

### FIRE TEAM LEADER

### UNITED STATES MARINE CORPS

1999 - 2003

#### POINT OF CONTACT

BRENT WASCHE

It was responsible to carry out all of my squad leader's orders and insure the combat readiness of my men and their equipment.

## CAREER SKILLS

- Journeyman Plumbing License in Cincinnati.
- State Backflow Certificate.
- Medical Gas License
- UA Forman Training
- CPR Certified
- Strong Leadership Skills
- Strong Communication Skills

## EDUCATION

### JOURNEYMAN PLUMBING COURSE

### LOCAL 392 JATC

**2015 - 2019**

I graduated top of my class and I represented Local 392 in the state apprenticeship competition. I attained skills necessary to be a productive journeyman in the field.

### JOURNEYMAN PLUMBING COURSE

### CMPA

**2004 - 2007 (NOT COMPLETED)**

I was in the process of attaining skills needed to be a journeyman plumber before I withdrew from the program.

### PRE COLLEGE COURSES

### WAYNESVILLE HIGH SCHOOL

**1993 - 1997**

I graduated cum laude studying pre college courses focusing on physical sciences and math.

July 19th, 2021

Cincinnati Plumbing Committee

To the Cincinnati Plumbing Committee,

Jim Harris has suggested that I contact you regarding to the open position with the Cincinnati Plumbing Committee. My educational background in Plumbing, along with my professional experience, makes me an excellent candidate for this position.

As you will see from the enclosed resume, I have more than 8 years of experience in the field of Plumbing. My resume shows that I have been consistently rewarded for hard work with promotions and increased responsibilities. These rewards are a direct result of my expertise in plumbing, my commitment to personal and professional excellence, and my communication skills. If you have questions, or if you want to schedule and interview, please contact me at . I look forward to meeting you to further discussing the open seat on the Cincinnati Plumbing Committee.

YOURS SINCERELY,

Josh McMullen

Date: November 10, 2021

To: Mayor and Members of City Council 202103074  
From: Paula Boggs Muething, City Manager  
Subject: ORDINANCE – TEXTILE PARTNERS, LLC GRANT OF EASEMENT

---

Attached is an ordinance captioned as follows:

**AUTHORIZING** the City Manager to execute a *Grant of Easement* in favor of Textile Partners, LLC, pursuant to which the City of Cincinnati will grant an aerial encroachment easement above portions of Elm, West Fourth, and McFarland Streets in the Central Business District.

Textile Partners, LLC (“Grantee”) owns the property located at 205-209 West Fourth Street in the Central Business District and has requested aerial encroachment easement for a projection, namely a cornice, encroaching above portions the Elm Street, West Fourth Street, and McFarland Street public right-of-way.

The City has determined that granting the easement to Grantee is not adverse to the City’s retained interest in the public right-of-way.

The fair market value of the easements is approximately \$9,500 which Grantee has agreed to pay.

The City Planning Commission approved the easements at its meeting on October 15, 2021.

The Administration recommends passage of the attached ordinance.

Attachment I – Grant of Encroachment Easements

cc: John S. Brazina, Director, Transportation and Engineering

# City of Cincinnati

CHM

BWL

## An Ordinance No. \_\_\_\_\_

- 2021

**AUTHORIZING** the City Manager to execute a *Grant of Easement* in favor of Textile Partners, LLC, pursuant to which the City of Cincinnati will grant an aerial encroachment easement above portions of Elm, West Fourth, and McFarland Streets in the Central Business District.

WHEREAS, Textile Partners, LLC, an Ohio limited liability company (“Grantee”), owns certain real property located at 205-209 West Fourth Street in the Central Business District; and

WHEREAS, the City of Cincinnati owns the adjoining Elm, West Fourth, and McFarland Streets public rights-of-way (the “Property”), which Property is under the management of the City’s Department of Transportation and Engineering (“DOT”); and

WHEREAS, Grantee has requested an aerial encroachment easement from the City for a projection encroaching upon portions of the Property, namely a cornice, as more particularly depicted and described in the *Grant of Easement* attached to this ordinance as Attachment A and incorporated herein by reference; and

WHEREAS, the City Manager, in consultation with DOT, has determined (i) that granting the easement to Grantee is not adverse to the City’s retained interest in the Property; and (ii) that granting the easement will not have an adverse effect on the usability or accessibility of any existing transportation facilities located within the public rights-of-way; and

WHEREAS, pursuant to Cincinnati Municipal Code Sec. 331-5, the City Council may authorize the encumbrance of City-owned property without competitive bidding in those cases in which it determines that it is in the best interest of the City; and

WHEREAS, the City’s Real Estate Services Division has determined by an appraisal that the fair market value of the easement is approximately \$9,500, which Grantee has agreed to pay; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on October 15, 2021; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute a *Grant of Easement* in favor of Textile Partners, LLC, an Ohio limited liability company (“Grantee”), owner of the property located at 205-209 West Fourth Street in the Central Business District, in substantially

the form attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City of Cincinnati will grant to Grantee an aerial encroachment easement for a cornice located above the Elm, West Fourth, and McFarland Streets public rights-of-way (the "Property").

Section 2. That granting the easement to Grantee (i) is not adverse to the City's retained interest in the Property; and (ii) will not have an adverse effect on the usability or accessibility of any existing transportation facilities located within the public rights-of-way.

Section 3. That it is in the best interest of the City to grant the easement without competitive bidding because, as a practical matter, no one other than Grantee, an adjoining property owner, would have any use for the easement.

Section 4. That the fair market value of the easement, as determined by appraisal by the City's Real Estate Services Division, is approximately \$9,500, which Grantee has agreed to pay.

Section 5. That the proceeds from the *Grant of Easement* shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City's Real Estate Services Division in connection with the easement, and that the City's Finance Director is hereby authorized to deposit amounts in excess thereof, if any, into Miscellaneous Permanent Improvement Fund 757.

Section 6. That the City's Finance Director is authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233xYY2306, "Street Improvements," in which "YY" represents the last two digits of the fiscal year in which the closing occurs and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

Section 7. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms of the *Grant of Easement*, including, without limitation, executing any and all ancillary agreements, plats, and other real estate documents.

Section 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

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



ATTACHMENT A

-----  
[SPACE ABOVE FOR RECORDER'S USE]

## GRANT OF EASEMENT

(aerial encroachment over portions of Elm, West Fourth, and McFarland Streets)

This Grant of Easement is granted as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), in favor of **TEXTILE PARTNERS, LLC**, an Ohio limited liability company, the address of which is 3299 K Street, NW Suite 700, Washington, DC 20007 ("**Grantee**").

### Recitals:

A. By virtue of a *Receiver's Deed* dated January 4, 2019, Grantee holds title to certain real property located at 205-209 West Fourth Street, Cincinnati, OH 45202, as more particularly described on Exhibit A (*Legal Description – Benefitted Property*) and depicted on Exhibit B (*Survey Plat*) hereto (the "**Benefitted Property**").

B. The City owns the adjoining Elm, West Fourth, and McFarland Streets public rights-of-way, which are under the management of the City's Department of Transportation and Engineering ("**DOT**").

C. Grantee has requested the City to grant an easement for a projection encroaching upon the Elm, West Fourth, and McFarland Streets public rights-of-way, i.e., a cornice (the "**Improvement**").

D. The City Manager, in consultation with DOT, has determined that (i) the easement will not have an adverse effect on the City's retained interest in the Elm, West Fourth, and McFarland Streets public rights-of-way, and (ii) granting the easement will not have an adverse effect on the usability or accessibility of any existing Elm, West Fourth, and McFarland Streets public rights-of-way facilities.

E. The City's Real Estate Services Division has determined that the fair market value of the easement, as determined by professional appraisal, is \$9,500, which has been deposited with the Real Estate Services Division.

F. Pursuant to Cincinnati Municipal Code Sec. 331-5, the City has determined that it is in the best interest of the City to grant the easement without competitive bidding because, as a practical matter, no one other than Grantee, an adjoining property owner, would have any use for the easement.

G. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on October 15, 2021.

H. Cincinnati City Council approved the easement by Ordinance No. \_\_\_\_-2021, passed on \_\_\_\_\_, 2021.

NOW THEREFORE, the parties do hereby agree as follows:

1. Grant of Easement. The City does hereby grant to Grantee, on the terms and conditions set forth herein, as an appurtenance to and for the benefit of the Benefitted Property, a non-exclusive aerial encroachment easement to maintain, repair, reconstruct, replace, and remove the Improvement over the Elm, West Fourth, and McFarland Streets public rights-of-way, as more particularly depicted on Exhibit B hereto (the "**Aerial Easement**" or "**Aerial Easement Area**", as applicable). Grantee shall not make any modifications to the Improvement without the City's prior written consent.

2. Termination. Notwithstanding anything herein to the contrary, the Aerial Easement shall automatically terminate upon (i) the complete demolition of the Improvement within the Aerial Easement Area, such that the Aerial Easement would be rendered unnecessary; (ii) upon written notice from the City, if the City determines that it needs the Aerial Easement Area, or any portion thereof for a municipal purpose, including, without limitation to the implementation of Americans with Disabilities Act ("**ADA**") regulations compliance or accessibility standards; (iii) or upon written notice from the City if the City determines that the Improvement is creating a public safety issue, such as noncompliance with ADA accessibility regulations, contributing to adverse impacts on the usability or accessibility of any public right-of-way facilities.

3. Construction; Maintenance and Repairs.

(A) Construction. The Improvement shall be constructed and maintained in accordance with the plans and specifications approved by DOTE, and in accordance with applicable code standards. Once installed, Grantee shall not make any enlargements or other modifications to the Improvement without DOTE's prior written consent.

(B) Maintenance and Repairs. Following installation, at no cost to the City, Grantee shall maintain the Improvement in a continuous state of good and safe condition and repair. Grantee acknowledges that there may be existing easements, utility lines, and related facilities in the vicinity of the Aerial Easement Area ("**Third-Party Utility Lines**"). In connection with Grantee's construction, maintenance, repair, and use of the Improvement, Grantee shall not interfere with the access of utility companies to maintain and repair the Third-Party Utility Lines and shall, at Grantee's expense, promptly repair any and all damage to Third-Party Utility Lines caused by Grantee, its agents, employees, contractors, subcontractors, tenants, licensees, or invitees. Any relocation of Third-Party Utility Lines necessitated by the maintenance, repair, reconstruction, or removal of the Improvement under this instrument shall be handled entirely at Grantee's expense. All activities undertaken by Grantee under this instrument shall be in compliance with all applicable codes, laws, and other governmental standards, policies, guidelines and requirements.

4. Insurance; Indemnification. At all times, and in addition to whatever other insurance and bond requirements as the City may from time to time require, Grantee shall maintain or cause to be maintained a policy of Commercial General Liability insurance, with an insurance company reasonably acceptable to the City and naming the City as an additional insured, in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, or in such greater amount as the City may from time to time require. Grantee shall furnish to the City a certificate of insurance evidencing such insurance upon the City's request and, in any event, prior to undertaking any construction activities within the Aerial Easement Area. Grantee hereby waives all claims and rights of recovery against the City, and on behalf of Grantee's insurers, rights of subrogation, in connection with any damage to the Improvement, no matter how caused. Grantee shall defend (with counsel reasonably acceptable to the City), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including without limitation reasonable attorneys' fees), liability and damages

suffered or incurred by, or asserted against, the City in connection with the construction, maintenance, repair or all other matters associated with the Improvement.

5. Default. If Grantee, its successors-in-interest, or assigns fail to perform any required work under this instrument and fails to address the same to DOTE's satisfaction within thirty (30) days after receiving written notice thereof from DOTE, the City shall have right to perform such work, at Grantee's expense, payable within ten (10) days after receiving an invoice from DOTE evidencing the amount due. Grantee, its successors-in-interest, or assigns shall be liable to DOTE for the payment of such work. Any outstanding amount due under this instrument shall create a lien on the Benefitted Property until fully paid. At the City's option, the City may file an affidavit in the Hamilton County, Ohio Recorder's office to memorialize any outstanding amounts due under this instrument.

6. Covenants Running with the Land. The provisions hereof shall run with the land and shall inure to the benefit of and be binding upon the City, Grantee, and their respective successors-in-interest and assigns.

7. Governing Law; Severability. This instrument shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. If any provisions hereof are determined to be invalid or unenforceable by a court of law, the remainder of this instrument shall not be affected thereby, and all other provisions of this instrument shall be valid and enforceable to the fullest extent permitted by law.

8. Notices. All notices given hereunder shall be in writing and shall be sent by U.S. certified or registered mail, return receipt requested, or delivered by a recognized courier service, or by personal delivery, to the parties at their respective addresses set forth in the introductory paragraph hereof or such other address as either party may specify from time to time by notice given in the manner prescribed herein. All notices to the City shall be addressed to the Office of the City Manager, and a copy of each such notice shall simultaneously be delivered to: Department of Transportation and Engineering, Attn: Director, Room 450. In the event of an alleged breach by the City of this instrument, a copy of each notice of breach shall simultaneously be delivered to the Office of the City Solicitor, 801 Plum Street, Room 214, Cincinnati, OH 45202.

9. Coordinated Report Conditions (CR #54-2021). The following additional conditions shall apply: None.

10. Counterparts and Electronic Signatures. This instrument may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original. This instrument may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

11. Exhibits. The following exhibits are attached hereto and made a part hereof:  
Exhibit A – *Legal Description - Benefitted Property*  
Exhibit B – *Survey Plat*

[ Signature Page Follows ]

Executed by the parties on the respective date of acknowledgement listed below, effective as the later of such dates (the "**Effective Date**").

**CITY OF CINCINNATI**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF OHIO                     )  
  ) ss:  
COUNTY OF HAMILTON         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021 by \_\_\_\_\_, the \_\_\_\_\_ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

Approved by:

\_\_\_\_\_  
John S. Brazina, Director  
Department of Transportation and Engineering

Approved as to Form by:

\_\_\_\_\_  
Assistant City Solicitor

[ *Grantee Signature Page Follows* ]

ACCEPTED AND AGREED TO BY:

**TEXTILE PARTNERS, LLC,**  
an Ohio limited liability company

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2021

STATE OF OHIO                     )  
  ) ss:  
COUNTY OF HAMILTON         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021 by \_\_\_\_\_, the \_\_\_\_\_ of **TEXTILE PARTNERS, LLC**, an Ohio limited liability company, on behalf of the company. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

This instrument prepared by:  
City of Cincinnati Law Department  
801 Plum Street, Suite 214  
Cincinnati, OH 45202

**EXHIBIT A**

to Grant of Easement

***LEGAL DESCRIPTION - BENEFITTED PROPERTY***

**Situated in the City of Cincinnati, County of Hamilton and State of Ohio:**

**Situated in Section 18, Town 4, Fractional Range 1, Miami Purchase in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:**

**Beginning at a point in the intersection of the South line of Fourth Street and the West line of Elm Street;**

**Thence with the West line of said Elm Street South 16 deg. 00' East to a distance of 169.00 feet to a point in the North line of McFarland Street;**

**Thence with the North line of said McFarland Street South 74 deg. 17' West and a distance of 135.49 feet to a point said point being the Southeast corner of Registered Land Certificate Number 36985;**

**Thence along the East line of the said Registered Land Parcel the following 3 courses:**

**North 16 deg. 00' West and a distance of 84.50 feet to a point;**

**North 74 deg. 23' East and a distance of 35.43 feet to a point;**

**North 16 deg. 00' West and a distance of 84.73 feet to a point in the South line of said Fourth Street;**

**Thence along the South line of said Fourth Street North 74 deg. 23' East 100.06 feet to the point of beginning.**

**Being all of Lots 27, 28, 29, 30, 40, 41, 42 and Part of Lots 31 & 43 of William McFarland Sub Square 2 as recorded in Deed Book H, Pages 78-79.**

**Property Address: 205-209 West Fourth Street, Cincinnati, OH**





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[SPACE ABOVE FOR RECORDER'S USE]

## GRANT OF EASEMENT

(aerial encroachment over portions of Elm, West Fourth, and McFarland Streets)

This Grant of Easement is granted as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), in favor of **TEXTILE PARTNERS, LLC**, an Ohio limited liability company, the address of which is 3299 K Street, NW Suite 700, Washington, DC 20007 ("**Grantee**").

### Recitals:

A. By virtue of a *Receiver's Deed* dated January 4, 2019, Grantee holds title to certain real property located at 205-209 West Fourth Street, Cincinnati, OH 45202, as more particularly described on Exhibit A (*Legal Description – Benefitted Property*) and depicted on Exhibit B (*Survey Plat*) hereto (the "**Benefitted Property**").

B. The City owns the adjoining Elm, West Fourth, and McFarland Streets public rights-of-way, which are under the management of the City's Department of Transportation and Engineering ("**DOTE**").

C. Grantee has requested the City to grant an easement for a projection encroaching upon the Elm, West Fourth, and McFarland Streets public rights-of-way, i.e., a cornice (the "**Improvement**").

D. The City Manager, in consultation with DOTE, has determined that (i) the easement will not have an adverse effect on the City's retained interest in the Elm, West Fourth, and McFarland Streets public rights-of-way, and (ii) granting the easement will not have an adverse effect on the usability or accessibility of any existing Elm, West Fourth, and McFarland Streets public rights-of-way facilities.

E. The City's Real Estate Services Division has determined that the fair market value of the easement, as determined by professional appraisal, is \$9,500, which has been deposited with the Real Estate Services Division.

F. Pursuant to Cincinnati Municipal Code Sec. 331-5, the City has determined that it is in the best interest of the City to grant the easement without competitive bidding because, as a practical matter, no one other than Grantee, an adjoining property owner, would have any use for the easement.

G. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on October 15, 2021.

H. Cincinnati City Council approved the easement by Ordinance No. \_\_\_\_-2021, passed on \_\_\_\_\_, 2021.

NOW THEREFORE, the parties do hereby agree as follows:

1. Grant of Easement. The City does hereby grant to Grantee, on the terms and conditions set forth herein, as an appurtenance to and for the benefit of the Benefitted Property, a non-exclusive aerial encroachment easement to maintain, repair, reconstruct, replace, and remove the Improvement over the Elm, West Fourth, and McFarland Streets public rights-of-way, as more particularly depicted on Exhibit B hereto (the “**Aerial Easement**” or “**Aerial Easement Area**”, as applicable). Grantee shall not make any modifications to the Improvement without the City’s prior written consent.

2. Termination. Notwithstanding anything herein to the contrary, the Aerial Easement shall automatically terminate upon (i) the complete demolition of the Improvement within the Aerial Easement Area, such that the Aerial Easement would be rendered unnecessary; (ii) upon written notice from the City, if the City determines that it needs the Aerial Easement Area, or any portion thereof for a municipal purpose, including, without limitation to the implementation of Americans with Disabilities Act (“**ADA**”) regulations compliance or accessibility standards; (iii) or upon written notice from the City if the City determines that the Improvement is creating a public safety issue, such as noncompliance with ADA accessibility regulations, contributing to adverse impacts on the usability or accessibility of any public right-of-way facilities.

3. Construction; Maintenance and Repairs.

(A) Construction. The Improvement shall be constructed and maintained in accordance with the plans and specifications approved by DOTE, and in accordance with applicable code standards. Once installed, Grantee shall not make any enlargements or other modifications to the Improvement without DOTE’s prior written consent.

(B) Maintenance and Repairs. Following installation, at no cost to the City, Grantee shall maintain the Improvement in a continuous state of good and safe condition and repair. Grantee acknowledges that there may be existing easements, utility lines, and related facilities in the vicinity of the Aerial Easement Area (“**Third-Party Utility Lines**”). In connection with Grantee’s construction, maintenance, repair, and use of the Improvement, Grantee shall not interfere with the access of utility companies to maintain and repair the Third-Party Utility Lines and shall, at Grantee’s expense, promptly repair any and all damage to Third-Party Utility Lines caused by Grantee, its agents, employees, contractors, subcontractors, tenants, licensees, or invitees. Any relocation of Third-Party Utility Lines necessitated by the maintenance, repair, reconstruction, or removal of the Improvement under this instrument shall be handled entirely at Grantee’s expense. All activities undertaken by Grantee under this instrument shall be in compliance with all applicable codes, laws, and other governmental standards, policies, guidelines and requirements.

4. Insurance; Indemnification. At all times, and in addition to whatever other insurance and bond requirements as the City may from time to time require, Grantee shall maintain or cause to be maintained a policy of Commercial General Liability insurance, with an insurance company reasonably acceptable to the City and naming the City as an additional insured, in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, or in such greater amount as the City may from time to time require. Grantee shall furnish to the City a certificate of insurance evidencing such insurance upon the City’s request and, in any event, prior to undertaking any construction activities within the Aerial Easement Area. Grantee hereby waives all claims and rights of recovery against the City, and on behalf of Grantee’s insurers, rights of subrogation, in connection with any damage to the Improvement, no matter how caused. Grantee shall defend (with counsel reasonably acceptable to the City), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including without limitation reasonable attorneys’ fees), liability and damages

suffered or incurred by, or asserted against, the City in connection with the construction, maintenance, repair or all other matters associated with the Improvement.

5. Default. If Grantee, its successors-in-interest, or assigns fail to perform any required work under this instrument and fails to address the same to DOTE's satisfaction within thirty (30) days after receiving written notice thereof from DOTE, the City shall have right to perform such work, at Grantee's expense, payable within ten (10) days after receiving an invoice from DOTE evidencing the amount due. Grantee, its successors-in-interest, or assigns shall be liable to DOTE for the payment of such work. Any outstanding amount due under this instrument shall create a lien on the Benefitted Property until fully paid. At the City's option, the City may file an affidavit in the Hamilton County, Ohio Recorder's office to memorialize any outstanding amounts due under this instrument.

6. Covenants Running with the Land. The provisions hereof shall run with the land and shall inure to the benefit of and be binding upon the City, Grantee, and their respective successors-in-interest and assigns.

7. Governing Law; Severability. This instrument shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. If any provisions hereof are determined to be invalid or unenforceable by a court of law, the remainder of this instrument shall not be affected thereby, and all other provisions of this instrument shall be valid and enforceable to the fullest extent permitted by law.

8. Notices. All notices given hereunder shall be in writing and shall be sent by U.S. certified or registered mail, return receipt requested, or delivered by a recognized courier service, or by personal delivery, to the parties at their respective addresses set forth in the introductory paragraph hereof or such other address as either party may specify from time to time by notice given in the manner prescribed herein. All notices to the City shall be addressed to the Office of the City Manager, and a copy of each such notice shall simultaneously be delivered to: Department of Transportation and Engineering, Attn: Director, Room 450. In the event of an alleged breach by the City of this instrument, a copy of each notice of breach shall simultaneously be delivered to the Office of the City Solicitor, 801 Plum Street, Room 214, Cincinnati, OH 45202.

9. Coordinated Report Conditions (CR #54-2021). The following additional conditions shall apply: None.

10. Counterparts and Electronic Signatures. This instrument may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original. This instrument may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

11. Exhibits. The following exhibits are attached hereto and made a part hereof:  
Exhibit A – *Legal Description - Benefitted Property*  
Exhibit B – *Survey Plat*

[ Signature Page Follows ]

Executed by the parties on the respective date of acknowledgement listed below, effective as the later of such dates (the "**Effective Date**").

**CITY OF CINCINNATI**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF OHIO                     )  
  ) ss:  
COUNTY OF HAMILTON         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021 by \_\_\_\_\_, the \_\_\_\_\_ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

Approved by:

\_\_\_\_\_  
John S. Brazina, Director  
Department of Transportation and Engineering

Approved as to Form by:

\_\_\_\_\_  
Assistant City Solicitor

[ *Grantee Signature Page Follows* ]

ACCEPTED AND AGREED TO BY:

**TEXTILE PARTNERS, LLC,**  
an Ohio limited liability company

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2021

STATE OF OHIO                     )  
  ) ss:  
COUNTY OF HAMILTON         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021 by \_\_\_\_\_, the \_\_\_\_\_ of **TEXTILE PARTNERS, LLC**, an Ohio limited liability company, on behalf of the company. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

This instrument prepared by:  
City of Cincinnati Law Department  
801 Plum Street, Suite 214  
Cincinnati, OH 45202

**EXHIBIT A**

to Grant of Easement

*LEGAL DESCRIPTION - BENEFITTED PROPERTY*

Situated in the City of Cincinnati, County of Hamilton and State of Ohio:

Situated in Section 18, Town 4, Fractional Range 1, Miami Purchase in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Beginning at a point in the intersection of the South line of Fourth Street and the West line of Elm Street;

Thence with the West line of said Elm Street South 16 deg. 00' East to a distance of 169.00 feet to a point in the North line of McFarland Street;

Thence with the North line of said McFarland Street South 74 deg. 17' West and a distance of 135.49 feet to a point said point being the Southeast corner of Registered Land Certificate Number 36985;

Thence along the East line of the said Registered Land Parcel the following 3 courses:

North 16 deg. 00' West and a distance of 84.50 feet to a point;

North 74 deg. 23' East and a distance of 35.43 feet to a point;

North 16 deg. 00' West and a distance of 84.73 feet to a point in the South line of said Fourth Street;

Thence along the South line of said Fourth Street North 74 deg. 23' East 100.06 feet to the point of beginning.

Being all of Lots 27, 28, 29, 30, 40, 41, 42 and Part of Lots 31 & 43 of William McFarland Sub Square 2 as recorded in Deed Book H, Pages 78-79.

Property Address: 205-209 West Fourth Street, Cincinnati, OH

*Survey Plat*



Clerk of Council  
801 Plum Street  
Suite 308  
Cincinnati, Ohio 45202  
October 12, 2021

Cincinnati City Clerk-Council:

Please find the completed petition that was sent to the residents of Baum Street by Jeremy Seebohm, Assistant City Attorney, to petition the Cincinnati City Council to bury the utilities lines on Baum Street.

All of the affected homeowners except one signed the petition. As Mr. Seebohm communicated to the homeowners, we needed signatures from at least 60% front footage or 75% of the owners of the areas to be assessed. We obtained both the 60% and 75% requirement.

I have been working on this project for close to three years. We had tentative approval several years ago, but the homeowners halted the process due to fixing a landslide on Baum. There were turnovers in owners of some of the homes and then there was COVID.

We recognize we are responsible for the total cost of the project and that cost will not be known until the bids are let. We have worked with Angie Strunc, Supervising Architect, Preliminary drawings have been done, but probably need to be reviewed to take into any changes required before the bids are let.

With the election of new City Council members in November, we recognize this petition may be delayed until the new council members are seated. As I have done previously, I will offer to meet with any council member or city employee that wants additional information. I will attend the council meeting if and when the petition is put on the agenda to answer any questions.

Again the homeowners on Baum Street will pay the TOTAL COST of the project. We reserve the right to review the final projected cost before we give final approval. Also the majority of the homeowners will opt to put their prorated cost of the project in their property taxes over 20 years. If you have any question please don't hesitate to call, text or email me

Sincerely yours,



Pat Keefe



09/11/2021 10:00 AM

09/11/2021 10:00 AM

We, the undersigned Petitioners, hereby petition the Cincinnati City Council to enact an ordinance providing for the construction of infrastructure necessary to underground existing overhead utilities and to provide for enhanced lighting, pursuant to Ohio Revised Code Section 727.06 and as further described below:

### STATEMENT IN SUPPORT

Baum Street, in the Cincinnati neighborhood of Mt. Adams, has expansive views overlooking the city from residential properties. Individual property owners between 386 and 406 Baum Street seek to underground existing overhead utilities that currently span between wood utility poles on the opposite side of the street which greatly detract from the overall view and aesthetic value of the residential properties. The residents of Baum Street already enjoy partial areas of utilities being buried underground that run between 384 and 325 Baum Street as well as an open green space area managed by the Cincinnati Parks Board.

In addition to the undergrounding of utilities, two new decorative lights will be installed to assist in both lighting the street and the park. This enhanced lighting will increase the overall aesthetics of the green space and add additional lighting for residents walking in the park or with their pets in the evenings.

The residents have been working with individual City administrators and department staff for a number of years to achieve our utility undergrounding goals and enhance our residential properties. After much consideration, the use of the special assessment pursuant to Ohio Revised Code Chapter 727 was determined as the most efficient course of action.

### PETITION

The Petitioners hereby request that the City of Cincinnati design, bid, and construct the infrastructure necessary to underground existing overhead utilities and to install the two new decorative streetlights between 386 and 406 Baum Street, and assess the Owners of the properties benefitted thereby for the total sum over a period of not less than twenty (20) years or the estimated useful life of the improvement, whichever is less, pursuant to the O.R.C. 727.11; provided further however, that the City provide benefitted property owners with the option of paying off their portion of the costs once the assessment is established. Petitioners additionally request that prior to any final determination to proceed with the project, that the Petitioners be notified of the cost of the project, and a public meeting be held to hear the Petitioners' views on the project as proposed.

STATUTORY REQUIREMENTS

Pursuant to O.R.C. 727.06, the owners representing a total of 209.28 feet of frontage of the area to be improved on Baum Street (60% of 348.8 total feet of frontage) have subscribed their names below. Owners who do not wish to join this Petition are indicated by blank signature lines below.

Respectfully Submitted,

Said Nabhan, Owner\*

[Redacted]



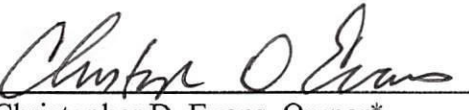
Jagroop K. Mavi, Owner

[Redacted]



Cheryl C. Dean, Trustee, Owner

[Redacted]



Christopher D. Evans, Owner\*

[Redacted]



Ian Pinales, Owner\*

[Redacted]



Martin E. Wilz, Owner\*

[Redacted]

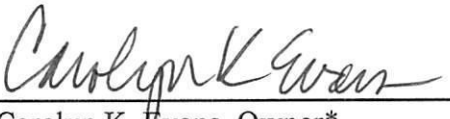


Robert J. Ries, Owner\*

[Redacted]

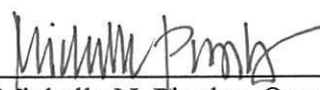
Mona Choueiry, Owner\*

[Redacted]




Carolyn K. Evans, Owner\*

[Redacted]



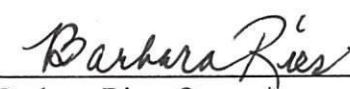
Michelle N. Pinales, Owner\*

[Redacted]



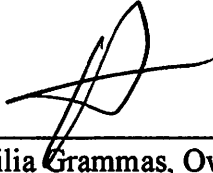
Dionysia Savas, Owner\*

[Redacted]



Barbara Ries, Owner\*

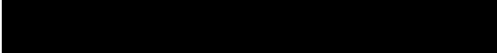
[Redacted]



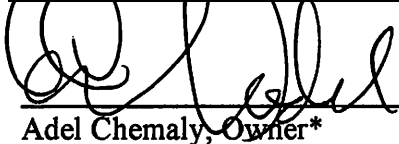
Ahilia Grammas, Owner\*



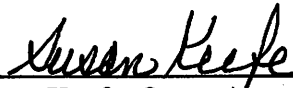
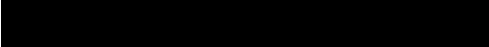
CA Venture Funding LLC, Owner  
(by its authorized manager/member)



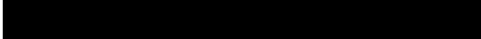
Patrick Keefe, Owner\*



Adel Chemaly, Owner\*



Susan Keefe, Owner\*



Anna Maria Chemaly, Owner\*



\*a property owned by two or more persons, e.g. a married couple, must have the signatures of all owners to have its frontage counted towards meeting the statutory requirements

November 3, 2021

**To:** Mayor and Members of City Council **202103059**  
**From:** Paula Boggs Muething, City Manager  
**Subject:** Emergency Ordinance – Renaming a portion of Missouri Avenue to Flinn Avenue in Columbia Tusculum

---

Transmitted is an Emergency Ordinance captioned:

**RENAMING** the portion of Missouri Avenue located north of Newell Place and south of Rushton Road in the Columbia Tusculum neighborhood as “Flinn Avenue.”

The City Planning Commission recommended approval of the emergency ordinance at its October 15, 2021, meeting.

Summary

In accordance with the City of Cincinnati Committee of Names, Procedure for Processing Proposals for the naming or renaming of City Facilities and streets, as empowered by Resolution 16-2003, a request to rename the western portion of Missouri Avenue to Flinn Avenue has been submitted for consideration: The Committee of Names voted in favor August 2021 to the renaming of Missouri Avenue to Flinn Avenue.

A request to rename a portion of Missouri Avenue in Columbia Tusculum was received from the Department of Transportation and Engineering (DOTE) and the Emergency Contact Center (ECC - 911) in early 2021. By changing the name of Missouri Avenue, between Newell Place and Rushton Road, the homes can keep their current address numbers, which do not follow the set address range of the rest of Missouri Avenue. As shown on the map, Missouri Avenue forms a “U” and the eastern portion of the street will remain the same.

The proposed street name is “Flinn Avenue”. This name was chosen with help from staff at the Cincinnati History Library and Archives at the Cincinnati Museum Center. Cincinnati’s first neighborhood, “Columbia,” was founded in 1788 by Benjamin Stites. The first wedding that took place was in 1790, between Jane Newell and James Flinn. Taking into consideration this historical significance, the intersection of this street with Newell Place, and being that there is no other street in Hamilton County with this name, Flinn Avenue was chosen to be the new street name. The proposed renaming is consistent with Plan Cincinnati (2012) and the Columbia Tusculum Community Council has decided to not take a position on this proposal. The City Planning Commission recommended the following on October 15, 2021, to City Council:

The City Planning Commission recommended the following on October 15, 2021, to City Council:

**APPROVE** the street name change of the western portion of Missouri Avenue to Flinn Avenue Columbia Tusculum.

cc: Katherine Keough-Jurs, AICP, Director, Department of City Planning and Engagement

EMERGENCY

City of Cincinnati

JRS

AWB

An Ordinance No. \_\_\_\_\_

- 2021

**RENAMING** the portion of Missouri Avenue located north of Newell Place and south of Rushton Road in the Columbia Tusculum neighborhood as “Flinn Avenue.”

WHEREAS, the Department of Transportation and Engineering and the Emergency Communication Center have proposed renaming the portion of Missouri Avenue located north of Newell Place and south of Rushton Road in the Columbia Tusculum neighborhood as “Flinn Avenue” to provide for improved emergency responses in the area; and

WHEREAS, the name “Flinn Avenue” was chosen following consultation with the Cincinnati Historic Library and Archives at the Cincinnati Museum Center, which advised that the first wedding in Cincinnati’s first neighborhood, Columbia, occurred in 1790 between Jane Newell and James Flinn in proximity to present day Newell Place; and

WHEREAS, requests to rename streets are considered pursuant to Council Resolution No. 16-2003, which calls for requests to be reviewed by the Committee of Names and the City Planning Commission prior to approval by the Council; and

WHEREAS, notification of the proposed renaming was circulated among the property owners along the portion of Missouri Avenue subject to the renaming, and no objections were received; and

WHEREAS, the Committee of Names met in August 2021 and, after considering the request to rename a portion of Missouri Avenue to Flinn Avenue, recommended approval of the name change; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on October 15, 2021, considered the request to rename a portion of Missouri Avenue to Flinn Avenue, and it recommended approval of the name change; and

WHEREAS, the Council finds that renaming the portion of Missouri Avenue located north of Newell Place and south of Rushton Road in the Columbia Tusculum neighborhood as Flinn Avenue to be in the best interests of the City and the general public’s health, safety, and welfare; now, therefore,

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

Section 1. That the portion of Missouri Avenue located north of Newell Place and south of Rushton Road in the Columbia Tusculum neighborhood, as depicted on the map attached hereto as Exhibit A and incorporated herein by reference, is hereby renamed "Flinn Avenue."

Section 2. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions and intent of this ordinance, including the fabrication and installation of street signage in accordance with the Department of Transportation and Engineering's policies and procedures.

Section 3. 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 allow the Department of Transportation and Engineering to move forward with the administrative requirements related to the naming of streets to provide for improved emergency responses in the area at the earliest time.

Passed: \_\_\_\_\_, 2021

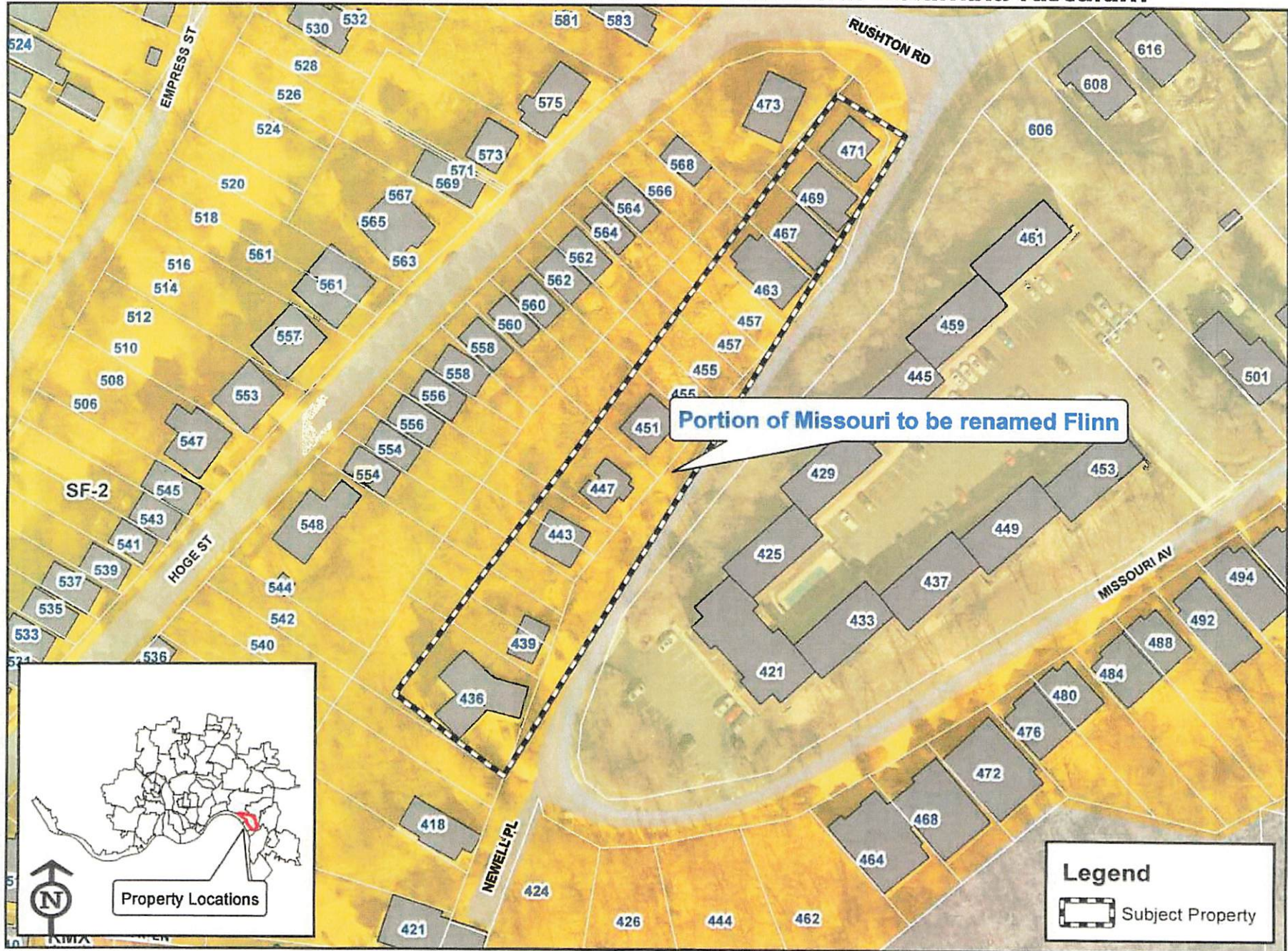
\_\_\_\_\_  
John Cranley, Mayor

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

**EXHIBIT A**

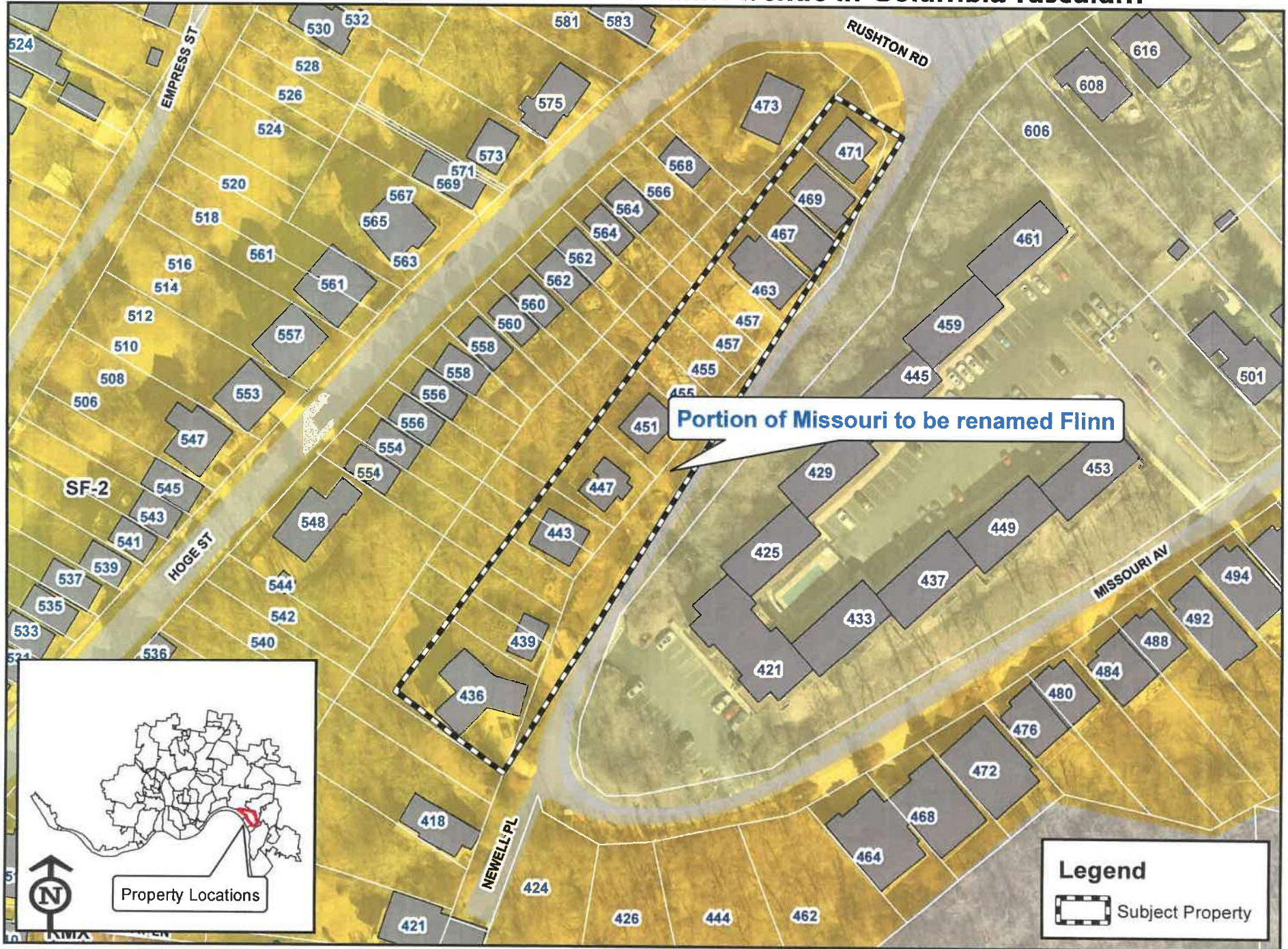


## Ex.A - Rename Missouri Avenue to Flinn Avenue in Columbia Tusculum





## Ex.A - Rename Missouri Avenue to Flinn Avenue in Columbia Tusculum





**Honorable City Planning Commission  
Cincinnati, Ohio**

**October 15, 2021**

**SUBJECT:** A report and recommendation on a proposed street name change of the western portion of Missouri Avenue to Flinn Avenue in Columbia Tusculum.

**BACKGROUND:**

A request to rename a portion of Missouri Avenue in Columbia Tusculum was received from the Department of Transportation and Engineering (DOT) and the Emergency Communications Center (ECC - 911) in early 2021. By changing the name of Missouri Avenue, between Newell Place and Rushton Road, the homes can keep their current address numbers, which do not follow the set address range of the rest of Missouri Avenue. As shown on the map, Missouri Avenue forms a “U” and the eastern portion of the street will remain the same.

As the 911 Public Safety Answering Point for the City of Cincinnati, it is critically important to the ECC that addresses clearly and accurately convey the location of a building or property, and that the addresses will be within DOT addressing guidelines. During an emergency call, heightened stress makes it difficult for callers to articulate their location. Sometimes, they are only able to provide the nearest posted address. When an address does not follow a logical addressing plan, 911 Operators may not send help to the best location, or Police and Fire responders may be unable to find the person needing help. Making this change could make a positive difference during a future emergency.

The proposed street name is “Flinn Avenue”. This name was chosen with help from staff at the Cincinnati History Library and Archives at the Cincinnati Museum Center. Cincinnati’s first neighborhood, “Columbia,” was founded in 1788 by Benjamin Stites. The first wedding that took place was in 1790, between Jane Newell and James Flinn. Taking into consideration this historical significance, the intersection of this street with Newell Place, and being that there is no other street in Hamilton County with this name, Flinn Avenue was chosen to be the new street name.

**COMMITTEE OF NAMES:**

In accordance with the City of Cincinnati Committee of Names, Procedure for Processing Proposals for the naming or renaming of City Facilities, as empowered by resolution 16-2003, a request to change the name of the following street has been submitted for consideration:

1. The renaming of the western portion of Missouri Avenue to Flinn Avenue in Columbia Tusculum.

The Committee of Names voted unanimously in late August 2021, to support the name change to Flinn Avenue. The Committee of Names is recommending to the Director of City Planning and Engagement to change this portion of Missouri Avenue to Flinn Avenue.

**PROCEDURE:**

Pursuant to Section III, E of the Committee of Names Procedure for Processing Proposals: The Director of City Planning and Engagement shall consider the Committee of Names’ vote and recommendation and make a recommendation to the City Planning Commission. The Director is not

bound by the Committee's recommendation. The City Planning Commission shall consider the Director's recommendation and pursuant to its advisory powers under Article VII Section 9 of the City Charter, make a recommendation to City Council, together with any necessary and appropriate legislation.

**NOTIFICATION:**

Upon receiving the request, the Department of City Planning and Engagement staff sent out notices on August 16, 2021 to all the property owners and residents along the one block stretch of the western portion of Missouri Avenue via Certified Mail seeking feedback and providing contact information if there were questions or comments. 16 letters were sent out to the property owners. 4 were returned with a signature and 3 letters were returned as undeliverable. For 9 of the letters there was no return and no signature. This mailing was in addition to two previous mailings that were sent out by DOTE. There has been no opposition to the street name change to-date. The Columbia Tusculum Community Council was also notified. Staff received questions from the President, but the Community Council has decided not to take a position on the matter.

**CONSISTENCY WITH PLAN CINCINNATI:**

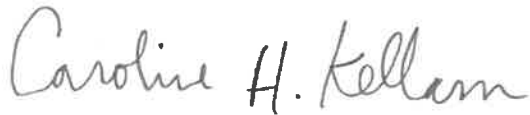
The proposed street name change is consistent with the Collaborate Initiative Area of *Plan Cincinnati* (2012), "to cooperate internally and externally to improve service efficiency" (page 217).

**RECOMMENDATION:**

The staff of the Department of City Planning and Engagement, after considering all relevant correspondence and Committee of Names, recommends that the City Planning Commission take the following action:

**APPROVE** the street name change of the western portion of Missouri Avenue to Flinn Avenue in Columbia Tusculum.

Respectfully submitted:



Caroline Hardy Kellam, Senior City Planner  
Department of City Planning and Engagement

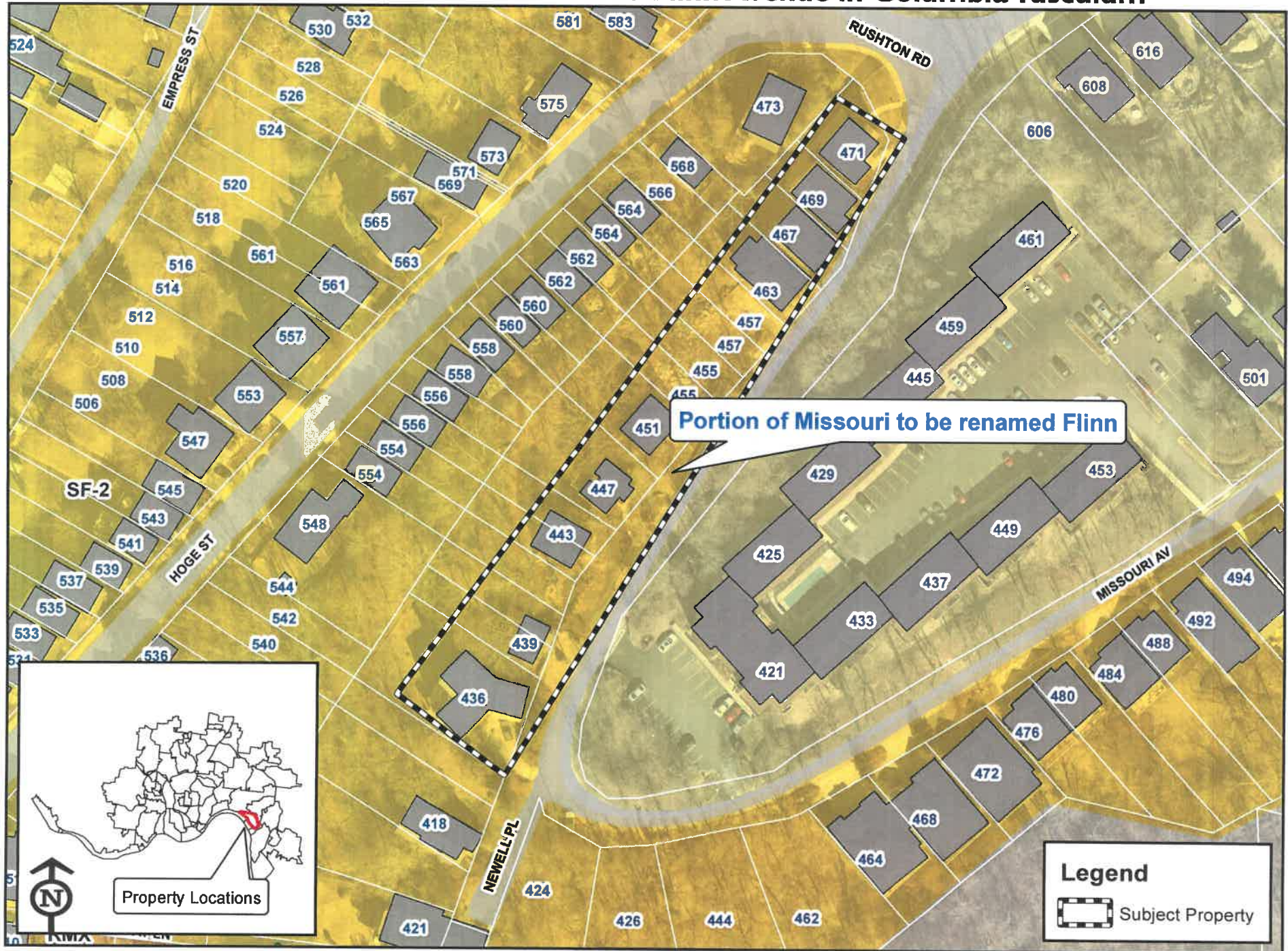
Approved:



Katherine Keough-Jurs, AICP, Director  
Department of City Planning and Engagement



## Ex.A - Rename Missouri Avenue to Flinn Avenue in Columbia Tusculum



September 11, 2020

Chris Ertel  
City of Cincinnati  
Department of Transportation & Engineering  
801 Plum Street, Suite 420  
Cincinnati, OH 45202

Dear Mr. Ertel,

I am writing to express agreement with the proposal to make changes to either the address numbers or the street name to resolve the issue with addressing, so that they are within proper DOTE addressing guidelines:

- Missouri Av

As the 9-1-1 Public Safety Answering Point for the City of Cincinnati, it is critically important to the Emergency Communications Center that addresses clearly and accurately convey the location of a building or property, and that the addresses be within DOTE addressing guidelines.

During an emergency call, heightened stress makes it difficult for callers to articulate their location. Sometimes, they are only able to provide the nearest posted address. When an address does not follow a logical addressing plan, 9-1-1 Operators may not send help to the best location, or Police and Fire responders may be unable to find the person needing help.

Making this change could make a positive difference during a future emergency.

Sincerely,



William F. Vedra III, ECC Director



November 3, 2021

Cincinnati City Council  
Council Chambers, City Hall  
Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith an Emergency Ordinance captioned as follows:

**RENAMING** the portion of Missouri Avenue located north of Newell Place and south of Rushton Road in the Columbia Tusculum neighborhood of Cincinnati as "Flinn Avenue."

The City Planning Commission recommended approval of the emergency ordinance at its October 15, 2021, meeting.

**Summary:**

In accordance with the City of Cincinnati Committee of Names, Procedure for Processing Proposals for the naming or renaming of City Facilities and streets, as empowered by Resolution 16-2003, a request to rename the western portion of Missouri Avenue to Flinn Avenue has been submitted for consideration: The Committee of Names voted in favor August 2021 to the renaming of Missouri Avenue to Flinn Avenue.

A request to rename a portion of Missouri Avenue in Columbia Tusculum was received from the Department of Transportation and Engineering (DOTE) and the Emergency Contact Center (ECC - 911) in early 2021. By changing the name of Missouri Avenue, between Newell Place and Rushton Road, the homes can keep their current address numbers, which do not follow the set address range of the rest of Missouri Avenue. As shown on the map, Missouri Avenue forms a "U" and the eastern portion of the street will remain the same.

The proposed street name is "Flinn Avenue". This name was chosen with help from staff at the Cincinnati History Library and Archives at the Cincinnati Museum Center. Cincinnati's first neighborhood, "Columbia," was founded in 1788 by Benjamin Stites. The first wedding that took place was in 1790, between Jane Newell and James Flinn. Taking into consideration this historical significance, the intersection of this street with Newell Place, and being that there is no other street in Hamilton County with this name, Flinn Avenue was chosen to be the new street name. The proposed renaming is consistent with Plan Cincinnati (2012) and the Columbia Tusculum Community Council has decided to not take a position on this proposal. The City Planning Commission recommended the following on October 15, 2021, to City Council:

**APPROVE** the street name change of the western portion of Missouri Avenue to Flinn Avenue in Columbia Tusculum.

Motion to Approve: Ms. Sesler

Ayes:

Mr. Juech  
Ms. McKinney  
Mr. Samad  
Ms. Sesler  
Mr. Smitherman  
Mr. Eby  
Mr. Stallworth

Seconded: Mr. Smitherman

THE CITY PLANNING COMMISSION



Katherine Keough-Jurs, AICP, Director  
Department of City Planning and Engagement

**Date:** November 2, 2021

**To:** Vice Mayor Christopher Smitherman  
**From:** Andrew Garth, City Solicitor *AWG*  
**Subject:** **Emergency Ordinance – Honorary Street Name Clifford William George Way and Canine Bandit Way (B VERSION)**

---

Transmitted herewith is an emergency ordinance captioned as follows:

**DECLARING** that Vine Street at Liberty Street hereby receives the honorary, secondary name of Clifford William George Way and that Liberty Street at Vine hereby receives the honorary, secondary name of Canine Bandit Way in memory of Cincinnati Police Officer Clifford William George and Canine Bandit, and in recognition of their service to the City of Cincinnati.

AWG/CFG/(lnk)  
Attachment  
351583v7



EMERGENCY

City of Cincinnati

CFG/B

AWB

An Ordinance No. \_\_\_\_\_

-2021

**DECLARING** that Vine Street at Liberty Street hereby receives the honorary, secondary name of Clifford William George Way and that Liberty Street at Vine hereby receives the honorary, secondary name of Canine Bandit Way in memory of Cincinnati Police Officer Clifford William George and Canine Bandit, and in recognition of their service to the City of Cincinnati.

WHEREAS, Officer Clifford William George was born on August 12, 1946, to parents Edward and Charlotte George of Walnut Hills; and

WHEREAS, he graduated from Central Adult High School in 1964 and began work assembling vehicles at the General Motors Assembly Plant in Norwood; and

WHEREAS, Officer George was drafted into the United States Army in January 1966, undergoing basic training and military police training at Fort Hood, Texas; and

WHEREAS, after his deployment to Vietnam, Officer George participated in combat, convoy escort, post and town patrol, POW security, and ammunition supply post duties; and

WHEREAS, Officer George was honorably discharged on October 12, 1967, having received medals for Good Conduct and Army Commendation, as well as a Vietnam Service Award; and

WHEREAS, after returning to Cincinnati, Officer George joined management at General Motors, and attended the University of Cincinnati, majoring in industrial management; and

WHEREAS, on October 24, 1971, Officer George joined the Cincinnati Police Department as a police recruit, and was promoted to patrolman on March 12, 1972, receiving Badge 339 and assignment at District 4; and

WHEREAS, in 1977 he transferred to the Regional Enforcement of Narcotics Unit (RENU), and in 1983 completed an Instructor Development Course at the Federal Bureau of Investigation; and

WHEREAS, on January 18, 1987, Officer George transferred to District 5; and

WHEREAS, on April 16, 1987, Officer George lost his life in the line of duty while attempting to arrest a suspect involved in a domestic dispute; and

WHEREAS, Officer George was survived by his wife, Barbara (Johnson) George, and three children, Jennifer Lynn George (age 15), Paige Alexandra George (age 12), and Jeffrey Michael George (age 8), and a sister, Janice Matinus; and

WHEREAS, Officer George was a very involved father and admired in his community of Springfield Township as a soccer coach; and

WHEREAS, in recognition of his service as a soccer coach, Springfield Township purchased land and created soccer fields now known as Clifford George Fields; and

WHEREAS, his daughter Jennifer has served as a Cincinnati police officer since 1998; his daughter Paige was a nurse at University Hospital, now residing in South Carolina; his son Jeffrey is a United States Marine; and his wife retired as the head of the information technology department of the Metropolitan Sewer District, also now residing in South Carolina; and

WHEREAS, Canine Bandit also responded to the scene of Officer's George's death, with his handler Officer Gerald Norton; and

WHEREAS, as trained, Canine Bandit lunged at the armed suspect who had begun to fire Officer George's revolver at Officer Norton and other responding officers; and

WHEREAS, Canine Bandit was struck by a bullet and killed at the scene; now, therefore,

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

Section 1. That Vine Street at Liberty Street shall hereby receive the honorary, secondary names of Clifford William George Way and that Liberty Street at Vine hereby receives the honorary, secondary name of Canine Bandit Way by legislative action of the Mayor and City Council in memory of Cincinnati Police Officer Clifford William George and Canine Bandit, and in recognition of their service to the City of Cincinnati.

Section 2. That the appropriate City officials are hereby authorized to do all things necessary and proper to implement the provisions of Section 1 herein, including the generation and installation of appropriate secondary street signage, which shall designate Vine Street at Liberty Street as Clifford William George Way and Liberty Street at Vine Street as Canine Bandit Way, in accordance with the Department of Transportation and Engineering's procedures relating to street designation and related signage.

Section 3. That a copy of this ordinance be sent to the family of Clifford William George via the office of Vice Mayor Christopher Smitherman and that a copy of this ordinance be sent to the Greater Cincinnati Police Museum and Sergeant Gerald Norton via the office of Vice Mayor Christopher Smitherman.

Section 4. 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 create signage for the naming ceremony, scheduled for November 12, 2021.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

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

**October 27, 2021**

To: Mayor and Members of City Council

**202103020**

From: Paula Boggs Muething, City Manager

**Subject: Ordinance – Accepting Donation of Equipment**

---


Attached is an Ordinance captioned:

**AUTHORIZING** the Greater Cincinnati Water Works to accept the donation of certain water quality measurement equipment, namely a YSI MultiLab 4010-2W, IDS ProOBOD, and IDS 4130 pH electrode with pH buffer, for use by the Greater Cincinnati Water Works with an estimated value of \$3,000.

While attending the Ohio Water Conference on behalf of GCWW, a GCWW employee won, as a raffle prize, a YSI MultiLab 4010-2W, IDS ProOBOD, and IDS 4130 pH electrode with pH buffer, with an estimated value of \$3,000. Pursuant to prior Law Department guidance on Ohio Ethics laws, the employee may not accept the prize, but, as a public agency, GCWW is not prohibited from accepting a raffle prize where said prize will be used by the department itself and not for any individual's personal use or benefit. As such, the City may accept this prize for departmental use by GCWW. This ordinance authorizes the acceptance of the donation of the water quality measurement equipment for the City's use in water quality analysis by GCWW.

The Administration recommends passage of this Ordinance.

cc: Andrew Dudas, Budget Director

Cathy B. Bailey, Executive Director/Greater Cincinnati Water Works 

**City of Cincinnati**  
**An Ordinance No. \_\_\_\_\_**

ALA

- 2021

*AWB*

**AUTHORIZING** the Greater Cincinnati Water Works to accept the donation of certain water quality measurement equipment, namely a YSI MultiLab 4010-2W, IDS ProOBOD, and IDS 4130 pH electrode with pH buffer, for use by the Greater Cincinnati Water Works with an estimated value of \$3,000.

WHEREAS, while attending the Ohio Water Conference, an employee of the City of Cincinnati's Greater Cincinnati Water Works (GCWW) won as a raffle prize certain equipment used to analyze water quality, namely, a YSI MultiLab 4010-2W, IDS ProOBOD, and IDS 4130 pH electrode with pH buffer; and

WHEREAS, said employee attended the Ohio Water Conference in the capacity of an employee of GCWW with registration paid for by the City of Cincinnati; and

WHEREAS, City Council wishes to acknowledge and gratefully accept the donation of said equipment with an estimated value of \$3,000 for GCWW water quality uses; now, therefore,

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

Section 1. That the City of Cincinnati hereby accepts, with gratitude, the donation of a YSI MultiLab 4010-2W, IDS ProOBOD, and IDS 4130 pH electrode with pH buffer.

Section 2. That the Director of the Greater Cincinnati Water Works is hereby authorized to accept said donation on behalf of the City of Cincinnati for the City's use in water quality analysis.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the provisions of Sections 1 and 2 hereof.

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

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

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



October 27, 2021

**To:** Mayor and Members of City Council 202103021

**From:** Paula Boggs Muething, City Manager

**Subject:** **Emergency Ordinance – Health: Moral Obligation Payment to Western Nursing Services**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the payment of \$68,189.04 as a moral obligation to Western Nursing Services for temporary services provided to the Cincinnati Health Department for the positions of Customer Relations Representative, Community Health Worker, and Epidemiologist; and **AUTHORIZING** the Finance Director to make a payment of \$68,189.04 to Western Nursing Services from the Cincinnati Health Department's operating budget account nos. 395x265x2110x7297, 395x265x3110x7297, 395x265x5110x7297, 395x265x6110x7297, 395x265x7110x7297, 350x263x6110x7297, and 395x265x1110x7297.

This Emergency Ordinance will authorize the payment of \$68,189.04 from the Cincinnati Health Department (CHD) as a moral obligation to Western Nursing Services for temporary services received for the positions of Customer Relations Representative, Community Health Worker, and Epidemiologist. This moral obligation payment is necessary due to not following Department of Human Resources procedures for requesting temporary positions. This process includes requesting approval in advance through the NEOGOV workforce management system from Human Resources, the Office of Budget and Evaluation, and the Office of Procurement prior to the start date of the temporary personnel. The Finance Department will not accept a certification request for temporary services without NEOGOV approval.

CHD has identified and resolved the issues which led to this oversight, and it is anticipated that improved communication within CHD and with the vendor will prevent similar situations in the future.

The Emergency Ordinance will also authorize the Director of Finance to make a payment from multiple accounts within the Cincinnati Health Department's operating budget as indicated on Attachment A.

The reason for the emergency is the immediate need to pay Western Nursing Services in a timely manner for temporary services received in 2021.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment

EMERGENCY

City of Cincinnati

CFG

BWL

An Ordinance No. \_\_\_\_\_

-2021

**AUTHORIZING** the payment of \$68,189.04 as a moral obligation to Western Nursing Services for temporary services provided to the Cincinnati Health Department for the positions of Customer Relations Representative, Community Health Worker, and Epidemiologist; and **AUTHORIZING** the Finance Director to make a payment of \$68,189.04 to Western Nursing Services from the Cincinnati Health Department's operating budget account nos. 395x265x2110x7297, 395x265x3110x7297, 395x265x5110x7297, 395x265x6110x7297, 395x265x7110x7297, 350x263x6110x7297, and 395x265x1110x7297.

WHEREAS, in 2021, Western Nursing Services provided temporary staffing services to the Cincinnati Health Department ("CHD") for the positions of Customer Relations Representative, Community Health Worker, and Epidemiologist; and

WHEREAS, Western Nursing Services has not been paid for these services despite having timely submitted invoices to CHD; and

WHEREAS, prior to the start date of the temporary employees, NEOGOV approval was not obtained from the City's departments of Human Resources, Budget, and Procurement; and

WHEREAS, the Finance Department will not accept a request for certification of funds for temporary services without NEOGOV approval; and

WHEREAS, sufficient funds are available from CHD's operating budget account nos. 395x265x2110x7297, 395x265x3110x7297, 395x265x5110x7297, 395x265x6110x7297, 395x265x7110x7297, 350x263x6110x7297, and 395x265x1110x7297; and

WHEREAS, CHD has identified and resolved the issues which led to this oversight, and it is anticipated that improved communication within CHD and with the vendor will prevent similar situations in the future; and

WHEREAS, City Council desires to provide payment for such services in the amount of \$68,189.04; now, therefore,

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

Section 1. That the Finance Director is authorized to make a payment of \$68,189.04 from the Cincinnati Health Department's operating budget account nos. 395x265x2110x7297, 395x265x3110x7297, 395x265x5110x7297, 395x265x6110x7297, 395x265x7110x7297,

350x263x6110x7297, and 395x265x1110x7297 to Western Nursing Services as a moral obligation of the City of Cincinnati for temporary services provided to the Cincinnati Health Department for the positions of Customer Service Representative, Community Health Worker, and Epidemiologist.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions of Section 1 hereof.

Section 3. 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 pay Western Nursing Services in a timely manner for temporary services received in 2021.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor John Cranley

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



Attachment A

Account	Amount
395x265x2110x7297	\$772.80
395x265x3110x7297	\$7,033.69
395x265x5110x7297	\$6,906.94
395x265x6110x7297	\$5,934.87
395x265x7110x7297	\$7,993.24
350x263x6110x7297	\$38,347.50
395x265x1110x7297	<u>\$1,200.00</u>
Total	<b>\$68,189.04</b>

October 27, 2021

**To:** Mayor and Members of City Council 202103023

**From:** Paula Boggs Muething, City Manager

**Subject:** **Emergency Ordinance – Recreation: Acceptance of Cash Donation from St. Rose Church**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to accept and appropriate a cash donation in the amount of \$15,000 from St. Rose Catholic Church for the purpose of providing resources for the construction of a shared parking lot located near 2501 Riverside Drive in the East End; and **AUTHORIZING** the Finance Director to deposit the donated funds into capital improvement program project account no. 980x199x211900, “Outdoor Facilities Renovation.”

This Emergency Ordinance authorizes the City Manager to accept and appropriate a cash donation from St. Rose Catholic Church in the amount of \$15,000 to capital improvement program project account no. 980x199x211900 “Outdoor Facilities Renovation” for the construction of a shared parking lot located near 2501 Riverside Drive in the East End. This Emergency Ordinance also declares the expenditures on the shared parking lot to serve a public purpose.

To address parking and draining issues near Bayou, Callahan, and Lumber Streets, Stormwater Management Utility (SMU), Department of Transportation and Engineering (DOTE) and the Cincinnati Recreation Commission (CRC) are working in conjunction to facilitate various improvements. St. Rose Catholic Church requested additional parking be added during this project and has offered a donation of \$15,000.

This project is necessary to ensure the proper drainage of Callahan Street. An adjacent parking area is shared by CRC and the church in the area of Leblond Park. The parking area will need to be significantly regraded and reconstructed during this project. The Street Rehabilitation Program will cover the reconstruction costs of a section of the parking lot as Callahan Street is reconstructed to make sure it drains properly. This project will renovate existing parking, correct drainage problems, and add additional parking spots for CRC users.

DOTE requested that \$25,000 be provided towards the project. St. Rose Catholic Church agreed to contribute \$15,000. The CRC will cover the remaining project balance of \$10,000 from existing capital resources available in capital improvement program project account no. 980x199x211900 “Outdoor Facilities Renovation”. There are no new FTEs associated with this donation.

This Emergency Ordinance is in accordance with the “Live goal to “Build a robust public life” “Collaborate” goal to “Unite our communities” as described on pages 149 and 210, respectively, of Plan Cincinnati (2012).

The reason for the emergency is the need to accept the donated funds at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment





EMERGENCY

City of Cincinnati

LES

BW6

An Ordinance No. \_\_\_\_\_

- 2021

AUTHORIZING the City Manager to accept and appropriate a cash donation in the amount of \$15,000 from St. Rose Catholic Church for the purpose of providing resources for the construction of a shared parking lot located near 2501 Riverside Drive in the East End; and AUTHORIZING the Finance Director to deposit the donated funds into capital improvement program project account no. 980x199x211900, "Outdoor Facilities Renovation."

WHEREAS, Stormwater Management Utility, Department of Transportation and Engineering ("DOTE"), and the Cincinnati Recreation Commission ("CRC") are working in conjunction to facilitate various improvements to parking and drainage issues near Bayou, Callahan, and Lumber Streets; and

WHEREAS, this project is necessary to ensure the proper drainage on Callahan Street and will renovate existing parking, correct drainage problems, and add additional parking spots for CRC users; and

WHEREAS, St. Rose Catholic Church has requested that additional parking be added during this project to an adjacent parking area which is shared by CRC and St. Rose Catholic Church in the area of Leblond Park; and

WHEREAS, the parking area will need to be significantly regraded and reconstructed during this project the cost of which will be covered by DOTE; and

WHEREAS, DOTE has requested that a total of \$25,000 be provided towards the project, and St. Rose Catholic Church has offered a donation of \$15,000 towards the cost; and

WHEREAS, the remaining project balance of \$10,000 will be paid by CRC from existing capital resources available in capital improvement program project account no. 980x199x211900, "Outdoor Facilities Renovation"; and

WHEREAS, there are no new FTEs associated with this donation; and

WHEREAS, the expenditures associated with the shared parking lot serve a public purpose; and

WHEREAS, this ordinance is in accordance with the "Live" goal to "create a more livable community" as described on page 156 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to accept and appropriate a cash donation in the amount of \$15,000 from St. Rose Catholic Church to existing capital improvement program project account no. 980x199x211900 "Outdoor Facilities Renovation" for the purpose of providing resources for the construction of a shared parking lot located near 2501 Riverside Drive in the East End.

Section 2. That the Director of Finance is hereby authorized to deposit the donated funds into capital improvement program project account no. 980x199x211900, "Outdoor Facilities Renovation."

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 and 2 hereof.

Section 4. 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 accept the donated funds at the earliest possible time.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

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

October 27, 2021

**To:** Mayor and Members of City Council 202103024

**From:** Paula Boggs Muething, City Manager

**Subject:** **Ordinance – Health: Health Resources and Services Administration (HRSA) Health Center Infrastructure Support Grant**

---

Attached is an Ordinance captioned:

**AUTHORIZING** the establishment of new capital improvement program project account no. 980x261x222609, “Health Center Infrastructure Support Grant,” for the purpose of accepting resources to expand and renovate Cincinnati Health Department (“CHD”) infrastructure; **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in an amount of up to \$1,000,000 from the United States Department of Health and Human Services, Health Resources and Services Administration, assistance listing 93.526, to newly established capital improvement program project account no. 980x261x222609, “Health Center Infrastructure Support Grant,” for the purpose of expanding and renovating CHD infrastructure.

This Ordinance will authorize the establishment of new capital improvement program project account no. 980x261x222609, “Health Center Infrastructure Support Grant,” for the purpose of accepting resources to expand and renovate Cincinnati Health Department infrastructure. The Ordinance also authorizes the City Manager to apply for, accept, and appropriate a grant in an amount of up to \$1,000,000 from the United States Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA), assistance listing 93.526, to newly established capital improvement program project account no. 980x261x222609, “Health Center Infrastructure Support Grant.”

The Cincinnati Health Department (“CHD”) will use the grant funds to expand and renovate CHD infrastructure, including centralization of staff and providers at the Price Hill and Clifton facilities, renovation of the Northside registration and entry area, and renovation of the Bobbie Sterne Health Center.

No additional FTE are associated with this grant; and matching funds are not required.

This Ordinance is in accordance with the Sustain goal to “Become a healthier Cincinnati” as described on page 181 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment







MSS AWB

City of Cincinnati

An Ordinance No. \_\_\_\_\_ - 2021

**AUTHORIZING** the establishment of new capital improvement program project account no. 980x261x222609, "Health Center Infrastructure Support Grant," for the purpose of accepting resources to expand and renovate Cincinnati Health Department ("CHD") infrastructure; **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in an amount of up to \$1,000,000 from the United States Department of Health and Human Services, Health Resources and Services Administration, assistance listing 93.526, to newly established capital improvement program project account no. 980x261x222609, "Health Center Infrastructure Support Grant," for the purpose of expanding and renovating CHD infrastructure.

WHEREAS, grant resources are available from the United States Department of Health and Human Services, Health Resources and Services Administration, assistance listing 93.526, for the purpose of making facility improvements to and building capacity in health centers; and

WHEREAS, the Cincinnati Health Department ("CHD") will use such grant funds, if accepted, to expand and renovate CHD infrastructure, including centralization of staff and providers in Price Hill and Clifton facilities, renovation of the Northside registration and entry area, and renovation of the Bobbie Sterne Health Center; and

WHEREAS, no additional FTEs or local matching funds are required to accept this grant; and

WHEREAS, CHD applied for this grant on July 2, 2021, and was notified of being awarded grant resources on September 15, 2021, but no funds will be accepted without Council approval; and

WHEREAS, this ordinance is in accordance with the "Sustain" goal to "become a healthier Cincinnati" as described on page 181 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That new capital improvement program project account no. 980x261x222609, "Health Center Infrastructure Support Grant," is established for the purpose of accepting resources to expand and renovate Cincinnati Health Department ("CHD") infrastructure.

Section 2. That the City Manager is hereby authorized to apply for, accept, and appropriate a grant in an amount of up to \$1,000,000 from the United States Department of Health and Human

Services, Health Resources and Services Administration, assistance listing 93.526, to newly established capital improvement program project account no. 980x261x222609, "Health Center Infrastructure Support Grant," for the purpose of expanding and renovating CHD infrastructure.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of Sections 1 and 2 hereof.

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

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

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



October 27, 2021

**To:** Mayor and Members of City Council 202103026

**From:** Paula Boggs Muething, City Manager

**Subject:** **Emergency Ordinance – Parks: WebFEAT Moral Obligation**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to accept and appropriate a donation totaling \$4,980 from the Cincinnati Board of Park Commissioners' Fund; **AUTHORIZING** the Finance Director to deposit the resources into Parks Private Endowments and Donations Fund 430; and **AUTHORIZING** the payment of \$4,980 from Parks Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x203x2059x7288 as a moral obligation to WebFEAT for payment of outstanding charges for services received by the Cincinnati Park Board for website hosting.

Approval of this Emergency Ordinance will authorize the acceptance and appropriation of a donation of \$4,980 from the Cincinnati Board of Park Commissioners' Fund and authorize the deposit of these resources into Parks Private Endowment and Donations Fund 430.

This Emergency Ordinance will also authorize the Finance Director to make a payment of \$4,980 from the Cincinnati Parks Department non-personnel operating budget account no. 430x203x2059x7289 in the name of WebFEAT as a moral obligation of the City of Cincinnati, for payment of charges owed for services used by the Cincinnati Park Board.

WebFEAT is the Cincinnati Parks website host. Enterprise Technology Solutions (ETS) was scheduled to have a new website completed by July 1, 2021 but was unable to complete the work within the established timeframe. The original professional services contract (PSC) expired on July 1, 2021, and the new PSC was not executed until October 1, 2021. ETS set a new project completion date for January 1, 2022. If this date is not met, Parks will execute a new contract.

The reason for the emergency is the immediate need to pay the vendor in a timely manner for services performed outside of a contract.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment

EMERGENCY

City of Cincinnati

An Ordinance No. \_\_\_\_\_

CFG

- 2021

AWB

**AUTHORIZING** the City Manager to accept and appropriate a donation totaling \$4,980 from the Cincinnati Board of Park Commissioners' Fund; **AUTHORIZING** the Finance Director to deposit the resources into Parks Private Endowments and Donations Fund 430; and **AUTHORIZING** the payment of \$4,980 from Parks Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x203x2059x7288 as a moral obligation to WebFEAT for payment of outstanding charges for services received by the Cincinnati Park Board for website hosting.

WHEREAS, the Cincinnati Board of Park Commissioners' Fund is donating \$4,980 to the Cincinnati Parks Department; and

WHEREAS, the donation is being provided to make a payment of \$4,980 as a moral obligation to WebFEAT because the Cincinnati Park Board required website hosting services to keep its public facing website online, and the work was performed outside of a contract; and

WHEREAS, the Cincinnati Park Board has executed a new professional services contract and is again under contract for future website hosting services; and

WHEREAS, City Council desires to provide payment for such charges in the amount of \$4,980; now, therefore,

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

Section 1. That the City Manager is hereby authorized to accept and appropriate a donation of up to \$4,980 from the Cincinnati Board of Park Commissioners' Fund to Parks Private Endowment and Donations Fund 430.

Section 2. That the Finance Director is authorized to deposit the amount of \$4,980 into Parks Private Endowment and Donations Fund 430.

Section 3. That the Finance Director is authorized to make a payment of \$4,980 from the Parks Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x203x2059x7288 to WebFEAT as a moral obligation of the City of Cincinnati for payment of charges owed for services rendered to the Cincinnati Board of Park Commissioners.

Section 4. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions of Sections 1 through 3 herein.

Section 5. 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 pay the vendor in a timely manner for services performed outside of a contract.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

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

# City of Cincinnati



801 Plum Street, Suite 346 A  
Cincinnati, Ohio 45202

Phone (513) 352 5205  
Email Jan.Michele.Kearney@  
cincinnati.oh.gov  
Web www.cincinnati.oh.gov

202103043

**Jan-Michele Lemon Kearney**  
*Councilmember*

October 25, 2021

## MOTION

WE MOVE for the City Administration to prepare a report on acquiring funding for an infrastructure project on Westwood Northern Blvd from Baltimore Ave to McHenry Ave, in order to increase the pedestrian safety of Roll Hill School students. Funding sources in the report should include but not be limited to the Ohio Department of Transportation's and the Ohio-Kentucky-Indiana Regional Council of Governments' Safe Routes to School programs.

*Jan-Michele Lemon Kearney*

\_\_\_\_\_  
Councilmember Jan-Michele Lemon Kearney

_____	_____
_____	_____
_____	_____
_____	_____

## STATEMENT

This motion requests for City Administration to prepare a report on acquiring funding so that a sidewalk can be constructed near Baltimore Ave and Westwood Northern Blvd in the neighborhood of East Westwood. With the installation of this sidewalk, children of Roll Hill School will no longer have to walk through a dirt pathway to attend class.

The report should include information about potential sources including but not limited to the Safe Routes to School program (SRTS). SRTS provides financial resources for infrastructure projects that are within two miles of a school and improve travel safety for children. The Ohio Department of Transportation's (ODOT) program reimburses up to 100% of eligible costs with a project cost limit of \$400,000. ODOT's application process is typically open from early January to early March. The Ohio-Kentucky-Indiana Regional Council of Governments' (OKI) SRTS funding is allocated via their Transportation Alternatives program. OKI's 2021 application deadline was in June. OKI's allocated federal funding has a standard local match requirement of 20%. The funding award limit is \$750,000.

CAL → NC  
GK by KP



**Liz Keating**

*Cincinnati City Councilmember*

Added to # 202103043

November 8, 2021

WE MOVE that Item 1 (202103043) be amended to also include a meeting of all relevant parties, including by not limited to: Cincinnati Public Schools, Cincinnati Police Department, Department of Transportation and Engineering, and the relevant Community Councils.

---

Councilmember Liz Keating



**November 3, 2021**

202103053

To: Mayor and Members of City Council

From: Paula Boggs Muething, City Manager

**Subject: Ordinance – Stormwater Sewer Easements North of River Road**

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Attached is an Ordinance captioned:

**ACCEPTING AND CONFIRMING** the grant of permanent public utility easements in favor of the City of Cincinnati for stormwater sewers, appurtenances, fixtures, and equipment in and upon certain real property located north of River Road in Riverside.

The City initiated this project to redirect outfall from a County storm sewer in Delhi township that was creating localized flooding issues to private properties within the City of Cincinnati. The City installed stormwater facilities on the affected properties to redirect the outfall to stormwater facilities in the public right of way.

The Administration recommends passage of this Ordinance.

cc: Cathy B. Bailey, Executive Director/Greater Cincinnati Water Works 



CHM *BWL*

**City of Cincinnati**  
**An Ordinance No. \_\_\_\_\_ - 2021**

**ACCEPTING AND CONFIRMING** the grant of permanent public utility easements in favor of the City of Cincinnati for stormwater sewers, appurtenances, fixtures, and equipment in and upon certain real property located north of River Road in Riverside.

WHEREAS, Mark W. Vincent and Nancy E. Hautman have granted an easement in favor of the City of Cincinnati for stormwater sewers, appurtenances, fixtures, and equipment in and upon certain real property generally located north of River Road in Riverside, as more particularly depicted and described on an easement plat recorded in Plat Book 484, Page 19, Hamilton County, Ohio Recorder's Office; and

WHEREAS, Patricia E. Gutzwiller has granted an easement in favor of the City of Cincinnati for stormwater sewers, appurtenances, fixtures, and equipment in and upon certain real property generally located north of River Road in Riverside, as more particularly depicted and described on an easement plat recorded in Plat Book 483, Page 88, Hamilton County, Ohio Recorder's Office; and

WHEREAS, the aforementioned plats have been examined and approved as to their technical features by the City Stormwater Management Engineer, who has found them to be correct; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the Greater Cincinnati Water Works on behalf of the Stormwater Management Utility, recommends that Council accept and confirm the acceptance of the aforementioned stormwater sewer easements; now, therefore,

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

Section 1. That the easement granted by Mark W. Vincent and Nancy E. Hautman to the City of Cincinnati for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of public stormwater sewers in and upon certain real property located north of River Road in Riverside, as depicted on the plat entitled *Easement Plat 162-3-30, 50*, a copy of which is attached to this ordinance as Attachment A and incorporated herein by reference, is hereby accepted and confirmed. The real property encumbered by the easement is more particularly described as follows:

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Mark W. Vincent and Nancy E. Hautman in Deed Book 4108, Page 913, Hamilton County, Ohio Records.

Section 2. That the easement granted by Patricia E. Gutzwiller to the City of Cincinnati for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of public stormwater sewers in and upon certain real property located north of River Road in Riverside, as depicted on the plat entitled *Easement Plat 162-3-30, 50*, a copy of which is attached to this ordinance as Attachment B and incorporated herein by reference, is hereby accepted and confirmed. The real property encumbered by the easement is more particularly described as follows:

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Patricia E. Gutzwiller in Official Record 13511, Page 474, Hamilton County, Ohio Records.

Section 3. That the City Solicitor shall cause an authenticated copy of this ordinance to be recorded in the Hamilton County, Ohio Recorder's Office.

Section 4. That the proper City officers and officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

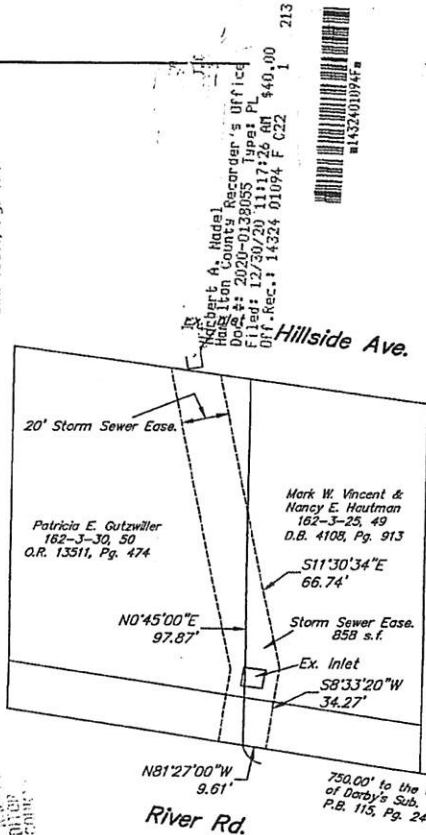
Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

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

ATTACHMENT A

O.R. 13511, Pg. 474



The undersigned Mark W. Vincent and Nancy E. Hautman, husband and wife, ("Grantor") being the owners of the real property depicted on this plat and more particularly described on this plat (the "Property"), do hereby grant and convey to the City of Cincinnati (the "City"), its successors and assigns, a non-exclusive permanent easement, as depicted on this plat, for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of storm sewers, fixtures, equipment, and appurtenances (the "storm sewer") through, in, and upon the easement areas and for the right to enter and re-enter upon the subject properties to access the easement area and the storm sewer, which easement shall run with the land and inure to the benefit of the City and be binding upon Grantor, their heirs, and successors-in-interest to the easement area. Grantor, their heirs, and successors-in-interest, shall comply with the terms, conditions, and restrictions described hereon and the rules and regulations of the Greater Cincinnati Water Works, Storm Water Management Utility as pertains to the easement area and storm sewer.

Owner: Mark W. Vincent & Nancy E. Hautman

By: *Mark W. Vincent*  
*Nancy E. Hautman*

STORM SEWER EASEMENT  
Parcel 162-3-25, 49  
July, 2020

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Mark W. Vincent and Nancy E. Hautman in D.B. 4108, Pg. 913 and being more particularly described as follows:

Commencing at the intersection of the north line of lower River Road and the west line of Darby's Subdivision as recorded in Plat Book 115, Pg. 24; thence with the north line of said lower River Road, North 81°27'00" West, 750.00 feet to the Place of Beginning; thence North 00°45'00" East, 97.87 feet to a point; thence South 11°30'34" East, 66.74 feet to a point; thence South 08°33'20" West, 34.27 feet to a point in said lower River Road; thence with the said north line, North 81°27'00" West, 9.61 feet to the Place of Beginning. Containing 858 square feet of land more or less. Bearings based on O.R. 13511, Pg. 474

# RESTRICTIONS ON STORM SEWER EASEMENTS:

NO STRUCTURE OF ANY KIND WHICH CAN INTERFERE WITH ACCESS TO SAID PUBLIC SEWER SHALL BE PLACED IN OR UPON A PERMANENT SEWER EASEMENT, EXCEPTING ITEMS SUCH AS RECREATIONAL SURFACES, PAVED AREAS FOR PARKING LOTS, DRIVEWAYS, OR OTHER SURFACES USED FOR INGRESS AND EGRESS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS, BEING NATURAL OR ARTIFICIAL.

ANY OF THE AFORESAID SURFACES, PAVED AREAS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS WHICH MAY BE PLACED UPON SAID PERMANENT EASEMENT, SHALL BE SO PLACED AT THE SOLE EXPENSE OF THE PROPERTY OWNERS, AND THE GRANTEE OR ASSIGNS OF ANY PERMANENT EASEMENT HENCEFORTH SHALL NOT BE RESPONSIBLE TO ANY PRESENT OWNERS OF THE PROPERTY, NOR TO THEIR HEIRS, EXECUTORS, ADMINISTRATORS OR ASSIGNS, FOR THE CONDITION, DAMAGE TO, OR REPLACEMENT OF ANY SUCH AFORESAID ITEMS, OR ANY OTHER ITEMS PLACED UPON THE EASEMENT, RESULTING FROM THE EXISTENCE OR USE OF THE SAID PERMANENT SEWER EASEMENT BY THE GRANTEE OR ASSIGNS. ANY STRUCTURE CONSTRUCTED ON SAID PROPERTY IN WHICH SAID PERMANENT STORM SEWER EASEMENT EXISTS SHALL BE KEPT NOT LESS THAN THREE (3) FEET OUTSIDE THE PERMANENT STORM SEWER EASEMENT LINE NEAREST THE SITE OF THE PROPOSED STRUCTURE.

ANY DEVIATION FROM THE AFORESAID RESTRICTIONS SHALL BE PETITIONED BY WRITTEN REQUEST TO THE GRANTEE OR ITS ASSIGNS. EACH SUCH REQUEST SHALL BE CONSIDERED ON AN INDIVIDUAL BASIS.

ALL COVENANTS, EASEMENTS, AGREEMENTS AND RESTRICTIONS STATED ON THIS PLAT, INCLUDING BUT NOT LIMITED TO MAINTENANCE RESPONSIBILITIES, SHALL RUN WITH THE LAND AND SHALL BE BINDING ON AND INURE TO THE BENEFIT OF GRANTOR(S), GRANTEE(S), THE BENEFICIARIES AND THEIR HEIRS, SUCCESSORS AND ASSIGNS.

As it remembered that on this 8th day of October, 2020 before me, a notary public in and for the State of Ohio, personally appeared Mark W. Vincent and Nancy E. Hautman, husband and wife, who acknowledged the signing of the foregoing instrument to be their voluntary act and deed. In testimony whereof, I hereunto subscribe my name and affix my notary seal.



*Tina Reeves*

*Joseph N. Koopman*  
Joseph N. Koopman  
Ohio Reg. No. 7184

The City's acquisition of the easement depicted hereon was authorized by Cincinnati Municipal Ordinance No. 191-2020. Passed by Council on June 24, 2020

DESCRIPTION ACCEPTABLE  
HAMILTON COUNTY ENGINEER

Tax Map - TNN  
CAGIS - \_\_\_\_\_

Approved as to form:  
*CRK*  
Sr. Asst. City Solicitor

ACCEPTANCE:  
Not yet accepted by the Council of the City of Cincinnati; ordinance to be submitted and will be recorded separately by GCWW upon Council's acceptance.

APPROVED BY:  
*Cire Taylor*  
City Stormwater Management Engineer  
Stormwater Management Utility



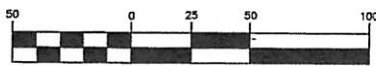
Department of  
Transportation  
and Engineering  
City of Cincinnati  
City Hall  
801 Plum Street  
Cincinnati, Ohio 45202

Easement Plat

162-3-25, 49

Date: July, 2020

GRAPHIC SCALE



( IN FEET )  
1 inch = 50 ft.

**ATTACHMENT B**

84



Herbert A. Model  
 Hamilton County Recorder's Office  
 Doc. #: 2020-0138055 Type: PL  
 Filed: 12/30/20 11:17:26 AM \$40.00  
 Off. Rec.: 14324 01094 F C22

Hillside Ave

The undersigned Mark W. Vincent and Nancy E. Hautman, husband and wife, ("Grantor") being the owners of the real property depicted on this plat and more particularly described on this plat (the "Property"), do hereby grant and convey to the City of Cincinnati (the "City"), its successors and assigns, a non-exclusive permanent easement, as depicted on this plat, for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of storm sewers, fixtures, equipment, and appurtenances (the "storm sewer") through, in, and upon the easement areas and for the right to enter and re-enter upon the subject properties to access the easement area and the storm sewer, which easement shall run with the land and inure to the benefit of the City and be binding upon Grantor, their heirs, and successors-in-interest to the easement area. Grantor, their heirs, and successors-in-interest, shall comply with the terms, conditions, and restrictions described hereon and the rules and regulations of the Greater Cincinnati Water Works, Storm Water Management Utility as pertains to the easement area and storm sewer.

Owner: Mark W. Vincent & Nancy E. Hautman

BV

6

STORM SEWER EASEMENT  
Parcel 162-3-25, 49  
July, 2020

*Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Mark W. Vincent and Nancy E. Hautman in D.B. 4108, Pg. 913 and being more particularly described as follows:*

Commencing at the intersection of the north line of lower River Road and the west line of Darby's Subdivision as recorded in Plat Book 115, Pg. 24; thence with the north line of said lower River Road, North 81°27'00" West, 750.00 feet to the Place of Beginning; thence North 00°45'00" East, 97.87 feet to a point; thence South 11°30' South 08°33'20" West, 34.27 feet to a point in said lower River Road; thence with the said north line, North 81°27'00" West, 9.61 feet to the Place of Beginning. Containing 858 square feet of land more or less. Bearings based on O.R. 13511, Pa. 474

**RESTRICTIONS ON STORM SEWER EASEMENTS:**

NO STRUCTURE OF ANY KIND WHICH CAN INTERFERE WITH ACCESS TO SAID PUBLIC SEWER SHALL BE PLACED IN OR UPON A PERMANENT SEWER EASEMENT, EXCEPTING ITEMS SUCH AS RECREATIONAL SURFACES, PAVED AREAS FOR PARKING LOTS, DRIVEWAYS, OR OTHER SURFACES USED FOR INGRESS AND EGRESS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS, BEING NATURAL OR ARTIFICIAL.

ANY OF THE AFORESAID SURFACES, PAVED AREAS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS WHICH MAY BE PLACED UPON SAID PERMANENT EASEMENT, SHALL BE SO PLACED AT THE SOLE EXPENSE OF THE PROPERTY OWNERS, AND THE GRANTEE OR ASSIGNS, ANY PERMANENT EASEMENT HENCEFORTH SHALL NOT BE RESPONSIBLE TO ANY PRESENT OWNERS OF THE PROPERTY NOR TO THEIR HEIRS, EXECUTORS, ADMINISTRATORS OR ASSIGNS, FOR THE CONDITION, DAMAGE TO, OR REPLACEMENT OF ANY SUCH AFORESAID ITEMS, OR ANY OTHER ITEMS PLACED UPON THE EASEMENT, RESULTING FROM THE EXISTENCE OR USE OF THE SAID PERMANENT SEWER EASEMENT BY THE GRANTEE OR ASSIGNS. ANY STRUCTURE CONSTRUCTED ON SAID PROPERTY IN WHICH SAID PERMANENT STORM SEWER EASEMENT EXISTS SHALL BE KEPT NOT LESS THAN THREE (3) FEET OUTSIDE THE PERMANENT STORM SEWER EASEMENT LINE NEAREST THE SITE OF THE PROPOSED STRUCTURE.

ANY DEVIATION FROM THE AFORESAID RESTRICTIONS SHALL BE PETITIONED BY WRITTEN REQUEST TO THE GRANTEE OR IT'S ASSIGNS. EACH SUCH REQUEST SHALL BE CONSIDERED ON AN INDIVIDUAL BASIS.

ALL COVENANTS, EASEMENTS, AGREEMENTS AND RESTRICTIONS STATED ON THIS PLAT, INCLUDING BUT NOT LIMITED TO MAINTENANCE RESPONSIBILITIES, SHALL RUN WITH THE LAND AND SHALL BE BINDING ON AND INURE TO THE BENEFIT OF GRANTOR(S), GRANTEE(S), THE BENEFICIARIES AND THEIR HEIRS, SUCCESSORS AND ASSIGNS.

Be it remembered that on this five day of October, 2020 before me, a notary public in and for the State of Ohio, personally appeared Mark W. Vincent and Nancy E. Hautman, husband and wife, who acknowledged the signing of the foregoing instrument to be their voluntary act and deed. In testimony whereof, I hereunto subscribe my name and affix my notary seal.

RB 484, Pg 19

*The City's acquisition of the easement depicted hereon was authorized by Cincinnati Municipal*

Ordinance No. 191-2020 Passed by Council on June 24, 2020

DESCRIPTION ACCEPTABLE  
HAMILTON COUNTY ENGINEER

Tax Map -

CAGIS -

Approved as to form:

Sr. Ast. City Solicitor

**ACCEPTANCE:**

*Not yet accepted by the Council of the City of Cincinnati; ordinance to be submitted and will be recorded separately by GCWW upon Council's acceptance.*

APPROVED BY:

City Stormwater Management Engineer  
Stormwater Management Utility

Department of  
Transportation  
and Engineering

---

City of Cincinnati  
City Hall  
801 Plum Street  
Cincinnati, Ohio 45202

Easement Plat

162-3-25. 49

Date: July, 2020

N81°27'00"W  
9.61'  
River Rd

Transfer Not Necessary

Dusty Rhodes

Hamilton County Auditor

GRAPHIC SCALE

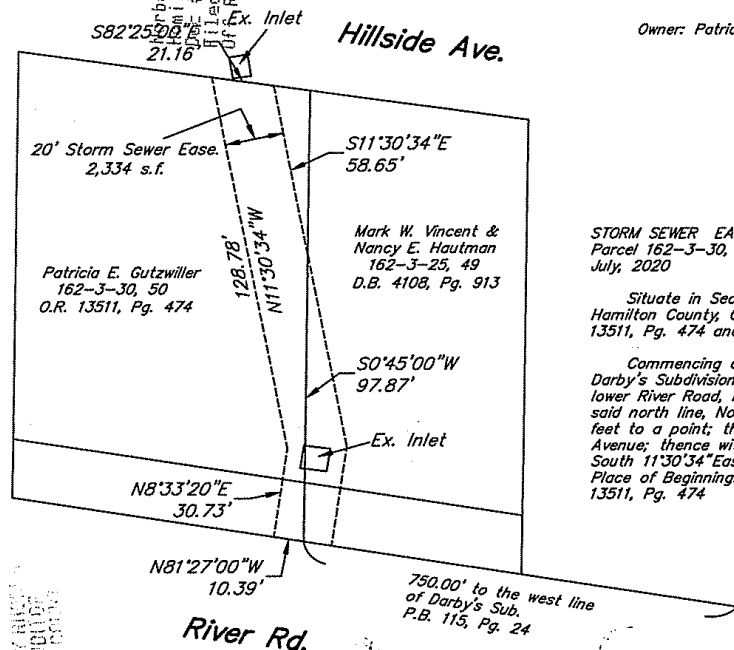


( IN FEET )

1 inch = 50 ft.

2000

O.R. 13511, Pg. 474



The undersigned Patricia E. Gutzwiller, unmarried ("Grantor") being the owner of the real property depicted on this plat and more particularly described on this plat (the "Property"), do hereby grant and convey to the City of Cincinnati (the "City"), its successors and assigns, a non-exclusive permanent easement, as depicted on this plat, for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of storm sewers, fixtures, equipment, and appurtenances (the "storm sewer") through, in, and upon the easement areas and for the right to enter and re-enter upon the subject properties to access the easement area and the storm sewer, which easement shall run with the land and inure to the benefit of the City and be binding upon Grantor, their heirs, and successors-in-interest to the easement area. Grantor, their heirs, and successors-in-interest, shall comply with the terms, conditions, and restrictions described herein and the rules and regulations of the Greater Cincinnati Water Works, Storm Water Management Utility as pertains to the easement area and storm sewer.

Owner: Patricia E. Gutzwiller

By: *Patricia E. Gutzwiller*

STORM SEWER EASEMENT  
Parcel 162-3-30, 50  
July, 2020

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Patricia E. Gutzwiller in O.R. 13511, Pg. 474 and being more particularly described as follows:

Commencing at the intersection of the north line of lower River Road and the west line of Darby's Subdivision as recorded in Plat Book 115, Pg. 24; thence with the north line of said lower River Road, North 81°27'00" West, 750.00 feet to the Place of Beginning; thence with the said north line, North 81°27'00" West, 10.39 feet to a point; thence North 08°33'20" East, 30.73 feet to a point; thence North 11°30'34" West, 128.78 feet to a point in the south line of Hillside Avenue; thence with the said south line, South 82°25'00" East, 21.16 feet to a point; thence South 11°30'34" East, 58.65 feet to a point; thence South 00°45'00" West, 97.87 feet to the Place of Beginning. Containing 2,334 square feet of land more or less. Bearings based on O.R. 13511, Pg. 474.

## RESTRICTIONS ON STORM SEWER EASEMENTS:

NO STRUCTURE OF ANY KIND WHICH CAN INTERFERE WITH ACCESS TO SAID PUBLIC SEWER SHALL BE PLACED IN OR UPON A PERMANENT SEWER EASEMENT, EXCEPTING ITEMS SUCH AS RECREATIONAL SURFACES, PAVED AREAS FOR PARKING LOTS, DRIVEWAYS, OR OTHER SURFACES USED FOR INGRESS AND EGRESS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS, BEING NATURAL OR ARTIFICIAL.

ANY OF THE AFORESAID SURFACES, PAVED AREAS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS WHICH MAY BE PLACED UPON SAID PERMANENT EASEMENT, SHALL BE SO PLACED AT THE SOLE EXPENSE OF THE PROPERTY OWNERS, AND THE GRANTEE OR ASSIGNS OF ANY PERMANENT EASEMENT HENCEFORTH SHALL NOT BE RESPONSIBLE TO ANY PRESENT OWNERS OF THE PROPERTY, NOR TO THEIR HEIRS, EXECUTORS, ADMINISTRATORS OR ASSIGNS, FOR THE CONDITION, DAMAGE TO, OR REPLACEMENT OF ANY SUCH AFORESAID ITEMS, OR ANY OTHER ITEMS PLACED UPON THE EASEMENT, RESULTING FROM THE EXISTENCE OR USE OF THE SAID PERMANENT SEWER EASEMENT BY THE GRANTEE OR ASSIGNS. ANY STRUCTURE CONSTRUCTED ON SAID PROPERTY IN WHICH SAID PERMANENT STORM SEWER EASEMENT EXISTS SHALL BE KEPT NOT LESS THAN THREE (3) FEET OUTSIDE THE PERMANENT STORM SEWER EASEMENT LINE NEAREST THE SITE OF THE PROPOSED STRUCTURE.

ANY DEVIATION FROM THE AFORESAID RESTRICTIONS SHALL BE PETITIONED BY WRITTEN REQUEST TO THE GRANTEE OR ITS ASSIGNS. EACH SUCH REQUEST SHALL BE CONSIDERED ON AN INDIVIDUAL BASIS.

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ALEXANDRIA HAMILTON  
Notary Public, State of Ohio  
My Commission Expires:  
1/28/2025

Be it remembered that on this 5th day of October, 2020 before me, a notary public in and for the State of Ohio, personally appeared Patricia Gutzwiller, unmarried, who acknowledged the signing of the foregoing instrument to be their voluntary act and deed. In testimony whereof, I hereunto subscribe my name and affix my notary seal.



*J. N. Koopman* 9-14-20  
Joseph N. Koopman  
Ohio Reg. No. 7184

P.B 483, Pg 88

The City's acquisition of the easement depicted hereon was authorized by Cincinnati Municipal

Ordinance No. 191-2020  
Passed by Council on June 24, 2020

DESCRIPTION ACCEPTABLE  
HAMILTON COUNTY ENGINEER

Tax Map - TNN

CAGIS - \_\_\_\_\_

Approved as to form:

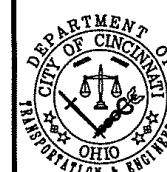
Sr. Asst. City Solicitor:

ACCEPTANCE:

Not yet accepted by the Council of the City of Cincinnati; ordinance to be submitted and will be recorded separately by GCWW upon Council's acceptance.

APPROVED BY:

*Eric Saylor*  
City Stormwater Management Engineer  
Stormwater Management Utility



Department of  
Transportation  
and Engineering  
City of Cincinnati  
City Hall  
801 Plum Street  
Cincinnati, Ohio 45202

Easement Plat

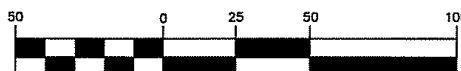
162-3-30, 50

Date: July, 2020

Transfer Not Necessary

Dusty Rhodes

Hamilton County Auditor  
GRAPHIC SCALE



( IN FEET )  
1 inch = 50 ft.

TRANSFERRED

2020 DEC -3 PM 2:03

DUSTY RHODES  
AUDITOR  
HAMILTON COUNTY

Robert A. Nadel  
Hamilton County Recorder's Office  
Tel: 2020-0129363 Type: PL  
Filed: 12/09/20 01:28:33 PM \$40.00  
Off Rec.: 14311 02331 F C22



Date: November 3, 2021

To: Mayor and Members of City Council 202103056  
From: Paula Boggs Muething, City Manager  
Subject: ORDINANCE – GRANT OF EASEMENT – STORRS STREET

---

Attached is an ordinance captioned as follows:

AUTHORIZING the City Manager to execute a *Grant of Easement* in favor of Almira Alim Darden, pursuant to which the City of Cincinnati will grant an encroachment easement upon a portion of Storrs Street in Lower Price Hill.

Almira Alim Darden (“Grantee”) owns the property located at 2117 Storrs Street in the Lower Price Hill neighborhood and has requested an encroachment easement for a stairway and landing to encroach upon portions the Storr Street public right-of-way.

The City has determined that granting the easement to Grantee is not adverse to the City’s retained interest in the public right-of-way.

The fair market value of the easement is approximately \$50 which Grantee has agreed to pay.

The City Planning Commission approved the easement at its meeting on July 16, 2021.

The Administration recommends passage of the attached ordinance.

Attachment I – Grant of Easement

cc: John S. Brazina, Director, Transportation and Engineering

# City of Cincinnati

## An Ordinance No. \_\_\_\_\_

CHM

AWB

- 2021

**AUTHORIZING** the City Manager to execute a *Grant of Easement* in favor of Almira Alim Darden, pursuant to which the City of Cincinnati will grant an encroachment easement upon a portion of Storrs Street in Lower Price Hill.

WHEREAS, Almira Alim Darden (“Grantee”) owns certain real property located at 2117 Storrs Street in Lower Price Hill; and

WHEREAS, the City of Cincinnati owns the adjoining Storrs Street public right-of-way (the “Property”), which Property is under the management of the City’s Department of Transportation and Engineering (“DOT”); and

WHEREAS, Grantee has requested an easement from the City for an encroachment upon a portion of the Property, namely, a stairway and landing, as more particularly depicted and described in the *Grant of Easement* attached to this ordinance as Attachment A and incorporated herein by reference; and

WHEREAS, the City Manager, in consultation with DOT, has determined (i) that granting the easement to Grantee is not adverse to the City’s retained interest in the Property, and (ii) that granting the easement will not have an adverse effect on the usability or accessibility of any existing transportation facilities located within the public right-of-way; and

WHEREAS, pursuant to Cincinnati Municipal Code Sec. 331-5, the City Council may authorize the encumbrance of City-owned property without competitive bidding in those cases in which it determines that it is in the best interest of the City; and

WHEREAS, the City’s Real Estate Services Division has determined by an appraisal that the fair market value of the easement is approximately \$50, which Grantee has agreed to pay; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on July 16, 2021; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute a *Grant of Easement* in favor of Almira Alim Darden (“Grantee”), owner of the property located 2117 Storrs Street in Lower Price Hill, in substantially the form attached to this ordinance as Attachment A and

incorporated herein by reference, pursuant to which the City of Cincinnati will grant to Grantee an easement for an encroachment upon the Storrs Street public right-of-way (the "Property").

Section 2. That granting the easement to Grantee (i) is not adverse to the City's retained interest in the Property, and (ii) will not have an adverse effect on the usability or accessibility of any existing transportation facilities located within the public right-of-way.

Section 3. That it is in the best interest of the City to grant the easement without competitive bidding because, as a practical matter, no one other than Grantee, an adjoining property owner, would have any use for the easement.

Section 4. That the fair market value of the easements, as determined by appraisal by the City's Real Estate Services Division, is approximately \$50, which Grantee has agreed to pay.

Section 5. That the proceeds from the *Grant of Easement* shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City's Real Estate Services Division in connection with the easement, and that the City's Finance Director is hereby authorized to deposit amounts in excess thereof, if any, into Miscellaneous Permanent Improvement Fund 757.

Section 6. That the City's Finance Director is authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233xYY2306, "Street Improvements," in which "YY" represents the last two digits of the fiscal year in which the closing occurs and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

Section 7. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms

of the *Grant of Easement*, including, without limitation, executing any and all ancillary agreements, plats, and other real estate documents.

Section 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

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



**ATTACHMENT A**

-----  
[SPACE ABOVE FOR RECORDER'S USE]

## GRANT OF EASEMENT

(encroachments upon a portion of Storrs Street)

This Grant of Easement is granted as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "City"), in favor of **Almira Alim Darden**, single, with a tax mailing address of 2117 Storrs Street, Cincinnati, OH 45204 ("**Grantee**").

### Recitals:

A. By virtue of a *Quitclaim Deed* recorded on April 02, 2021, in OR 14388, Page 2763, Hamilton County, Ohio Records, Grantee holds title to certain real property located at 2117 Storrs Street, Cincinnati, OH 45204, as more particularly described on Exhibit A (*Legal Description – Benefitted Property*) and depicted on Exhibit B (*Survey Plat*) hereto (the "**Benefitted Property**").

B. The City owns the adjoining Storrs Street public right-of-way, which is under the management of the City's Department of Transportation and Engineering ("**DOTE**").

C. Grantee has requested the City to grant an easement for an encroachment upon the Storrs Street public right-of-way, i.e., stairway and landing (the "**Encroachment**").

D. The City Manager, in consultation with DOTE, has determined that (i) the easement will not have an adverse effect on the City's retained interest in the Storrs Street public right-of-way, and (ii) granting the easement will not have an adverse effect on the usability or accessibility of any existing Storrs Street public right-of-way facilities.

E. The City's Real Estate Services Division has determined that the fair market value of the easements, as determined by professional appraisal, are \$50, which has been deposited with the Real Estate Services Division.

F. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on July 16, 2021.

G. Cincinnati City Council approved the easement by Ordinance No. \_\_\_\_-2021, passed on \_\_\_\_\_, 2021.

NOW THEREFORE, the parties do hereby agree as follows:

1. Grant of Easement. The City does hereby grant to Grantee, on the terms and conditions set forth herein, as an appurtenance to and for the benefit of the Benefitted Property, a non-exclusive encroachment easement to use, maintain, repair, reconstruct, replace, and remove a stairway and landing in, on, and across the portion of the Storrs Street public right-of-way, as more particularly depicted on Exhibit B and described on Exhibit C (Legal Description) hereto (the "**Stairway Easement**" or "**Stairway Easement Area**", as applicable). Grantee shall not make any modifications to the Encroachment within the Stairway Easement Area without the City's prior written consent.

2. Termination. Notwithstanding anything herein to the contrary, the Stairway Easement shall automatically terminate upon (i) the complete or partial demolition of the Encroachment within the Stairway Easement Area, such that the Stairway Easement would be rendered unnecessary; (ii) upon written notice from the City, if the City determines that it needs the Stairway Easement Area, or any portion thereof for a municipal purpose, including, without limitation to the implementation of Americans with Disabilities Act ("**ADA**") regulations compliance or accessibility standards; (iii) or upon written notice from the City if the City determines that the Encroachment is creating a public safety issue, such as noncompliance with ADA accessibility regulations, contributing to adverse impacts on the usability or accessibility of any public right-of-way facilities.

3. Maintenance and Repairs. At no cost to the City, Grantee shall maintain the Encroachment in a continuous state of good and safe condition and repair. Grantee acknowledges that there may be existing easements, utility lines, and related facilities in the vicinity of the Stairway Easement Area ("**Third-Party Utility Lines**"). In connection with Grantee's maintenance, repair, and use of the Encroachment, Grantee shall not interfere with the access of utility companies to maintain and repair the Third-Party Utility Lines and shall, at Grantee's expense, promptly repair any and all damage to Third-Party Utility Lines caused by Grantee, its agents, employees, contractors, subcontractors, tenants, licensees, or invitees. Any relocation of Third-Party Utility Lines necessitated by the maintenance, repair, reconstruction, removal, or sealing of the Encroachment under this instrument shall be handled entirely at Grantee's expense. All activities undertaken by Grantee under this instrument shall be in compliance with all applicable codes, laws, and other governmental standards, policies, guidelines and requirements.

4. Insurance; Indemnification. At all times, and in addition to whatever other insurance and bond requirements as the City may from time to time require, Grantee shall maintain or cause to be maintained a policy of Commercial General Liability insurance, with an insurance company reasonably acceptable to the City and naming the City as an additional insured, in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, or in such greater amount as the City may from time to time require. Grantee shall furnish to the City a certificate of insurance evidencing such insurance upon the City's request and, in any event, prior to undertaking any construction activities within the Stairway Easement Area. Grantee hereby waives all claims and rights of recovery against the City, and on behalf of Grantee's insurers, rights of subrogation, in connection with any damage to the Encroachment, no matter how caused. Grantee shall defend (with counsel reasonably acceptable to the City), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including without limitation reasonable attorneys' fees), liability and damages suffered or incurred by, or asserted against, the City in connection with the use, maintenance, repair, and all other matters associated with the Encroachment.

5. Default. If Grantee, its successors-in-interest, or assigns fail to perform any required work under this instrument and fails to address the same to DOTE's satisfaction within thirty (30) days after receiving written notice thereof from DOTE, the City shall have right to perform such work, at Grantee's expense, payable within ten (10) days after receiving an invoice from DOTE evidencing the amount due. Grantee, its successors-in-interest, or assigns shall be liable to DOTE for the payment of such work. Any outstanding amount due under this instrument shall create a lien on the Benefitted Property until fully

paid. At the City's option, the City may file an affidavit in the Hamilton County, Ohio Recorder's office to memorialize any outstanding amounts due under this instrument.

6. Covenants Running with the Land. The provisions hereof shall run with the land and shall inure to the benefit of and be binding upon the City, Grantee, and their respective successors-in-interest and assigns.

7. Governing Law; Severability. This instrument shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. If any provisions hereof are determined to be invalid or unenforceable by a court of law, the remainder of this instrument shall not be affected thereby, and all other provisions of this instrument shall be valid and enforceable to the fullest extent permitted by law.

8. Notices. All notices given hereunder shall be in writing and shall be sent by U.S. certified or registered mail, return receipt requested, or delivered by a recognized courier service, or by personal delivery, to the parties at their respective addresses set forth in the introductory paragraph hereof or such other address as either party may specify from time to time by notice given in the manner prescribed herein. All notices to the City shall be addressed to the Office of the City Manager, and a copy of each such notice shall simultaneously be delivered to: Department of Transportation and Engineering, Attn: Director, Room 450. In the event of an alleged breach by the City of this instrument, a copy of each notice of breach shall simultaneously be delivered to the Office of the City Solicitor, 801 Plum Street, Room 214, Cincinnati, OH 45202.

9. Coordinated Report Conditions (CR #21-2020). The following additional conditions shall apply:

(A) DOTe:

(i) [Intentionally Omitted].

(ii) [Intentionally Omitted].

(iii) A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street. Please note that plan drawings (2 sets), to be reviewed by DOTE, must be attached to the permit application.

10. Counterparts and Electronic Signatures. This instrument may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original. This instrument may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

11. Exhibits. The following exhibits are attached hereto and made a part hereof:

Exhibit A – *Legal Description - Benefitted Property*

Exhibit B – *Survey Plat*

Exhibit C – *Legal Description*

[ Signature Page Follows ]

Executed by the parties on the respective date of acknowledgement listed below, effective as the later of such dates (the "Effective Date").

**CITY OF CINCINNATI**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF OHIO                     )  
  ) ss:  
COUNTY OF HAMILTON         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021 by \_\_\_\_\_, the \_\_\_\_\_ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

Approved by:

\_\_\_\_\_  
John S. Brazina, Director  
Department of Transportation and Engineering

Approved as to Form by:

\_\_\_\_\_  
Assistant City Solicitor

[ Grantee Signature Page Follows ]

ACCEPTED AND AGREED TO BY:

**ALMIRA ALIM DARDEN**, single

By: \_\_\_\_\_

Date: \_\_\_\_\_, 2021

This instrument prepared by:  
City of Cincinnati Law Department  
801 Plum Street, Suite 214  
Cincinnati, OH 45202



**EXHIBIT A**

to Grant of Easement

***LEGAL DESCRIPTION - BENEFITTED PROPERTY***

**SITUATE IN THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, AND BEING LOT NUMBER 5 OF JOHN B. PURCELL'S SUBDIVISION AS RECORDED IN DEED BOOK 122, PAGE 272 OF THE HAMILTON COUNTY, OHIO RECORDER'S OFFICE, FRONTING 26 FEET ON THE SOUTH SIDE OF STORRS STREET AND EXTENDING SOUTH SAME WIDTH 80 FEET.**

**ALSO, THE FOLLOWING DESCRIBED REAL ESTATE, SITUATE IN THE CITY OF CINCINNATI, HAMILTON COUNTY, OHIO AND BEING PART OF LOT NO. 6 OF JOHN B. PURCELL'S SUBDIVISION, AS RECORDED IN DEED BOOK 122, PAGE 272 OF THE HAMILTON COUNTY, OHIO RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

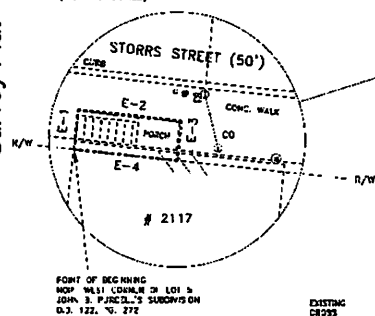
**BEGINNING IN THE SOUTH LINE OF STORRS STREET AT THE NORTHWEST CORNER OF SAID LOT 6, THENCE EASTWARDLY ALONG THE SOUTH LINE OF STORRS STREET A DISTANCE OF 0.55 FEET; THENCE SOUTHWARDLY ALONG THE EAST WALL OF A TWO AND ONE-HALF STORY BRICK BUILDING A DISTANCE OF 80 FEET TO A POINT IN THE SOUTH LINE OF SAID LOT 6, 0.55 FEET EASTWARDLY FROM THE SOUTHWEST CORNER OF SAID LOT 6; THENCE WESTWARDLY ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 0.55 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6; THENCE NORTHWARDLY ALONG THE WEST LINE OF SAID LOT 6 A DISTANCE OF 80 FEET TO THE PLACE OF BEGINNING.**

**SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.**

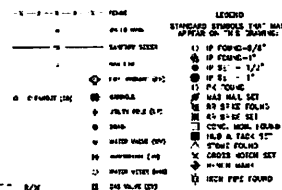
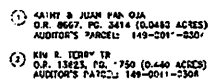
**Parcel ID: 149-0011-0305-00**  
-----

## to Grant of Easement

ACCESS  
EASEMENT DETAIL  
65.0 SQ.FT.  
(NOT TO SCALE)

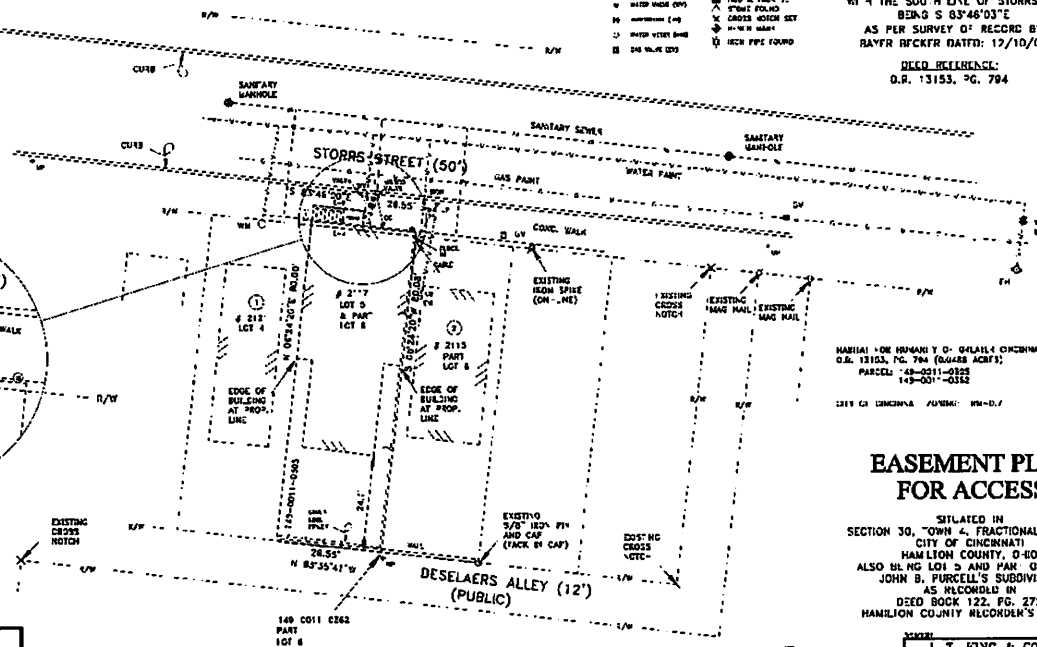


EASEMENT BEARINGS & DISTANCES		
L-1	N 04°41'0" E	5.00'
L-2	S 83°46'00" E	15.36'
L-3	S 08°24'20" W	5.00'
L-4	N 86°46'00" W	5.00'



AUDITOR'S BOOK: 149, PAGE: 0011  
PARCELS: 0305, 0362

**BASIS OF REFERENCE:**  
JOHN'S B. FURCELL'S SUBDIVISION  
D.B. 122, PG. 272  
AND  
O.R. 13153, PG. 794  
W/4 THE SOUTH LINE OF STORRS ST.  
BEING S 83°46'03"E  
AS PER SURVEY OF RECORD BY  
RAYFR BECKER DATED: 12/10/07  
**DEED REFERENCE:**  
O.R. 13153, PG. 794



HAKILAI + DE HUMAKI Y O. GILALIL CINCHINAI  
 O.S. 12103, PG. 794 (0.488 ACRES)  
 PARCEL: 49-0011-0325  
 149-0011-0352

## EASEMENT PLAT FOR ACCESS

SITATED IN  
SECTION 30, TOWN 4, FRACTIONAL RANGE 1  
CITY OF CINCINNATI  
HAMILTON COUNTY, 0-110  
ALSO BLNG LOT 5 AND PART OF LOT 6  
JOHN B. PURCELL'S SUBDIVISION  
AS RECORDED IN  
DEED BOOK 122, PG. 272  
HAMILTON COUNTY RECORDER'S OFFICE



**J. T. KING & CO., INC.**  
**CIVIL ENGINEERS & LAND SURVEYORS**  
 2000 BROADWAY, SUITE 1000  
 NEW YORK, N.Y. 10001  
 (212) 691-1000

**EXHIBIT C**

to Grant of Easement

*Legal Description*

Purchase, City of Cincinnati, Hamilton County, Ohio, and being more particularly defined as follows:

Beginning at the north west corner of Lot 5 of John B. Purcell's Subdivision, as recorded in Deed Book 122, Pg. 272, in the Hamilton County Recorder's Office; said point lies in the south right of way line of Storrs Street;

THENCE, leaving the south line of Storrs Street, North 06 degrees 24 minutes 20 seconds East for a distance of 5.00 feet;

THENCE, South 83 degrees 46 minutes 00 seconds East for a distance of 13.00 feet;

THENCE South 06 degrees 24 minutes 20 seconds West for a distance of 5.00 feet;

THENCE North 83 degrees 46 minutes 00 seconds West for a distance of 13.00 feet with the south line of Storrs Street, to the place of beginning;

Containing in all 65 Square Feet more or less subject to all legal highways and easements of record;

This Legal Description was prepared from a survey by J.T. King & Co. Inc., Civil Engineers and Land Surveyors, dated December 03, 2021, and revised on May 6, 2021, and written by J. Timothy King, PE-PS, Professional Land Surveyor, State of Ohio Registration No. 6549.

-----  
[SPACE ABOVE FOR RECORDER'S USE]

## GRANT OF EASEMENT

(encroachments upon a portion of Storrs Street)

This Grant of Easement is granted as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), in favor of **Almira Alim Darden**, single, with a tax mailing address of 2117 Storrs Street, Cincinnati, OH 45204 ("**Grantee**").

### Recitals:

A. By virtue of a *Quitclaim Deed* recorded on April 02, 2021, in OR 14388, Page 2763, Hamilton County, Ohio Records, Grantee holds title to certain real property located at 2117 Storrs Street, Cincinnati, OH 45204, as more particularly described on Exhibit A (*Legal Description – Benefitted Property*) and depicted on Exhibit B (*Survey Plat*) hereto (the "**Benefitted Property**").

B. The City owns the adjoining Storrs Street public right-of-way, which is under the management of the City's Department of Transportation and Engineering ("**DOTE**").

C. Grantee has requested the City to grant an easement for an encroachment upon the Storrs Street public right-of-way, i.e., stairway and landing (the "**Encroachment**").

D. The City Manager, in consultation with DOTE, has determined that (i) the easement will not have an adverse effect on the City's retained interest in the Storrs Street public right-of-way, and (ii) granting the easement will not have an adverse effect on the usability or accessibility of any existing Storrs Street public right-of-way facilities.

E. The City's Real Estate Services Division has determined that the fair market value of the easements, as determined by professional appraisal, are \$50, which has been deposited with the Real Estate Services Division.

F. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on July 16, 2021.

G. Cincinnati City Council approved the easement by Ordinance No. \_\_\_\_-2021, passed on \_\_\_\_\_, 2021.

NOW THEREFORE, the parties do hereby agree as follows:

1. Grant of Easement. The City does hereby grant to Grantee, on the terms and conditions set forth herein, as an appurtenance to and for the benefit of the Benefitted Property, a non-exclusive encroachment easement to use, maintain, repair, reconstruct, replace, and remove a stairway and landing in, on, and across the portion of the Storrs Street public right-of-way, as more particularly depicted on Exhibit B and described on Exhibit C (Legal Description) hereto (the “**Stairway Easement**” or “**Stairway Easement Area**”, as applicable). Grantee shall not make any modifications to the Encroachment within the Stairway Easement Area without the City’s prior written consent.

2. Termination. Notwithstanding anything herein to the contrary, the Stairway Easement shall automatically terminate upon (i) the complete or partial demolition of the Encroachment within the Stairway Easement Area, such that the Stairway Easement would be rendered unnecessary; (ii) upon written notice from the City, if the City determines that it needs the Stairway Easement Area, or any portion thereof for a municipal purpose, including, without limitation to the implementation of Americans with Disabilities Act (“**ADA**”) regulations compliance or accessibility standards; (iii) or upon written notice from the City if the City determines that the Encroachment is creating a public safety issue, such as noncompliance with ADA accessibility regulations, contributing to adverse impacts on the usability or accessibility of any public right-of-way facilities.

3. Maintenance and Repairs. At no cost to the City, Grantee shall maintain the Encroachment in a continuous state of good and safe condition and repair. Grantee acknowledges that there may be existing easements, utility lines, and related facilities in the vicinity of the Stairway Easement Area (“**Third-Party Utility Lines**”). In connection with Grantee’s maintenance, repair, and use of the Encroachment, Grantee shall not interfere with the access of utility companies to maintain and repair the Third-Party Utility Lines and shall, at Grantee’s expense, promptly repair any and all damage to Third-Party Utility Lines caused by Grantee, its agents, employees, contractors, subcontractors, tenants, licensees, or invitees. Any relocation of Third-Party Utility Lines necessitated by the maintenance, repair, reconstruction, removal, or sealing of the Encroachment under this instrument shall be handled entirely at Grantee’s expense. All activities undertaken by Grantee under this instrument shall be in compliance with all applicable codes, laws, and other governmental standards, policies, guidelines and requirements.

4. Insurance; Indemnification. At all times, and in addition to whatever other insurance and bond requirements as the City may from time to time require, Grantee shall maintain or cause to be maintained a policy of Commercial General Liability insurance, with an insurance company reasonably acceptable to the City and naming the City as an additional insured, in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, or in such greater amount as the City may from time to time require. Grantee shall furnish to the City a certificate of insurance evidencing such insurance upon the City’s request and, in any event, prior to undertaking any construction activities within the Stairway Easement Area. Grantee hereby waives all claims and rights of recovery against the City, and on behalf of Grantee’s insurers, rights of subrogation, in connection with any damage to the Encroachment, no matter how caused. Grantee shall defend (with counsel reasonably acceptable to the City), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including without limitation reasonable attorneys’ fees), liability and damages suffered or incurred by, or asserted against, the City in connection with the use, maintenance, repair, and all other matters associated with the Encroachment.

5. Default. If Grantee, its successors-in-interest, or assigns fail to perform any required work under this instrument and fails to address the same to DOTE’s satisfaction within thirty (30) days after receiving written notice thereof from DOTE, the City shall have right to perform such work, at Grantee’s expense, payable within ten (10) days after receiving an invoice from DOTE evidencing the amount due. Grantee, its successors-in-interest, or assigns shall be liable to DOTE for the payment of such work. Any outstanding amount due under this instrument shall create a lien on the Benefitted Property until fully

paid. At the City's option, the City may file an affidavit in the Hamilton County, Ohio Recorder's office to memorialize any outstanding amounts due under this instrument.

6. Covenants Running with the Land. The provisions hereof shall run with the land and shall inure to the benefit of and be binding upon the City, Grantee, and their respective successors-in-interest and assigns.

7. Governing Law; Severability. This instrument shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. If any provisions hereof are determined to be invalid or unenforceable by a court of law, the remainder of this instrument shall not be affected thereby, and all other provisions of this instrument shall be valid and enforceable to the fullest extent permitted by law.

8. Notices. All notices given hereunder shall be in writing and shall be sent by U.S. certified or registered mail, return receipt requested, or delivered by a recognized courier service, or by personal delivery, to the parties at their respective addresses set forth in the introductory paragraph hereof or such other address as either party may specify from time to time by notice given in the manner prescribed herein. All notices to the City shall be addressed to the Office of the City Manager, and a copy of each such notice shall simultaneously be delivered to: Department of Transportation and Engineering, Attn: Director, Room 450. In the event of an alleged breach by the City of this instrument, a copy of each notice of breach shall simultaneously be delivered to the Office of the City Solicitor, 801 Plum Street, Room 214, Cincinnati, OH 45202.

9. Coordinated Report Conditions (CR #21-2020). The following additional conditions shall apply:

(A) DOTe:

(i) [Intentionally Omitted].

(ii) [Intentionally Omitted].

(iii) A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street. Please note that plan drawings (2 sets), to be reviewed by DOTE, must be attached to the permit application.

10. Counterparts and Electronic Signatures. This instrument may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original. This instrument may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

11. Exhibits. The following exhibits are attached hereto and made a part hereof:

Exhibit A – *Legal Description - Benefitted Property*

Exhibit B – *Survey Plat*

Exhibit C – *Legal Description*

[ Signature Page Follows ]



Executed by the parties on the respective date of acknowledgement listed below, effective as the later of such dates (the "**Effective Date**").

**CITY OF CINCINNATI**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF OHIO                    )  
  ) ss:  
COUNTY OF HAMILTON        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021 by \_\_\_\_\_, the \_\_\_\_\_ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

Approved by:

\_\_\_\_\_  
John S. Brazina, Director  
Department of Transportation and Engineering

Approved as to Form by:

\_\_\_\_\_  
Assistant City Solicitor

[ *Grantee Signature Page Follows* ]

ACCEPTED AND AGREED TO BY:

**ALMIRA ALIM DARDEN**, single

By: \_\_\_\_\_

Date: \_\_\_\_\_, 2021

This instrument prepared by:  
City of Cincinnati Law Department  
801 Plum Street, Suite 214  
Cincinnati, OH 45202

**EXHIBIT A**

to Grant of Easement

***LEGAL DESCRIPTION - BENEFITTED PROPERTY***

SITUATE IN THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, AND BEING LOT NUMBER 5 OF JOHN B. PURCELL'S SUBDIVISION AS RECORDED IN DEED BOOK 122, PAGE 272 OF THE HAMILTON COUNTY, OHIO RECORDER'S OFFICE, FRONTING 26 FEET ON THE SOUTH SIDE OF STORRS STREET AND EXTENDING SOUTH SAME WIDTH 80 FEET.

ALSO, THE FOLLOWING DESCRIBED REAL ESTATE, SITUATE IN THE CITY OF CINCINNATI, HAMILTON COUNTY, OHIO AND BEING PART OF LOT NO. 6 OF JOHN B. PURCELL'S SUBDIVISION, AS RECORDED IN DEED BOOK 122, PAGE 272 OF THE HAMILTON COUNTY, OHIO RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING IN THE SOUTH LINE OF STORRS STREET AT THE NORTHWEST CORNER OF SAID LOT 6, THENCE EASTWARDLY ALONG THE SOUTH LINE OF STORRS STREET A DISTANCE OF 0.55 FEET; THENCE SOUTHWARDLY ALONG THE EAST WALL OF A TWO AND ONE-HALF STORY BRICK BUILDING A DISTANCE OF 80 FEET TO A POINT IN THE SOUTH LINE OF SAID LOT 6, 0.55 FEET EASTWARDLY FROM THE SOUTHWEST CORNER OF SAID LOT 6; THENCE WESTWARDLY ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 0.55 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6; THENCE NORTHWARDLY ALONG THE WEST LINE OF SAID LOT 6 A DISTANCE OF 80 FEET TO THE PLACE OF BEGINNING.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Parcel ID: 149-0011-0305-00

*Survey Plat*



**EXHIBIT C**

to Grant of Easement

*Legal Description*

Purchase, City of Cincinnati, Hamilton County, Ohio, and being more particularly defined as follows:

Beginning at the north west corner of Lot 5 of John B. Purcell's Subdivision, as recorded in Deed Book 122, Pg. 272, in the Hamilton County Recorder's Office; said point lies in the south right of way line of Storrs Street;

THENCE, leaving the south line of Storrs Street, North 06 degrees 24 minutes 20 seconds East for a distance of 5.00 feet;

THENCE, South 83 degrees 46 minutes 00 seconds East for a distance of 13.00 feet;

THENCE South 06 degrees 24 minutes 20 seconds West for a distance of 5.00 feet;

THENCE North 83 degrees 46 minutes 00 seconds West for a distance of 13.00 feet with the south line of Storrs Street, to the place of beginning;

Containing in all 65 Square Feet more or less subject to all legal highways and easements of record;

This Legal Description was prepared from a survey by J.T. King & Co. Inc., Civil Engineers and Land Surveyors, dated December 03, 2021, and revised on May 6, 2021, and written by J. Timothy King, PE-PS, Professional Land Surveyor, State of Ohio Registration No. 6549.

November 3, 2021

**To:** Mayor and Members of City Council

**From:** Paula Boggs Muething, City Manager

**202103061**

**Subject: Ordinance – Modifying Cincinnati Municipal Code Chapter 324-7**

---

Attached is an Ordinance captioned:

**MODIFYING** Section 324-7, “Scope and Effective Period of Chapter,” of Chapter 324, “Minority and Women Business Enterprise Programs,” of the Cincinnati Municipal Code to extend the effective period of Chapter 324 to allow time for a new disparity study to be completed.

Cincinnati Municipal Code Chapter 324, “Minority and Women Business Enterprise Programs,” was ordained by Ordinance No. 308-2015, and has an effective date of January 1, 2016, thru January 1, 2021. This Chapter was later amended by Emergency Ordinance 198-2020 to include Section 324-7, “Scope and Effective Period of Chapter,” effective June 24, 2020. This amendment states that Chapter 324 will automatically expire six years after its initial effective date, unless it is determined that there is a need to extend for an additional five years.

The City of Cincinnati entered into a contract with Griffin & Strong, P.C. on June 7, 2021, to complete an updated disparity study. However, the report and recommendations will not be ready for the Administration and City Council to evaluate and act upon by December 31, 2021, the initial date for Chapter 324 to expire.

The attached Ordinance will extend the effective date of Chapter 324 thru March 31, 2023, enabling the MBE/WBE Program to continue without interruption while the disparity study and subsequent report and recommendations are completed, evaluated, and implemented.

The Administration recommends passage of this Ordinance.

cc: Edgar DeVeyra, Interim Director of Economic Inclusion



**MODIFYING** Section 324-7, “Scope and Effective Period of Chapter,” of Chapter 324, “Minority and Women Business Enterprise Programs,” of the Cincinnati Municipal Code to extend the effective period of Chapter 324 to allow time for a new disparity study to be completed.

WHEREAS, on January 15, 2014, following a competitive proposal process, City Council passed Ordinance No. 0006-2014 authorizing the City Manager to enter into a contract with Mason Tillman Associates, Ltd. (“Mason Tillman”) to conduct a disparity study; and

WHEREAS, the Final Disparity Study Report prepared by Mason Tillman, which was dated July 2015 (“the Disparity Study Report”), identified statistically significant disparities in the participation of minority business enterprises (MBEs) and women business enterprises (WBEs) in City contracts; and

WHEREAS, on September 30, 2015, City Council ordained new Chapter 324, “Minority and Women Business Enterprise Programs,” of the Cincinnati Municipal Code (“MBE/WBE Program”) to implement race- and gender-conscious programs designed to mitigate those disparities; and

WHEREAS, the ordinance ordaining Chapter 324 was effective January 1, 2016; and

WHEREAS, Cincinnati Municipal Code Section 324-7, “Scope and Effective Period of Chapter,” as amended by Ordinance 198-2020 passed on June 24, 2020, provides the chapter will automatically expire six years after its initial effective date unless, prior to that time, Council finds, after authorizing an appropriate study and conducting public hearings, that statistically significant disparity continues to exist and extends the effective period of Chapter 324 for an additional five years; and

WHEREAS, the City has contracted with Griffin & Strong, P.C. to complete an updated disparity study, but the study will not be completed and the subsequent report and recommendations will not be evaluated by the Administration and Council by December 31, 2021, which is the date Chapter 324 would otherwise expire; and

WHEREAS, an extension of Chapter 324 until April 1, 2023 will allow the MBE/WBE Program to continue without interruption while the disparity study and the report and recommendations are completed, evaluated, and implemented; now, therefore,

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

Section 1. That Section 324-7, “Scope and Effective Period of Chapter,” of Chapter 324, “Minority and Women Business Enterprise Program,” of the Cincinnati Municipal Codes is hereby amended to read as follows:

**Sec. 324-7 – Scope and Effective Period of Chapter.**

- (a) This chapter applies to all contracts for construction, professional services, and non-professional services and supplies valued at \$50,000.00 or more for which a contractor provides goods or services to the city.
- (b) This chapter shall remain in effect until April 1, 2023~~for a period of six years after its initial effective date~~ and shall automatically expire on April 2, 2023~~at the end of that six-year period~~ unless, prior to that time, the council of the city of Cincinnati, after authorizing an appropriate study to be undertaken and conducting public hearings, finds that statistically significant disparity continues to exist and extends the effective period of this chapter for an additional five years.

Section 2. That existing Section 324-7 of the Cincinnati Municipal Code is hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after the earliest time allowed by law.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

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

\_\_\_\_\_  
New language underscored. Deleted language indicated by strikethrough.

EMERGENCY

City of Cincinnati

LES/B

*BWB*

An Ordinance No. \_\_\_\_\_

- 2021

**AUTHORIZING** the City Manager to execute and implement the labor management agreement between the City of Cincinnati and the American Federation of State, County and Municipal Employees, Locals 190, 223, 240, 250, 1543, and 3119, the updated terms of which are reflected in the summary attached hereto.

WHEREAS, the current labor management agreement ("Agreement") between the City of Cincinnati and the American Federation of State, County and Municipal Employees, Locals 190, 223, 240, 250, 1543, and 3119 ("AFSCME") will expire on August 6, 2022; and

WHEREAS, the City and AFSCME, through their respective negotiating teams, have reached tentative agreement on the terms of a successor to the Agreement ("Tentative Agreement"), the updated terms of which are reflected in the summary attached hereto; and

WHEREAS, the Tentative Agreement has a duration of three years beginning on August 7, 2022, and expiring on August 2, 2025; and

WHEREAS, all employees in the AFSCME bargaining unit ("AFSCME employees") will receive a 5.0% increase to their base wage effective August 7, 2022, a 4.0% increase to their base wage effective August 6, 2023, and a 3.0% increase to their base wage effective August 4, 2024; and

WHEREAS, all AFSCME employees will be subject to streamlined and cost-effective disciplinary reforms; and

WHEREAS, the parties will execute a Letter of Agreement memorializing the allocation of Premium Pay, also called Hazard Pay, in an amount equal to \$1,000 for each AFSCME employee, which will be paid at the earliest possible date; and

WHEREAS, the terms and conditions of the Tentative Agreement as agreed to by the parties represent fair and equitable gains for both parties; and

WHEREAS, the membership of the AFSCME bargaining unit ratified the terms of the negotiated labor management agreement on September 30, 2021; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute and implement the labor management agreement between the City of Cincinnati and the American Federation of State,

County and Municipal Employees, Locals 190, 223, 240, 250, 1543, and 3119, the updated terms of which are reflected in the summary attached hereto.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1 herein.

Section 3. 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 enter into the labor and management agreement and provide Premium Pay, also called Hazard Pay, to employees in the American Federation of State, County and Municipal Employees, Locals 190, 223, 240, 250, 1543, and 3119 at the earliest possible date.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

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

# City of Cincinnati



801 Plum Street, Suite 351  
Cincinnati, Ohio 45202

Phone: (513) 352-5232  
Email: [greg.landsman@cincinnati-oh.gov](mailto:greg.landsman@cincinnati-oh.gov)  
Web: [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)

202103048

**Greg Landsman**  
Councilmember

October th, 2021

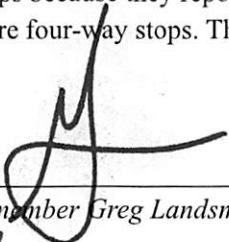
## **MOTION** **Stop Signs Request**

In an effort to further protect citizens and acknowledge constituent concerns, we move that the Administration looks into the placement of additional stop signs at the following locations:

- *Middleton and Lafayette (Clifton)*
- *Hanfield and Gordon (Northside)*
- *Pitts and Chase (Downtown Business District)*
- *Teakwood and Devonwood (College Hill)*
- *Mad Anthony and Knowlton (Northside)*

## **STATEMENT**


Constituents have reached out about these stops because they report that a large number of the community already assumes these locations are four-way stops. Thus, the risk of accidents at these intersections is especially high.

  
\_\_\_\_\_  
Councilmember Greg Landsman

  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Page 1234

  
James H. Smith

26OCT21AM10:57

Colander

KL

**Date:** October 28, 2021

**To:** Councilmember Greg Landsman  
**From:** Andrew Garth, City Solicitor *AWG*  
**Subject:** **Ordinance – Modifying CMC Chapter 871-9 Affirmative Defense Recognition**

---

Transmitted herewith is an ordinance captioned as follows:

**MODIFYING** the provisions of Chapter 871, “Landlord-Tenant Relationships,” of Title VIII, “Business Regulations,” of the Cincinnati Municipal Code, by **AMENDING** Section 871-9, “Obligations of Landlords and Tenants,” to recognize the right of tenants living in residential rental properties to assert payment of past due rent as a defense in any forcible entry and detainer (eviction) action filed on the basis of nonpayment of rent.

AWG/EEF/(lnk)  
Attachment  
346165



**City of Cincinnati**  
**An Ordinance No. \_\_\_\_\_**

EEF

*AWB*

- 2021

**MODIFYING** the provisions of Chapter 871, “Landlord-Tenant Relationships,” of Title VIII, “Business Regulations,” of the Cincinnati Municipal Code, by **AMENDING** Section 871-9, “Obligations of Landlords and Tenants,” to recognize the right of tenants living in residential rental properties to assert payment of past due rent as a defense in any forcible entry and detainer (eviction) action filed on the basis of nonpayment of rent.

WHEREAS, over a year and a half after the Governor of the State of Ohio declared a public health emergency due to the global pandemic caused by the novel coronavirus (“COVID-19”), the pandemic persists and the rate of transmission of COVID-19 continues to increase despite the widespread availability of vaccines demonstrated to reduce transmission; and

WHEREAS, as of August 16, 2021, there are approximately 192 cases of COVID-19 being reported per day in Hamilton County, marking a 137% increase from two weeks ago; and

WHEREAS, the full scope of the long-term economic impact of the COVID-19 pandemic on the state, region, City, and tenants of residential rental properties is not yet ascertainable, but evidence to date demonstrates that there have been record unemployment filings across the state and widespread loss of employment attributable to the COVID-19 pandemic; and

WHEREAS, despite an August 13, 2021 ruling from the federal court in the District of Columbia denying a request to block the enactment of the current eviction moratorium issued by the Center for Disease Control, which moratorium is in effect up to and including October 3, 2021, the Hamilton County Municipal Court has determined to allow eviction actions to proceed; and

WHEREAS, there are currently millions of dollars in rental and utility assistance funds available to qualifying residential tenants and landlords who have experienced financial hardship due to COVID-19, which low-barrier funds may be used to pay for multiple months of unpaid monthly rent and utility bills to ensure housing stability; and

WHEREAS, Ohio courts have long recognized that residential tenants subject to eviction actions may assert late payment of rental payments owed as an affirmative defense in eviction matters, including in the decisions in *Bester v. Owens*, 1999 Ohio App. LEXIS 1439 (2d Dist. 1999); *Northlake Hills Co-op v. Barrett*, 1986 WL 14238 (2d Dist. 1999); and *CMHA v. Green*, 41 Ohio App. 3d 365 (1st Dist. 1987), and courts may decline to terminate lease agreements in such cases; now, therefore,

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

Section 1. That Section 871-9, "Obligations of Landlords and Tenants," of Chapter 871, "Landlord-Tenant Relationships," of Title VIII, "Business Regulations," of the Cincinnati Municipal Code is hereby amended to read as follows:

**Sec. 871-9. – Obligations of Landlords and Tenants.**

(a) In every rental agreement there shall be imposed upon the landlord the following obligations to the tenant:

- (1) The landlord shall conform to the "Obligations of Landlords" as set out in Section 5321.04 of the Ohio Revised Code.
- (2) The landlord shall maintain the rental unit in substantial compliance with the provisions applicable to landlords in the Cincinnati - Ohio Basic Building Code, the Cincinnati Fire Prevention Code, and the regulations of the board of health;
- (3) So long as the tenant continues to meet their obligation under paragraph 871-9(b)(2), no landlord shall raise the agreed rent for the rental unit above the rent charged for comparable rental units, or otherwise increase the obligations of the tenant in any way, or terminate the tenancy, or bring an action for forcible entry and detainer, in retaliation for the tenant's availing themselves of any right or remedy under this chapter or because:
  - (A) The tenant has complained in good faith to the landlord or their agent or employees of conditions in or affecting the tenant's rental unit which the tenant believes may constitute a violation of the Cincinnati - Ohio Basic Building Code, the Fire Prevention Code, the regulations of the board of health or any other law.
  - (B) The tenant has complained in good faith to a body charged with the enforcement of the Cincinnati - Ohio Basic Building Code, the Fire Prevention Code, or the regulations of the board of health, or any other law of a condition in or affecting the rental unit which the tenant believes may constitute a violation of such codes, regulations or other laws; or
  - (C) In response to a complaint of the tenant, the body charged with enforcement of the Cincinnati - Ohio Basic Building Code, the Fire Prevention Code, the regulations of the board of health or any other law has served a notice or complaint of a violation on the landlord, agents, or employees of the landlord.

- (4) Within six months after the occurrence of any event referred to in this paragraph 871-9(a)(3), an action for forcible entry and detainer shall be presumed to be in retaliation for that event and the landlord shall not be entitled to recover possession unless landlord proves by a preponderance of the evidence that:
- (A) The tenant is committing waste, creating a nuisance, using the rental unit for an illegal purpose or for other than living or dwelling purposes, or substantially impairing the quiet enjoyment of the property by the other occupants of the property; or
  - (B) The landlord desires possession of the rental unit for immediate use as landlord's own abode; or
  - (C) The rental unit must be vacated in order to make necessary repairs; or
  - (D) The landlord plans permanently and immediately to remove the rental unit from the rental market.
- (5) The obligations of a tenant under any agreement or under this chapter shall not be modified by this section, but failure of the tenant to perform any obligations other than those specified in paragraphs 871-9(b)(2) and 871-9(a)(4) shall not be grounds for eviction.
- (6) Prior to entry into the rental agreement and thereafter upon request by the tenant, the landlord shall provide to the tenant:
- (A) A copy of all rules and regulations concerning the use, occupancy and maintenance of the rental unit, appurtenances thereto, and the property of which the rental unit is a part, and
  - (B) A copy of the "Notice to tenants" set out in paragraph 871-11(a) and shall obtain from the tenant a written acknowledgement by the tenant of receipt of the rules and regulations and the "Notice to tenants" set out in paragraph 871-11(a).
  - (C) A complete copy of the written rental agreement, if any.
- (7) When a tenant provides a security deposit the landlord shall provide the tenant with a signed receipt for the security deposit and all rental payments, except for payments made by personal check of the tenant, at the time the security deposit or rental payments are made.
- (8) Upon a tenant's request, all landlords who own and control more than twenty-five rental units and require a security deposit shall offer to accept at least one

of the options described in paragraph 871-9(a)(8)(A-C) in lieu of the required security deposit:

(A) Rental security insurance that satisfies the following criteria:

- (i) The insurance provider is an approved carrier licensed by, and in good standing with, the Ohio Department of Insurance;
- (ii) The coverage is effective upon payment of the first premium and remains effective for the entire lease term; and
- (iii) The coverage provided per claim is no less than the amount the landlord requires for security deposits.

(B) Payment of the security deposit over a series of no less than six equal monthly installment payments, which installments shall be due on the same day as the monthly rent payment and which may be paid together with the monthly rent payment in a single transaction, absent separate agreement by the landlord and tenant.

(C) Payment of a reduced security deposit, which amount shall be no more than fifty percent of the monthly rental rate charged for the subject unit.

(D) Prior to entering into a rental agreement, a landlord shall provide the tenant written notice of the available security deposit alternatives consistent with paragraph 871-11, "Notice to Tenants."

(E) If rental security insurance meeting the criteria in this paragraph 871-9(a)(8) is not available within the corporate limits of city of Cincinnati, a landlord shall satisfy his or her obligations under this paragraph 871-9(a)(8) by offering, at his or her option, one of the rental security deposit alternatives described in paragraph 871-9(a)(8)(B-C).

(F) The provisions of this paragraph shall not apply to a deposit placed with a landlord to secure the availability of a rental unit more than sixty days prior to the commencement of the rental period.

- (9) A tenant who elects to provide rental insurance in lieu of a required security deposit shall not be required to provide additional security or insurance coverage per claim in an amount greater than the amount required for security deposits.
- (10) If the rental agreement includes a provision that authorizes the landlord to assess the tenant a fee for late payment of the monthly rent, the total amount of that late payment fee for any month may not exceed fifty dollars (\$50.00) or five percent (5%) of the monthly contract rent, whichever amount is greater.

- (11) The landlord shall not:
- (A) Charge interest on a late fee;
  - (B) Impose a late fee more than one time on a tenant's single late payment of rent; or
  - (C) Impose a late fee on a tenant for the late payment or nonpayment of any portion of the rent for which a rent subsidy provider, rather than the tenant, is responsible for paying.
- (b) In every rental agreement there shall be imposed upon the tenant the following obligations to the landlord:
- (1) The tenant shall conform to the "Responsibilities of occupants" as set out in the Cincinnati - Ohio Basic Building Code and to the "Obligations of Tenant" as set out in Section 5321-05 of the Ohio Revised Code.
  - (2) The tenant shall tender the agreed rent at the agreed time and place, and in the agreed manner except:
    - (A) When the tenant has made any payment to a utility supplier for utility services to the rental unit which, by the rental agreement, is the obligation of the landlord, the tenant may deduct the amount of such payments from the rent.
    - (B) When the landlord has failed to comply with an order of state or local building, health, or fire officials within the time period specified in the initial order to the landlord, the tenant may make or cause to be made necessary repairs and deduct the reasonable cost thereof, including the cost of all necessary permits, from the rent due and owing in the next two consecutive 30 day rental periods. No tenant shall deduct more than two months' rent for the cost of repairs in any six-month period. No tenant shall undertake repairs without first obtaining the necessary permits from the Department of Buildings and Inspections. All repairs shall be made in compliance with the provisions of the Cincinnati - Ohio Basic Building Code.
    - (C) Whenever the building or a portion of the building of which the rental unit is a part is ordered vacated by governmental authority, the tenant shall vacate the rental unit and the duty of the tenant to pay rent shall be completely abated.

- (3) The tenant shall obey all rules and regulations established by the landlord concerning the use, occupation, and maintenance of the rental unit, appurtenances thereto, and the property of which the unit is a part, if:
- (A) The tenant has acknowledged receipt in writing of a copy of the rules and regulations prior to entry into the rental agreement, or has consented in writing to rules and regulations promulgated after commencement of the rental agreement, and
  - (B) The rules and regulations are reasonably related to the convenience, safety or welfare of the tenants of the property, or to the preservation of the property, or to the fair distribution of services and facilities held out for the tenants generally, and
  - (C) The rules and regulations are sufficiently explicit in their prohibition, direction, or limitation of the tenant's conduct to inform tenant of what must or must not be done to comply.
- (c) In any eviction action (Complaint for Forcible Entry and Detainer) brought by a landlord under Ohio Revised Code Chapter 1923 for nonpayment of rent involving a residential rental property, the tenant's tender of all past due rent; reasonable late fees, which late fees are governed by Sections 871-9(a)(10) and 871-9(a)(11); court costs; and reasonable attorney fees, not to exceed \$125.00, whether tender is made before or after the filing of the eviction action, so long as tender is made no later than at the municipal court eviction hearing, shall constitute an affirmative defense.
- (1) For purposes of this section, "tender" shall mean payment of or the provision of a voucher from an accredited social service, nonprofit, governmental, or quasi-governmental agency that guarantees the payment of any and all past due rent, reasonable late fees, court costs, and, where applicable, reasonable attorney's fees. Such tender shall be made to the landlord in any lawful form agreed upon by the landlord, any form provided for by state law, or any form approved of by a court with jurisdiction over the eviction action. Where a tenant provides payment to a landlord in the form of a cashier's check, money order, certified check, or cash in an amount which covers all past due rent, reasonable late fees, court costs, and, where applicable, reasonable attorney's fees, such payment shall also constitute "tender" for purposes of this section.
- (d) Except as specifically provided in Section 871-9 or any other section of this chapter, all obligations of landlords and tenants under this chapter shall be interpreted as independent obligations and the duty of a tenant or landlord to meet the obligations under this chapter shall not be conditioned upon the performance of obligations by the other party to the rental agreement.

Section 2. That existing Section 871-9, "Obligations of Landlords and Tenants" of Chapter 871, "Landlord-Tenant Relationships" of the Cincinnati Municipal Code is hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

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

\_\_\_\_\_  
New language underscored. Deleted language indicated by strikethrough.



October 13, 2021

**To:** Mayor and Members of City Council 202102920

**From:** Paula Boggs Muething, City Manager

**Subject:** Emergency Ordinance – Text Amendments to Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code” of the Cincinnati Municipal Code

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Transmitted is an Emergency Ordinance captioned:

**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.

The City Planning Commission recommended approval of the amendments at its August 20, 2021 and October 1, 2021 meeting.

#### Summary

In February 2019, the Department of City Planning received a written request from the Walnut Hills Redevelopment Foundation as representatives of one of the four neighborhoods to adopt Form Based Code (FBC) (Exhibit B). The letter served as a formal request from College Hill, Madisonville, Walnut Hills, and Westwood to begin conversations with the Department of City Planning and Engagement, and the Department of Buildings and Inspections, specifically the Zoning Division and

Urban Conservator's Office, to address scrivener errors, clarifications, and internally illuminated signage.

In addition to the above referenced and requested amendments, the City of Cincinnati conducted a review of the Title XIV, "Zoning Code of the City of Cincinnati," and Title XVII, "Land Development Code" of the Cincinnati Municipal Code to identify related and necessary text amendments. Of the areas identified, it was determined that Title XVII, "Land Development Code," as it relates to urban agriculture, horticulture, and animal keeping, needs to be amended to reflect the recently adopted Chapter 1422, "Urban Agriculture: Horticulture and Animal Keeping" of the Zoning Code. The proposed text amendments also include modifications to the Urban Design Overlay District review standards as there have been an increase in applications for development in these districts, and it has been determined that added clarity is necessary to these standards and procedures. The proposed text amendments to modify specific sections of Title XIV, "Zoning Code of the City of Cincinnati," and Title XVII "Land Development Code" is intended to add consistency to the Cincinnati Municipal Code, continue to build streamlined and cohesive development processes, and add transparency to city requirements and development procedures.

The City Planning Commission recommended the following on August 20, 2021 to City Council:

**APPROVE** the proposed text amendments to modify Title XIV, "Zoning Code of the City of Cincinnati," and Title XVII, "Land Development Code," of the Cincinnati Municipal Code, by AMENDING the provisions of Sections 1401-01-A8, "Animal Keeping," 1403-05, "Land Use Regulations," 1409-07, "Land Use Regulations," 1411-05, "Land Use Regulations," 1413-05, "Land Use Regulations," 1422-05, "Development Regulations," 1422-07, "Maintenance and Storage," 1425-19 "Off-Street Parking and Loading Requirements," 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 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 scriveners errors in the City's zoning codes, and to promote efficient and complementary development throughout the City.

The City Planning Commission recommended the following on October 1, 2021 to City Council:

**APPROVE** the proposed text amendments to modify Title XIV, "Zoning Code of the City of Cincinnati" of the Cincinnati Municipal Code, by AMENDING the provisions of Sections 1437-05, "Establishment of UD Overlay Districts," 1437-07, "Applications Subject to Review," 1437-09, "Development Standards in UD Overlay Districts," 1437-11, "Approval," 1437-13, "Appeal," 1439-07, "Zoning Hearing Examiner," and 1439-11, "Zoning Board of Appeals," to provide greater clarity and to promote efficient and complementary development throughout the City.

**ADOPT** the following condition to the approval above:

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

cc: Katherine Keough-Jurs, AICP, Director, Department of City Planning and Engagement



## EMERGENCY

City of Cincinnati

DBS

*AWB*

# An Ordinance No. \_\_\_\_\_

- 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
Residential Uses						
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>	
Group residential						
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>	
Permanent residential						
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> <u>L5</u>	<del>L6</del> <u>L5</u>	<del>L6</del> <u>L5</u>	<del>L6</del> <u>L5</u>	<del>L6</del> <u>L5</u>	
Child day-care centers	<del>L5,7</del> <u>L4,6</u>	<del>L5,7</del> <u>L4,6</u>	<del>L5,7</del> <u>L4,6</u>	<del>L5,7</del> <u>L4,6</u>	<del>L5,7</del> <u>L4,6</u>	
Refuse storage areas	P	P	P	P	P	See § 1421-35
Drive Box	<del>L8</del> <u>L7</u>	<del>L8</del> <u>L7</u>	<del>L8</del> <u>L7</u>	<del>L8</del> <u>L7</u>	<del>L8</del> <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> <u>L9</u>	<del>L10</del> <u>L9</u>	
Rooming Unit	—	—	<del>L11</del> <u>L10</u>	<del>L11</del> <u>L10</u>	<del>L11</del> <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	
Transitional housing							
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	L13 L9	L13 L9	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	See § 1419-05
Banks and financial institutions	L13 L9	L13 L9	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	L13 L9	L13 L9	P	P	P	P	

Commercial meeting facility	—	—	—	P	P	P	
<b>Eating and drinking establishments</b>							
Convenience markets	<del>L14</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Drinking establishments	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	
Restaurants, full service	<del>L6,</del> <del>L13</del> <u>L9</u>	<del>L6,</del> <del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	See § 1419-21
Restaurants, limited	<del>L6,</del> <del>L13</del> <u>L9</u>	<del>L6,</del> <del>L13</del> <u>L9</u>	<del>L6</del> <u>P</u>	P	P	P	See § 1419-21
Food markets	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Food preparation	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	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	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Loft dwelling units	P	P	P	P	P	P	See § 1419-23
Maintenance and repair services	<del>L13</del>	<del>L13</del>	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	P—	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	—	
<b>Warehousing and storage</b>					
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	<del>L17</del> P	P	—	—	<u>See § 1419-16</u>
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.</p> <p>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>			
Geese, Turkeys, and other Medium-Sized Birds	<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>	Yes, if animals are permitted to range outside of a structure.	A minimum of 6 square feet per adult.	A setback of 10 feet from all property lines.
Dehorned Goats and Sheep	<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>	A minimum of 20 square feet per adult.	A setback of 50 feet from all property lines.
Swine	A minimum of 20,000 square feet per adult; a maximum of 2.	Yes, with a setback of 20 feet from property lines.	A minimum of 30 square feet per adult.	A setback of 50 feet from all property lines.

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 ~~U~~urban ~~D~~esign ~~P~~lan 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 Pproposed 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:
  - (i) whether the building is identified as a contributing building or noncontributing building by the applicable urban design plan or other applicable community plans approved by City Council;
  - (ii) whether the building is recommended for demolition by the applicable urban design plan or other applicable community plans approved by City Council;
  - (iii) whether the building's architectural style, bulk, shape, massing, scale, form, and setbacks are consistent with the predominant characteristics of the district;
  - (iv) whether the building is iconic or specially associated with the district;
  - (v) whether the demolition of the building will negatively impact the district streetscape; and
  - (vi) whether the building is obsolete, damaged, in a state of disrepair, dilapidated, or unsanitary, and whether its condition was caused by the owner or his or her predecessors through deliberate action or willful neglect.

- The demolition of the building will facilitate the construction of a new building or the establishment of a use that will contribute to the physical character and economic vitality of the district, which is demonstrated by evidence that the owner, or a person authorized by the owner, has:
  - (i) obtained final approval to construct a new building or change the use of property pursuant to the requirements of subsection (h) above;
  - (ii) obtained all building permit approvals necessary to commence the new construction or effect the change in use; and
  - (iii) certified via affidavit or sworn testimony as to his or her intent and capacity to diligently pursue the construction of the new building or change in use if demolition of the building is approved.
- ~~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>
<u><b>Agriculture</b></u>		
<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**

<del>Community Garden</del>	<del>1703-5.100.D</del>	<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>			
<del>Community Garden</del>	<del>1703-5.100.D</del>	<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>			
<del>Community Garden</del>	<del>1703-5.100.D</del>	<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>		
<del>Community Garden</del>	<del>1703-5.100.D</del>	<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><b>Agriculture</b></u>			
<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 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**

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**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.

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**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)

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**Lettering**

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

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**Location**

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

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**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 Agriculture~~Community 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~~**

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

#### **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**

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

##### **Opacity**

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

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**

Area Dedicated to Composting	200 sf max.
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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**

Front	10' min.
Side Street	10' min.
Side	3' min.

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: \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor

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

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

**Honorable City Planning Commission  
Cincinnati, Ohio**

**June 4, 2021**

**SUBJECT:** A report and recommendation on proposed text amendments to modify Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code,” of the Cincinnati Municipal Code, by AMENDING the provisions of Sections 1401-01-A8, “Animal Keeping,” 1403-05, “Land Use Regulations,” 1409-07, “Land Use Regulations,” 1411-05, “Land Use Regulations,” 1413-05, “Land Use Regulations,” 1422-05, “Development Regulations,” 1422-07, “Maintenance and Storage,” 1425-19 “Off-Street Parking and Loading Requirements,” Section 1437-07, “Applications Subject to Review,” 1437-09, “Development Standards in UD Overlay Districts,” 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 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 errors in the City’s zoning codes, and to promote efficient and complementary development throughout the City.

**ATTACHMENTS:**

Provided in addition to this report are the following attachments:

- Exhibit A                      Proposed Text Amendment Ordinance
- Exhibit B                      Walnut Hills Redevelopment Foundation Letter
- Exhibit C                      Letters and Correspondences

**BACKGROUND:**

In February 2019, the Department of City Planning received a written request from the Walnut Hills Redevelopment Foundation as representatives of one of the four neighborhoods to adopt Form Based Code (FBC) (Exhibit B). The letter served as a formal request from College Hill, Madisonville, Walnut Hills, and Westwood to begin conversations with the Department of City Planning, and the Department of Buildings and Inspections, specifically the Zoning Division and Urban Conservator’s Office, to address scrivener errors, clarifications, and internally illuminated signage.

In addition to the above referenced and requested amendments, the City of Cincinnati conducted a review of the Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code” of the Cincinnati Municipal Code to identify related and necessary text amendments. Of the areas identified, it was determined that Title XVII, “Land Development Code,” as it relates to urban agriculture, horticulture, and animal keeping, needs to be amended to reflect the recently adopted Chapter 1422, “Urban Agriculture: Horticulture and Animal Keeping” of the Zoning Code. The proposed text amendments also include modifications to the Urban Design Overlay District review standards as there have been an increase in applications for development in these districts, and it has been determined that added clarity is necessary to these standards and procedures.

The proposed text amendments to modify specific sections of Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII “Land Development Code” is intended to add consistency to the Cincinnati

Municipal Code, continue to build streamlined and cohesive development processes, and add transparency to city requirements and development procedures.

**PROPOSED TEXT AMENDMENTS:**

The Department of City Planning, the Department of Buildings and Inspections, and the Law Department propose the following amendments to the Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code” of the Cincinnati Municipal Code:

***Section 1 – Section 1401-01-A8 “Animal Keeping”***

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

***Section 2 – Section 1403-05 “Land Use Regulations”***

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

***Section 3 – Section 1409-07 “Land Use Regulations”***

Correction of references to the Specific Limitations list for the Use Regulations for Commercial Subdistricts.

Removal of, and addition, of Specific Limitations.

***Section 4 – Section 1411-05 “Land Use Regulations”***

Correction of section reference for the Use Regulations-Downtown Development Use Subdistrict Schedule.

Addition of “Hotel and Commercial Lodging” to Subdistrict “C” of the Downtown Development district.

***Section 5 – Section 1413-05 “Land Use Regulations”***

Removal of reference to L17 (*Specific Limitation*) that does not exist for “Garden supply stores and nurseries.”

Addition of a reference to Section 1419-16, Additional Development Regulations for “Garden supply stores and nurseries.”

***Section 6 – Section 1422-05 “Development Regulations”***

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

***Section 7 – Section 1422-07 “Maintenance and Storage”***

Correction of section reference for the definition of “Farm.”

***Section 8 – Section 1429-19 “Off-Street Parking and Loading Requirements”***

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

***Section 9 – Section 1437-07 “Applications Subject to Review”***

Clarification language for applications subject to review by the Zoning Hearing Examiner.

Addition of language to allow the Director of Buildings and Inspections to order demolition in an Urban Design Overlay District, notwithstanding established criteria, if it is determined that the building poses an immediate threat to public health or safety.

***Section 10 – Section 1437-09 “Development Standards in UD Overlay District”***

Clarification language that the Zoning Hearing Examiner shall review and consider applicable urban design plans or other applicable community plans when making decisions for projects in an Urban Design Overlay District.

Addition of language to allow the Zoning Hearing Examiner to conduct review of new buildings or change in use of a property, and the establishment of a process for this review.

Amendment to the demolition criteria and process for structures within an Urban Design Overlay District.

**Section 11 – Section 1703-2.40 “T3 Estate (T3E); T3E Use Table; Use Type; Agriculture”**

Removal of references to “Community Gardens” as this former use type is now regulated under Chapter 1422 of the Zoning Code.

Addition of “Animal Keeping,” “Farm,” and “Garden” uses for consistency with the use types established by Chapter 1422.

**Section 12 – Section 1703-2.50 “T3 Neighborhood (T3N); T3N Use Table; Use Type; Agriculture”**

Removal of references to “Community Gardens” as this former use type is now regulated under Chapter 1422 of the Zoning Code.

Addition of “Animal Keeping,” “Farm,” and “Garden” uses for consistency with the use types established by Chapter 1422.

**Section 13 – Section 1703-2.60 “T4 Neighborhood Medium Footprint (T4N.MF); T4N.MF Use Table; Use Type; Agriculture”**

Removal of references to “Community Gardens” as this former use type is now regulated under Chapter 1422 of the Zoning Code.

Addition of “Animal Keeping,” “Farm,” and “Garden” uses for consistency with the use types established by Chapter 1422.

**Section 14 – Section 1703-2.70 “T4 Neighborhood Small Footprint (T4N.SF); T4N.SF Use Table; Use Type; Agriculture”**

Removal of references to “Community Gardens” as this former use type is now regulated under Chapter 1422 of the Zoning Code.

Addition of “Animal Keeping,” “Farm,” and “Garden” uses for consistency with the use types established by Chapter 1422.

**Section 15 – Section 1703-2.80 “T5 Main Street (T5MS) T5MS Use Table; Use Type; Agriculture”**

Removal of references to “Community Gardens” as this former use type is now regulated under Chapter 1422 of the Zoning Code.

Addition of “Animal Keeping,” “Farm,” and “Garden” uses for consistency with the use types established by Chapter 1422.

**Section 16 – Section 1703-2.90 “T5 Neighborhood Large Setback (T5N.LS) T5N.LS Use Table; Use Type; Agriculture”**

Removal of references to “Community Gardens” as this former use type is now regulated under Chapter 1422 of the Zoning Code.

Addition of “Animal Keeping,” “Farm,” and “Garden” uses for consistency with the use types established by Chapter 1422.

**Section 17 – Section 1703-2.100 “T5 Neighborhood Small Setback (T5N.SS) T5N.SS Use Table; Use Type; Agriculture”**

Removal of references to “Community Gardens” as this former use type is now regulated under Chapter 1422 of the Zoning Code.

Addition of “Animal Keeping,” “Farm,” and “Garden” uses for consistency with the use types established by Chapter 1422.

***Section 18 – Section 1703-2.110 “T5 Flex (T5F) T5F Use Table; Use Type; Agriculture”***

Removal of references to “Community Gardens” as this former use type is now regulated under Chapter 1422 of the Zoning Code.

Addition of “Animal Keeping,” “Farm,” and “Garden” uses for consistency with the use types established by Chapter 1422.

***Section 19 – Section 1703-2.120 “T6 Core (T6C) T6C Use Table; Use Type; Agriculture”***

Removal of references to “Community Gardens” as this former use type is now regulated under Chapter 1422 of the Zoning Code.

Addition of “Animal Keeping,” “Farm,” and “Garden” uses for consistency with the use types established by Chapter 1422.

***Section 20 – Section 1703-5.50 (D), “Parking; Number of Motor Vehicle Parking Spaces Required”***

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

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

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

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

Clarification language for defining Directory Signs.

***Section 23 – Section 1703-5.80 (O), “Pole/Monument Signs”***

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

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

Clarification regarding the allowable height for wall sign lettering.

Clarification of the transect zones that Changeable Copy Wall Signs are permitted.

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

Clarification that wall mural signs may only be externally illuminated.

***Section 26 – Section 1703-5.100, “Additional Standards for Specific Uses; Community Gardens”***

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

***Section 27 – Section 1703-8.50, “Relationship to Overlay Districts”***

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

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

Addition of a definition for Edison Bulbs.

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

Addition of a definition for Front-Lit Signs.

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

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

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

Addition of a definition for Neon Signs.

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

Addition of a definition for Open-Lit Signs.

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

Addition of a definition for Push Through Signs.

The proposed ordinance modifying Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code” of the Cincinnati Municipal Code is attached as Exhibit A.

**ANALYSIS:**

This proposed modifications to Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code,” are necessary in order to clarify existing regulations and processes. In addition to the proposed amendments that add clarity and consistency within the text of Title XIV and Title XVII, the proposal includes language to establish clarity of existing development review processes and procedures (Urban Design Overlay District Standards), establishment of signage types and requirements for certain transect zones within the Form Based Code neighborhoods and adds definitions for terminology that is introduced by the proposed amendments. The following is an outline of the overall categories of modifications, and staff’s analysis of each.

**Scrivener’s Errors/Clarifications**

*Section 1 – Section 1401-01-A8 “Animal Keeping”*

*Section 2 – Section 1403-05 “Land Use Regulations” | Single-Family Districts*

*Section 3 – Section 1409-07 “Land Use Regulations” | Commercial Districts*

*Section 4 – Section 1411-05 “Land Use Regulations” | Downtown Development Districts*

*Section 5 – Section 1413-05 “Land Use Regulations” | Manufacturing Districts*

*Section 6 – Section 1422-05 “Development Regulations”*

*Section 7 – Section 1422-07 “Maintenance and Storage”*

*Section 8 – Section 1429-19 “Off-Street Parking and Loading Requirements”*

*Section 20 – Section 1703-5.50 (D), “Parking; Number of Motor Vehicle Parking Spaces Required”*

*Section 27 – Section 1703-8.50, “Relationship to Overlay Districts”*

These proposed amendments do not make any significant modifications to content of Title XIV or Title XVII of the Cincinnati Municipal Code. These proposed modifications are intended to add clarity to allow for ease of interpretation of the Zoning Code and Land Development Code as it relates to chapter references, limitation references, and scrivener’s errors that have occurred during previous ordinance amendments. These proposals are necessary in order to clean up the existing language in each Title of the Cincinnati Municipal Code.

**Urban Design Overlay District Review Standards**

*Section 9 – Section 1437-07 “Applications Subject to Review”*

The proposed amendment to Section 1437-07 of the Cincinnati Zoning Code is necessary to establish an additional avenue for an application for a demolition within an Urban Design Overlay District to be reviewed. Under the proposed text amendment, the Director of Buildings and Inspections would be authorized to order the demolition of a building located in an established Urban Design Overlay District, notwithstanding provisions that have previously been established under Section 1437-07 (b) of the Cincinnati Zoning Code, if he or she finds that the building poses an immediate threat to public health or safety. This proposed amendment will allow for the City

to continue to ensure that development proposals and demolitions are in the best interest of public and are consistent with purposes of the Zoning Code established by Section 1400-03.

*Section 10 – Section 1437-09 “Development Standards in UD Overlay Districts”*

The proposed amendments to Section 1437-09 of Title XIV, “Zoning Code of the Cincinnati Zoning Code,” can be further classified under applications for new construction and applications for demolition.

*New Construction*

The proposed modifications establish clarity in the review criteria for the Zoning Hearing Examiner when considering an application for new construction within an Urban Design Overlay District. The proposed language is necessary to establish that the Zoning Hearing Examiner shall consider applicable urban design plans or other community plans that have been approved by City Council when making a determination on new construction applications within an Urban Design Overlay District. Additionally, the proposed language includes a provision that allows an applicant to request the Zoning Hearing Examiner to review proposed new construction within an Urban Design Overlay District under a two-step process: (1) an initial review of schematic plans with building setbacks, building envelope, site improvement placements, and uses; and (2) final plans, materials, and design consideration. Under this proposed language, the community gains an understanding and guarantee of the overall conceptual proposal that is under consideration by the Zoning Hearing Examiner for the site’s development. Additionally, the applicant gains a level of understanding of the project’s viability moving forward into next steps of site/building design development. This proposed language is similar to the established process for a Planned Development Concept Plan and Final Development Plan under Chapter 1429 of the Cincinnati Zoning Code.

*Demolition*

Under the existing Zoning Code, a demolition within an Urban Design Overlay District can only be reviewed by the Zoning Hearing Examiner if the Director of Buildings and Inspections orders the demolition for reasons of public health and safety, and the demolition meets five additional criteria. It is the current role of the Zoning Hearing Examiner to determine if the demolition meets these criteria. Under the existing language, buildings that do not contribute the character of the district, but do not pose a threat to public health or safety are not able to be considered for demolition. The existing language has challenged implementation of developments that would contribute to the specific Urban Design Overlay District when the proposal requires the demolition of an existing architecturally noncontributing structure that does not pose a public health or risk to safety.

The proposed modification establishes certain criteria that an applicant would have the ability to demonstrate as part of an application for demolition within an Urban Design Overlay District. Under the proposed language, an applicant would need to demonstrate to the Zoning Hearing Examiner that the building that is proposed to be demolished meets one of the following requirements: (1) the building does not contribute to the physical character and economic vitality of the district, which is determined by established review factors; (2) the demolition 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 established review factors; or (3) prohibiting demolition of the building would impose economic hardship on its owner, which is determined by weighing established review factors. In each case, it will be the burden of the applicant to demonstrate the case for demolition to the Zoning Hearing Examiner, which is a public hearing. Under the proposed amendments, an applicant or property owner

would have the ability to demonstrate that the demolition of an existing structure within an Urban Design Overlay District is necessary and appropriate in order to proceed with a development that is appropriate for the Urban Design Overlay District. Additionally, adjacent property owners and impacted communities would have the understanding that there are specific review criteria that the applicant needs to demonstrate to the Zoning Hearing Examiner, as part of a public hearing, in order for a demolition within an Urban Design Overlay District to proceed. The proposed language adds clarity, review criteria, and consistency to demolitions in Urban Design Overlay Districts with the understanding that the demolition is intended to achieve the goals of the district and the neighborhood

### **Urban Agriculture (Chapter 1422) Reflection in Title XVII, “Land Development Code”**

*Section 11 – Section 1703-2.40 “T3 Estate (T3E); T3E Use Table; Use Type; Agriculture”*

*Section 12 – Section 1703-2.50 “T3 Neighborhood (T3N); T3N Use Table; Use Type; Agriculture”*

*Section 13 – Section 1703-2.60 “T4 Neighborhood Medium Footprint (T4N.MF); T4N.MF Use Table; Use Type; Agriculture”*

*Section 14 – Section 1703-2.70 “T4 Neighborhood Small Footprint (T4N.SF); T4N.SF Use Table; Use Type; Agriculture”*

*Section 15 – Section 1703-2.80 “T5 Main Street (T5MS) T5MS Use Table; Use Type; Agriculture”*

*Section 16 – Section 1703-2.90 “T5 Neighborhood Large Setback (T5N.LS) T5N.LS Use Table; Use Type; Agriculture”*

*Section 17 – Section 1703-2.100 “T5 Neighborhood Small Setback (T5N.SS) T5N.SS Use Table; Use Type; Agriculture”*

*Section 18 – Section 1703-2.110 “T5 Flex (T5F) T5F Use Table; Use Type; Agriculture”*

*Section 19 – Section 1703-2.120 “T6 Core (T6C) T6C Use Table; Use Type; Agriculture”*

*Section 26 – Section 1703-5.100, “Additional Standards for Specific Uses; Community Gardens”*

On June 26, 2019, City Council approved the addition of Chapter 1422, “Urban Agriculture: Horticulture and Animal Keeping” to Title XIV, “Zoning Code of the City of Cincinnati” (Council Ordinance 251-2019). Included in that ordinance were amendments to terms and definitions related to urban agriculture, horticulture, and animal keeping throughout the Title XIV, in order create consistent language and terminology throughout the Zoning Code. Under the proposed text amendment ordinance, Title XVII, “Land Development Code,” terminology, uses, definitions, and code references will be consistent between Title XIV and Title XVII. The proposed amendments are necessary to avoid conflicting terms and definitions between the Zoning Code and Land Development Code.

### **Title XVII, “Land Development Code” Signage**

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

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

*Section 23 – Section 1703-5.80 (O), “Pole/Monument Signs”*

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

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

The identified modifications to Title XVII, “Land Development Code” related to signage is a result of an ongoing effort to update the Cincinnati Municipal Code to address evolving development trends and achieve the goals and interests of neighborhood groups. The four neighborhoods that have adopted Form Based Code (Walnut Hills, Madisonville, College Hill, and Westwood) submitted a letter to the City in February of 2019 to address internally illuminated signage in the Land Development Code (Exhibit B). The proposed updates add clarification language for permanent signs in the transect zones of these neighborhoods, establish illumination criteria for specific signage types, define changeable copy signs and establish requirements and transects where these signs are permitted, and provide clarification language and chapter references. These



amendments provide Form Based Code neighborhoods and applicants clarification on the signage types and illumination methods permitted. These amendments are also necessary to provide city reviewing agencies with language to consistently review signage applications that are submitted.

### **Addition of Definitions**

*Section 28 – Section 1703-9.10 (E), “E. Definitions” | Edison Bulbs*

*Section 29 – Section 1703-9.10 (F), “F. Definitions” | Front-Lit Signs*

*Section 30 – Section 1703-9.10 (H), “H. Definitions” | Halo/Reverse-Lit Signs*

*Section 31 – Section 1703-9.10 (N), “N. Definitions” | Neon Signs*

*Section 32 – Section 1703-9.10 (O), “O. Definitions” | Open-Lit Signs*

*Section 33 – Section 1703-9.10 (P), “P. Definitions” | Push Through Signs*

The proposed definitions are necessary to add clarity to the proposed amendments to Section 1703-5.80 (E), “Permanent Signs,” of Title XVII, “Land Development Code.” This proposal will add transparency and consistency to the permissible illumination methods for permanent building and ground signs.

### **PUBLIC COMMENT AND NOTIFICATION:**

The Department of City Planning mailed a joint notice of Virtual Public Staff Conference and scheduled City Planning Commission meeting to every Community Council and Community Development Corporation in the City of Cincinnati on May 10, 2021. The notice was also emailed to the contacts of record that the City retains for the Community Councils and the Community Development Corporations. In addition to the mailed and emailed notice, a webpage was posted on the Department of City Planning’s website with information on the public meeting dates, background of the proposal, summary of the modifications, and the draft ordinance highlighting each of the proposed amendments.

A Virtual Public Staff Conference was held on May 24, 2021 to gather comment and input regarding the proposed text amendments. There were 15 community members in attendance representing various community councils, neighborhoods, community development corporations, property owners, and interested stakeholders. Representatives from the Department of City Planning, the Department of Buildings & Inspections – Zoning Division, and Law Department were also in attendance.

During the discussion community members raised concerns regarding the proposed modifications to *Section 9 – Section 1437-07 “Applications Subject to Review”* and *Section 10 – Section 1437-09 “Development Standards in UD Overlay Districts.”* There were concerns that the proposed language would increase the ability for property owners and developers to demolish structures within the Urban Design Overlay Districts, and that the process of review for these requests will be decided solely by the Zoning Hearing Examiner. There was interest that the community council stance on an application should be considered as decision criteria for the Zoning Hearing Examiner. There was additional concern that during the Zoning Hearing Examiner meetings, community councils do not have the ability to cross examine due to the legal costs associated to hire legal representation and felt the process is not equitable. Attendees also voiced concern that while City staff strongly encourages applicant engagement with the community, there is no policy requiring this engagement prior to application for a demolition or new construction in an Urban Design Overlay District.

There were questions raised as to the purpose of modifying these sections of the Zoning Code. City staff explained that as currently written, a structure can only be eligible for demolition if the Director of the Department of Buildings and Inspections orders the demolition, and it meets established criteria, which is still subject to review by the Zoning Hearing Examiner. Staff further explained that the proposed amendment would continue to allow for a public process of review and a demolition application would need to demonstrate the proposed criteria for each scenario to the Zoning Hearing Examiner. The

sentiment was shared by several community members in attendance that the restrictive nature of the Urban Design Overlay District can be appreciated, but the process and requirements should not be loosened to allow for demolition.

Concerns were also submitted in writing to the Department of City Planning regarding the criteria to be demonstrated to the Zoning Hearing Examiner, including “applicable urban design plan or other applicable community plan approved by City Council” as some neighborhoods either do not have a plan that has been approved by City Council, or the plan that has been approved could be considered outdated. Additional concerns and comments regarding specific criteria proposed are attached in Exhibit C.

Conversely, some in attendance expressed support for the proposed modifications to *Section 9 – Section 1437-07 “Applications Subject to Review”* and *Section 10 – Section 1437-09 “Development Standards in UD Overlay Districts”* as the current language prevents an existing non-contributing building from being demolished, which prevents development that is supported by certain communities and neighborhood groups in Urban Design Overlay Districts. These representatives indicated that the proposed language would allow an existing non-contributing building to be demolished and allow a development project to move forward that would contribute to that specific Urban Design Overlay District and neighborhood goals.

During the meeting, there were concerns raised about the timeliness of notifications related to applications submitted to the City, and the short time frame that the community councils are given to respond to applications and proposals. An interest was expressed by those in attendance for added notification to allow for additional time for community councils and residents to react to, and provide comments for, not only applications within Urban Design Overlay Districts, but for development processes in general. This sentiment was shared by attendees regarding the subject proposed text amendments.

There were also general clarification questions regarding the proposal. There were specific questions related to the proposed Community Garden references and definitions, whether LED lighting used as signage in storefronts was to be addressed through the proposed or any future text amendments, and clarification regarding the proposed new construction two-step review process for the Urban Design Overlay Districts. City staff was available to respond to these questions.

The Department of City Planning has also received letters reiterating the concerns, comments, and questions discussed during the Public Staff Conference (Exhibit C).

#### **CONSISTENCY WITH PLAN CINCINNATI:**

The proposed modifications to Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code” is consistent with the Compete Initiative Area of *Plan Cincinnati* (2012), particularly within Goal 3 to “foster a climate conducive to growth, investment, stability, and opportunity” (pg. 103), specifically the Strategy to “build a streamlined and cohesive development process” (pg. 111). The proposed amendments are intended to ensure transparency, consistency, and clarity to the both the Zoning Code and Land Development Code, making development processes easier to understand for both the community and applicants.

#### **CONCLUSIONS:**

The goal of the proposed modifications to the specific sections of Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code” is to add consistency throughout the Cincinnati Municipal Code, continue to build streamlined and cohesive development processes, and add transparency to city requirements and development procedures. Each of the proposed amendments will

add clarity to city regulations for applicants, the general public, and city reviewing agencies for development proposals. The added language to the Urban Design Overlay District will continue to ensure that demolitions are reviewed through a public hearing process, with added review criteria to ensure the new construction and demolition are consistent with the goals of the established Urban Design Overlay Districts.

Further, the proposed modifications to the Section 1703-5.80 of Title XVII regarding signage in the transect zones of the Form Based Code neighborhoods is consistent with the request of the letter submitted by the Walnut Hills Redevelopment Foundation (Exhibit B) to add specific language related to internally illuminated signage.

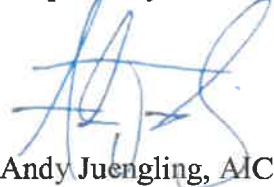
The proposed amendments are necessary to ensure that the City's Zoning Code and Land Development Code are updated to react to public safety, development trends, and the identified goals of neighborhoods and the city as a whole. These proposals are also consistent with the Compete Initiative Area of *Plan Cincinnati* (2012).

### **RECOMMENDATION:**

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

**APPROVE** the proposed text amendments to modify Title XIV, "Zoning Code of the City of Cincinnati," 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," Section 1437-07, "Applications Subject to Review," 1437-09, "Development Standards in UD Overlay Districts," 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 **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.

Respectfully submitted:



Andy Juengling, AICP, Senior City Planner  
Department of City Planning

Approved:



Katherine Keough-Jurs, AICP, Director  
Department of City Planning

DBS

- 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,” Section 1437-07, “Applications Subject to Review,” 1437-09, “Development Standards in UD Overlay Districts,” 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 **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 has recommended text amendments to the Cincinnati Zoning Code and the Land Development Code to provide greater clarity and 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 \_\_\_\_\_, 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;

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> <u>L4</u>	<del>L5</del> <u>L4</u>	<del>L5</del> <u>L4</u>	<del>L5</del> <u>L4</u>	<del>L5</del> <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> <u>L3</u>	<del>L4</del> <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> <u>L13</u>	<del>L14</del> <u>L13</u>	<del>L14</del> <u>L13</u>	P	P	See § 1403-11
Two-family	<del>L12</del> <u>L11</u>	<del>L12</del> <u>L11</u>	<del>L12</del> <u>L11</u>	<del>L12</del> <u>L11</u>	<del>L12</del> <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	<del>L13</del> <u>L12</u>	<del>L13</del> <u>L12</u>	<del>L13</del> <u>L12</u>	<del>L13</del> <u>L12</u>	<del>L13</del> <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	<del>L9</del> <u>L8</u>	<del>L9</del> <u>L8</u>	<del>L9</del> <u>L8</u>	<del>L9</del> <u>L8</u>	<del>L9</del> <u>L8</u>	

Home Occupation	P	P	P	P	P	See § 1419-17
Commercial Vehicle Parking	<del>L6</del> <u>L5</u>	<del>L6</del> <u>L5</u>	<del>L6</del> <u>L5</u>	<del>L6</del> <u>L5</u>	<del>L6</del> <u>L5</u>	
Child day-care centers	<del>L5,7</del> <u>L4,6</u>	<del>L5,7</del> <u>L4,6</u>	<del>L5,7</del> <u>L4,6</u>	<del>L5,7</del> <u>L4,6</u>	<del>L5,7</del> <u>L4,6</u>	
Refuse storage areas	P	P	P	P	P	See § 1421-35
Drive Box	<del>L8</del> <u>L7</u>	<del>L8</del> <u>L7</u>	<del>L8</del> <u>L7</u>	<del>L8</del> <u>L7</u>	<del>L8</del> <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> <u>L9</u>	<del>L10</del> <u>L9</u>	
Rooming Unit	—	—	<del>L11</del> <u>L10</u>	<del>L11</del> <u>L10</u>	<del>L11</del> <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	

Eating and drinking establishments							
Convenience markets	<del>L14</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Drinking establishments	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	
Restaurants, full service	<del>L6,</del> <del>L13</del> <u>L9</u>	<del>L6,</del> <del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	See § 1419-21
Restaurants, limited	<del>L6,</del> <del>L13</del> <u>L9</u>	<del>L6,</del> <del>L13</del> <u>L9</u>	<del>L6</del> <u>P</u>	P	P	P	See § 1419-21
Food markets	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Food preparation	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	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	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Loft dwelling units	P	P	P	P	P	P	See § 1419-23
Maintenance and repair services	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	

Medical services and clinics	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Offices	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Parking facilities	C	P	C	P	P	P	See Chapter 1425
Personal instructional services	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Personal services	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Private vehicular storage Lot	—	—	—	—	P	P	
Recreation and entertainment							
Indoor or small-scale	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Outdoor or large-scale	—	—	—	—	C	P	
Retail sales	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Vehicle and equipment services							
Vehicle and equipment sales and rental	—	—	—	C	<del>L8</del> <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>							
Production industry							
Artisan	C	C	C	C	P	P	
Limited	—	—	—	—	P	P	
Warehousing and storage							
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	
Transportation facilities							
Heliports	—	—	—	—	C	C	
Railroad right-of-way	P	P	P	P	P	P	
Transportation passenger terminals	—	—	—	—	P	P	
Wireless communication antenna	<u>L7</u>	<u>L7</u>	<u>L7</u>	<u>L7</u>	<u>L7</u>	<u>L7</u>	See § 1419-33
	<u>L4</u>	<u>L4</u>	<u>L4</u>	<u>L4</u>	<u>L4</u>	<u>L4</u>	
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
Accessory Uses							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
Nonconforming Uses							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 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.
- 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	
Permanent residential					
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	
Transitional housing					
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	
Government facilities and offices					
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	
Eating and drinking establishments					
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	
Recreation and entertainment					

Indoor or small-scale	L5	L5	P	L5	
Outdoor or large-scale	C	—	C	C	
Retail sales	P	L6	P	P	
Vehicle and equipment services					
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>					
Production industry					
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	—	
Transportation facilities					

Heliports	C	—	C	C	
Transportation passenger terminals	C	C	C	C	
Watercraft and riverfront facilities					
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	<del>L17</del> P	P	—	—	<u>See § 1419-16</u>
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	—	
Recreation and entertainment					
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	
Transportation, communication and utilities					
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	—	
Transportation facilities					
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 from all property lines.	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 25 feet from the nearest inhabited structure when a flyway screen is provided.

				<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 square foot lots.</p> <p>A maximum of 24 permitted for lots exceeding</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.

	20,000 square feet.			
Geese, Turkeys, and other Medium-Sized Birds	<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>	Yes, if animals are permitted to range outside of a structure.	A minimum of 6 square feet per adult.	A setback of 10 feet from all property lines.
Dehorned Goats and Sheep	<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>	A minimum of 20 square feet per adult.	A setback of 50 feet from all property lines.
Swine	A minimum of 20,000 square feet per adult; a maximum of 2.	Yes, with a setback of 20 feet from property lines.	A minimum of 30 square feet per adult.	A setback of 50 feet from all property lines.
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	
Permanent residential		
Single-family		
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,	1.5 for every unit	

OL		
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.	3



	ft.	
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
Government facilities and offices		
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, RF-C, ML, MG and RF-M districts.	As required below.	

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 facility	1 for every 150 sq. ft.	3
Eating and drinking establishments		

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	1 for every 150 sq.	

clinics	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.	
Recreation and entertainment		
Indoor and small scale		
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	
Outdoor or large scale		

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.	
Vehicle and equipment services		
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 3 auditorium seats	2
Public utility distribution system	1 for every 1,000 sq. ft.	
Public utility	1 for every 1,000	

maintenance yard	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	
Transportation facilities		
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
	Over 100,000: 1 for every 4,000 sq. ft. over 100,000 sq. ft.	4
Watercraft and riverfront facilities		



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 1437-07, “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 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 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 Hearing Examiner pursuant to 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 10. 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 UD Overlay Districts.**

Development within individual UD Overlay Districts must comply with the standards prescribed below that the ordinance that establishes the 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 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 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
A1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
M1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
W1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
R1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
R2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
E1		X	X	X	X		X				X				
F1		X													X
N1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
N2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
D1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

UD #1 - College Hill Business District	UD #9 - Mt. Airy Business District
UD #2 - Clifton Business District	UD #10 - Columbia-Tusculum Business District
UD #3 - Hartwell Business District	UD #11 - Hyde Park East Business District
UD #4 - Hyde Park Square Business District	UD #12 - Mt. Lookout Square
UD #5 - Oakley Square Business District	UD #13 - Pleasant Ridge Business District
UD #6 - University Village Business District	UD #14 - Kennedy Heights Business District
UD #7 - North Avondale Along Reading Road	UD #15 - Roselawn Business District
UD #8 - Mt. Washington Business District	

(a) *Signs and Signage Standards:*

S1. Prohibited Signs:

- All blinking, flashing, rotating or moving signs, except barber poles and theater marquees;
- Neon signs;
- Banners, portable or temporary signs;
- 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 Hearing Examiner shall review and consider applicable urban design plan or other applicable community plans approved by City Council ~~applicable Community Plans approved by City Council~~ when making decisions for projects in an Urban Design 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 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:

- (i) whether the building is identified as a contributing building or recommended for demolition by the applicable urban design plan or other applicable community plans approved by City Council;
- (ii) whether the building's architectural style, bulk, shape, massing, scale, form, and setbacks are consistent with the predominant characteristics of the district;
- (iii) whether the building is iconic or specially associated with the district;
- (iv) whether the demolition of the building will negatively impact the district streetscape, and
- (v) 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 to diligently pursue the construction of the new building or change in use if demolition of the building is approved.

- Prohibiting demolition of the building would impose economic hardship on its owner, which is determined by weighing the following factors:

- (i) whether the owner would be denied all economically viable use of the property if demolition is not approved;
- (ii) whether the owner's reasonable-investment backed expectations may be maintained if demolition is not approved; and
- (iii) whether the owner's actions created or exacerbated the alleged economic hardship.

~~• 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 11. 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>
<u><b>Agriculture</b></u>		
<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 12. 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>
<u><b>Agriculture</b></u>		
<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 13. 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>
<u><b>Agriculture</b></u>			
<del>Community Garden</del>	<del>1703-5.100.D</del>	<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 14. 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>
<u><b>Agriculture</b></u>			
<del>Community Garden</del>	<del>1703-5.100.D</del>	<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 15. 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>
<u><b>Agriculture</b></u>			
<del>Community Garden</del>	<del>1703-5.100.D</del>	<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 16. 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>			
<del>Community Garden</del>	<del>1703-5.100.D</del>	<del>P</del>	<del>P</del>
<del>Animal Keeping</del>	<del>Chapter 1422</del>	<del>P</del>	<del>P</del>
<del>Farm</del>	<del>Chapter 1422</del>	<del>UP</del>	<del>UP</del>
<del>Garden</del>	<del>Chapter 1422</del>	<del>P</del>	<del>P</del>

Section 17. 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>			
<del>Community Garden</del>	<del>1703-5.100.D</del>	<del>P</del>	<del>P</del>
<del>Animal Keeping</del>	<del>Chapter 1422</del>	<del>P</del>	<del>P</del>
<del>Farm</del>	<del>Chapter 1422</del>	<del>UP</del>	<del>UP</del>
<del>Garden</del>	<del>Chapter 1422</del>	<del>P</del>	<del>P</del>

Section 18. 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>			
<del>Community Garden</del>	<del>1703-5.100.D</del>	<del>P</del>	<del>P</del>
<del>Animal Keeping</del>	<del>Chapter 1422</del>	<del>P</del>	<del>P</del>
<del>Farm</del>	<del>Chapter 1422</del>	<del>UP</del>	<del>UP</del>
<del>Garden</del>	<del>Chapter 1422</del>	<del>P</del>	<del>P</del>

Section 19. 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><b>Agriculture</b></u>			
<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 1703-5.50 (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 21. 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 prohibited except as expressly permitted in this Section 5.80. Where permitted, changeable copy signs are subject to 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 22. 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.

<b>Size</b>		
Signable Area	6 sf max.	(A)
<b>Location</b>		
Height		(D)
Wall Mounted	8' max.	
Free Standing	3' max.	

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

<b>Miscellaneous</b>
<del>May include the name of the business and business address. Shall not include any other words.</del>

Section 23. That Section 1703-5.80(O), "Pole/Monument Sign," of the Cincinnati Municipal Code is hereby amended as follows:

**O. Pole/Monument Sign**

<b>Description</b>		
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.		
<b>Size</b>		
Signable Area	12 sf max.	(A)
<b>Location</b>		
Signs per Frontage	1 max.	
Height	8' max.	(B)
Width	8' max.	(C)
<b>Miscellaneous</b>		
<del>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.</del>		



Changeable copy pole/monument signs are not permitted in T5MS, T5N.LS, T5N.SS, T5F and T6C transect zones.

Section 24. That Section 1703-5.80(S), “Wall Sign,” of the Cincinnati Municipal Code is hereby amended as follows:

**S. Wall Sign**

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**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.

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**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)

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**Lettering**

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

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**Location**

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

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**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 individual transect zone regulations.

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

Section 25. 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 are not considered wall mural signs and are prohibited within the Form-Based Code 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 26. 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~~**

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

#### **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**

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

##### **Opacity**

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

~~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**

Area Dedicated to Composting	200 sf max.
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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**

Front	10' min.
Side Street	10' min.
Side	3' min.

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 27. 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 28. 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 29. 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 30. 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 emp

Section 31. 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 32. 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 33. 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 34. 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," Section 1437-07, "Applications Subject to Review," 1437-09, "Development Standards in UD Overlay Districts," 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, 1703-5.120, "Temporary Uses," "Accessory 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 35. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor

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

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



**Walnut Hills  
Redevelopment  
Foundation**

**656 E McMillan St  
Cincinnati, OH 45206**

**Office: (513) 593-9473**

Katherine Keough-Jurs  
Cincinnati Department of Planning  
805 Central Ave  
Cincinnati, OH, 45202

Dear Katherine,

We are writing to you as representatives of the Cincinnati neighborhoods that have adopted Form Based Code (FBC). FBC has been active in our neighborhoods for several years now, and each neighborhood has become aware of certain errors or unintended consequences within FBC. We understand that City Planning and Zoning representatives have also come across some discrepancies within FBC that need addressing. Therefore, this letter serves as a formal request from these neighborhoods to the City Planning and Zoning Departments to review the FBC document for scrivener errors and clarifications.

In addition to review, this letter serves as a formal request for a text amendment addressing internally lit signage. As you are aware, FBC does not allow lit signage with few exceptions. The most effective/popular type of signage in a neighborhood business district, the internally lit blade sign, is one of those excluded. As our neighborhood business districts grow, we want to be supportive and welcoming to new businesses and remove as many barriers to opening and becoming successful as possible.

College Hill, Madisonville, Walnut Hills and Westwood would like to begin a conversation with the City's Planning, Zoning, and Historic Preservation Departments around scrivener errors, clarifications, and a text amendment addressing internally lit blade signs. We appreciate the City's willingness to work with neighborhood community councils and community development corporations to encourage growth and prosperity in our neighborhoods. We look forward to hearing back from you regarding next steps.

Please let me know if you have any questions or would like to discuss further. I am available at 513-415-2272 or [emily@walnuthillsrf.org](mailto:emily@walnuthillsrf.org).

Sincerely,

Emily S. Ahouse  
Executive Director  
Walnut Hills Redevelopment Foundation

Positive Action. Powerful Change.  
[walnuthillsrf.org](http://walnuthillsrf.org)

**Juengling, Andy**

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**From:** Andreas Lange <ALange@pwwgarch.com>  
**Sent:** Wednesday, May 19, 2021 8:47 AM  
**To:** Juengling, Andy  
**Subject:** [External Email] RE: Notice of Public Staff Conference and Public Hearing | Proposed Text Amendments to the Cincinnati Zoning Code and Land Development Code

External Email Communication

Andy,

Thank you for this notification.

One of the changes does affect a project we are working on. Item #4 – revising the code to allow hotel use in DD-C will allow our project to move forward at 602 Main St.  
 My office, PWWG is the architect of record for the project.

**Is our office or ownership required to attend any of the upcoming meetings?**

Thanks,

**ANDREAS LANGE**

C 513.315.0639

[www.pwwgarch.com](http://www.pwwgarch.com)

**From:** Juengling, Andy <Andy.Juengling@cincinnati-oh.gov>  
**Sent:** Monday, May 10, 2021 1:22 PM  
**Cc:** Juengling, Andy <Andy.Juengling@cincinnati-oh.gov>  
**Subject:** Notice of Public Staff Conference and Public Hearing | Proposed Text Amendments to the Cincinnati Zoning Code and Land Development Code

Good afternoon,

The City of Cincinnati Department of City Planning will hold a **Virtual Public Staff Conference on Monday, May 24, 2021 at 4:00 p.m.** to discuss and gather public comment to be used in staff's report to the City Planning Commission on the following:

A proposal to modify Title XIV, "Zoning Code of the City of Cincinnati," and Title XVII, "Land Development Code," of the Cincinnati Municipal Code, by AMENDING the provisions of Sections 1401-01-A8, "Animal Keeping," 1403-05, "Land Use Regulations," 1409-07, "Land Use Regulations," 1411-05, "Land Use Regulations," 1413-05, "Land Use Regulations," 1422-05, "Development Regulations," 1422-07, "Maintenance and Storage," 1425-19 "Off-Street Parking and Loading Requirements," Section 1437-07, "Applications Subject to Review," 1437-09, "Development Standards in UD Overlay Districts," 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(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 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.**

**Additional information regarding the proposed text amendments can be viewed at:**

**<https://www.cincinnati-oh.gov/planning/planning-projects-and-studies/active-ongoing/proposed-text-amendments-to-the-cincinnati-zoning-code/>**

Please see attached notification that has been mailed out to all community councils regarding a **Virtual Public Staff Conference** to be held virtually on **Monday, May 24, 2021 at 4:00 p.m.**

If you wish to attend the meeting, please email a request to [andy.juengling@cincinnati-oh.gov](mailto:andy.juengling@cincinnati-oh.gov) for the meeting link to join and it will be sent directly to you.

The City Planning Commission will hold a Public Hearing on **Friday, June 4<sup>th</sup> at 9:00 A.M.** to discuss and take action on the proposed text amendments. Notice of the Public Hearing is included in the attached Notice.

If you have any questions please do not hesitate to contact me.

Thank you,

**Andy Juengling, AICP | Senior City Planner**  
City of Cincinnati | Department of City Planning  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
(p): 513.352.4840 | (f): 513.352.4853 | [Website](#) | [Twitter](#) | [Plan Cincinnati](#)



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## Juengling, Andy

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**From:** Jan McNerney <janmcnern@gmail.com>  
**Sent:** Saturday, May 22, 2021 9:31 AM  
**To:** Juengling, Andy  
**Subject:** [External Email] Changes to UD overlay

External Email Communication

I am out of town and unable to attend your meetings. Please do not change the UD overlay that would make it easier for developers to demolish and replace buildings in the urban core. Mt Lookout and Hyde park have lost hundreds of fine houses and buildings because of developers' greed. It would be terrible if their path was easier.

Thank you.

Jan McNerney  
1331 Park Ridge Pl  
Cincinnati, OH 45208

Sent from my iPhone

## Juengling, Andy

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**From:** Juengling, Andy  
**Sent:** Monday, May 24, 2021 10:45 AM  
**To:** cpress@mindspring.com  
**Subject:** RE: [External Email] Proposed Zoning Revisions

Thank you for your email. I will make sure to pass this information along to the City Planning Commission and City Council for their consideration.

The proposal you described is not a part of the current text amendment proposal being considered, but we will make a note for any future amendments to the Zoning Code.

Thank you,

**Andy Juengling, AICP** | Senior City Planner  
City of Cincinnati | Department of City Planning  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
(p): 513.352.4840 | (f): 513.352.4853 | [Website](#) | [Twitter](#) | [Plan Cincinnati](#)



**From:** cpress@mindspring.com <cpress@mindspring.com>  
**Sent:** Monday, May 24, 2021 10:18 AM  
**To:** Juengling, Andy <Andy.Juengling@cincinnati-oh.gov>  
**Subject:** [External Email] Proposed Zoning Revisions

External Email Communication

Sir:

The Proposed Revisions should not continue the prohibition against new two-family homes in residential areas.

As evidenced by the public requests for "affordable housing," this prohibition reduces the stock of rental and owner-shared housing.

Zoning should permit two-family residences, even if with limiting requirements to, for example, provide parking for four vehicles on-property, or limit the development to SF-6 and higher.

Christopher E. Press  
Cincinnati

[cpress@mindspring.com](mailto:cpress@mindspring.com)  
419-701-9268



24 May 2021

Andy Juengling, Senior City Planner  
805 Central Ave  
Cincinnati, Ohio 45202

Mr. Juengling,


In response to the notice sent regarding "Proposed Text Amendments to the Cincinnati Zoning Code," the Chair of the Planning and Zoning Committee solicited comments from Committee members for your consideration. Comments are as follow.

*"These seem like innocuous changes and language clean up. I don't have any issue with them."*

*"I noted that in SF zones, the limitations on Rooming Units is going from L11 to L10. L11 says that rooming units can only exist if they were established prior to 2004, whereas L10 says that no more than 2 rooming units are allowed per single-family home. I like this change because the reality is that it is nearly impossible for the city to really regulate people renting out rooms because so much of it happens off the books, and given the rise in housing costs in the past decade this will allow some much needed housing in existing homes for people to rent out at a cheaper price than renting out a whole living unit. So unless I'm reading it incorrectly, this seems like a reasonable change. Capping it at 2 should address crowding concerns as someone can really only rent out more than 2 rooms if their home has 3 or more bedrooms."*

*"The first part is about neighborhoods that have adopted Form Based Code, which is not our issue. The rest looks like it mainly involves changes to how "agriculture" occurs within the city. Anything the city does to facilitate gardening at any scale in the city is good, if that's the intention. The rest is about signage and parking and seems sensible."*

If you have any questions about these comments, feel free to contact me.



Jason Schneider, AIA  
Chair, Planning and Zoning Committee  
[planning@northsidecouncil.com](mailto:planning@northsidecouncil.com)

CC: Becky Smolenski-Finnigan

## Juengling, Andy

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**From:** Karen Robertson <krobertson2973@gmail.com>  
**Sent:** Tuesday, May 25, 2021 10:01 PM  
**To:** Juengling, Andy  
**Subject:** [External Email] City Planning Commission Public Hearing - June 4th - PUBLIC COMMENTS

### External Email Communication

Dear Andy,

Below are my concerns regarding the proposed text amendments for the zoning code:

Changing our city's zoning code is a necessary action in order to create more opportunities for demolitions and use changes for existing buildings located in UD Overlay Districts. The new project being proposed by Town Properties in Pleasant Ridge is a good example for supporting this change. This project not only has community support but has secured financial support from the city.

With that said, I do have issues with the proposed text changes as it pertains to future projects down the road. It is vital for community councils to have a say during the initial stages of the planning process for all projects within their UD Overlay Districts. No one better understands the function and aesthetic values of their UD overlay district more than community councils.

I recommend new language be added on pages 55/56 making it a requirement for developers to consult with community councils during the initial planning stage. This allows community councils the opportunity to weigh in during early discussions of the planning process for all demolition and use change requests within their UD Overlay District. This requirement should be an integral part of the initial preliminary planning process before the project advances further.

Developers working side by side with community councils should be the planning department's goal. Both entities closely working together for the common good of the community.

Regards,

Karen Robertson  
Hyde Park



## Juengling, Andy

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**From:** Laura Whitman <mlwhit@me.com>  
**Sent:** Monday, May 24, 2021 1:11 PM  
**To:** Juengling, Andy  
**Cc:** Brian Spitler; Renee LaFaive; Rob Pasquinnucci  
**Subject:** [External Email] Comments Regarding Proposed Amendments to Zoning Code - UD Overlay Districts, Demo

### External Email Communication

Good afternoon Andy –

I unfortunately will not be able to make it to the virtual public staff conference this afternoon due to a prior commitment, but wanted to share my comments regarding proposed changes to the demolition clause pertaining to the Urban Design Overlay District portion of the zoning code. My specific objections pertain to bullets 2 and 3 included in the proposed modifications to **§1437-09 (i) Demolition, D1:**

Bullet 2 (new): This proposed addition to the code allows the ZHE to approve a requested demolition if “demolition of the building will facilitate the construction of a new building or establishment of a use that will contribute to the physical character and economic vitality of the district.” My objections to this clause are:

As written, this clause would allow any building within a UD district to be demolished, even if it contributes to the character of community and/or is economically viable. This would effectively serve as a bypass of the UD District Overlay designation. If included in the zoning code, it would negate all protections that the community, multiple city departments and City Council applied to existing buildings included within the UD district. This provision needs to be amended to prevent viable, character-defining buildings from being eliminated based on the whim of property owners and developers.

This clause also creates a way to bypass the will of the groups that pursued the UD District designation by giving all determining authority to the ZHE, a single City employee. As you know, it is a joint effort between communities, multiple city departments and City Council to designate a business district as a UD District, and these groups have to go through an intensive process to gain the UD district designation. Further, the designation is applied in the interest of protecting the existing physical character of a business district. However, this proposed new clause allows existing buildings of that district to be eliminated without seeking the input of the voices of those who initially sought to protect them. The proposed clause should be amended to require approval not just of the ZHE, but also of multiple representatives of the groups that applied the UD Overlay designation, including the affected community.

I also strongly object to the references included in the proposed amendment that suggest property owners can pursue changing the use of the property/land within a UD district [see (i), bullet 2] to permit redevelopment. The use of land and properties within UD Overlay Districts is deeply considered by the applying community, multiple City departments and City Council as part of the designation process. Allowing a property owner to pursue a land use change in a UD District, and allowing the ZHE to approve that change without community, City dept., and City Council review, input and preferably approval, should not be allowed.

Bullet 3 (new): This proposed clause allows a demolition to be approved if the subject building is not economically-viable to the owner. This is an incredibly slippery slope that slides in large favor to property owners and developers seeking to make a profit rather than preserving community character. We have all seen and experienced property owners/developers with redevelopment in mind proactively pursue the purchase of properties not currently on the market and acquire the properties by paying above market value. Then, they claim economic hardship on their newly-purchased properties based on self-determined measures. This is a circumstance that is self-created and should not be condoned by the City. This clause, however, not only condones this practice, but will also encourage the practice to escalate. This clause should be removed.

Bullets 2 and 3 are significant threats to the integrity of the purpose of an Urban Design Overlay district. They will make development within UD districts much easier, leave decisions pertaining to the district in the hands of just one individual instead of those that requested – and were granted - the protection in the first place. While we recognize that the existing code is perhaps too limiting (in that it requires buildings within UD districts to be declared health and safety hazards in order for demolition to be approved), these proposed changes are not appropriate solutions to this issue and should not be approved as currently written.

Again, I apologize for not being at the meeting this evening, but I hope you and the City Planning staff will deeply consider the concerns outlined above and proceed with drafting modifications that better respect the purpose and intent of UD Overlay Districts and the communities they protect.

Sincerely,

Laura Whitman

Mt. Lookout

## Juengling, Andy

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**From:** Wollenweber, Gary (GE Aviation, US) <gary.wollenweber@ge.com>  
**Sent:** Monday, May 24, 2021 3:28 PM  
**To:** Juengling, Andy  
**Cc:** Keough-Jurs, Katherine  
**Subject:** RE: [External Email] Staff Conference

These are my personal comments for today's Staff conference. Unfortunately the short notification and review period did not permit a broader review and consensus of the Hyde Park Zoning Committee or the Hyde Park Neighborhood Council.

1. Good idea to finally fix the numbering on the SF Conditional Use limitations.
2. Regarding: That Section 1703-9.10(E), "E. Definitions," of the Cincinnati Municipal Code is hereby amended as follows:

Your definition "*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.*" occurring on page 65. My comment is "Edison bulbs " are available with LED or incandescent "originally styled" tungsten filament. The LED should be encouraged unless historical accuracy is required. Also an Edison bulb (and most other standard bulbs A19, A21, etc. have no lens but rather a "glass bulb" or "glass shell" or "bulb "that might be clear or slightly tinted. A lens is a focusing feature.

[https://www.amazon.com/Dimmable-Vintage-Antique-Squirrel-Filament/dp/B0742BCD61/ref=asc\\_df\\_B0742BCD61/?tag=hyprod-20&linkCode=df0&hvadid=216527863848&hvpos=&hvnetw=g&hvrnd=3365511430090490863&hvpon=&hvptwo=&hvqmt=&hvdev=c&hvdvcmld=&hvlocint=&hvlocphy=9015707&hvtargid=pla-355475192052&psc=1](https://www.amazon.com/Dimmable-Vintage-Antique-Squirrel-Filament/dp/B0742BCD61/ref=asc_df_B0742BCD61/?tag=hyprod-20&linkCode=df0&hvadid=216527863848&hvpos=&hvnetw=g&hvrnd=3365511430090490863&hvpon=&hvptwo=&hvqmt=&hvdev=c&hvdvcmld=&hvlocint=&hvlocphy=9015707&hvtargid=pla-355475192052&psc=1)

3. Regarding proposed Urban Design D1 modification on Page 55. There is nothing in the first standard (first bullet) where the examiner must consider that the existing building, (proposed for demo) contributes by offering screening, residential appearance of commercial property or other benefits to abutting residential neighbors. This is important at the boundaries of UD districts that often abut residential districts.
4. Not mentioned in your proposed changes is Table 1427-33. Please consider separating changeable copy signs into multiple categories for a) changeable by opaque letter or panel (like Knox Church) , b) changeable by electronic display (like HP Methodist). Make it clear all electronic changeable copy signs are internally illuminated and NOT permitted in SF and RM districts. I believe the current wording and formatting of "*External or Internal*  
*In SF and RM districts: External and non-flashing and non-moving only*" directly contributed to the mistake made by plan examiner resulting in a permitted electronic internally illuminated sign in an SF district that could not be removed. Ensure no conflict with Section 1703-5.80(E), "Permanent Signs," of the Cincinnati Municipal Code.
5. It is unfair and damaging to any neighborhood for Zoning Hearing Examiner decision standard to be based on an "*applicable urban design plan or other applicable community plan approved by City Council*" when neighborhood either has "no plan approved by City Council" or the only master plan, urban design plan or community plan is so old that hearing examiner, planning commission and/or city council can dismiss that plans existence as "outdated". Please insist on the resources to complete and update all plans or delete or modify the standard until plans are updated.

**From:** Juengling, Andy <Andy.Juengling@cincinnati-oh.gov>  
**Sent:** Friday, May 21, 2021 8:31 AM  
**To:** Wollenweber, Gary (GE Aviation, US) <gary.wollenweber@ge.com>  
**Subject:** EXT: RE: [External Email] Staff Conference

Gary,

All of the information, including the proposed ordinance with the proposed amendments can be viewed at the link below. Also below are all of the Zoom link details.

<https://www.cincinnati-oh.gov/planning/planning-projects-and-studies/active-ongoing/proposed-text-amendments-to-the-cincinnati-zoning-code/>

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You are receiving this email because you requested to join an upcoming Virtual Public Staff Conference. Please use the information in this email to access the meeting.

**Please do not share this meeting information. If you know someone who would like to attend the meeting, please have them email me directly.**

**Topic:** A proposal to modify Title XIV, "Zoning Code of the City of Cincinnati," and Title XVII, "Land Development Code," of the Cincinnati Municipal Code, by AMENDING the provisions of Sections 1401-01-A8, "Animal Keeping," 1403-05, "Land Use Regulations," 1409-07, "Land Use Regulations," 1411-05, "Land Use Regulations," 1413-05, "Land Use Regulations," 1422-05, "Development Regulations," 1422-07, "Maintenance and Storage," 1425-19 "Off-Street Parking and Loading Requirements," Section 1437-07, "Applications Subject to Review," 1437-09, "Development Standards in UD Overlay Districts," 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(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 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.

**Additional information regarding the proposed text amendments can be viewed at:**

<https://www.cincinnati-oh.gov/planning/planning-projects-and-studies/active-ongoing/proposed-text-amendments-to-the-cincinnati-zoning-code/>

**Time:** Monday, May 24, 2021 04:00 PM Eastern Time (US and Canada)

**Join Zoom Meeting**

<https://cincinnati-oh.zoom.us/j/98420765340?pwd=eVE5Q1c3b2VLTUFTMDBTT2hrT1huQT09>

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Passcode: 735731

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Find your local number: <https://cincinnati-oh.zoom.us/j/ab3gUGRF3y>

In accordance with orders issued by state and local officials and applicable guidance concerning COVID-19, this Public Staff Conference will be conducted using video-conferencing technology. This meeting will be closed to in-person attendance to comply

with social distancing requirements. The link above will allow you to join this meeting using the Zoom website. Please note that you will be muted when you join the meeting. Department of City Planning staff will facilitate and unmute participants throughout the meeting. It is important that each participant familiarize themselves with the Zoom video-conferencing technology BEFORE joining the meeting. Participants are strongly encouraged to visit the following link to join a test Zoom meeting - <https://zoom.us/test>. The test Zoom meeting will allow participants to ensure that all audio and video components are working properly on your computer or device. All desktop/laptop computers, tablets, and smartphones with internet access can join and participate in the hearing. Participants may also visit the Zoom Support Center to learn more about Zoom video-conferencing – <https://support.zoom.us/hc/en-us>.

**Andy Juengling, AICP | Senior City Planner**

City of Cincinnati | Department of City Planning

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**From:** Wollenweber, Gary (GE Aviation, US) <[gary.wollenweber@ge.com](mailto:gary.wollenweber@ge.com)>

**Sent:** Thursday, May 20, 2021 1:04 PM

**To:** Juengling, Andy <[Andy.Juengling@cincinnati-oh.gov](mailto:Andy.Juengling@cincinnati-oh.gov)>

**Cc:** Wollenweber (fuse) <[wollenweber@fuse.net](mailto:wollenweber@fuse.net)>

**Subject:** [External Email] Staff Conference

External Email Communication

Can you send me e-mail with the link to the proposed text amendments that will be discussed May 24 AND a link to join the May 24 Zoom Staff Conference?

**Gary C. Wollenweber, P.E.**

Consulting Engineer - Infrared Radiation and Thermal Design

GE Aviation Engineering Division

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(513) 243-8719 office voice and FAX

(513) 608-3342 mobile

## GE imagination at work

General Electric Company

## Juengling, Andy

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**From:** Karen Robertson <krobertson2973@gmail.com>  
**Sent:** Tuesday, May 25, 2021 10:01 PM  
**To:** Juengling, Andy  
**Subject:** [External Email] City Planning Commission Public Hearing - June 4th - PUBLIC COMMENTS

### External Email Communication

Dear Andy,

Below are my concerns regarding the proposed text amendments for the zoning code:

Changing our city's zoning code is a necessary action in order to create more opportunities for demolitions and use changes for existing buildings located in UD Overlay Districts. The new project being proposed by Town Properties in Pleasant Ridge is a good example for supporting this change. This project not only has community support but has secured financial support from the city.

With that said, I do have issues with the proposed text changes as it pertains to future projects down the road. It is vital for community councils to have a say during the initial stages of the planning process for all projects within their UD Overlay Districts. No one better understands the function and aesthetic values of their UD overlay district more than community councils.

I recommend new language be added on pages 55/56 making it a requirement for developers to consult with community councils during the initial planning stage. This allows community councils the opportunity to weigh in during early discussions of the planning process for all demolition and use change requests within their UD Overlay District. This requirement should be an integral part of the initial preliminary planning process before the project advances further.

Developers working side by side with community councils should be the planning department's goal. Both entities closely working together for the common good of the community.

Regards,

Karen Robertson  
Hyde Park

Honorable City Planning Commission  
Cincinnati, Ohio

August 20, 2021

**SUBJECT:** A report and recommendation on proposed text amendments to modify Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code,” of the Cincinnati Municipal Code, by AMENDING the provisions of Sections 1401-01-A8, “Animal Keeping,” 1403-05, “Land Use Regulations,” 1409-07, “Land Use Regulations,” 1411-05, “Land Use Regulations,” 1413-05, “Land Use Regulations,” 1422-05, “Development Regulations,” 1422-07, “Maintenance and Storage,” 1425-19 “Off-Street Parking and Loading Requirements,” 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 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 errors in the City’s zoning codes, and to promote efficient and complementary development throughout the City.

**EXHIBITS:**

Provided in addition to this report are the following exhibits:

- Exhibit A                Proposed Text Amendment Ordinance
- Exhibit B                Walnut Hills Redevelopment Foundation Letter
- Exhibit C                Written Comment

**BACKGROUND:**

In February 2019, the Department of City Planning and Engagement received a written request from the Walnut Hills Redevelopment Foundation, as representatives of one of the four neighborhoods to adopt Form Based Code (FBC), that served as a formal request from College Hill, Madisonville, Walnut Hills, and Westwood to begin conversations with the Department of City Planning and Engagement, and the Department of Buildings and Inspections, specifically the Zoning Division and Urban Conservator’s Office, to address scrivener errors, clarifications, and internally illuminated signage.

In addition to the above referenced and requested amendments, the City of Cincinnati conducted a review of the Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code” of the Cincinnati Municipal Code to identify related and necessary text amendments. Of the areas identified, it was determined that Title XVII, “Land Development Code,” as it relates to urban agriculture, horticulture, and animal keeping, needs to be amended to reflect the recently adopted Chapter 1422, “Urban Agriculture: Horticulture and Animal Keeping” of the Zoning Code.

The proposed text amendments to modify specific sections of Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII “Land Development Code” are intended to add consistency to the Cincinnati Municipal Code, continue to build streamlined and cohesive development processes, and add transparency to city requirements and development procedures.

On June 4, 2021, the City Planning Commission considered the Department of City Planning and Engagement's recommendation to approve the proposed text amendments, as outlined above. In addition, the City Planning Commission also considered proposed text amendments to include modifications to the Urban Design Overlay District review standards. During the meeting, there was concern raised by community members regarding the number of text amendments proposed and the amount of time given to community councils to review the proposed changes. Additional questions and comments were raised related to the proposed changes for the Urban Design Overlay District construction and demolition review criteria, proposed allowance of hotels in the Downtown Development, DD-C zoning district, and the role of the community councils in the decision-making process. Based on the discussion, the City Planning Commission made a motion to hold the item to allow for additional engagement between the Department of City Planning and Engagement, the Law Department, the Department of Buildings & Inspections – Zoning Division and the community representatives regarding the proposed amendments.

Due to feedback received at the June 4, 2021 City Planning Commission and the public staff conferences, the proposed text amendments related to the Urban Design Overlay District review standards have been removed from consideration at this time to permit additional engagement and modification.

### **PROPOSED TEXT AMENDMENTS:**

The Department of City Planning and Engagement, the Department of Buildings and Inspections, and the Law Department propose the following amendments to the Title XIV, "Zoning Code of the City of Cincinnati," and Title XVII, "Land Development Code" of the Cincinnati Municipal Code:

#### ***Section 1 – Section 1401-01-A8 "Animal Keeping"***

Addition of a reference to Section 1422-03(d) "Animal Keeping" for definition consistency with Chapter 1422 – Urban Agriculture: Horticulture and Animal Keeping.

Section 1401-01-A8 of the Cincinnati Zoning Code currently contains a definition for "Animal Keeping" and this reference will refer the user to the Section of the Cincinnati Zoning Code that establishes the regulations and requirements for "Animal Keeping."

#### ***Section 2 – Section 1403-05 "Land Use Regulations"***

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

The existing Section 1403-05 includes references to a *Specific Limitation* "L14," which does not exist. Because of this, all references to the *Specific Limitations* need to be adjusted to correlate with the correct *Specific Limitation*.

#### ***Section 3 – Section 1409-07 "Land Use Regulations"***

Correction of references to the Specific Limitations list for the Use Regulations for Commercial Subdistricts.

Removal of, and addition, of Specific Limitations.

Removal of existing L5 ("Presentation of entertainment is not permitted in outdoor areas"), as it did not pertain to the uses referenced in the use table. Because of this, a corrected L5 was established "Permitted provided that outdoor storage is screened with an 8 ft. privacy fence"). Because of this, other references to the *Specific Limitations* are proposed to be adjusted to correlate with the *Specific Limitations*.



#### **Section 4 – Section 1411-05 “Land Use Regulations”**

Correction of section reference for the Use Regulations-Downtown Development Use Subdistrict Schedule.

The existing Section 1411-05 references “Schedule 1413-05,” which is the Manufacturing Districts Use Regulation Table. The proposed amendment corrects this to reference “Schedule 1411-05,” which is the Downtown Development Use Regulation Table.

Addition of “Hotel and Commercial Lodging” to Subdistrict “C” of the Downtown Development district.

“Hotel and Commercial Lodging” uses are permitted in all Subdistricts of the Downtown Development district, with the exception of the Downtown Development Subdistrict C (DD-C). This Subdistrict has received requests for the reuse of existing structures as hotel uses, and it was discovered that this use is prohibited. Subdistrict C is the *Downtown Support* district which is intended to “maintain and enhance the Downtown Development District by providing sites for offices, residential, commercial and public and semi-public uses essential for the livelihood of businesses and neighborhoods located in Cincinnati and residents living in the downtown area. Subdistrict C permits a mix of professional and governmental offices, residential, commercial, public, semi-public, and limited industrial uses.” The “Hotel and Commercial Lodging” use is consistent in nature with the purpose of this subdistrict and is currently inconsistently prohibited in only this subdistrict.

#### **Section 5 – Section 1413-05 “Land Use Regulations”**

Removal of reference to L17 (*Specific Limitation*) that does not exist for “Garden supply stores and nurseries.”

Addition of a reference to Section 1419-16, Additional Development Regulations for “Garden supply stores and nurseries.”

Currently, Section 1413-05 “Land Use Regulations” does not include *Specific Limitation* reference L17, which is outlined in the “Garden supply stores and nurseries” use table for Manufacturing Agricultural, MA zoning districts. “Garden supply stores and nurseries have Additional Regulations outlined in Section 1419-16, therefore, the proposal is to remove the reference to L17, permit “Garden supply stores and nurseries” by right in the MA zoning districts, with the Additional Regulations outlined by Section 1419-16.

#### **Section 6 – Section 1422-05 “Development Regulations”**

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

Currently, Section 1422-05 (b) – Development Regulations, “Animal Keeping,” incorrectly references Schedule 1425-05, which is “Noncomplying Parking or Loading Facilities.” The proposed amendment corrects this reference to Schedule 1422-05: “Animal Keeping Requirements”

#### **Section 7 – Section 1422-07 “Maintenance and Storage”**

Correction of section reference for the definition of “Farm.”

Currently, Section 1422-07 (c)(1) – Maintenance and Storage, “Equipment and Material Storage” references Section 1422-03 F1 for the definition of “Farm,” which is *Landscaping and Buffer Yard Requirements*. The proposed amendment corrects this reference to Section 1401-01.F3: “Definitions. Farm.”

**Section 8 – Section 1429-19 “Off-Street Parking and Loading Requirements”**

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

Currently, all zoning districts that permit multi-family residential uses, with the exception of the Residential Mixed, RMX zoning district are listed in Schedule 1425-19-A: Off-Street Parking and Loading Requirements, which establishes the number of parking spaces required per unit. The proposed amendment adds the RMX district to this schedule to require 1.5 parking spaces per every unit.

**Section 11 – Section 1703-2.40 “T3 Estate (T3E); T3E Use Table; Use Type; Agriculture”**

Removal of references to “Community Gardens” as this former use type is now regulated under Chapter 1422 of the Zoning Code.

Addition of “Animal Keeping,” “Farm,” and “Garden” uses for consistency with the use types established by Chapter 1422.

Additional information in the *Analysis* section of this report.

**Section 12 – Section 1703-2.50 “T3 Neighborhood (T3N); T3N Use Table; Use Type; Agriculture”**

Removal of references to “Community Gardens” as this former use type is now regulated under Chapter 1422 of the Zoning Code.

Addition of “Animal Keeping,” “Farm,” and “Garden” uses for consistency with the use types established by Chapter 1422.

Additional information in the *Analysis* section of this report.

**Section 13 – Section 1703-2.60 “T4 Neighborhood Medium Footprint (T4N.MF); T4N.MF Use Table; Use Type; Agriculture”**

Removal of references to “Community Gardens” as this former use type is now regulated under Chapter 1422 of the Zoning Code.

Addition of “Animal Keeping,” “Farm,” and “Garden” uses for consistency with the use types established by Chapter 1422.

Additional information in the *Analysis* section of this report.

**Section 14 – Section 1703-2.70 “T4 Neighborhood Small Footprint (T4N.SF); T4N.SF Use Table; Use Type; Agriculture”**

Removal of references to “Community Gardens” as this former use type is now regulated under Chapter 1422 of the Zoning Code.

Addition of “Animal Keeping,” “Farm,” and “Garden” uses for consistency with the use types established by Chapter 1422.

Additional information in the *Analysis* section of this report.

**Section 15 – Section 1703-2.80 “T5 Main Street (T5MS) T5MS Use Table; Use Type; Agriculture”**

Removal of references to “Community Gardens” as this former use type is now regulated under Chapter 1422 of the Zoning Code.

Addition of “Animal Keeping,” “Farm,” and “Garden” uses for consistency with the use types established by Chapter 1422.

Additional information in the *Analysis* section of this report.

**Section 16 – Section 1703-2.90 “T5 Neighborhood Large Setback (T5N.LS) T5N.LS Use Table; Use Type; Agriculture”**

Removal of references to “Community Gardens” as this former use type is now regulated under Chapter 1422 of the Zoning Code.

Addition of “Animal Keeping,” “Farm,” and “Garden” uses for consistency with the use types established by Chapter 1422.

Additional information in the *Analysis* section of this report.

**Section 17 – Section 1703-2.100 “T5 Neighborhood Small Setback (T5N.SS) T5N.SS Use Table; Use Type; Agriculture”**

Removal of references to “Community Gardens” as this former use type is now regulated under Chapter 1422 of the Zoning Code.

Addition of “Animal Keeping,” “Farm,” and “Garden” uses for consistency with the use types established by Chapter 1422.

Additional information in the *Analysis* section of this report.

**Section 18 – Section 1703-2.110 “T5 Flex (T5F) T5F Use Table; Use Type; Agriculture”**

Removal of references to “Community Gardens” as this former use type is now regulated under Chapter 1422 of the Zoning Code.

Addition of “Animal Keeping,” “Farm,” and “Garden” uses for consistency with the use types established by Chapter 1422.

Additional information in the *Analysis* section of this report.

**Section 19 – Section 1703-2.120 “T6 Core (T6C) T6C Use Table; Use Type; Agriculture”**

Removal of references to “Community Gardens” as this former use type is now regulated under Chapter 1422 of the Zoning Code.

Addition of “Animal Keeping,” “Farm,” and “Garden” uses for consistency with the use types established by Chapter 1422.

Additional information in the *Analysis* section of this report.

**Section 20 – Section 1703-5.50 (D), “Parking; Number of Motor Vehicle Parking Spaces Required”**

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

The current language for calculating the minimum number of parking spaces is to round the parking ratio calculation up or down to the closest whole number. The proposed amendment clarifies that the calculation shall be rounded down to the closest whole number.

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

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

Additional information in the *Analysis* section of this report.

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

Clarification language for defining Directory Signs.

Additional information in the *Analysis* section of this report.

**Section 23 – Section 1703-5.80 (O), “Pole/Monument Signs”**

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

Additional information in the *Analysis* section of this report.

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

Clarification regarding the allowable height for wall sign lettering.

Clarification of the transect zones that Changeable Copy Wall Signs are permitted.

Additional information in the *Analysis* section of this report.

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

Clarification that wall mural signs may only be externally illuminated.

Additional information in the *Analysis* section of this report.

**Section 26 – Section 1703-5.100, “Additional Standards for Specific Uses; Community Gardens”**

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

Additional information in the *Analysis* section of this report.

**Section 27 – Section 1703-8.50, “Relationship to Overlay Districts”**

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

The current language states that transect zones may be established in certain overlay districts, when the language should read that certain overlay districts may be applied to transect zones. The proposed language clarifies the hierarchy and relationship of overlay districts to transect zones.

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

Addition of a definition for Edison Bulbs.

Proposed Definition: “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.”

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

Addition of a definition for Front-Lit Signs.

Proposed Definition: “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.”

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

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

Proposed Definition: “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.”

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

Addition of a definition for Neon Signs.

Proposed Definition: “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 levels.”

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

Addition of a definition for Open-Lit Signs.

Proposed Definition: “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.”

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

Addition of a definition for Push Through Signs.

Proposed Definition: “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.

The proposed ordinance modifying Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code” of the Cincinnati Municipal Code is attached as Exhibit A.

### **ANALYSIS:**

This proposed modifications to Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code,” are necessary in order to clarify existing regulations and processes. In addition to the proposed amendments that add clarity and consistency within the text of Title XIV and Title XVII, the proposal includes language to establish clarity of signage types and requirements for certain transect zones within the Form Based Code neighborhoods and adds definitions for terminology that is introduced by the proposed amendments. The following is an outline of the overall categories of modifications, and staff’s analysis of each.

### **Scrivener’s Errors/Clarifications**

*Section 1 – Section 1401-01-A8 “Animal Keeping”*

*Section 2 – Section 1403-05 “Land Use Regulations” | Single-Family Districts*

*Section 3 – Section 1409-07 “Land Use Regulations” | Commercial Districts*

*Section 4 – Section 1411-05 “Land Use Regulations” | Downtown Development Districts*

*Section 5 – Section 1413-05 “Land Use Regulations” | Manufacturing Districts*

*Section 6 – Section 1422-05 “Development Regulations”*

*Section 7 – Section 1422-07 “Maintenance and Storage”*

*Section 8 – Section 1429-19 “Off-Street Parking and Loading Requirements”*

*Section 20 – Section 1703-5.50 (D), “Parking; Number of Motor Vehicle Parking Spaces Required”*

*Section 27 – Section 1703-8.50, “Relationship to Overlay Districts”*

These proposed amendments do not make any significant modifications to content of Title XIV or Title XVII of the Cincinnati Municipal Code. These proposed modifications are intended to add clarity to allow for ease of interpretation of the Zoning Code and Land Development Code as it relates to chapter references, limitation references, and scrivener’s errors that have occurred during previous ordinance amendments. These proposals are necessary in order to clean up the existing language in each Title of the Cincinnati Municipal Code.

## **Urban Agriculture (Chapter 1422) Reflection in Title XVII, “Land Development Code”**

*Section 11 – Section 1703-2.40 “T3 Estate (T3E); T3E Use Table; Use Type; Agriculture”*

*Section 12 – Section 1703-2.50 “T3 Neighborhood (T3N); T3N Use Table; Use Type; Agriculture”*

*Section 13 – Section 1703-2.60 “T4 Neighborhood Medium Footprint (T4N.MF); T4N.MF Use Table; Use Type; Agriculture”*

*Section 14 – Section 1703-2.70 “T4 Neighborhood Small Footprint (T4N.SF); T4N.SF Use Table; Use Type; Agriculture”*

*Section 15 – Section 1703-2.80 “T5 Main Street (T5MS) T5MS Use Table; Use Type; Agriculture”*

*Section 16 – Section 1703-2.90 “T5 Neighborhood Large Setback (T5N.LS) T5N.LS Use Table; Use Type; Agriculture”*

*Section 17 – Section 1703-2.100 “T5 Neighborhood Small Setback (T5N.SS) T5N.SS Use Table; Use Type; Agriculture”*

*Section 18 – Section 1703-2.110 “T5 Flex (T5F) T5F Use Table; Use Type; Agriculture”*

*Section 19 – Section 1703-2.120 “T6 Core (T6C) T6C Use Table; Use Type; Agriculture”*

*Section 26 – Section 1703-5.100, “Additional Standards for Specific Uses; Community Gardens”*

On June 26, 2019, City Council approved the addition of Chapter 1422, “Urban Agriculture: Horticulture and Animal Keeping” to Title XIV, “Zoning Code of the City of Cincinnati” (Council Ordinance 251-2019). Included in that ordinance were amendments to terms and definitions related to urban agriculture, horticulture, and animal keeping throughout the Title XIV, in order create consistent language and terminology throughout the Zoning Code. Under the proposed text amendment ordinance, Title XVII, “Land Development Code,” terminology, uses, definitions, and code references will be consistent between Title XIV and Title XVII. The proposed amendments are necessary to avoid conflicting terms and definitions between the Zoning Code and Land Development Code.

## **Title XVII, “Land Development Code” Signage**

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

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

*Section 23 - Section 1703-5.80 (O), “Pole/Monument Signs”*

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

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

The identified modifications to Title XVII, “Land Development Code” related to signage is a result of an ongoing effort to update the Cincinnati Municipal Code to address evolving development trends and achieve the goals and interests of neighborhood groups. The four neighborhoods that have adopted Form Based Code (Walnut Hills, Madisonville, College Hill, and Westwood) submitted a letter to the City in February of 2019 to address internally illuminated signage in the Land Development Code (Exhibit B). The proposed updates add clarification language for permanent signs in the transect zones of these neighborhoods, establish illumination criteria for specific signage types, define changeable copy signs and establish requirements and transects where these signs are permitted, and provide clarification language and chapter references. These amendments provide Form Based Code neighborhoods and applicants clarification on the signage types and illumination methods permitted. These amendments are also necessary to provide city reviewing agencies with language to consistently review signage applications that are submitted.

## **Addition of Definitions**

*Section 28 – Section 1703-9.10 (E), “E. Definitions” | Edison Bulbs*

*Section 29 – Section 1703-9.10 (F), “F. Definitions” | Front-Lit Signs*

*Section 30 – Section 1703-9.10 (H), “H, Definitions” | Halo/Reverse-Lit Signs*

*Section 31 – Section 1703-9.10 (N), “N, Definitions” | Neon Signs*

*Section 32 – Section 1703-9.10 (O), “O, Definitions” | Open-Lit Signs*

*Section 33 – Section 1703-9.10 (P), “P, Definitions” | Push Through Signs*

The proposed definitions are necessary to add clarity to the proposed amendments to Section 1703-5.80 (E), “Permanent Signs,” of Title XVII, “Land Development Code.” This proposal will add transparency and consistency to the permissible illumination methods for permanent building and ground signs.

#### **PUBLIC COMMENT AND NOTIFICATION:**

The Department of City Planning and Engagement mailed a joint notice of Virtual Public Staff Conference and scheduled City Planning Commission meeting to every Community Council and Community Development Corporation in the City of Cincinnati on May 10, 2021. The notice was also emailed to the contacts of record that the City retains for the Community Councils and the Community Development Corporations. In addition to the mailed and emailed notice, a webpage was posted on the Department of City Planning and Engagement’s website with information on the public meeting dates, background of the proposal, summary of the modifications, and the draft ordinance highlighting each of the proposed amendments.

A Virtual Public Staff Conference was held on May 24, 2021 to gather comment and input regarding the proposed text amendments. There were 15 community members in attendance representing various community councils, neighborhoods, community development corporations, property owners, and interested stakeholders. Representatives from the Department of City Planning and Engagement, the Department of Buildings and Inspections – Zoning Division, and Law Department were also in attendance.

During the discussion community members raised concerns regarding the proposed modifications to *Section 9 – Section 1437-07 “Applications Subject to Review”* and *Section 10 – Section 1437-09 “Development Standards in UD Overlay Districts.”* There were concerns that the proposed language would increase the ability for property owners and developers to demolish structures within the Urban Design Overlay Districts, and that the process of review for these requests will be decided solely by the Zoning Hearing Examiner. There was interest that the community council stance on an application should be considered as decision criteria for the Zoning Hearing Examiner. There was additional concern that during the Zoning Hearing Examiner meetings, community councils do not have the ability to cross examine due to the legal costs associated to hire legal representation and felt the process is not equitable. Attendees also voiced concern that while City staff strongly encourages applicant engagement with the community, there is no policy requiring this engagement prior to application for a demolition or new construction in an Urban Design Overlay District.

There were questions raised as to the purpose of modifying these sections of the Zoning Code. City staff explained that as currently written, a structure can only be eligible for demolition if the Director of the Department of Buildings and Inspections orders the demolition, and it meets established criteria, which is still subject to review by the Zoning Hearing Examiner. Staff further explained that the proposed amendment would continue to allow for a public process of review and a demolition application would need to demonstrate the proposed criteria for each scenario to the Zoning Hearing Examiner. The sentiment was shared by several community members in attendance that the restrictive nature of the Urban Design Overlay District can be appreciated, but the process and requirements should not be loosened to allow for demolition.

Concerns were also submitted in writing to the Department of City Planning and Engagement regarding the criteria to be demonstrated to the Zoning Hearing Examiner, including “applicable urban design plan or other

applicable community plan approved by City Council” as some neighborhoods either do not have a plan that has been approved by City Council, or the plan that has been approved could be considered outdated. Additional concerns and comments regarding specific criteria proposed are attached in Exhibit C.

Conversely, some in attendance expressed support for the proposed modifications to *Section 9 – Section 1437-07 “Applications Subject to Review”* and *Section 10 – Section 1437-09 “Development Standards in UD Overlay Districts”* as the current language prevents an existing non-contributing building from being demolished, which prevents development that is supported by certain communities and neighborhood groups in Urban Design Overlay Districts. These representatives indicated that the proposed language would allow an existing non-contributing building to be demolished and allow a development project to move forward that would contribute to that specific Urban Design Overlay District and neighborhood goals.

During the meeting, there were concerns raised about the timeliness of notifications related to applications submitted to the City, and the short time frame that the community councils are given to respond to applications and proposals. An interest was expressed by those in attendance for added notification to allow for additional time for community councils and residents to react to, and provide comments for, not only applications within Urban Design Overlay Districts, but for development processes in general. This sentiment was shared by attendees regarding the subject proposed text amendments.

There were also general clarification questions regarding the proposal. There were specific questions related to the proposed Community Garden references and definitions, whether LED lighting used as signage in storefronts was to be addressed through the proposed or any future text amendments, and clarification regarding the proposed new construction two-step review process for the Urban Design Overlay Districts. City staff was available to respond to these questions.

After the June 4, 2021, City Planning Commission meeting, the Department of City Planning and Engagement held a second Virtual Public Staff Conference on July 29, 2021. The Department of City Planning and Engagement mailed a notice of Virtual Public Staff Conference to every Community Council and Community Development Corporation in the City of Cincinnati on July 1, 2021. The notice was also emailed to the contacts of record that the City retains for the Community Councils and the Community Development Corporations. All those that had been in attendance during the May 24, 2021 Virtual Public Staff Conference and the June 4, 2021 City Planning Commission meeting also received emailed notification. In addition to the mailed and emailed notice, the webpage on the Department of City Planning and Engagement’s website with information on the public meeting dates, background of the proposal, summary of the modifications, and the draft ordinance highlighting each of the proposed amendments. Amendments were updated to include additional summaries, maps, links to all Zoning Code references, and fillable forms for comments and questions to be directly submitted to Department of City Planning and Engagement staff for responses. The link to this webpage was provided on the notice, along with a QR code to direct individuals directly to the webpage.

The Virtual Public Staff Conference was held on July 29, 2021 to gather comment and input regarding the proposed text amendments. There were 26 community members in attendance representing various community councils, neighborhoods, community development corporations, property owners, and interested stakeholders. Representatives from the Department of City Planning and Engagement, the Department of Buildings and Inspections – Zoning Division, Law Department, and City Manager’s Office were also in attendance. The comments and discussion focused primarily on the proposed text amendments to the UDOD review standards. However, there was a concern noted about the to the proposed text amendment that would permit the addition



of hotels and commercial lodging in the Downtown Development Subdistrict C unless parking would be required. There is currently a Parking Overlay District over the Downtown Development Subdistrict C which means no parking would be required. There were also general concerns noted about the need for more community engagement at earlier stages in the development process.

The Department of City Planning and Engagement has also received a letter reiterating the concerns and comments regarding the proposed addition of hotels and commercial lodging in the Downtown Development Subdistrict C (Exhibit C).

Due to feedback received at both public staff conferences and the June 4, 2021 City Planning Commission meeting, the proposed text amendments to the Urban Design Overlay District (UDOD) review standards will be heard by City Planning Commission at a later date. It should be noted that some of the letters received were exclusively regarding the proposed text amendments to the Urban Design Overlay Districts review standards. Those letters, along with staff conference comments, will be included in the future staff report on the proposed text amendments to the UDOD review standards.

The Department of City Planning and Engagement mailed a notice of the August 20, 2021 City Planning Commission meeting to every Community Council and Community Development Corporation in the City of Cincinnati on August 5, 2021. The notice was also emailed to the contacts of record that the City retains for the Community Councils and the Community Development Corporations, as well as anyone who submitted written comment or participated in a public staff conference or the previous City Planning Commission meeting.

#### **CONSISTENCY WITH PLAN CINCINNATI:**

The proposed modifications to Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code” is consistent with the Compete Initiative Area of *Plan Cincinnati* (2012), particularly within Goal 3 to “foster a climate conducive to growth, investment, stability, and opportunity” (pg. 103), specifically the Strategy to “build a streamlined and cohesive development process” (pg. 111). The proposed amendments are intended to ensure transparency, consistency, and clarity to the both the Zoning Code and Land Development Code, making development processes easier to understand for both the community and applicants.

#### **CONCLUSIONS:**

The goal of the proposed modifications to the specific sections of Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code” is to add consistency throughout the Cincinnati Municipal Code, continue to build streamlined and cohesive development processes, and add transparency to city requirements and development procedures. Each of the proposed amendments will add clarity to city regulations for applicants, the general public, and city reviewing agencies for development proposals.

Further, the proposed modifications to the Section 1703-5.80 of Title XVII regarding signage in the transect zones of the Form Based Code neighborhoods is consistent with the request of the letter submitted by the Walnut Hills Redevelopment Foundation (Exhibit B) to add specific language related to internally illuminated signage.

The proposed amendments are necessary to ensure that the City’s Zoning Code and Land Development Code are updated to react to public safety, development trends, and the identified goals of neighborhoods and the city as a whole. These proposals are also consistent with the Compete Initiative Area of *Plan Cincinnati* (2012).

**RECOMMENDATION:**

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

**APPROVE** the proposed text amendments to modify Title XIV, “Zoning Code of the City of Cincinnati,” 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,” 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 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 errors in the City’s zoning codes, and to promote efficient and complementary development throughout the City.

Respectfully submitted:



Samantha McLean, AICP, Senior City Planner  
Department of City Planning and Engagement

Approved:



Katherine Keough-Jurs, AICP, Director  
Department of City Planning and Engagement

**DBS****- 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,” Section 1437-07, “Applications Subject to Review,” 1437-09, “Development Standards in UD Overlay Districts,” 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 **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 has recommended text amendments to the Cincinnati Zoning Code and the Land Development Code to provide greater clarity and 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 \_\_\_\_\_, 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;

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

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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
Residential Uses						
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>	
Group residential						
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>	
Permanent residential						
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	<del>L13</del>	<del>L13</del>	<del>L13</del>	<del>L13</del>	<del>L13</del>	
	<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	<del>L9</del>	<del>L9</del>	<del>L9</del>	<del>L9</del>	<del>L9</del>	
	<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> <u>L5</u>	<del>L6</del> <u>L5</u>	<del>L6</del> <u>L5</u>	<del>L6</del> <u>L5</u>	<del>L6</del> <u>L5</u>	
Child day-care centers	<del>L5,7</del> <u>L4,6</u>	<del>L5,7</del> <u>L4,6</u>	<del>L5,7</del> <u>L4,6</u>	<del>L5,7</del> <u>L4,6</u>	<del>L5,7</del> <u>L4,6</u>	
Refuse storage areas	P	P	P	P	P	See § 1421-35
Drive Box	<del>L8</del> <u>L7</u>	<del>L8</del> <u>L7</u>	<del>L8</del> <u>L7</u>	<del>L8</del> <u>L7</u>	<del>L8</del> <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> <u>L9</u>	<del>L10</del> <u>L9</u>	
Rooming Unit	—	—	<del>L11</del> <u>L10</u>	<del>L11</del> <u>L10</u>	<del>L11</del> <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	
Government facilities and offices							
Offices	<del>L13</del> L9	<del>L13</del> L9	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
Commercial Uses							
Ambulance services	—	—	—	—	P	P	
Animal service facilities	P	P	P	P	P	P	See § 1419-05
Banks and financial institutions	<del>L13</del> L9	<del>L13</del> L9	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> L9	<del>L13</del> L9	P	P	P	P	
Commercial meeting facility	—	—	—	P	P	P	

Eating and drinking establishments							
Convenience markets	<del>L14</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Drinking establishments	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	
Restaurants, full service	<del>L6, L13</del> <u>L9</u>	<del>L6, L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	See § 1419-21
Restaurants, limited	<del>L6, L13</del> <u>L9</u>	<del>L6, L13</del> <u>L9</u>	<del>L6</del> <u>P</u>	P	P	P	See § 1419-21
Food markets	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Food preparation	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	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	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Loft dwelling units	P	P	P	P	P	P	See § 1419-23
Maintenance and repair services	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	

Medical services and clinics	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Offices	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Parking facilities	C	P	C	P	P	P	See Chapter 1425
Personal instructional services	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Personal services	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Private vehicular storage Lot	—	—	—	—	P	P	
Recreation and entertainment							
Indoor or small-scale	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Outdoor or large-scale	—	—	—	—	C	P	
Retail sales	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Vehicle and equipment services							
Vehicle and equipment sales and rental	—	—	—	C	<del>L8</del> <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>							
Production industry							
Artisan	C	C	C	C	P	P	
Limited	—	—	—	—	P	P	
Warehousing and storage							
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	
Transportation facilities							
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
Accessory Uses							See Chapter 1421
Any accessory use not listed below	<del>L10</del> <u>L6</u>	<del>L10</del> <u>L6</u>	<del>L10</del> <u>L6</u>	<del>L10</del> <u>L6</u>	<del>L10</del> <u>L6</u>	<del>L10</del> <u>L6</u>	
Refuse storage areas	P	P	P	P	P	P	See § 1421-35
Drive box	<del>L11</del> <u>L10</u>	<del>L11</del> <u>L10</u>	<del>L11</del> <u>L10</u>	<del>L11</del> <u>L10</u>	<del>L11</del> <u>L10</u>	<del>L11</del> <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> <u>L11</u>	<del>L12</del> <u>L11</u>	<del>L12</del> <u>L11</u>	<del>L12</del> <u>L11</u>	<del>L12</del> <u>L11</u>	<del>L12</del> <u>L11</u>	
Portable storage containers	P	P	P	P	P	P	See § 1419-24
Nonconforming Uses							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 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.
- 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	
Permanent residential					
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	
Transitional housing					
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	
Government facilities and offices					
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	
Eating and drinking establishments					
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	
Recreation and entertainment					

Indoor or small-scale	L5	L5	P	L5	
Outdoor or large-scale	C	—	C	C	
Retail sales	P	L6	P	P	
Vehicle and equipment services					
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>					
Production industry					
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	—	
Transportation facilities					

Heliports	C	—	C	C	
Transportation passenger terminals	C	C	C	C	
Watercraft and riverfront facilities					
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	—	
Government facilities and offices					
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	—	
Eating and drinking establishments					

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	<del>L17</del> P	P	—	—	<u>See § 1419-16</u>
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	—	
Recreation and entertainment					
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 from all property lines.	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 25 feet from the nearest inhabited structure when a flyway screen is provided.



				<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 square foot lots.</p> <p>A maximum of 24 permitted for lots exceeding</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.

	20,000 square feet.			
Geese, Turkeys, and other Medium-Sized Birds	<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>	Yes, if animals are permitted to range outside of a structure.	A minimum of 6 square feet per adult.	A setback of 10 feet from all property lines.
Dehorned Goats and Sheep	<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>	A minimum of 20 square feet per adult.	A setback of 50 feet from all property lines.
Swine	A minimum of 20,000 square feet per adult; a maximum of 2.	Yes, with a setback of 20 feet from property lines.	A minimum of 30 square feet per adult.	A setback of 50 feet from all property lines.
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	
Permanent residential		
Single-family		
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,	1.5 for every unit	

OL		
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.	3

	ft.	
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
Government facilities and offices		
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, RF-C, ML, MG and RF-M districts.	As required below.	

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 facility	1 for every 150 sq. ft.	3
Eating and drinking establishments		

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	1 for every 150 sq.	

clinics	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.	
Recreation and entertainment		
Indoor and small scale		
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	
Outdoor or large scale		

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.	
Vehicle and equipment services		
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 3 auditorium seats	2
Public utility distribution system	1 for every 1,000 sq. ft.	
Public utility	1 for every 1,000	

maintenance yard	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	
Transportation facilities		
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
	Over 100,000: 1 for every 4,000 sq. ft. over 100,000 sq. ft.	4
Watercraft and riverfront facilities		

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 1437-07, “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 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 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 Hearing Examiner pursuant to 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 10. 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 UD Overlay Districts.**

Development within individual UD Overlay Districts must comply with the standards prescribed below that the ordinance that establishes the 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 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 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
A1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
M1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
W1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
R1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
R2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
E1		X	X	X	X		X				X				
F1		X													X
N1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
N2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
D1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

UD #1 - College Hill Business District	UD #9 - Mt. Airy Business District
UD #2 - Clifton Business District	UD #10 - Columbia-Tusculum Business District
UD #3 - Hartwell Business District	UD #11 - Hyde Park East Business District
UD #4 - Hyde Park Square Business District	UD #12 - Mt. Lookout Square
UD #5 - Oakley Square Business District	UD #13 - Pleasant Ridge Business District
UD #6 - University Village Business District	UD #14 - Kennedy Heights Business District
UD #7 - North Avondale Along Reading Road	UD #15 - Roselawn Business District
UD #8 - Mt. Washington Business District	

(a) *Signs and Signage Standards:*

S1. Prohibited Signs:

- All blinking, flashing, rotating or moving signs, except barber poles and theater marquees;
- Neon signs;
- Banners, portable or temporary signs;
- 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 Hearing Examiner shall review and consider applicable urban design plan or other applicable community plans approved by City Council ~~applicable Community Plans approved by City Council~~ when making decisions for projects in an Urban Design 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 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:

- (i) whether the building is identified as a contributing building or recommended for demolition by the applicable urban design plan or other applicable community plans approved by City Council;
- (ii) whether the building's architectural style, bulk, shape, massing, scale, form, and setbacks are consistent with the predominant characteristics of the district;
- (iii) whether the building is iconic or specially associated with the district;
- (iv) whether the demolition of the building will negatively impact the district streetscape, and
- (v) 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 to diligently pursue the construction of the new building or change in use if demolition of the building is approved.

- Prohibiting demolition of the building would impose economic hardship on its owner, which is determined by weighing the following factors:

- (i) whether the owner would be denied all economically viable use of the property if demolition is not approved;
- (ii) whether the owner's reasonable-investment backed expectations may be maintained if demolition is not approved; and
- (iii) whether the owner's actions created or exacerbated the alleged economic hardship.

~~▲ 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 11. 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>
<u><b>Agriculture</b></u>		
<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 12. 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>
<u><b>Agriculture</b></u>		
<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 13. 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>
<u><b>Agriculture</b></u>			
<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 14. 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>
<u><b>Agriculture</b></u>			
<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 15. 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>
<u><b>Agriculture</b></u>			
<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 16. 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>
<u><b>Agriculture</b></u>			
<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 17. 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>
<u><b>Agriculture</b></u>			
<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 18. 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>	
<u><b>Agriculture</b></u>			
<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 1703-2.120, “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><b>Agriculture</b></u>			
<del>Community Garden</del>	<del>1703-5.100.D</del>	<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 1703-5.50 (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 21. 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 prohibited except as expressly permitted in this Section 5.80. Where permitted, changeable copy signs are subject to 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 22. 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.

<b>Size</b>		
Signable Area	6 sf max.	(A)
<b>Location</b>		
Height		(D)
Wall Mounted	8' max.	
Free Standing	3' max.	

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

<b>Miscellaneous</b>		
<del>May include the name of the business and business address. Shall not include any other words.</del>		

Section 23. That Section 1703-5.80(O), "Pole/Monument Sign," of the Cincinnati Municipal Code is hereby amended as follows:

**O. Pole/Monument Sign**

<b>Description</b>		
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.		
<b>Size</b>		
Signable Area	12 sf max.	(A)
<b>Location</b>		
Signs per Frontage	1 max.	
Height	8' max.	(B)
Width	8' max.	(C)
<b>Miscellaneous</b>		
<del>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.</del>		

Changeable copy pole/monument signs are not permitted in T5MS, T5N.LS, T5N.SS, T5F and T6C transect zones.

Section 24. 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 individual transect zone regulations.

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



Section 25. 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 are not considered wall mural signs and are prohibited within the Form-Based Code 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 26. 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 Agriculture Community 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**

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

#### **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**

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

##### **Opacity**

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

~~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**

Area Dedicated to Composting	200 sf max.
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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**

Front	10' min.
Side Street	10' min.
Side	3' min.

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 27. 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 28. 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 29. 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 30. 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 emp

Section 31. 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 32. 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 33. 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 34. 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," Section 1437-07, "Applications Subject to Review," 1437-09, "Development Standards in UD Overlay Districts," 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, 1703-5.120, "Temporary Uses," "Accessory 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 35. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor

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

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





**Walnut Hills  
Redevelopment  
Foundation**

**656 E McMillan St  
Cincinnati, OH 45206**

**Office: (513) 593-9473**

Katherine Keough-Jurs  
Cincinnati Department of Planning  
805 Central Ave  
Cincinnati, OH, 45202

Dear Katherine,

We are writing to you as representatives of the Cincinnati neighborhoods that have adopted Form Based Code (FBC). FBC has been active in our neighborhoods for several years now, and each neighborhood has become aware of certain errors or unintended consequences within FBC. We understand that City Planning and Zoning representatives have also come across some discrepancies within FBC that need addressing. Therefore, this letter serves as a formal request from these neighborhoods to the City Planning and Zoning Departments to review the FBC document for scrivener errors and clarifications.

In addition to review, this letter serves as a formal request for a text amendment addressing internally lit signage. As you are aware, FBC does not allow lit signage with few exceptions. The most effective/popular type of signage in a neighborhood business district, the internally lit blade sign, is one of those excluded. As our neighborhood business districts grow, we want to be supportive and welcoming to new businesses and remove as many barriers to opening and becoming successful as possible.

College Hill, Madisonville, Walnut Hills and Westwood would like to begin a conversation with the City's Planning, Zoning, and Historic Preservation Departments around scrivener errors, clarifications, and a text amendment addressing internally lit blade signs. We appreciate the City's willingness to work with neighborhood community councils and community development corporations to encourage growth and prosperity in our neighborhoods. We look forward to hearing back from you regarding next steps.

Please let me know if you have any questions or would like to discuss further. I am available at 513-415-2272 or [emily@walnuthillsrf.org](mailto:emily@walnuthillsrf.org).

Sincerely,

Emily S. Ahouse  
Executive Director  
Walnut Hills Redevelopment Foundation

Positive Action. Powerful Change.  
[walnuthillsrf.org](http://walnuthillsrf.org)

### **Opposition to the Proposed Text Amendments-CPC Hearing August 20, 2021 August 10, 2021**

Dear Members of the Cincinnati Planning Commission:

I am an architect working in the Pendleton Neighborhood of Over-the-Rhine. My comments are broken in to two sections:

Part 1: The proposed addition of Hotels and Commercial Lodging uses to Downtown Developments Subdistrict C

Part 2: The proposed new rules for Demolition in Urban Design Overlay Districts

#### Part 1

I am opposed to the proposal to permit the use of Hotels and Commercial Lodging on the property around the Casino - unless Parking would be required. Since this area is in the Parking Overlay District #1, as it stands - no parking would be required.

The casino area is directly across Reading Road from a dense residential area that has very scarce parking resources. We have seen from a recent 90-room hotel proposed on Central Parkway, by the Soccer stadium, that in OTR hotels may be proposed that do not providing parking.

Residents at this end of the Pendleton neighborhood are mostly low income, particularly in the E. 12th and 13th Streets blocks, from Broadway over to Reading Road. These residents rely on continued access to parking for access to good paying jobs throughout the region, groceries for families and more. Allowing hotels to be built across the street without providing parking will deprive the residents of nearby - safe parking, and will cause displacement of residents with limited resources.

The street parking in this area is full every evening and on weekends when workers have returned from work. These are same hours that hotels will need the most parking. See Photos beginning at next page.

In the walk shed calculated at a half-mile radius from the east end of East 12<sup>th</sup> Street, no off-street parking options exist—so where would current residents park if available street parking is taken by new hotel guests? Nearby parking and non-availability as of May 7, 2021:

- **Hard Rock Casino Parking Garage**  
No monthly parking permits are sold nor offered for residents. The Casino only offers parking permits to businesses, and for Monday thru Friday at normal business hours. The remaining parking is for Casino Customers.  
(per Yvonne (513-250-3384) accounting department at Hard Rock Casino)
- **Ziegler Park Garage**  
\$105 per month, located one-half mile from Bennett Point, no reserved spaces, the garage is frequently full especially during weekends, evenings, special events. No reserved spaces even for monthly parking permit holders. (3CDC 513-621-4400)
- **Olde Sycamore Square**  
All monthly lots are full (513-873-8001)



*Across Reading Rd.-500 Block of E. 12th St. ( Zoned RM 0.7) narrow one lane for traffic frequently blocked by double-parked vehicles making drop-offs and pick-ups, causing traffic back-ups. Parking filled by current residents returning from work every evening into morning and on weekends.*



*Across Reading Rd.-500 Block of E. 13th St. ( Zoned RM 0.7), wider two lanes of traffic. But parking still full as described above.*

According to the 2019 ACS Census estimates, the Pendleton neighborhood (Census tract 11) of OTR is an area of concentrated poverty, where 36.6% of residents live below the poverty line - this is 1.4 times the rate of poverty in Cincinnati and twice the rate of poverty in Hamilton County. Further, more than half of workers over age 16 drive to work. Cincinnati's public transit system is not adequate to connect workers to good jobs throughout the region, and the area's residents rely upon on-street parking. **The rate of poverty is greater at this end of Pendleton, than in the neighborhood at large.**

<https://censusreporter.org/profiles/14000US39061001100-census-tract-11-hamilton-oh/>

According to the 2015 Regional Indicator's Report on Transit for the Greater Cincinnati and Northern Kentucky Region, only 22.5% of this region's jobs can be reached by a ninety minute or less bus ride (page 5), and the greater Cincinnati region "trails its peer cities when it comes to funding, ridership and access..."

<https://media.bizj.us/view/img/7599552/transitstudy.pdf>

If hotels are allowed to be built around the casino without being required to provide parking, hardships will be created for property owners and renters, many of whom already have enough challenges. Many longtime residents are already being pushed out of the neighborhood due to loss of parking by a recent onslaught of developments being built to double the allowable density without the provision of parking to offset the increased demand. This is worsening social conditions and destabilizing the neighborhood.

#### Part 2

I have been following the fight of Mount Lookout residents against an oversized, out of scale and incompatible development being proposed near their square. Even though, in this Urban Design Overlay District, the development does not comply with the City-approved design guidelines and needed many variances, such as large hillside cuts and more, the City seems determined to approve the project and force it upon the community.

The proposed new rules for Demolition in Urban Design Overlay Districts are too lenient. The second path for demolition seems most egregious and subjective. Demolition of a contributing building would be allowed with the simple provision that a new contributing building would be built in its place. The problem is that "contributing building" is too vague and subjective. And we have seen over and over again throughout the City, that City officials are not upholding the approved design guidelines in UDOD's and Historic Districts. Over and over again large developers are being granted almost every Variance they request, and being given preferential treatment above the enacted guidelines and community opposition and concerns. This will be very dangerous for communities throughout the City that have worked so hard to preserve their unique appeal and character.

I respectfully urge the Members of the Planning Commission to deny approval for the proposed zoning text amendments until they can be more narrowly tailored, so as to avoid negative impacts on the communities.

Sincerely,

Michelle Avery Keely, RA

Honorable City Planning Commission  
Cincinnati, Ohio

October 1, 2021

**SUBJECT:** A report and recommendation on proposed text amendments to modify Title XIV, “Zoning Code of the City of Cincinnati” of the Cincinnati Municipal Code, by AMENDING the provisions of Sections 1437-05, “Establishment of UD Overlay Districts,” 1437-07, “Applications Subject to Review,” 1437-09, “Development Standards in UD Overlay Districts,” 1437-11, “Approval,” 1437-13, “Appeal,” 1439-07, “Zoning Hearing Examiner,” and 1439-11, “Zoning Board of Appeals,” to provide greater clarity and to promote efficient and complementary development throughout the City.

**EXHIBITS:**

Provided in addition to this report are the following exhibits:

- Exhibit A Proposed Text Amendment Ordinance (B Version)
- Exhibit B Written Comment on B Version of Proposed Text Amendments
- Exhibit C Written Comment on A Version of Proposed Text Amendments
- Exhibit D Zoning Board of Appeals Information

**BACKGROUND:**

In February 2019, the Department of City Planning and Engagement received a written request from the Walnut Hills Redevelopment Foundation on behalf of the four neighborhoods that adopted Form Based Code (FBC) (Exhibit B). The letter served as a formal request from College Hill, Madisonville, Walnut Hills, and Westwood to begin conversations with the Department of City Planning and Engagement and the Department of Buildings and Inspections, specifically Zoning Administration and Urban Conservator’s Office, to address scrivener errors, clarifications, and internally illuminated signage in the Zoning Code and Land Development Code.

In addition to the above referenced and requested amendments, the City of Cincinnati conducted a review of Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code,” of the Cincinnati Municipal Code to identify related and necessary text amendments. During the review, additional text amendments were identified to add consistency between Chapter 1422, “Urban Agriculture: Horticulture and Animal Keeping” of Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code.” Additionally, proposed text amendments were identified related to the Urban Design Overlay District review standards since there has been an increase in applications for development in these districts, and there has been a need to add clarity to these standards and procedures.

On June 4, 2021, the City Planning Commission considered the Department of City Planning and Engagement’s recommendation to approve the proposed text amendments. During the meeting, there was concern raised by community members regarding the number of text amendments proposed and the amount of time given to community councils to review the proposed changes. Additional questions and comments were raised related to the proposed changes for the Urban Design Overlay District new construction and demolition review criteria and the role of the community councils in the decision-making process. Based on the discussion, the City Planning Commission held the item to allow for additional engagement between the Department of City Planning and Engagement, Law Department, Department of Buildings and Inspections – Zoning Administration, and community representatives. The additional engagement is outlined in “Public Comment and Notification.”

On August 20, 2021, the City Planning Commission approved the proposed text amendments related to scrivener errors, clarifications, internally illuminated signage in the Form Based Code districts, and urban agricultural consistency between the Zoning Code and Land Development Code. However, the City Planning Commission did not consider proposed text amendments to the UDOD review standards. Due to feedback received at the June 4;

2021 City Planning Commission meeting and the public staff conferences, City staff modified the proposed UDOD text amendments. The modified proposed UDOD text amendments, included in the B Version of the proposed ordinance (Exhibit A), reflect feedback received from the community, while continuing to provide needed clarity to the UDOD standards and procedures.

### **PURPOSE OF URBAN DESIGN OVERLAY DISTRICTS**

The proposed text amendments are related to Urban Design Overlay District (UDOD) review standards. There are 15 UDODs in the City of Cincinnati. UDODs are located in neighborhood business districts. Section 1437-01, Specific Purposes, outlines the specific purposes of the Urban Design Overlay District:

- (a) Protect and enhance the physical character of selected business districts that have adopted Urban Design Plans;*
- (b) Prevent the deterioration of property and blighting conditions;*
- (c) Encourage private investment to improve and stimulate the economic vitality and social character of selected business districts; and*
- (d) Ensure that infill development does not adversely affect the physical character of the area.*

### **PROPOSED TEXT AMENDMENTS AND ANALYSIS:**

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

#### **Section 9 – Section 1437-05 “Applications Subject to Review”**

*Overview:* These proposed amendments add language that an urban design plan may include a list of contributing and non-contributing buildings within a business district. Additionally, they define the terms contributing building and non-contributing building.

*Change Between A Version and B Version:* There were no proposed amendments to this section in the A Version. Proposed amendments were made in the B Version to provide clarifying language for contributing and non-contributing buildings and outline an option by which community members can identify these buildings in their urban design plans.

*Analysis:* These proposed amendments define terms, contributing and non-contributing buildings, that are used in the evaluation of new construction and demolition in UDODs. The definitions provide City staff, applicants, community members, and the Zoning Board of Appeals with common terminology, increasing clarity and transparency during the application and review process. The definitions also help address the concern from community members that the A Version of the text amendment language was too broad. Additionally, the proposed amendments specifically name a list of contributing and non-contributing buildings as part of an urban design plan. Community members expressed wanting to be engaged in decisions regarding their neighborhood’s UDOD. Determining a list of contributing and non-contributing buildings, and working on urban design plans in general, is an important way community members can be engaged in providing input on their neighborhood’s UDOD.

#### **Section 10 – Section 1437-07 “Applications Subject to Review”**

*Overview:* These proposed amendments clarify that applications for new construction and demolition are subject to review by the Zoning Board of Appeals. Additionally, the proposed amendments add language to allow the Director of Buildings and Inspections to order demolition in an Urban Design Overlay District,



notwithstanding established criteria, if it is determined that the building poses an immediate threat to public health or safety.

*Change Between A Version and B Version:* The B Version changes the reviewing body from the Zoning Hearing Examiner (ZHE) to the Zoning Board of Appeals (ZBA). The B Version also keeps the additional language from the A Version regarding the Director of Buildings and Inspections' ability to order demolition in the case of an immediate threat to public health or safety.

*Analysis:* The reviewing body was changed from the ZHE to the ZBA based on community feedback. Community members expressed that they wanted applications for new construction and demolition to be reviewed by a panel of individuals rather than one individual. The proposed amendment regarding demolition is necessary to establish an additional avenue of review for a demolition application in a UDOD. This proposed amendment ensures that development proposals and demolitions are in the best interest of the public and are consistent with purposes of the Zoning Code established by Section 1400-03.

## **Section 11 – Section 1437-09 “Development Standards in UD Overlay District”**

*Overview:* The proposed text amendments address review criteria for new construction and demolition. Regarding new construction, the proposed amendments establish clarity in the review criteria for the ZBA when considering an application for new construction. Additionally, it established a two-step process for new construction review: (1) an initial review of schematic plans with building setbacks, building envelope, site improvement placements, and uses; and (2) final plans, materials, and design consideration.

*Change Between A Version and B Version:* The B version of the proposed text amendments changes the reviewing body for new construction and demolition applications from the ZHE to the ZBA. Additionally, the B Version removes the economic hardship criteria for demolition. The B Version keeps all other new construction and demolition criteria and clarification language from the A Version.

*Analysis:* The proposed text amendments add clarity to the review process and criteria for demolition and new construction. With the proposed two-step review process for new construction, the community gains an understanding and guarantee of the overall conceptual proposal for the site's development. Additionally, the applicant gains a level of understanding of the project's viability moving forward into next steps of site/building design development. This proposed language is similar to the established process for a Planned Development Concept Plan and Final Development Plan under Chapter 1429 of the Cincinnati Zoning Code.

Regarding demolition, the existing Zoning Code permits the ZHE to review demolition only if the Director of Buildings and Inspections orders the demolition for reasons of public health and safety, and the demolition meets five additional criteria. Under the existing language, buildings that do not contribute to the character of the district, but do not pose a threat to public health or safety are not able to be considered for demolition. The existing language has challenged implementation of developments that would contribute to the specific Urban Design Overlay District when the proposal requires the demolition of an existing architecturally noncontributing structure that does not pose a public health or risk to safety. The proposed text amendments related to demolition establish certain criteria that an applicant would need to demonstrate as part of an application for demolition. Under the proposed language, an applicant would need to demonstrate to the ZBA that the building that is proposed to be demolished meets one of the following requirements: (1) the building does not contribute to the physical character and economic vitality of the district, which is determined by established review factors; or (2) the demolition 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 established review factors. In each case, it will be the burden of the applicant to demonstrate the case for demolition to the ZBA, which is a public hearing. The proposed language adds clarity, review

criteria, and consistency to demolitions in Urban Design Overlay Districts with the understanding that the demolition is intended to achieve the goals of the district and the neighborhood.

#### **Section 12 – Section 1437-07 “Applications Subject to Review”**

*Overview:* The proposed amendments modify language to explain that applications for new construction, demolition, or permits that do not conform to Section 1437-09, Development Standards in UD Overlay District, must be reviewed by the ZBA. The proposed amendments also outline the process by which the ZBA should review the application and issue the decision. It is proposed that the ZBA uses the same process and noticing as outlined in Chapter 1443, ZHE Procedures. Lastly, the proposed amendments authorize the ZBA to grant all forms of relief that the ZHE is authorized to grant, such as variances, conditional uses, and special exceptions, but is not authorized to grant a use variance from provisions in Chapter 1437.

*Change Between A Version and B Version:* There was no proposed amendment to this section in the A Version. The B Version includes these proposed amendments to respond to the change in the reviewing body from the ZHE to ZBA, providing clarity on noticing and process, as well as the type of relief that the ZBA is authorized to grant.

*Analysis:* The proposed amendments provide clarity on what applications in a UDOD must be reviewed by the ZBA. Since the reviewing body is proposed to be changed from the ZHE to the ZBA, the proposed amendments also explain that while the ZBA will review and make a decision on certain applications, the ZBA will follow the process and noticing requirements of ZHE which ensures that notice is sent to surrounding property owners within a specified radius. Additionally, the proposed amendments are necessary to outline the relief that the ZBA is authorized and not authorized to grant.

#### **Section 13 – Section 1437-09 “Development Standards in UD Overlay District”**

*Overview:* The proposed amendments remove the language regarding appeals to the ZHE and modifies language to clarify that any person with standing may appeal a ZBA final decision to the Hamilton County Court of Common Pleas.

*Change Between A Version and B Version:* There was no proposed amendment to this section in the A Version. The B Version includes proposed amendments to this section to respond to the change in the reviewing body from the ZHE to ZBA for development permissions in UDODs.

*Analysis:* These proposed amendments provide clarity on the appeals process for decisions on new construction and demolition applications in a UDOD. Currently, when the ZHE makes a decision, appeals can be made to the ZBA. However, since the reviewing body is proposed to be the ZBA, appeals to ZBA decisions must be made to the Court of Common Pleas.

#### **Section 14 – Section 1437-07 “Applications Subject to Review”**

*Overview:* The proposed amendment removes language permitting the ZHE to conduct hearings and make decisions on development permissions in UDODs.

*Change Between A Version and B Version:* There was no proposed amendment to this section in the A Version. The B Version includes this proposed amendment to respond to the change in the reviewing body from the ZHE to ZBA for development permissions in the UDODs.

*Analysis:* This proposed amendment removes the permission to review development permissions in UDODs from the ZHE since the reviewing body is proposed to be changed from the ZHE to the ZBA.



## **Section 15 – Section 1437-09 “Development Standards in UD Overlay District”**

*Overview:* The proposed amendment language permits the ZBA to conduct hearings and make decisions on development permissions in the UDODs.

*Change Between A Version and B Version:* There was no proposed amendment to this section in the A Version. The B Version includes this proposed amendment to respond to the change in the reviewing body from the ZHE to ZBA for development permissions in the UDODs.

*Analysis:* This proposed amendment is necessary to permit the ZBA to conduct hearings and make decisions on development permissions in the UDOD as first introduced in Section 1437-07, Applications Subject to Review.

The proposed ordinance (B Version) is attached as Exhibit A.

### **PUBLIC COMMENT AND NOTIFICATION:**

#### **Overview of Noticing and Public Meetings**

Three virtual public staff conferences, in addition to a City Planning Commission meeting, have been held and noticed on this item. Notice was also sent for the October 1, 2021 City Planning Commission meeting.

##### *Virtual Public Staff Conference #1 – May 24, 2021*

The purpose of this meeting was to gather comment and input regarding the proposed text amendments. There were 15 community members in attendance representing various community councils, neighborhoods, community development corporations, property owners, and interested stakeholders. Representatives from the Department of City Planning and Engagement, Department of Buildings and Inspections – Zoning Administration, and Law Department were also in attendance.

##### *City Planning Commission – June 4, 2021*

During this meeting, City Planning Commission voted to hold the item for further engagement. See “Background” above for more information.

##### *Virtual Public Staff Conference #2 – July 29, 2021*

The purpose of this meeting was to gather additional comment and input regarding the proposed text amendments, as requested by the City Planning Commission. There were 26 community members in attendance representing various community councils, neighborhoods, community development corporations, property owners, and interested stakeholders. Representatives from the Department of City Planning and Engagement, Department of Buildings and Inspections – Zoning Administration, and Law Department were also in attendance.

##### *Virtual Public Staff Conference #3 – September 15, 2021*

The Department of City Planning and Engagement facilitated a third Virtual Public Staff Conference on September 15, 2021. The purpose of this meeting was to present the modified text amendments (the B Version), explain the differences between the A Version and B Version, and collect feedback from community members. Eight community members, including representatives from a few community councils, were in attendance, in addition to City staff from the Department of City Planning and Engagement, Department of Buildings and Inspections – Zoning Administration, and Law Department.

For each meeting, mailed and emailed notice was sent, at least 14 days in advance of the meeting, to the contacts of record that the City retains for community councils and community development corporations. Emailed notice was also sent to any individual who submitted written public comment on the item or who had attended a previous meeting on the item. In addition to the mailed and emailed notice, a webpage was created on the Department of City

Planning and Engagement's website with information on the public meeting dates, background on the proposal, a summary of the modifications, and the draft ordinance highlighting each of the proposed amendments. The website was updated to provide additional clarity on the proposed amendments including concise summaries, maps, and links to all Zoning Code references. Fillable forms for comments and questions were also added to the website so comments could be submitted directly to Department of City Planning and Engagement staff. The link to this webpage was provided on the notice, along with a QR code to direct individuals directly to the webpage.

#### **Overview of Public Comment and Written Public Comment**

The following comments and concerns were raised during the first two virtual public staff conferences and the June 4, 2021 City Planning Commission meeting regarding the A Version of the text amendments. Any written comment on the A Version of the proposed text amendments received following the June 4, 2021 City Planning Commission are included as Exhibit B.

- There were concerns about the broadness of the language providing an increased opportunity for developers to demolish buildings. Some community members thought that the criteria were too lenient and would result in demolition of contributing buildings. Some had concerns specifically about the economic hardship criteria. The B Version removes the economic hardship criteria and provides specific definitions for contributing and non-contributing buildings.
- Zoning Hearing Examiner review: There were concerns about demolition and new construction requests being reviewed solely by the ZHE. Some community members expressed a desire to have a panel review the applications. This concern was addressed in the B Version by changing the reviewing body from the ZHE to the ZBA.
- Community engagement: Some community members voiced concern about the lack of required community engagement prior to an applicant submitting a demolition or new construction application. Additionally, community members expressed concerns about not having the ability to cross examine during ZHE hearings due to the legal costs associated with hiring legal representation and the cost of the appeals process.
- Urban Design Plans: Community representatives expressed that some UDODs do not have urban design plans and others have plans that are outdated. The Department of City Planning and Engagement will work with neighborhoods to update their plans and/or amend the plans to include a list of contributing and non-contributing buildings.
- Support for proposed amendments: Staff also received comments in support of the proposed amendments. Since the current Zoning Code language prevents an existing non-contributing building from being demolished, which could prevent development that is supported by certain communities and neighborhood groups in Urban Design Overlay Districts. These individuals indicated that the proposed language would allow an existing non-contributing building to be demolished and allow a development project to move forward that would contribute to that specific Urban Design Overlay District and neighborhood goals.

The following comments and concerns were raised during the third virtual public staff conference and/or in written public comment following the modifications of the proposed text amendments. These comments and concerns are related to the B Version of the proposed ordinance. Written comment on the B Version is included as Exhibit C.

- General appreciation that City staff listened to feedback and made modifications to the proposed text amendments
- Support for removal of economic hardship criteria
- Support for the proposed change in reviewing body from Zoning Hearing Examiner to Zoning Board of Appeals

- Process and timeline for urban design plan amendments: Some community members had questions about the process and timeline by which communities will update their plans to include a list of contributing and non-contributing buildings. The Department of City Planning and Engagement will work with communities on a process for these amendments.
- Reviews before urban design plan amendments are approved: Community members had questions and concerns about how an application would be reviewed in the interim period between the approval of the proposed text amendments and the approval of amendments to the urban design plans. In the interim, City staff and the ZBA can refer to the added definitions for contributing and non-contributing building. However, to address this concern, it is also recommended that the proposed text amendments not go into effect until six months following their approval by City Council to provide time for urban design plan amendments to be made.
- Lack of community engagement earlier in the application and review process
- Composition of the Zoning Board of Appeals: There were questions regarding the composition of the ZBA, specifically if any of the board members were representatives of community councils. City staff explained that the ZBA must contain “Two persons active in a community organization which is recognized by the council as a representative of a Cincinnati neighborhood.” To respond to additional questions about the ZBA, City staff prepared a one-pager with more information which is included as Exhibit D.
- Concern about demolition criteria: Some community members still had concerns about one part of the demolition criteria (Section 1437-07, D1, bullet point 2), which states that an existing building may be demolished if it is demonstrated that the demolition will facilitate the construction of a new building that will contribute to the physical character or economic vitality of the district. Some community members felt that these criteria did not protect contributing buildings adequately.

#### **CONSISTENCY WITH PLAN CINCINNATI:**

The proposed amendments to Title XIV, “Zoning Code of the City of Cincinnati,” are consistent with the Compete Initiative Area of *Plan Cincinnati* (2012), particularly within Goal 3 to “foster a climate conducive to growth, investment, stability, and opportunity” (pg. 103), specifically the Strategy to “build a streamlined and cohesive development process” (pg. 111). The proposed amendments are intended to ensure transparency, consistency, and clarity in the Zoning Code, making development processes easier to understand for both the community and applicants.

#### **CONCLUSIONS:**

The goals of the proposed text amendments to these sections of Title XIV, “Zoning Code of the City of Cincinnati” is to continue to build streamlined and cohesive development processes, and add transparency to City requirements and development procedures. Each of the proposed amendments will add clarity to City regulations for applicants, the general public, and City reviewing agencies for development proposals. These proposals are also consistent with the Compete Initiative Area of *Plan Cincinnati* (2012). The proposed ordinance (B Version) of the text amendments accomplish the goals above while being responsive to community feedback.

#### **RECOMMENDATION:**

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

**APPROVE** the proposed text amendments to modify Title XIV, “Zoning Code of the City of Cincinnati” of the Cincinnati Municipal Code, by AMENDING the provisions of Sections 1437-05, “Establishment of UD Overlay Districts,” 1437-07, “Applications Subject to Review,” 1437-09, “Development Standards in UD

Overlay Districts,” 1437-11, “Approval,” 1437-13, “Appeal,” 1439-07, “Zoning Hearing Examiner,” and 1439-11, “Zoning Board of Appeals,” to provide greater clarity and to promote efficient and complementary development throughout the City.

**ADOPT** the following condition to the approval above:

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

Respectfully submitted:



Samantha McLean, AICP, Senior City Planner  
Department of City Planning and Engagement

Approved:



Katherine Keough-Jurs, AICP, Director  
Department of City Planning and Engagement

DBS

- 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 and 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 June 4, 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
Residential Uses						
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>	
Group residential						
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>	
Permanent residential						
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	<del>L13</del>	<del>L13</del>	<del>L13</del>	<del>L13</del>	<del>L13</del>	
	<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	<del>L9</del>	<del>L9</del>	<del>L9</del>	<del>L9</del>	<del>L9</del>	
	<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> <u>L5</u>	<del>L6</del> <u>L5</u>	<del>L6</del> <u>L5</u>	<del>L6</del> <u>L5</u>	<del>L6</del> <u>L5</u>	
Child day-care centers	<del>L5,7</del> <u>L4,6</u>	<del>L5,7</del> <u>L4,6</u>	<del>L5,7</del> <u>L4,6</u>	<del>L5,7</del> <u>L4,6</u>	<del>L5,7</del> <u>L4,6</u>	
Refuse storage areas	P	P	P	P	P	See § 1421-35
Drive Box	<del>L8</del> <u>L7</u>	<del>L8</del> <u>L7</u>	<del>L8</del> <u>L7</u>	<del>L8</del> <u>L7</u>	<del>L8</del> <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> <u>L9</u>	<del>L10</del> <u>L9</u>	
Rooming Unit	—	—	<del>L11</del> <u>L10</u>	<del>L11</del> <u>L10</u>	<del>L11</del> <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	
Transitional housing							
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	<del>L14</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Drinking establishments	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	
Restaurants, full service	<del>L6,</del> <del>L13</del> <u>L9</u>	<del>L6,</del> <del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	See § 1419-21
Restaurants, limited	<del>L6,</del> <del>L13</del> <u>L9</u>	<del>L6,</del> <del>L13</del> <u>L9</u>	<del>L6</del> <u>P</u>	P	P	P	See § 1419-21
Food markets	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Food preparation	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	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	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Loft dwelling units	P	P	P	P	P	P	See § 1419-23
Maintenance and repair services	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	

Medical services and clinics	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Offices	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Parking facilities	C	P	C	P	P	P	See Chapter 1425
Personal instructional services	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Personal services	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Private vehicular storage lot	—	—	—	—	P	P	
<b>Recreation and entertainment</b>							
Indoor or small-scale	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
Outdoor or large-scale	—	—	—	—	C	P	
Retail sales	<del>L13</del> <u>L9</u>	<del>L13</del> <u>L9</u>	P	P	P	P	
<b>Vehicle and equipment services</b>							
Vehicle and equipment sales and rental	—	—	—	C	<del>L8</del> <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>	<del>L7</del>	<del>L7</del>	<del>L7</del>	<del>L7</del>	<del>L7</del>	See § 1419-33
	<u>L4</u>	<u>L4</u>	<u>L4</u>	<u>L4</u>	<u>L4</u>	<u>L4</u>	
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> <u>L6</u>	<del>L10</del> <u>L6</u>	<del>L10</del> <u>L6</u>	<del>L10</del> <u>L6</u>	<del>L10</del> <u>L6</u>	<del>L10</del> <u>L6</u>	
Refuse storage areas	P	P	P	P	P	P	See § 1421-35
Drive box	<del>L11</del> <u>L10</u>	<del>L11</del> <u>L10</u>	<del>L11</del> <u>L10</u>	<del>L11</del> <u>L10</u>	<del>L11</del> <u>L10</u>	<del>L11</del> <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> <u>L11</u>	<del>L12</del> <u>L11</u>	<del>L12</del> <u>L11</u>	<del>L12</del> <u>L11</u>	<del>L12</del> <u>L11</u>	<del>L12</del> <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	<del>L17</del> P	P	—	—	<u>See § 1419-16</u>
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 from all property lines.	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 25 feet from the nearest inhabited structure when a flyway screen is provided.

				<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 square foot lots.</p> <p>A maximum of 24 permitted for lots exceeding</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.

	20,000 square feet.			
Geese, Turkeys, and other Medium-Sized Birds	<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>	Yes, if animals are permitted to range outside of a structure.	A minimum of 6 square feet per adult.	A setback of 10 feet from all property lines.
Dehorned Goats and Sheep	<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>	A minimum of 20 square feet per adult.	A setback of 50 feet from all property lines.
Swine	A minimum of 20,000 square feet per adult; a maximum of 2.	Yes, with a setback of 20 feet from property lines.	A minimum of 30 square feet per adult.	A setback of 50 feet from all property lines.
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,	1.5 for every unit	



OL		
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.	3

	ft.	
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, RF-C, ML, MG and RF-M districts.	As required below.	

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 facility	1 for every 150 sq. ft.	3
<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	1 for every 150 sq.	

clinics	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 3 auditorium seats	2
Public utility distribution system	1 for every 1,000 sq. ft.	
Public utility	1 for every 1,000	



maintenance yard	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.

Group 4	
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 non-contributing 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:

- (i) whether the building is identified as a contributing building or noncontributing building by the applicable urban design plan or other applicable community plans approved by City Council;
- (ii) whether the building is recommended for demolition by the applicable urban design plan or other applicable community plans approved by City Council;
- (iii) whether the building's architectural style, bulk, shape, massing, scale, form, and setbacks are consistent with the predominant characteristics of the district;
- (iv) whether the building is iconic or specially associated with the district;
- (v) whether the demolition of the building will negatively impact the district streetscape; and
- (vi) whether the building is obsolete, damaged, in a state of disrepair, dilapidated, or unsanitary, and whether its condition was caused by the owner or his or her predecessors through deliberate action or willful neglect.

- The demolition of the building will facilitate the construction of a new building or the establishment of a use that will contribute to the physical character and economic vitality of the district, which is demonstrated by evidence that the owner, or a person authorized by the owner, has:

- (i) obtained final approval to construct a new building or change the use of property pursuant to the requirements of subsection (h) above;
- (ii) obtained all building permit approvals necessary to commence the new construction or effect the change in use, and
- (iii) certified via affidavit or sworn testimony as to his or her intent and capacity to diligently pursue the construction of the new building or change in use if demolition of the building is approved.

- 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>
<u><b>Agriculture</b></u>		
<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>
<u><b>Agriculture</b></u>		
<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>
<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>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>
<u>Agriculture</u>			
<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>
<u>Agriculture</u>		
<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 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>			
<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 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**

**Description**

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.

**Size**

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

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

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

**Miscellaneous**

~~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**

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**

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

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

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**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 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.

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

**S. Wall Sign**

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**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.

<b>Size</b>		
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)
<b>Location</b>		
Projection	8" max.	
Signs per building	1 per establishment max.	
<b>Miscellaneous</b>		
<del>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.</del>		
<del>Changeable copy wall signs are permitted in all transect zones subject to the individual regulations of each transect zone.</del>		
<del>Wall signs shall not be internally illuminated.</del>		

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)
<hr/>		
<b>Location</b>		
<hr/>		
Height Above Ground	3' min.	(D)
Projection	8" max.	
<hr/>		
<b>Miscellaneous</b>		
<hr/>		
<u>Wall mural signs may only be externally illuminated.</u>		

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~~**

~~Building Height 15' max~~

~~Buildings or structures 800 sf max.~~

~~Number of Buildings or Enclosed Structures 2 max~~

**~~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~~**

~~Along Front or Side Street Lot Line 4' max.~~

~~Along Side or Rear Lot Line, other locations 6' max.~~

**~~Opacity~~**

~~Along Front or Side Street Lot Line 50% max.~~

~~Along Side or Rear Lot Line, other Locations 100% max.~~

~~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~~**

~~Area Dedicated to Composting \_\_\_\_\_ 200 sf max.~~

~~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~~**

~~Front \_\_\_\_\_ 10' min.~~

~~Side Street \_\_\_\_\_ 10' min.~~

~~Side \_\_\_\_\_ 3' min.~~

~~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, 1703-5.120, “Temporary Uses,” 1703-5.110, “Accessory 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 this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor

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

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

**Juengling, Andy**

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**From:** Annie Bogenschutz <anniebogenschutz@hotmail.com>  
**Sent:** Sunday, July 18, 2021 9:30 PM  
**To:** Juengling, Andy  
**Subject:** [External Email] Proposed Zoning Changes

External Email Communication

Andy,

I wanted to send an email to express my concern for the proposed zoning changes that affect the urban design overlay districts.

I share the following concerns that the Mt. Lookout Community Council outlined:

- *The language of the proposed amendments is too broad and creates opportunities to bypass the protections of the Urban Design Overlay designation.*
- *The proposed changes would allow the destruction of any building in the district, even if it is a contributing part of the community's aesthetic. This goes against the purpose of the Urban Design Overlay District.*
- *The new language would also allow the City to approve demolition of an existing building in a UD district based solely on an owner's claims of economic hardship. This too easily favors developers who proactively purchase viable properties then claim they cannot collect an adequate return on their investment unless the existing building is demolished and replaced.*
- *The proposed language allows the decision to demolish existing buildings in UD districts to rest with a single person, the City's Zoning Hearing Examiner, rather than a panel of decision-makers, such as the City Planning Commission.*

Further, we are deeply concerned that the process to appeal decisions made under these new guidelines (which favor developers over communities) will require legal assistance for communities to achieve equal standing with developers. This is a very time consuming and expensive process, which puts undue strain on local community councils.

I am personally not against all development... but I am against the lack of true community engagement and community voice. We are taxpayers and our voice does matter. Please take this in to consideration when making your decisions.

Sent from my iPhone

## Juengling, Andy

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**From:** Laura Whitman <laurawmlcc@gmail.com>  
**Sent:** Wednesday, July 28, 2021 3:39 PM  
**To:** Juengling, Andy  
**Subject:** [External Email] Re: Virtual Public Staff Conference Thursday, July 29, 2021 | 5:00 p.m.

### External Email Communication

Thank you Andy. Also, I realized that I had not submitted my comments. Please find them below.

My concerns regarding the proposed change to the Urban Design District Overlay review standards are as follows:

- The language of the proposed amendments is too broad and creates opportunities to bypass the protections of the Urban Design Overlay designation.
- The proposed changes would allow the destruction of any building in the district, even if it is a contributing part of the community's aesthetic. This goes against the purpose of the Urban Design Overlay District.
- The new language would also allow the City to approve demolition of an existing building in a UD district based solely on an owner's claims of economic hardship. This too easily favors developers who proactively purchase viable properties then claim they cannot collect an adequate return on their investment unless the existing building is demolished and replaced.
- The proposed language allows the decision to demolish existing buildings in UD districts to rest with a single person, the City's Zoning Hearing Examiner, rather than a panel of decision-makers, such as the City Planning Commission.

Further, I am deeply concerned that the process to appeal decisions made under these new guidelines (which favor developers over communities) will require legal assistance for communities to achieve equal standing with developers. This is a very time consuming and expensive process, which puts undue strain on local community councils.

Laura Whitman  
Mt. Lookout

On Jul 28, 2021, at 11:06 AM, Juengling, Andy <[Andy.Juengling@cincinnati-oh.gov](mailto:Andy.Juengling@cincinnati-oh.gov)> wrote:

Hello,

We received your comments regarding the proposed text amendments and make sure that the City Planning Commission receives these comments as part of the staff report when they consider the proposal.

Additionally, You are receiving this email in case you wish to the upcoming Virtual Public Staff Conference. Please use the information in this email to access the meeting.

**Please do not share this meeting information. If you know someone who would like to attend the meeting, please have them email me directly.**

**Topic:** A proposal to modify Title XIV, "Zoning Code of the City of Cincinnati," and Title XVII, "Land Development Code," of the Cincinnati Municipal Code, by AMENDING the provisions of Sections 1401-01-A8, "Animal Keeping," 1403-05, "Land Use Regulations," 1409-07, "Land Use Regulations," 1411-05, "Land Use Regulations," 1413-05, "Land Use Regulations," 1422-05, "Development Regulations," 1422-07, "Maintenance and Storage," 1425-19 "Off-Street Parking and Loading Requirements," Section 1437-07, "Applications Subject to Review," 1437-09, "Development Standards in UD Overlay Districts," 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(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 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.

**Additional information regarding the proposed text amendments can be viewed at:**  
<https://www.cincinnati-oh.gov/planning/planning-projects-and-studies/active-ongoing/proposed-text-amendments-to-the-cincinnati-zoning-code/>

**Time: Thursday, July 29, 2021 05:00 PM Eastern Time (US and Canada)**

Join Zoom Meeting

<https://cincinnati-oh.zoom.us/j/99002633080?pwd=ZDZlb2pIVHVqR2ZnY2hdWhicDJ4dz09>

Meeting ID: 990 0263 3080

Passcode: 366045

One tap mobile

+19292056099,,99002633080# US (New York)

+13017158592,,99002633080# US (Washington DC)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 990 0263 3080

Find your local number: <https://cincinnati-oh.zoom.us/j/99002633080>

In accordance with orders issued by state and local officials and applicable guidance concerning COVID-19, this Public Staff Conference will be conducted using video-conferencing technology. This meeting will be closed to in-person attendance to comply with social distancing requirements. The link above will allow you to join this meeting using the Zoom website. Please note that you will be muted when you join the meeting. Department of City Planning staff will facilitate and unmute participants throughout the meeting. It is important that each participant familiarize themselves with the Zoom video-conferencing



technology BEFORE joining the meeting. Participants are strongly encouraged to visit the following link to join a test Zoom meeting - <https://zoom.us/test>. The test Zoom meeting will allow participants to ensure that all audio and video components are working properly on your computer or device. All desktop/laptop computers, tablets, and smartphones with internet access can join and participate in the hearing. Participants may also visit the Zoom Support Center to learn more about Zoom video-conferencing – <https://support.zoom.us/hc/en-us>.

**Andy Juengling, AICP | Senior City Planner**

City of Cincinnati | Department of City Planning and Engagement

Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202

(p): 513.352.4840 | (f): 513.352.4853 | [Website](#) | [Twitter](#) | [Plan Cincinnati](#)

<image001.jpg>

## Juengling, Andy

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**From:** elise.bendik@gmail.com <DoNotReply@cincinnati-oh.gov>  
**Sent:** Wednesday, July 28, 2021 10:04 PM  
**To:** Juengling, Andy  
**Subject:** Proposed Text Amendment Question/Comment

Submitted: Jul 28, 2021 10:04 PM

queue: true  
followupurl:  
first\_name: Elise  
email: elise.bendik@gmail.com  
neighborhood: Madisonville  
comments: Section 10 could result in one individual having too much control since they make the decisions and develop the process for deciding.

## Juengling, Andy

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**From:** elise.bendik@gmail.com <DoNotReply@cincinnati-oh.gov>  
**Sent:** Wednesday, July 28, 2021 10:38 PM  
**To:** Juengling, Andy  
**Subject:** Proposed Text Amendment Question/Comment

Submitted: Jul 28, 2021 10:37 PM

queue: true

followupurl:

first\_name: Elise

email: elise.bendik@gmail.com

neighborhood: Madisonville

comments: Section 10 favors developers. it allows developers to get their foot in the door too easily and puts twice the burden on district residents. By splitting the new construction review process into two steps, residents have to review information and respond twice. Additionally, residents have info withheld as both steps are equally important and cannot be separated to form an educated decision. use and appearance are not separate from physical size in deciding if new construction should be allowed

## Juengling, Andy

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**From:** elise.bendik@gmail.com <DoNotReply@cincinnati-oh.gov>  
**Sent:** Thursday, July 29, 2021 1:32 AM  
**To:** Juengling, Andy  
**Subject:** Proposed Text Amendment Question/Comment

Submitted: Jul 29, 2021 1:32 AM

queue: true  
followupurl:  
first\_name: Elise  
email: elise.bendik@gmail.com  
neighborhood: Madisonville  
comments: section 10 re:demolition  
the language is too vague and left to be broadly interpreted

## Juengling, Andy

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**From:** Naomi Stoehr <naomigerwin@gmail.com>  
**Sent:** Thursday, July 29, 2021 4:52 PM  
**To:** Juengling, Andy  
**Subject:** [External Email] proposed changes to city zoning code relating to Mt Lookout

### External Email Communication

To Whom It May Concern:

As a resident of Mt. Lookout/ Hyde Park ( we live on Observatory Place ) for sixty years, i write to express my concern that the thoughtful and well-considered work done over a period of years and voted on and approved by city council regarding the Urban Design Overlay and its applications is in danger of being bypassed, due to pressure from a developer.

As is known, Mt Lookout Square is an UC Overlay District.

The character of our various neighborhoods, the historic context, walkability, trees and controlled density continues to draw home-buyers and small businesses, reversing the flight from the city that characterized decades in the last century.

Mt Lookout is a prime example. And currently Mt Lookout appears to be ripe pickings for developers seeking to make a profit *at the expense of the very attributes that make Mt Lookout desirable and property values high.*

The aim and purpose of the Urban Design Overlay are to protect what is here now, for the long-term, resisting the impulse for short-term gain.

Please honor that work and intention.

Thank you!

Naomi Tucker Stoehr Gerwin

## Juengling, Andy

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**From:** Brian Ogawa <bogawa@cincinnatiport.org>  
**Sent:** Thursday, July 29, 2021 1:41 PM  
**To:** Juengling, Andy  
**Subject:** [External Email] Public Staff Conference Text Amendment

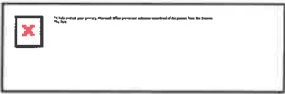
External Email Communication

Andy,

I will be unable to attend tonight's public staff conference. For the record I support the text amendment as it relates to the Urban Design Districts.

Best,  
Brian

**Brian Ogawa**  
Senior Commercial Development Associate



The Port | 3 East Fourth Street | Suite 300 | Cincinnati, OH 45202  
Work (513) 632-3758

[Website](#) | [Twitter](#) | [LinkedIn](#) | [Impact Report](#) | 

**Notice:** Under Ohio public records law, most written communications to or from Port Authority officials/employees regarding Port business are public records available to the public and media. Your email communication may be subject to public disclosure.

*[I am writing this on behalf of myself as a fifth-generation citizen of and business owner within the City of Cincinnati.]*

To: Hon. Cincinnati City Planning Commission

From: Sean S. Suder, Esq.

Re: Proposed Text Amendments to Zoning Code Chapter 1437 - Urban Design Overlay District

New York City activist Jane Jacobs wrote *The Life and Death of Great American Cities* in 1961 in response to Robert Moses' inequitable demolition program of the prior decades. Her book was required summer reading before I began my urban planning studies at the University of Virginia School of Architecture in 1996. Like many other city planners, it is a permanent fixture on my bookshelf as a reminder of what can happen when bad policies, programs, and demagogues are perpetuated.

The City of Cincinnati perpetuated a much lesser known, but equally inequitable, demolition program called "Kenyon Barr" (a reference to two West End streets, not a neighborhood) that completely obliterated around 450 acres of people's lives in the West End. The urban renewal program was derived from the city's 1925 Master Plan and the 1948 Metropolitan Master Plan. What was lost was a neighborhood that was a vibrant community of a mix of residential, business, and institutional uses stretching from City Hall all the way to Union Terminal.

This once-vibrant African-American and Jewish neighborhood was flattened in the name of economic vitality and progress. To my knowledge, and despite my repeated requests, still to this day no sitting City of Cincinnati official has formally acknowledged or apologized to the people of the West End for this travesty. Many of the children who experienced displacement due to this urban renewal program are still alive and living in other parts of Cincinnati. I am sure they would appreciate acknowledgment and an apology.

Fast forward to today and there is a concerning set of text amendments emanating from City Hall that will make it easier to demolish our neighborhood business districts. Like all such efforts, it is cloaked in good intentions: to make it possible for the city's neighborhood business districts to redevelop in the name of economic vitality. The city's proposed legislation is to allow the Zoning Hearing Examiner to approve the demolition of buildings in 15 of our neighborhood business districts, including some of those most intact districts such as Hyde Park, Oakley, Mt. Lookout and Clifton in the name of economic vitality.

In short, the proposed legislation would allow the Zoning Hearing Examiner to approve a demolition if a property owner can prove that demolishing it would improve the economic vitality of the district. The current zoning laws require the city to condemn a building and order it demolished before it can be razed. A replacement building would not be required, which could result in newly created vacant lots (i.e., the proverbial "missing teeth" or "hole" in a neighborhood's fabric). While the Zoning Hearing Examiner would have the final say after hearing evidence from the property owner, this would inevitably lead to more neighborhood fights between community councils, neighborhood business associations, and property owners/developers. Strikingly, it is promoted in the name of economic vitality. According to the proposed legislation, other means of gaining approval to demolish existing buildings in neighborhood business districts would be to prove economic hardship of keeping the building or showing plans for a shiny new building to replace the old building (think the corporate headquarters

that was trotted out for replacement of the Dennison Hotel before the City allowed it to be razed for nothing – not surprisingly, still no corporate headquarters).

Community councils, neighborhood business associations, and community development corporations have been working for decades to fill in missing teeth and holes in neighborhood business districts such as Mt. Washington, Westwood, College Hill, and Bond Hill to name a few. Despite the significant efforts and progress, Over-the-Rhine is still about 50% of the built environment at its peak. The proposed text amendments would make it much easier to raze our business districts.

We must say “never again” to a demolition program in our city. Our city has thousands of scars of demolition past. In the words of Jane Jacobs, legislation based on economic vitality rationale is a “hoax.” And she warns, “Dull, inert cities, it is true, do contain the seeds of their own destruction and little else.” Please let us not plant any more seeds of destruction in Cincinnati. We aren’t a dull city, and we don’t want to become one.

I respectfully request that the proposed text amendments to Chapter 1437 be tabled until such time that the City completes new neighborhood business district inventories and plans for all 15 neighborhoods currently within Urban Design Overlay Districts.

\* \* \*

*Sean S. Suder, Esq. is a resident of the Hyde Park neighborhood of Cincinnati and is Lead/Managing Principal of Cincinnati-based Suder, LLC and zoning consultancy ZoneCo, LLC.*



**Opposition to the Proposed Text Amendments-CPC Hearing August 20, 2021  
August 10, 2021**

Dear Members of the Cincinnati Planning Commission:

I am an architect working in the Pendleton Neighborhood of Over-the-Rhine. My comments are broken in to two sections:

Part 1: The proposed addition of Hotels and Commercial Lodging uses to Downtown Developments Subdistrict C

Part 2: The proposed new rules for Demolition in Urban Design Overlay Districts

Part 1

I am opposed to the proposal to permit the use of Hotels and Commercial Lodging on the property around the Casino - unless Parking would be required. Since this area is in the Parking Overlay District #1, as it stands - no parking would be required.

The casino area is directly across Reading Road from a dense residential area that has very scarce parking resources. We have seen from a recent 90-room hotel proposed on Central Parkway, by the Soccer stadium, that in OTR hotels may be proposed that do not providing parking.

Residents at this end of the Pendleton neighborhood are mostly low income, particularly in the E. 12th and 13th Streets blocks, from Broadway over to Reading Road. These residents rely on continued access to parking for access to good paying jobs throughout the region, groceries for families and more. Allowing hotels to be built across the street without providing parking will deprive the residents of nearby - safe parking, and will cause displacement of residents with limited resources.

The street parking in this area is full every evening and on weekends when workers have returned from work. These are same hours that hotels will need the most parking. See Photos beginning at next page.

In the walk shed calculated at a half-mile radius from the east end of East 12<sup>th</sup> Street, no off-street parking options exist—so where would current residents park if available street parking is taken by new hotel guests? Nearby parking and non-availability as of May 7, 2021:

- **Hard Rock Casino Parking Garage**  
No monthly parking permits are sold nor offered for residents. The Casino only offers parking permits to businesses, and for Monday thru Friday at normal business hours. The remaining parking is for Casino Customers.  
(per Yvonne (513-250-3384) accounting department at Hard Rock Casino)
- **Ziegler Park Garage**  
\$105 per month, located one-half mile from Bennett Point, no reserved spaces, the garage is frequently full especially during weekends, evenings, special events. No reserved spaces even for monthly parking permit holders. (3CDC 513-621-4400)
- **Olde Sycamore Square**  
All monthly lots are full (513-873-8001)



*Across Reading Rd.-500 Block of E. 12th St. ( Zoned RM 0.7) narrow one lane for traffic frequently blocked by double-parked vehicles making drop-offs and pick-ups, causing traffic back-ups. Parking filled by current residents returning from work every evening into morning and on weekends.*



*Across Reading Rd.-500 Block of E. 13th St. ( Zoned RM 0.7), wider two lanes of traffic. But parking still full as described above.*

According to the 2019 ACS Census estimates, the Pendleton neighborhood (Census tract 11) of OTR is an area of concentrated poverty, where 36.6% of residents live below the poverty line - this is 1.4 times the rate of poverty in Cincinnati and twice the rate of poverty in Hamilton County. Further, more than half of workers over age 16 drive to work. Cincinnati's public transit system is not adequate to connect workers to good jobs throughout the region, and the area's residents rely upon on-street parking. **The rate of poverty is greater at this end of Pendleton, than in the neighborhood at large.**

<https://censusreporter.org/profiles/14000US39061001100-census-tract-11-hamilton-oh/>

According to the 2015 Regional Indicator's Report on Transit for the Greater Cincinnati and Northern Kentucky Region, only 22.5% of this region's jobs can be reached by a ninety minute or less bus ride (page 5), and the greater Cincinnati region "trails its peer cities when it comes to funding, ridership and access..."

<https://media.bizj.us/view/img/7599552/transitstudy.pdf>

If hotels are allowed to be built around the casino without being required to provide parking, hardships will be created for property owners and renters, many of whom already have enough challenges. Many longtime residents are already being pushed out of the neighborhood due to loss of parking by a recent onslaught of developments being built to double the allowable density without the provision of parking to offset the increased demand. This is worsening social conditions and destabilizing the neighborhood.

## Part 2

I have been following the fight of Mount Lookout residents against an oversized, out of scale and incompatible development being proposed near their square. Even though, in this Urban Design Overlay District, the development does not comply with the City-approved design guidelines and needed many variances, such as large hillside cuts and more, the City seems determined to approve the project and force it upon the community.

The proposed new rules for Demolition in Urban Design Overlay Districts are too lenient. The second path for demolition seems most egregious and subjective. Demolition of a contributing building would be allowed with the simple provision that a new contributing building would be built in its place. The problem is that "contributing building" is too vague and subjective. And we have seen over and over again throughout the City, that City officials are not upholding the approved design guidelines in UDOT's and Historic Districts. Over and over again large developers are being granted almost every Variance they request, and being given preferential treatment above the enacted guidelines and community opposition and concerns. This will be very dangerous for communities throughout the City that have worked so hard to preserve their unique appeal and character.

I respectfully urge the Members of the Planning Commission to deny approval for the proposed zoning text amendments until they can be more narrowly tailored, so as to avoid negative impacts on the communities.

Sincerely,

Michelle Avery Keely, RA



September 6, 2021

To: Cincinnati City Planning

Thank you for meeting with us to discuss the possible changes to the proposed amendments pertaining standards related to the demolition of buildings within Urban Design Overlay Districts. We appreciate you listening to the feedback provided by the communities and working to find a balanced solution. The following comments have been reviewed and approved by our board:

We've seen that updated language to the Development Standards in UDODs is to be included in a public staff conference later this week on Sept. 15. We will be participating in that meeting, but wanted to share some of our thoughts and comments pertaining to our discussion with you beforehand.

#### COMMUNITY URBAN DESIGN PLANS ADDENDUMS

Our Planning & Zoning committee reviewed the idea we discussed with you to allow communities with an opportunity to create addendums for their urban design plans to more clearly define which specific buildings should be considered contributing and conforming. Is this still an option? If so, we had the following related questions/thoughts:

- It's our understanding that this is an interim measure to help communities clarify their existing Urban Plans between now and the time a full plan update can be completed. Is this correct?
- We like the idea of these addendums as they could help alleviate some of the judgement calls and disagreements we've seen take place related to defining the physical character of the district and other contributing features. Also, we noted in the B version of the updated language that proposed revisions call out scale, bulk, shape, and massing as compatibility factors. **We'd like the City to consider adding "height" to this list as well (while we thought scale and bulk would cover height, we've experienced that this is not necessarily the case)**
- Creation of the addendum does not address our concerns related to the language outlined in B version §1437-09 (i) D1 bullet 2, which says that demolition of a building could be approved if doing so "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 . . ." This phrasing is still too subjective and allows ANY building – even contributing buildings - to be demolished if the replacement building is considered to be contributing. **Some level of protection needs to remain for the existing contributing buildings that helped define the district in the first place.**
- For Mt. Lookout specifically (and likely for other communities):
  - We think it would be beneficial to the city, our community, and to prospective developers to use this addendum opportunity to also better define the terms "consistent" and "compatible" referenced in our urban plan. We've experienced outside parties interpreting these terms differently than we define them and clarifying would be in everyone's interest.
  - We are aware of developer interest in multiple redevelopment opportunities in our Square. **Can we apply an IDC or some such protection to give us time to work with the City on developing the addendum before new applications come on line?**
  - We assume that the addendum would be developed as a joint effort between the MLCC and appropriate city personnel. Is this correct? If so, do you have any thoughts on what the process might look like?

## ZBA REVIEW OF UDOD DEMOLITION APPLICATIONS

We appreciate the suggestion of moving the demolition decision from a single individual to a group. We also think the proposed Urban Plan addendums will also help make related decisions easier to make, providing the group with less room for interpretation. We do have a few related questions:

- In reading the B revision to §1437-11, it appears that if an application includes other variance requests or zoning relief in addition to a demolition review, the ZBA would hear all elements of the application. **In other words, the application review would not be split between the ZBA and ZHE. Is this correct?** We are concerned about the impacts in terms of cost and time if application reviews are split.
- How does the City select ZBA representatives, what are the requirements and how frequently are new members added? The current board appears to include real estate attorneys and specialists, but there doesn't seem to be anyone focused on communities' interests. How would that person (or persons) be added?
- Just a note: As discussed with you previously, the process associated with ZHE/ZBA hearings create an unbalanced playing field for community councils. Property owners/developers wishing to redevelop parcels in a UDOD inevitably have legal counsel leading their case, which gives them the privilege of cross-examination and making closing statements, not to mention legal expertise. Community councils aren't provided with these opportunities unless they enlist the services of an attorney, which can be cost-prohibitive. As such, many have to forego attorney services and therefore are at disadvantage in these cases. **Many communities (including ours) are calling for modifications that will make this a more balanced process.**

## ECONOMIC HARDSHIP

We support removing the economic hardship clause from the proposed zoning code amendments and thank you for doing so. Just out of curiosity, **is economic hardship addressed in any other section of the zoning code?**

Thank you again for taking the time to meet with us and discuss community concerns related to these zoning code changes. We look forward to continuing the conversation.

Sincerely,



Rob Pasquinn  
MLCC President



**Zoning Board of Appeals Information**

*This document responds to questions regarding the Zoning Board of Appeals (ZBA) and its composition that were posed during and after the September 15, 2021 Virtual Public Staff Conference on proposed text amendments to the Urban Design Overlay District review standards.*

Article XXX, Section 6 of the Administrative Code of the City of Cincinnati established the Zoning Board of Appeals. For more information, please visit the link below (see “Helpful Links”).

***Are two of the ZBA members required to be representatives of community councils?***

Pursuant to Article XXX, Section 6 of the Administrative Code, the ZBA must contain “Two persons active in a community organization which is recognized by the council as a representative of a Cincinnati neighborhood.” This allows for membership of two persons from neighborhood organizations including community councils, community development corporations, and other neighborhood organizations. The two ZBA members from neighborhood organizations are not required to hold an official position or be an official representative of that organization, but they do need to be active in the organization.

***Are any of the current ZBA members representatives of community councils?***

When Michael Moran was appointed to the ZBA his resume indicated that he was the treasurer for Clifton Town Meeting. When Jason Chamlee was appointed to the ZBA as an alternate he was the board president of the Pleasant Ridge Development Corporation.

***Are there ZBA vacancies at the moment?***

Below is a list of current vacancies by role:

- 1 for architect
- 1 for architect (alternate)
- 1 for persons active in a community organization (alternate)
- 1 for attorney (alternate)
- 1 for person engaged in the real estate, development, or construction industry real estate (alternate)

***How are ZBA vacancies posted/advertised?***

The ZBA membership application is posted on the City’s ZBA website (see “Helpful Links” below).

***Who are the ZBA members and when do their terms expire?***

The table below includes a list of ZBA members and information about their term:

<i>Member</i>	<i>Term Begins</i>	<i>Term Expires</i>	<i>Term</i>
Jonathan Bennie (Community)	03/20/2019	03/19/2022	First
Michael Moran (Community)	03/20/2019	03/19/2022	Second
Emily Supinger (Attorney)(Vice Chair)	03/20/2019	03/19/2022	Second
Jessica Powell (Real Estate)	05/15/2019	05/15/2022	First
Bob Zielasko (Urban Planner)	03/20/2019	03/19/2022	Second
City Planning Commissioner	Rotating	Rotating	
Jason Chamlee (Community)(Alternate)	05/15/2019	05/15/2022	First
Diana Vakharia (Urban Planner) (Alternate)	05/15/2019	05/15/2022	Second

**Helpful Links**

- Article XXX Section 6 of the Administrative Code  
[https://library.municode.com/oh/cincinnati/codes/code\\_of\\_ordinances?nodeId=THADCO\\_ARTXXXADBO\\_S6Z\\_OBOAP](https://library.municode.com/oh/cincinnati/codes/code_of_ordinances?nodeId=THADCO_ARTXXXADBO_S6Z_OBOAP)
- Zoning Board of Appeals website  
<https://www.cincinnati-oh.gov/buildings/hearings-appeals/zoning-board-of-appeals/>
- Zoning Board of Appeals application
- <https://www.cincinnati-oh.gov/noncms/digs/commission/index.cfm?action=main.apply>

# Additional Correspondence

**McLean, Samantha**

---

**From:** Laura Whitman <laurawmlcc@gmail.com>  
**Sent:** Friday, October 1, 2021 12:15 AM  
**To:** McLean, Samantha  
**Cc:** Brian Spitler; Peppers, Alex  
**Subject:** Re: [External Email] Notice of City Planning Commission - Proposed Text Amendments (UDOD Review Standards)

Hi Samantha -

Although I'm going to try and tune in tomorrow morning, I don't know that I will be able to stay on the whole time and speak due to my scheduled commitments. With that in mind, I am hoping that you would be able to print out my comments below and share them with the Planning Commission members. I'm sorry that I missed the submission date - I've been dealing with family issues that have taken me out of town this week and kept my focus on other things.

Thank you for your assistance,  
Laura

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I appreciate the compromises that have been proposed by the City Planning and Law team and thank everyone for their efforts. However, I still have one major objection to an important piece of the proposed legislation: B version, §1437-09 (i) D1 bullet 2, which says that demolition of a building could be approved if doing so "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 . . ."

As it is written, this clause is a bypass of UDOD development standards. It will allow ANY building in an Urban Design Overlay District to be demolished – even if the building is an original, contributing structure that has helped define the character of the district. There is no requirement included in the clause to assess the aesthetic or structure value of the building. **As such, it is essentially a blank check to demolish and replace character-defining buildings without any attempt to evaluate its contribution to the district.** This clause needs to be modified to require that the building has not been identified by the community as a contributing building. If not, then demolition consideration can proceed. If it has, then prior to considering demolition:

- a) A documented evaluation of the aesthetic value of the building proposed for demolition must be completed by City personnel (not the proposer) and made available for community review input, or
- b) Opportunities to modify and reuse of the interior of the structure (and leave the exterior intact) must be assessed and made available for community review and input.

If these modifications (or something similar) are not made to the text of the proposed clause, then it should be removed from the development standards to prevent it being used as a tool to ignore the purpose and intent of Urban Design Overlay Districts.

Laura Whitman

Mt. Lookout

On Sep 30, 2021, at 8:57 AM, McLean, Samantha <[Samantha.McLean@cincinnati-oh.gov](mailto:Samantha.McLean@cincinnati-oh.gov)> wrote:

Hi Laura,

Would you like to speak or just tune in to listen? If you'd like to speak, we will send you the Zoom link. If you'd like to just tune in to listen, it will be livestreamed on Citicable at [Cincinnati-oh.gov/citicable](https://cincinnati-oh.gov/citicable).

Best,  
Samantha

Samantha McLean, AICP | Senior City Planner  
City of Cincinnati | Department of City Planning & Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4886 | Facebook | Twitter | Website | Plan Cincinnati  
Pronouns: she, her, hers

-----Original Message-----

From: Laura Whitman <[laurawmlcc@gmail.com](mailto:laurawmlcc@gmail.com)>

Sent: Wednesday, September 29, 2021 9:15 PM

To: McLean, Samantha <[Samantha.McLean@cincinnati-oh.gov](mailto:Samantha.McLean@cincinnati-oh.gov)>

Cc: Brian Spitler <[briankspitler@gmail.com](mailto:briankspitler@gmail.com)>

Subject: [External Email] Re: Notice of City Planning Commission - Proposed Text Amendments (UDOD Review Standards)

External Email Communication

Hi Samantha -

Thank you for your follow up. Unfortunately, I am out of town this week and will likely not be able to attend the meeting on Friday as I have a 10 am appt. But just in case, can you send me a link? I'll try to tune in if I am able. Thank you again!

Laura

On Sep 29, 2021, at 11:09 AM, McLean, Samantha <[Samantha.McLean@cincinnati-oh.gov](mailto:Samantha.McLean@cincinnati-oh.gov)> wrote:

<image001.jpg><Text Amendment - City Planning Commission Notice (10.01.2021).pdf>



Avondale Community Council 3635 Reading Road #100 Cincinnati, OH 45229	Bond Hill Community Council P.O. Box 37627 Cincinnati, OH 45222	California Community Council 5814 Kellogg Avenue Cincinnati, OH 45230
Camp Washington Community Council 2951 Sidney Ave Cincinnati, OH 45225	Carthage Civic League P.O. Box 16093 Cincinnati, OH 45216	Clifton Town Meeting P. O. Box 20042 Cincinnati, OH 45220
College Hill Forum P.O. Box 24160 Cincinnati, OH 45224	Columbia Tusculum Community Council P.O. Box 68075 Cincinnati, OH 45206	Corryville Community Council 260 Stetson Street, Suite E Cincinnati, OH 45219
CUF Neighborhood Association* 2364 West McMicken Avenue Cincinnati, OH 45214	Downtown Residents Council P.O. Box 868 Cincinnati, OH 45201	East End Area Council PO Box 68104 Cincinnati, OH 45226
East Price Hill Improvement Association P.O. Box 5420 Cincinnati, OH 45205	East Walnut Hills Assembly P.O. Box 68050 Cincinnati, OH 45206	East Westwood Improvement Association P.O. Box 112046 Cincinnati, OH 45211
Evanston Community Council 3204 Woodburn Avenue Cincinnati, OH 45207	Hartwell Improvement Association c/o HIA P.O. Box 15608 Cincinnati, OH 45215	Hyde Park Neighborhood Council P.O. Box 8064 Cincinnati, OH 45208
Kennedy Heights Community Council PO Box 36318 Cincinnati, OH 45236	Linwood Community Council P.O. Box 9374 Cincinnati, OH 45209	Lower Price Hill Community Council 640 Neave St Apt 2 Cincinnati, OH 45204
Madisonville Community Council P.O. Box 9514 Cincinnati, OH 45209	Mt. Adams Civic Association P.O. Box 6474 Cincinnati, OH 45206	Mt. Airy Town Council 2563 W. North Bend Rd. Suite 201 Cincinnati, OH 45253
Mt. Auburn Community Council P.O. Box 19138 Cincinnati, OH 45219	Mt. Lookout Community Council P.O. Box 8444 Cincinnati, OH 45208	Mt. Washington Community Council P.O. Box 30387 Cincinnati, OH 45230
North Avondale Neighborhood Association PO Box 16152 Cincinnati, OH 45216	North Fairmount Community Council 1764 Carll Street Cincinnati, OH 45225	Northside Community Council P.O. Box 19398 Cincinnati, OH 45219

Oakley Community Council P.O. Box 9244 Cincinnati, OH 45209	Over-the-Rhine Community Council P.O. Box 662 Cincinnati, OH 45201	Paddock Hills Assembly P.O. Box 16028 Cincinnati, OH 45216
Pendleton Neighborhood Council 525 Dandridge St Cincinnati, OH 45202	Pleasant Ridge Community Council P.O. Box 128705 Cincinnati, OH 45212	Riverside Civic & Welfare Club P.O. Box 389205 Cincinnati, OH 45238
Roselawn Community Council 7610 Reading Road, 411, Cincinnati, OH Cincinnati, OH 45237	Sayler Park Village Council P.O. Box 33178 Cincinnati, OH 45233	Sedamsville Civic Association 661 Halsey Ave. Cincinnati, OH 45204
South Cumminsville Community Council 1814 Dreman Ave Cincinnati, OH 45223	South Fairmount Community Council P.O. Box 14165 Cincinnati, OH 45214	Spring Grove Village Community Council 638 E. Epworth Ave. Cincinnati, OH 45232
Walnut Hills Area Council 2640 Kemper Lane Cincinnati, OH 45206	West End Community Council P.O. Box 14424 Cincinnati, OH 45250	West Price Hill Community Council P.O. Box 5096 Cincinnati, OH 45205
Westwood Civic Association P.O. Box 11466 Cincinnati, OH 45211	Winton Hills Community Council 5301 Winneste Avenue Cincinnati, OH 45232	Queensgate Business Alliance 1301 Western Avenue Cincinnati, OH 45203
Avondale Comprehensive Development Corporation 3635 Reading Road, Suite 200 Cincinnati, OH 45229	Bond Hill Roselawn Collaborative 4721 Reading Rd Cincinnati, OH 45237	Brewery District CURC 1619 Moore Street Cincinnati, Ohio 45202
Camp Washington Community Board 2951 Sidney Ave #2134, Cincinnati, OH 45225	Clifton Heights Community Urban Redevelopment Corporation 2510 Ohio Ave C Cincinnati, OH 45219	College Hill CURC 6107 Hamilton Avenue Cincinnati, Ohio 45224
Cornerstone Renter's Equity 1641 Vine St Cincinnati, OH 45202	Kennedy Heights Development Corporation P.O. Box 36337 Cincinnati, OH 45236	Madisonville Community Urban Redevelopment Corporation 6111 Madison Rd. Cincinnati, OH 45227
Mt. Airy Community Urban Revitalization Enterprise 2563 W North Bend Cincinnati OH 45239	Over-the-Rhine Community Housing 114 West 14th Street Cincinnati, Ohio 45202	Price Hill Will 3301 Price Avenue Cincinnati, OH 45205

Seven Hills Neighborhood Houses  
901 Findlay Street  
Cincinnati, OH 45214

Village Development Corporation  
638 East Epworth Avenue  
Cincinnati, Ohio 45232

Walnut Hills Redevelopment  
Foundation  
PO Box 6363  
Cincinnati, OH 45206

Westwood Community Urban  
Development Corporation  
PO Box 112162  
Cincinnati, OH 45211

Working in Neighborhoods  
1814 Dreman Avenue  
Cincinnati, OH 45223

Invest in Neighborhoods  
315 W Court St, 2<sup>nd</sup> Floor  
Cincinnati, OH 45202

West End Neighborhood Development  
Corporation  
2008 Freeman Avenue  
Cincinnati, OH 45214

NEST  
1546 Knowlton Street  
Cincinnati, OH 45239

October 13, 2021

Cincinnati City Council  
Council Chambers, City Hall  
Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith an Emergency Ordinance captioned as follows:

**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.

**Summary:**

In February 2019, the Department of City Planning received a written request from the Walnut Hills Redevelopment Foundation as representatives of one of the four neighborhoods to adopt Form Based Code (FBC) (Exhibit B). The letter served as a formal request from College Hill, Madisonville, Walnut Hills, and Westwood to begin conversations with the Department of City Planning, and the Department of Buildings and Inspections, specifically the Zoning Division and Urban Conservator's Office, to address scrivener errors, clarifications, and internally illuminated signage.

In addition to the above referenced and requested amendments, the City of Cincinnati conducted a review of the Title XIV, "Zoning Code of the City of Cincinnati," and Title XVII, "Land Development Code" of the Cincinnati Municipal Code to identify related and necessary text amendments. Of the areas identified, it was determined that Title XVII, "Land Development Code," as it relates to urban agriculture, horticulture, and animal keeping, needs to be amended to reflect the recently adopted

Chapter 1422, "Urban Agriculture: Horticulture and Animal Keeping" of the Zoning Code. The proposed text amendments also include modifications to the Urban Design Overlay District review standards as there have been an increase in applications for development in these districts, and it has been determined that added clarity is necessary to these standards and procedures.

The proposed text amendments to modify specific sections of Title XIV, "Zoning Code of the City of Cincinnati," and Title XVII "Land Development Code" is intended to add consistency to the Cincinnati Municipal Code, continue to build streamlined and cohesive development processes, and add transparency to city requirements and development procedures.

The City Planning Commission recommended the following on August 20, 2021 to City Council:

**APPROVE** the proposed text amendments to modify Title XIV, "Zoning Code of the City of Cincinnati," and Title XVII, "Land Development Code," of the Cincinnati Municipal Code, by AMENDING the provisions of Sections 1401-01-A8, "Animal Keeping," 1403-05, "Land Use Regulations," 1409-07, "Land Use Regulations," 1411-05, "Land Use Regulations," 1413-05, "Land Use Regulations," 1422-05, "Development Regulations," 1422-07, "Maintenance and Storage," 1425-19 "Off-Street Parking and Loading Requirements," 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 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.

Motion to Approve: Mr. Juech

Ayes:

Mr. Juech

Ms. McKinney

Seconded: Ms. Sesler

Mr. Samad

Ms. Sesler

Mr. Smitherman

Mr. Stallworth

The City Planning Commission recommended the following on October 1, 2021 to City Council:

**APPROVE** the proposed text amendments to modify Title XIV, "Zoning Code of the City of Cincinnati" of the Cincinnati Municipal Code, by AMENDING the provisions of Sections 1437-05, "Establishment of UD Overlay Districts," 1437-07, "Applications Subject to Review," 1437-09, "Development Standards in UD Overlay Districts," 1437-11, "Approval," 1437-13, "Appeal," 1439-07, "Zoning Hearing Examiner," and 1439-11, "Zoning Board of Appeals," to provide greater clarity and to promote efficient and complementary development throughout the City.

**ADOPT** the following condition to the approval above:

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

Motion to Approve: Mr. Juech

Ayes:

Mr. Eby

Mr. Juech

Seconded: Mr. Samad

Ms. McKinney

Mr. Samad

Ms. Sesler

Mr. Smitherman


THE CITY PLANNING COMMISSION



Katherine Keough-Jurs, AICP, Director  
Department of City Planning and Engagement

October 13, 2021

To: Sheila Andrews, Office of the Clerk of Council

From: Katherine Keough-Jurs, AICP, Director   
Department of City Planning and Engagement

Copies to: Samantha McLean, AICP, Senior City Planner

Subject: Emergency Ordinance – Text Amendments to Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code” of the Cincinnati Municipal Code

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The above referenced ordinance is ready to be scheduled for Council Committee. We are requesting that this item be scheduled for the next available meeting of the Economic Growth & Zoning Committee. This item requires a public hearing following a required 14-day notification period by mail and in the City Bulletin.

Included in this submission are the following items:

- 1) The transmittal letter to the Economic Growth & Zoning Committee;
- 2) A copy of the City Planning Commission staff report dated June 4, 2021;
- 3) A copy of the City Planning Commission staff report dated August 20, 2021;
- 4) A copy of the City Planning Commission staff report dated October 1, 2021;
- 5) Additional Correspondence Received
- 6) The Ordinance modifying Title XIV, “Zoning Code of the City of Cincinnati,” and Title XVII, “Land Development Code,” of the Cincinnati Municipal Code;
- 7) The mailing labels for notification of all community councils and community development corporations; and
- 8) A copy of the mailing labels for your records

October 13, 2021

**To:** Mayor and Members of City Council

**From:** Paula Boggs Muething, City Manager

202102926

**Subject:** Emergency Ordinance – Zoning Clean Up – Oakley Station

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Transmitted is an Emergency Ordinance captioned:

**AMENDING the official zoning map of the City of Cincinnati to align the boundaries of certain portions of the CG-A, “Commercial General Auto-Oriented,” zoning district and Planned Development District No. 64, “Oakley Station,” in the Oakley neighborhood with the curvature of Disney Street and its intersection with Jared Ellis Drive.**

Summary

Ordinance 147-2011 was approved by Cincinnati City Council to change the zoning of the former Milacron site to PD-64: Oakley Station (Exhibit C). The zoning district boundaries at that time were drawn to the property lines of the parcel. The western edge of the parcel contained the former Forrer Street, which was a private drive located on the property before Oakley Station was developed. Disney Street was installed to the east of Forrer Street once the development was completed and is now a public street. A small sliver of PD-64 remains west of Disney Street, which has since been transferred to adjoining property owners outside of PD-64 as the property is not needed for Oakley Station. Those property owners would like to have consistent zoning throughout their property for future redevelopment efforts.

The City of Cincinnati is requesting zone changes on four (4) small slivers of property; three (3) zoned PD-64 (Planned Development #64: Oakley Station) are being requested to change to CG-A and one (1) zoned CG-A is being requested to change to PD-64. The four small portions located along Disney Street and Jared Ellis Drive are being requested to change zoning districts to adjust the zoning lines to match existing property boundaries. The property owners for the portions of properties are the City of Cincinnati, Milacron LLC, Local Oakley LLC, and PS Mid West Two BSS Cincinnati LLC.

The reason for the emergency is the immediate need to ensure that properties adjacent to the areas to be rezoned are developed in a consistent manner.

The zone changes are consistent with both *The Oakley Master Plan* (2019) and *Plan Cincinnati* (2012).

The Administration recommends approval of this Emergency Ordinance.

cc: Katherine Keough-Jurs, AICP, Director  
Department of City Planning and Engagement





EMERGENCY

City of Cincinnati

DBS

*AWB*

An Ordinance No. \_\_\_\_\_

- 2021

AMENDING the official zoning map of the City of Cincinnati to align the boundaries of certain portions of the CG-A, "Commercial General Auto-Oriented," zoning district and Planned Development District No. 64, "Oakley Station," in the Oakley neighborhood with the curvature of Disney Street and its intersection with Jared Ellis Drive.

WHEREAS, certain portions of the CG-A, "Commercial General Auto-Oriented," zoning district and Planned Development District No. 64, "Oakley Station," in the Oakley neighborhood were not adjusted following road construction that realigned Disney Street and its intersection with Jared Ellis Drive; and

WHEREAS, the City of Cincinnati wishes to modify the boundaries of these zoning districts to align them with the curvature of Disney Street and its intersection with Jared Ellis Drive to ensure that adjacent properties are developed in a consistent manner; and

WHEREAS, at its regularly scheduled meeting on October 1, 2021, the City Planning Commission determined that the proposed zone change is in the interest of the public's health, safety, morals, and general welfare, and it recommended modifying the boundaries of the CG-A, "Commercial General Auto-Oriented," zoning district and Planned Development District No. 64, "Oakley Station," to align them with the curvature of Disney Street and its intersection with Jared Ellis Drive; and

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

WHEREAS, the rezoning is consistent with the "Compete" Initiative Area of *Plan Cincinnati* (2012), which has a goal to "[c]ultivate our position as the most vibrant and economically healthiest part of our region" (page 114); and

WHEREAS, the rezoning is further consistent with the *Oakley Master Plan* (2019), including its goal to "ensure that future growth is guided by zoning and planning that will preserve Oakley as a thriving, unique, and pedestrian-scaled urban neighborhood" (page 80); and

WHEREAS, the Council resolves to modify the boundaries of the CG-A, "Commercial General Auto-Oriented," zoning district and Planned Development District No. 64, "Oakley Station," to align them with the curvature of Disney Street and its intersection with Jared Ellis Drive, finding it to be in the best interests of the City and the general public's health, safety, morals, and welfare; now, therefore,

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

Section 1. That the shape and area of the City of Cincinnati's official zoning map in the location of certain real property located along Disney Street and its intersection with Jared Ellis Drive in the Oakley neighborhood ("Property"), which real property is identified as the "Subject Property" on the map attached hereto as Exhibit "A" and made a part hereof, and which real property is more particularly described on Exhibit "B" attached hereto and incorporated herein by reference, is hereby amended, respectively, from the CG-A, "Commercial General Auto-Oriented," zoning district to Planned Development District No. 64, "Oakley Station," and from Planned Development District No. 64, "Oakley Station," to the CG-A, "Commercial General Auto-Oriented," zoning district to align the boundaries of those districts with the curvature of Disney Street and its intersection with Jared Ellis Drive.

Section 2. That the approved development program statement and concept plan for Planned Development District No. 64, "Oakley Station," shall govern the use and development of the real property hereby rezoned to Planned Development District No. 64, "Oakley Station."

Section 3. 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 ensure that properties adjacent to the areas to be rezoned are developed in a consistent manner.

Passed: \_\_\_\_\_, 2021

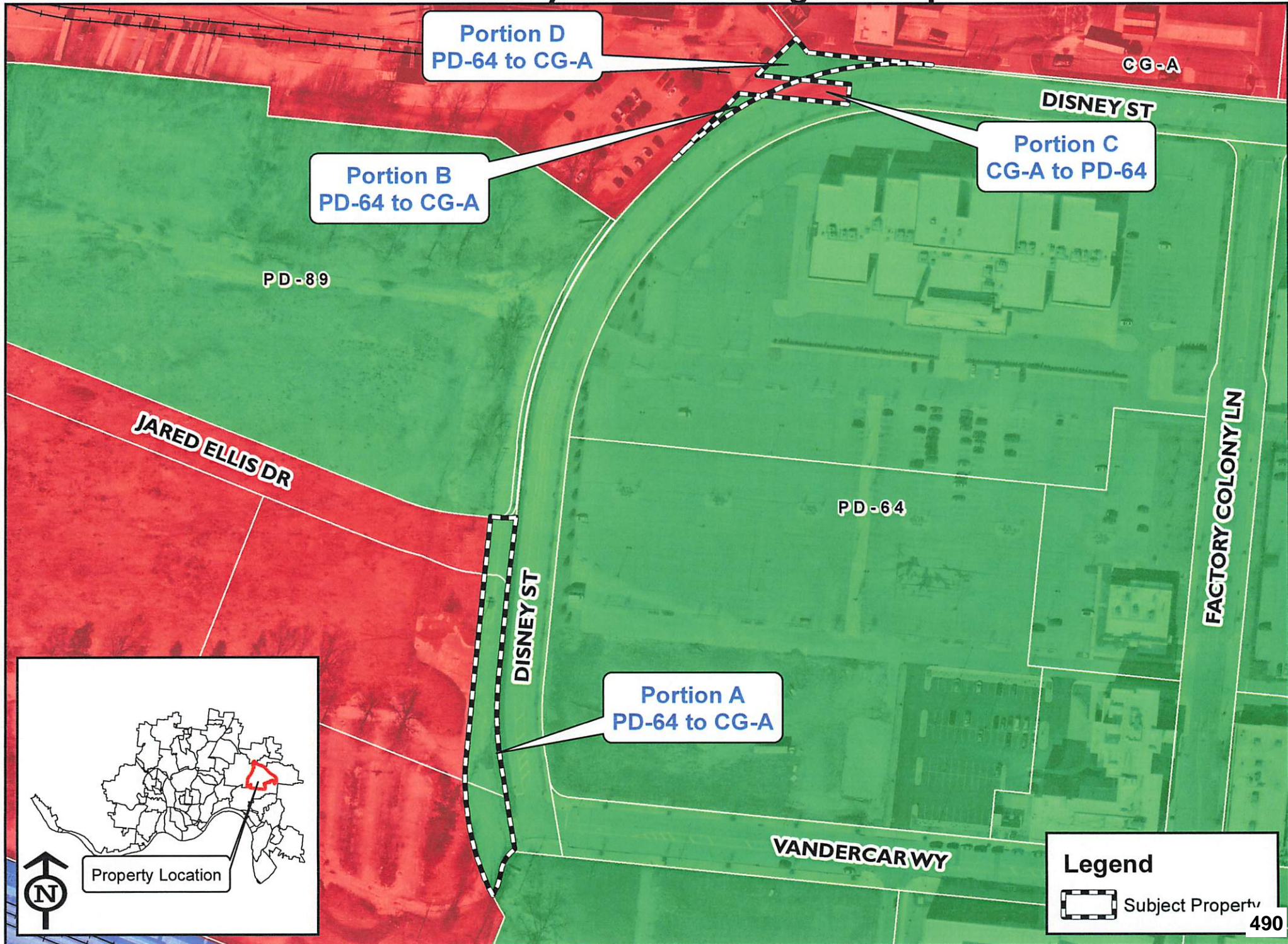
\_\_\_\_\_  
John Cranley, Mayor

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

**EXHIBIT A**



# PD-64: Oakley Station Zoning Cleanup



**EXHIBIT B**

**LEGAL DESCRIPTION – PORTION A**

Situated in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Beginning at the intersection between the centerlines of Disney Street and Vandercar Way; thence southwest approximately 43.7-feet to the point of intersection with the eastern parcel line of Parcel 25, HCAP Book 1, Page 52, **THE POINT OF THE BEGINNING**; thence, northwardly along the eastern parcel line of Parcels 25, 24, and 30, HCAP Book 1, Page 52, to the point of intersection with the northeast corner of Parcel 30, HCAP Book 1, Page 52; thence, westwardly for approximately 37-feet with the northern parcel line of said parcel; thence, southwardly, at an offset of approximately 31-feet from the western edge of the Disney Street right-of-way, for approximately 238.9-feet; thence, southwardly, at an offset of approximately 45-feet from the western edge of the Disney Street right-of-way to the point of intersection with the northern parcel line of Parcel 25, HCAP Book 1, Page 52; thence, southwardly, at an offset of approximately 51-feet from the western edge of the Disney Street right-of-way, for approximately 149.4-feet to the point of intersection with the eastern parcel line of Parcel 25, HCAP Book 1, Page 52; thence, northwardly with the eastern parcel line of Parcel 25, HCAP Book 1, Page 52 to **THE POINT OF THE BEGINNING**.

**LEGAL DESCRIPTION – PORTION B**

Situated in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Beginning at the intersection of the centerline of Disney Street and the eastern extension of the south parcel line of Parcel 27, HCAP Book 2, Page 52; thence, northwest to the southern corner of Parcel 27, HCAP Book 2, Page 52; thence, northeastern with the eastern parcel line of said parcel for approximately 133.3-feet to **THE POINT OF THE BEGINNING**; thence, northeastern with the eastern parcel line of said parcel for approximately 136.7-feet; thence, westwardly approximately 28.3-feet; thence, southwestwardly for approximately 110.9-feet to **THE POINT OF THE BEGINNING**.

**LEGAL DESCRIPTION – PORTION C**

Situated in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Beginning at the intersection between the centerlines of Factory Colony Lane and Disney Street; thence westwardly with the centerline of Disney Street for approximately 518.6-feet to the point of intersection with the northeast corner of Parcel 69, HCAP Book 1, Page 51, **THE POINT OF THE BEGINNING**; thence, westwardly for approximately 62.8-feet to the point of intersection with the western parcel line of Parcel 27, HCAP Book 2, Page 52; thence, southerly with the east parcel line of said parcel for approximately 53.7-feet to the point of intersection with the northwest corner of Parcel 69, HCAP Book 1, Page 51; thence, eastwardly along the north parcel line of said parcel to for approximately 106.9-feet to the point of intersection with the eastern parcel line of Parcel 69, HCAP Book 1, Page 51; thence, northwardly along the east parcel line of said parcel to **THE POINT OF THE BEGINNING**.

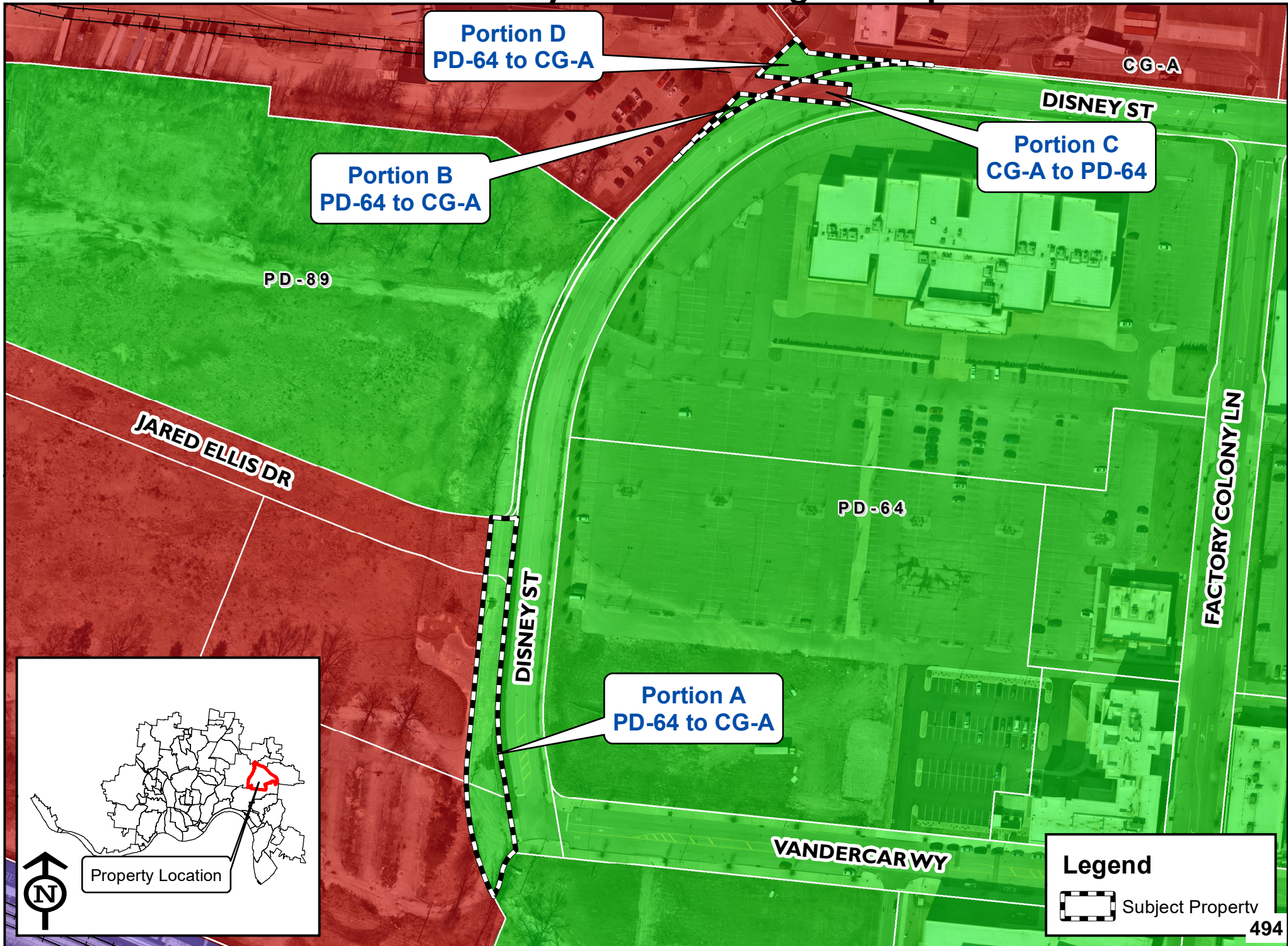
#### LEGAL DESCRIPTION – PORTION D

Situated in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Beginning at the intersection between the centerlines of Factory Colony Lane and Disney Street; thence westwardly with the centerline of Disney Street for approximately 462.7-feet to the point of intersection with the northeast corner of Parcel 27, HCAP Book 2, Page 52 extended south; thence, northwardly approximately 24-feet to the point of intersection with the of the northeast corner of Parcel 27, HCAP Book 2, Page 52, **THE POINT OF THE BEGINNING**; thence westwardly along the northern parcel line of said parcel for approximately 130.9-feet; thence, directly south for approximately 33.1-feet to the point of intersection with the northeast corner of Parcel 69, HCAP Book 1, Page 51; thence, northeastwardly along the north parcel line for approximately 123.7-feet to **THE POINT OF THE BEGINNING**.



# PD-64: Oakley Station Zoning Cleanup





**LEGAL DESCRIPTION – PORTION A**

Situated in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Beginning at the intersection between the centerlines of Disney Street and Vandercar Way; thence southwest approximately 43.7-feet to the point of intersection with the eastern parcel line of Parcel 25, HCAP Book 1, Page 52, **THE POINT OF THE BEGINNING**; thence, northwardly along the eastern parcel line of Parcels 25, 24, and 30, HCAP Book 1, Page 52, to the point of intersection with the northeast corner of Parcel 30, HCAP Book 1, Page 52; thence, westwardly for approximately 37-feet with the northern parcel line of said parcel; thence, southwardly, at an offset of approximately 31-feet from the western edge of the Disney Street right-of-way, for approximately 238.9-feet; thence, southwardly, at an offset of approximately 45-feet from the western edge of the Disney Street right-of-way to the point of intersection with the northern parcel line of Parcel 25, HCAP Book 1, Page 52; thence, southwardly, at an offset of approximately 51-feet from the western edge of the Disney Street right-of-way, for approximately 149.4-feet to the point of intersection with the eastern parcel line of Parcel 25, HCAP Book 1, Page 52; thence, northwardly with the eastern parcel line of Parcel 25, HCAP Book 1, Page 52 to **THE POINT OF THE BEGINNING**.

**LEGAL DESCRIPTION – PORTION B**

Situated in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Beginning at the intersection of the centerline of Disney Street and the eastern extension of the south parcel line of Parcel 27, HCAP Book 2, Page 52; thence, northwest to the southern corner of Parcel 27, HCAP Book 2, Page 52; thence, northeastern with the eastern parcel line of said parcel for approximately 133.3-feet to **THE POINT OF THE BEGINNING**; thence, northeastern with the eastern parcel line of said parcel for approximately 136.7-feet; thence, westwardly approximately 28.3-feet; thence, southwestwardly for approximately 110.9-feet to **THE POINT OF THE BEGINNING**.

**LEGAL DESCRIPTION – PORTION C**

Situated in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Beginning at the intersection between the centerlines of Factory Colony Lane and Disney Street; thence westwardly with the centerline of Disney Street for approximately 518.6-feet to the point of intersection with the northeast corner of Parcel 69, HCAP Book 1, Page 51, **THE POINT OF THE BEGINNING**; thence, westwardly for approximately 62.8-feet to the point of intersection with the western parcel line of Parcel 27, HCAP Book 2, Page 52; thence, southerly with the east parcel line of said parcel for approximately 53.7-feet to the point of intersection with the northwest corner of Parcel 69, HCAP Book 1, Page 51; thence, eastwardly along the north parcel line of said parcel to for approximately 106.9-feet to the point of intersection with the eastern parcel line of Parcel 69, HCAP Book 1, Page 51; thence, northwardly along the east parcel line of said parcel to **THE POINT OF THE BEGINNING**.

#### LEGAL DESCRIPTION – PORTION D

Situated in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Beginning at the intersection between the centerlines of Factory Colony Lane and Disney Street; thence westwardly with the centerline of Disney Street for approximately 462.7-feet to the point of intersection with the northeast corner of Parcel 27, HCAP Book 2, Page 52 extended south; thence, northwardly approximately 24-feet to the point of intersection with the of the northeast corner of Parcel 27, HCAP Book 2, Page 52, **THE POINT OF THE BEGINNING**; thence westwardly along the northern parcel line of said parcel for approximately 130.9-feet; thence, directly south for approximately 33.1-feet to the point of intersection with the northeast corner of Parcel 69, HCAP Book 1, Page 51; thence, northeastwardly along the north parcel line for approximately 123.7-feet to **THE POINT OF THE BEGINNING**.

**SUBJECT:** A report and recommendation on proposed zone changes from PD-64 (Planned Development #64: Oakley Station) to CG-A (Commercial General – Auto-oriented) and CG-A (Commercial General – Auto-oriented) to PD-64 (Planned Development #64: Oakley Station) in Oakley.

**GENERAL INFORMATION:**

Location: Along Disney Street and Jared Ellis Drive  
Petitioner: City of Cincinnati  
Petitioner's Address: 801 Plum Street, Cincinnati, OH 45202

**EXHIBITS:**

Provided in addition to this report are the following exhibits:

- Exhibit A - Location and Zoning Map
- Exhibit B – Property Owner Map
- Exhibit C – Ordinance 147-2011, which created PD-64: Oakley Station
- Exhibit D – Oakley Station Consolidation Plat
- Exhibit E – Additional Correspondence

**BACKGROUND:**

The City of Cincinnati is requesting zone changes on four (4) small slivers of property; three (3) zoned PD-64 (Planned Development #64: Oakley Station) being requested to change to CG-A and one (1) zoned CG-A being requested to change to PD-64. The four small portions located along Disney Street and Jared Ellis Drive are being requested to change zoning districts to adjust the zoning lines to match existing property boundaries. The property owners for the portions of properties are the City of Cincinnati, Milacron LLC, Local Oakley LLC, and PS Mid West Two BSS Cincinnati LLC.

Ordinance 147-2011 was approved by Cincinnati City Council to change the zoning of the former Milacron site to PD-64: Oakley Station (Exhibit C). The zoning district boundaries at that time were drawn to the property lines of the parcel. The western edge of the parcel contained the former Forrer Street, which was a private drive located on the property before Oakley Station was developed. Disney Street was installed to the east of Forrer Street once the development was completed and is now a public street. A small sliver of PD-64 remains west of Disney Street, which has since been transferred to adjoining property owners outside of PD-64 as the property is not needed for Oakley Station. Those property owners would like to have consistent zoning throughout their property for future redevelopment efforts.

Additionally, a small notch of property at the northwest corner of PD-64 is now part of Disney Street and is proposed to be brought into the PD. The approved Concept Plan shows Disney Street on the outside of that notch, which is consistent with the existing conditions. A zone change is necessary to amend the zoning boundary in this area to match existing parcel lines.

**ADJACENT LAND USE AND ZONING:**

The subject properties are currently zoned PD-64 (Planned Development #64: Oakley Station) and CG-A (Commercial General – Auto-oriented) as shown on the attached map (Exhibit A). The zoning and land uses surrounding the subject properties are as follows:

Northern three (3) portions of properties along Disney Street:

	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Zoning</b>	CG-A	PD-64	PD-64	PD-89
<b>Existing Use</b>	Industrial – Vacant Land	Parking Garage/Lots	Theater	Industrial – Vacant Land

Southern portion of property (1) south of Jared Ellis Drive and West of Disney Street:

	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Zoning</b>	PD-89	PD-64	PD-64 and CG-A	CG-A
<b>Existing Use</b>	Industrial – Vacant Land	Parking Garage/Lots	Parking Garage/Lots and Industrial – Vacant Land	Industrial – Vacant Land

### **PUBLIC COMMENT AND NOTIFICATION:**

The Department of City Planning and Engagement attended the Oakley Community Council Board Meeting on Thursday, September 16, 2021 to inform them of the proposed changes. No objections were raised. A virtual public staff conference on the proposed zone change was held on September 28, 2021 at 5:00 p.m. Notices of this meeting and the City Planning Commission meeting were sent to property owners within a 400-foot radius of the subject properties and the Oakley Community Council. Staff from the Department of City Planning and Engagement additionally reached out to the adjacent property owners through mail and email.

### **CONSISTENCY WITH PLANS:**

*The Oakley Master Plan (2019)*

The proposed changes are consistent with the focus area “Managing Our Future Growth” through Goal 1 to “Assure that future growth is guided by zoning and planning that will preserve Oakley as a thriving, unique, and pedestrian-scaled urban neighborhood” (p. 80). This goal is admissible in making sure zoning districts are not only consistent with 2900-2910 Disney Street, but additionally for the entire Oakley Station premises.

*Plan Cincinnati (2012)*

The proposed changes are consistent with the Compete Initiative Area Goal to “Cultivate our position as the most vibrant and economically healthiest part of our region” through the Strategy to “Target investment to geographic areas where there is already economic activity” (p. 114).

### **ANALYSIS AND CONCLUSION:**

The proposed rezoning is simply readjusting the previous zoning district lines from the installation of Disney Street as a public right-of-way and subsequent property transfers. The subject zoning districts are compatible with the adjacent properties and are consistent with the uses associated with these zones.

CG-A zones should reflect a mix of commercial, office, recreation and entertainment and arts uses that reflect the regional importance of the area while associated lots that contain auto-oriented business. PD-64: Oakley Station is a planned development district which contains multiple uses consisting of office, retail, entertainment, and residential uses.

This proposal did not go through the Coordinated Site Review process. The physical aspects of the approved Concept Plan and Development Program Statement for PD-64 will not be affected based on the inclusion of the CG-A zone into PD-64. While not within the area of the PD, the approved Concept Plan does show Disney Street in this area even though it is not officially within the boundary.

**RECOMMENDATION:**

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

**APPROVE** the proposed zone changes from PD-64 (Planned Development #64: Oakley Station) to CG-A (Commercial General – Auto-oriented) and CG-A (Commercial General – Auto-oriented) to PD-64 (Planned Development #64: Oakley Station) in Oakley.

Respectfully submitted:



Jesse Urbancsik, City Planner  
Department of City Planning and Engagement

Approved:

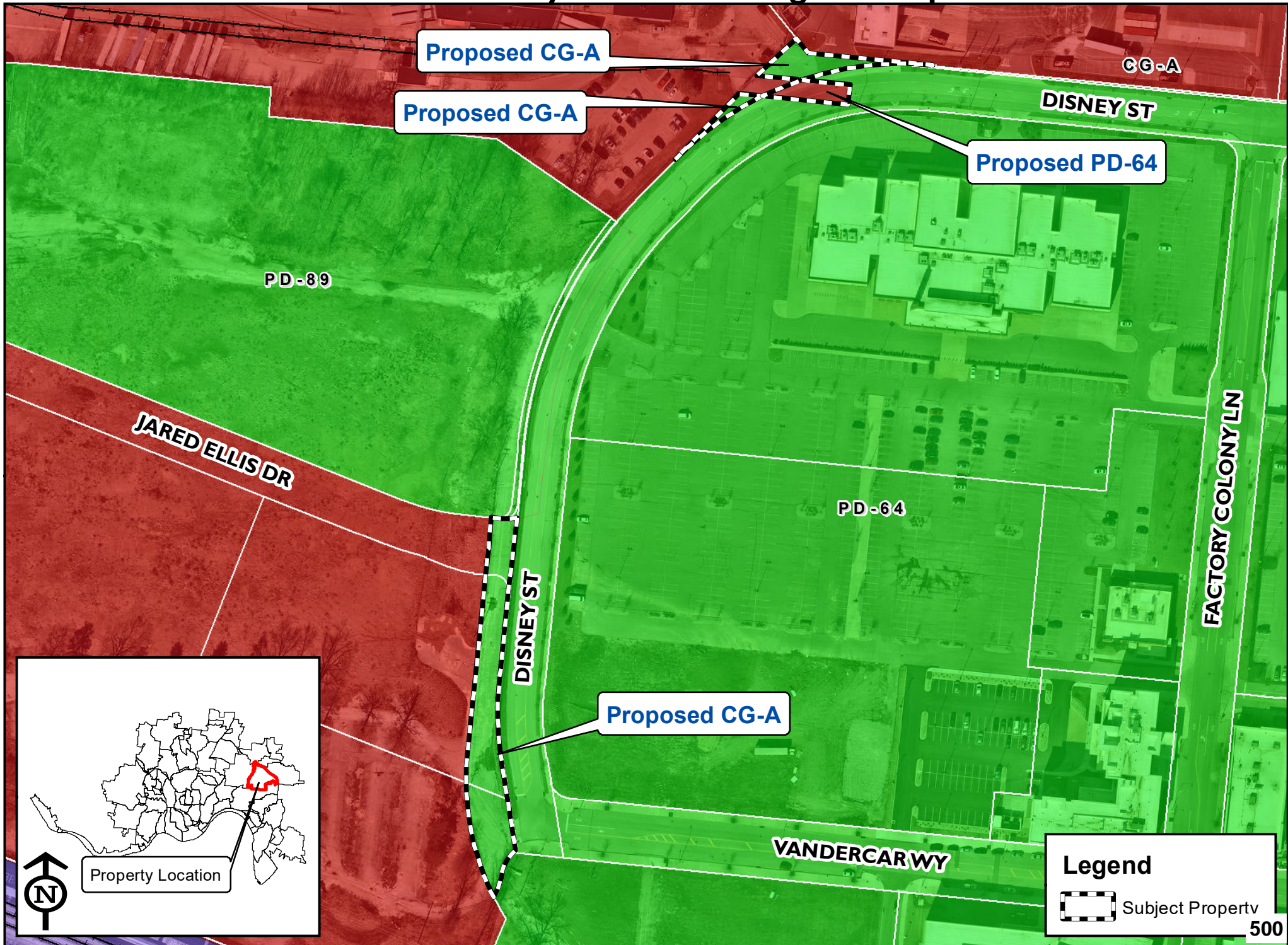


Katherine Keough-Jurs, AICP, Director  
Department of City Planning and Engagement



# PD-64: Oakley Station Zoning Cleanup

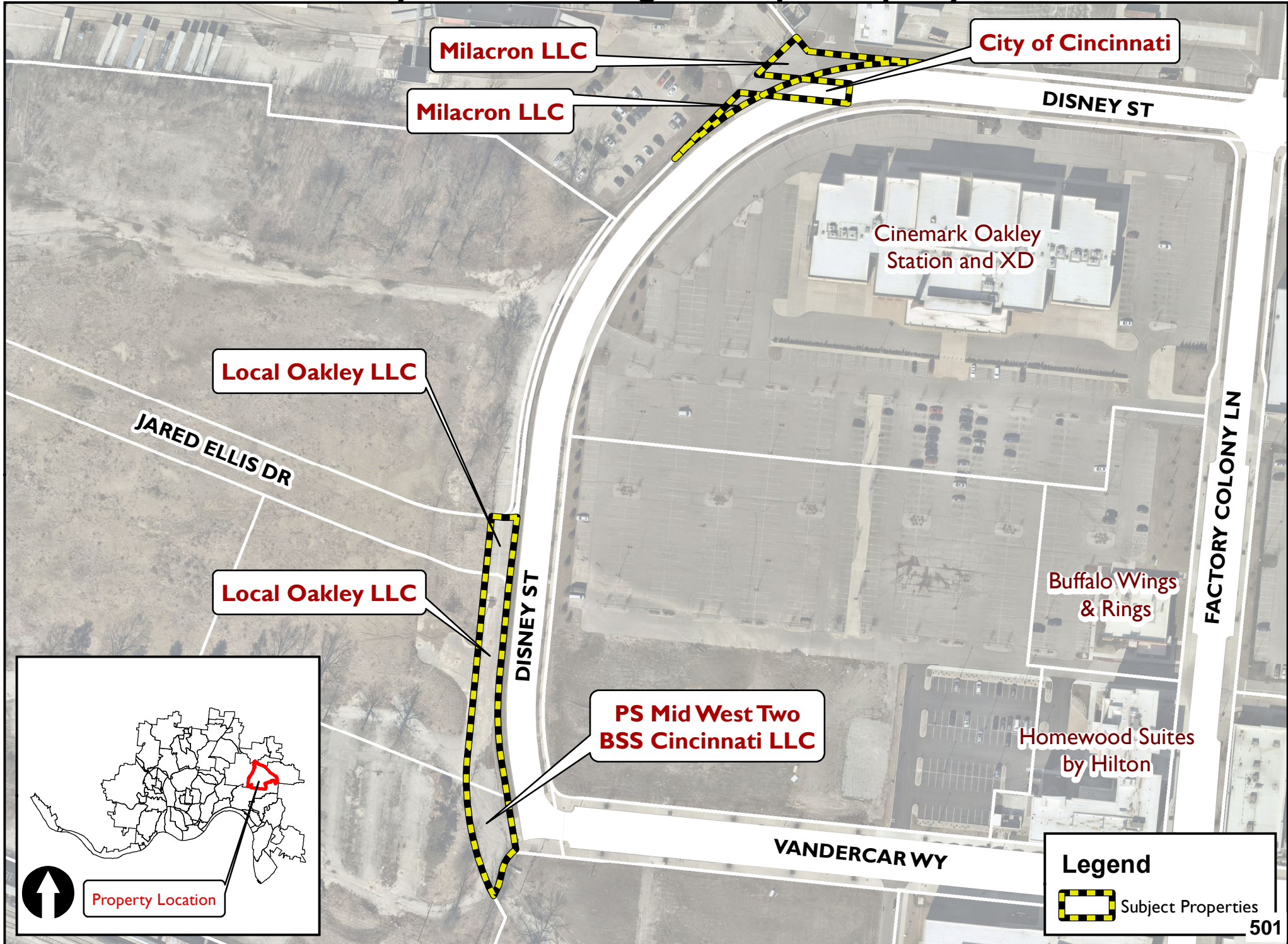
Exhibit A





# PD-64: Oakley Station Zoning Cleanup - Property Owners

Exhibit B



## Exhibit C

## City of Cincinnati

SSS/B

JPC/PA

An Ordinance No. 147

- 2011

**REZONING** certain real property located at 4701 Marburg Avenue in the Oakley neighborhood from Planned Development District (PD) #36 to Planned Development District (PD) # 64.

WHEREAS, USS Realty, LLC ("USS") is the owner of 4701 Marburg Avenue (the "Property") which is approximately a 73-acre site located near the southwest corner of Marburg Avenue and Madison Road and directly adjacent to the Center of Cincinnati retail development in the Oakley neighborhood; and

WHEREAS, the Property has been operated as a manufacturing and distribution center for Milacron, Inc. and its successors for several decades and currently contains several large, vacant industrial buildings; and

WHEREAS, USS is proposing to clear and remediate the Property and redevelop it for a 950,000 square foot mixed-use development comprised of large and small-format retail uses, restaurants, apartments, offices, and a regional multi-screen theater; and

WHEREAS, the Property is currently zoned as Planned Development District (PD) #36, the concept plan for which was proposed by a predecessor-in-interest to the Property and approved by the City Planning Commission; and

WHEREAS, USS has made application to rezone the Property rather than amend the existing concept plan; and

WHEREAS, USS has submitted a development program statement and a concept plan reflecting its development vision for the Property; and

WHEREAS, on April 15, 2011, the City Planning Commission approved the proposed rezoning of the Property from the Planned Development District (PD) #36 to Planned Development District (PD) #64, and conditionally accepted the proposed concept plan and development program statement; and

WHEREAS, Council considers this proposed amendment of the Zoning Map and the associated concept plan and program development statement to be in the best interests of the City and the general public; now, therefore,

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

Section 1. That the shape and area of the Zoning Map in the location of 4701 Marburg Avenue (the "Property") is amended from Planned Development District (PD) #36 to Planned



Development District (PD) #64. The Property is more fully described on Exhibit A attached hereto and made a part hereof. A plat showing the location of the Property is attached hereto as Exhibit B and made a part hereof.

Section 2. That the concept plan ("Concept Plan") and development program statement ("Program Statement") proposed for the Property and Planned Development District (PD) #64 are accepted in their entirety, subject to the following additional conditions:

- (a) Smaller commercial pads should be clustered contiguously along Vandercar Way before being developed on outlots. Outlot pads should be reserved for future development sites around parking fields.
- (b) Smaller office/retail development (not restaurants) should be developed as mixed-use structures with a minimum of two stories.
- (c) Vandercar Way, West Lane, and Central Boulevard should be developed as to accommodate a variety of users, such as automobiles, pedestrians, and cyclists within an urban main street setting.
- (d) The developer shall use its best efforts to make the retail, residential, and office structures LEED® certified by the U.S. Green Building Council ("USGBC") and follow LEED-ND® in the development of the site to the greatest extent possible. The developer will not be required to pursue certification from USGBC, as this condition can be reviewed by the City Solicitor or the Department of City Planning and Buildings.
- (e) Walking paths should be incorporated into the site plan to better illustrate pedestrian scale.
- (f) A comprehensive sign package shall be submitted for review by the Director of City Planning and Buildings before any final development plans are approved.
- (g) No roof signs or changeable copy signs will be permitted in this PD, unless approved by the City Planning Commission.
- (h) If demolition occurs on the entire site before construction begins on Phase One, all other phase sites (two, three and four) must be seeded and maintained by the developer or tenant association.
- (i) Uncoated chain link, wire mesh or other utility-type fencing shall not be used on the site, including for security fencing purposes. Vinyl-coated chain link can be used for security fencing along the railroad, swimming pool, and tennis courts. Uncoated

- (j) chain link will only be appropriate as temporary construction fencing on the site. Details of the permanent fencing must be included in the final development plan.
- (k) No drive through facilities, other than for banking purposes, shall be permitted in this PD, unless approved by the City Planning Commission.
- (l) Trees shall be planted on the site consistent with the concept plan and must be shown as such in the final development plan.
- (m) To the greatest extent economically feasible, parking related to the office and residential uses should be located within structures.
- (n) Apartments are encouraged to be located on street corners to enhance security.
- (o) Madison Road should be connected to the street network of the development.
- (p) Stronger north and south street connections are encouraged.
- (q) Horizontal adjacency of residential and retail uses is encouraged.

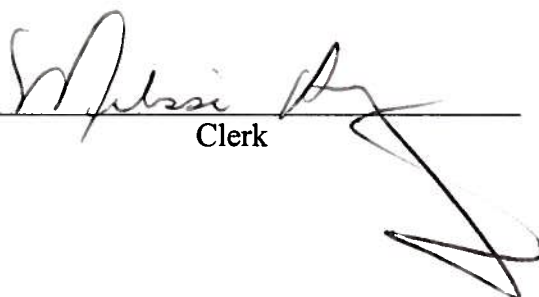
The Concept Plan is attached hereto as Exhibit C, and the Program Statement is attached hereto as Exhibit D.

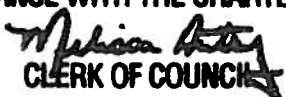
Section 3. That any and all concept plans and development program statements approved in connection with Planned Development District (PD) #36 are hereby superseded in their entirety by the Concept Plan and Program Statement. Notwithstanding the foregoing, if the Concept Plan and Program Statement lapse in accordance with Cincinnati Municipal Code Chapter 1429, or are otherwise withdrawn, the Property's zoning shall either (a) revert to Planned Development District (PD) #36, and the concept plan and development program statement approved in connection therewith shall be reinstated for a period of two (2) years from the date of the lapse or withdrawal, or (b) revert to a zoning district designation acceptable to the City Planning Commission and consistent with the Oakley North Urban Renewal Plan adopted on June 27, 2001, as amended.

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

Passed: May 11, 2011

  
\_\_\_\_\_  
Mayor

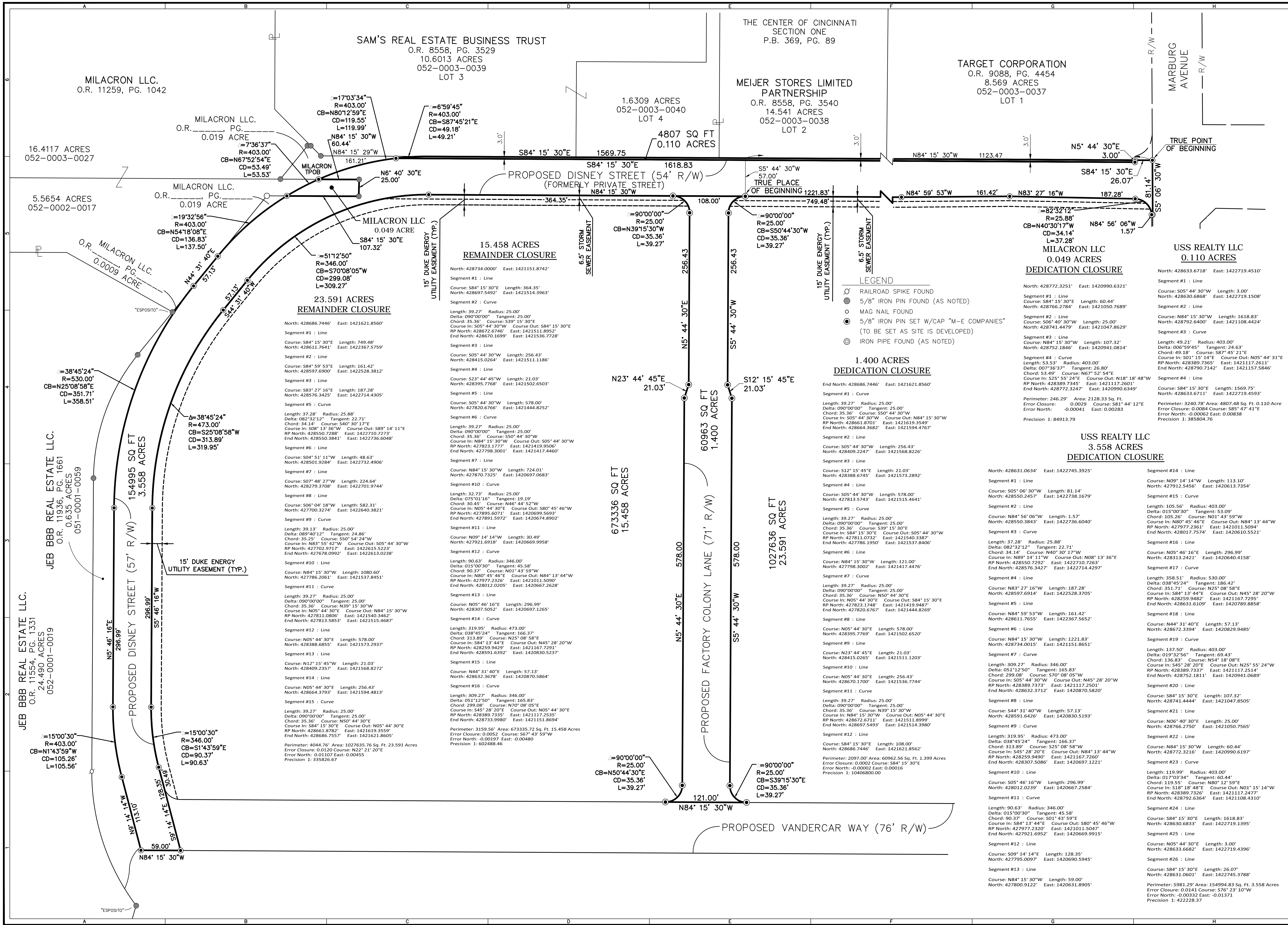
Attest:   
\_\_\_\_\_  
Clerk

I HEREBY CERTIFY THAT ORDINANCE No. 147-2011  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 5-24-2011  
  
CLERK OF COUNCIL









GRAPHIC SCALE  
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(IN FEET)  
1 inch = 60 ft.

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23 Triangle Park Drive, Suite 2300  
Cincinnati, OH 45246  
Contact: Nicholas Reed  
513-942-3141 ext. 240  
Fax: 513-881-2263  
www.mecompanies.com

SECTION 28, TOWN 4 FRACTIONAL RANGE 2,  
MIAMI PURCHASE, CITY OF CINCINNATI,  
COUNTY OF HAMILTON, OHIO

DEDICATION PLAT  
PART OF A 72.331 ACRE CONSOLIDATION PLAT  
PLAT BOOK 432, PAGE 97

SECTION 28, TOWN 4 FRACTIONAL RANGE 2,  
MIAMI PURCHASE, CITY OF CINCINNATI,  
COUNTY OF HAMILTON, OHIO

FIELD	DRAFT	CHECK
TS	NR	PF

M/E NO.: 11-085

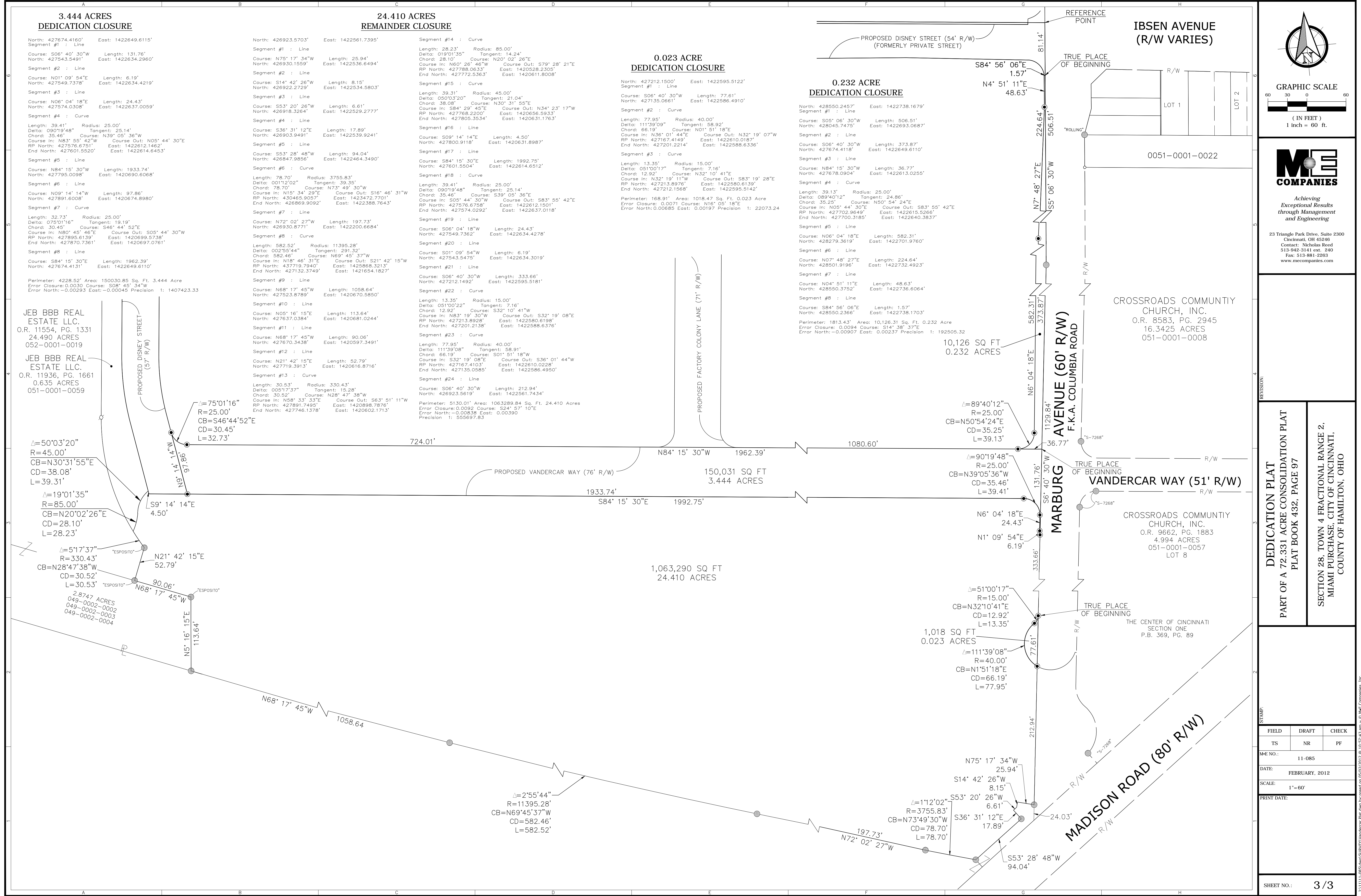
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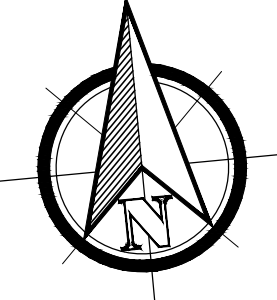
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PRINT DATE:

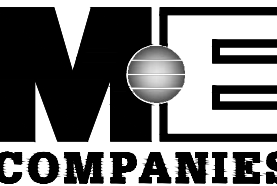
SHEET NO.: 2/3

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GRAPHIC SCALE  
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(IN FEET)  
1 inch = 60 ft.



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DEDICATION PLAT  
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PLAT BOOK 432, PAGE 97

SECTION 28, TOWN 4 FRACTIONAL RANGE 2,  
MIAMI PURCHASE, CITY OF CINCINNATI,  
COUNTY OF HAMILTON, OHIO

STAMP:

FIELD	DRAFT	CHECK
TS	NR	PF

ME NO.: 11-085

DATE: FEBRUARY, 2012

SCALE: 1"=60'

PRINT DATE:

SHEET NO.: 3/3

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508

## Exhibit E

### Urbancsik, Jesse

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**From:** Urbancsik, Jesse  
**Sent:** Monday, September 20, 2021 12:01 PM  
**To:** Jim Obert  
**Subject:** RE: [External Email] RE: Zone Change Clean Up along Disney St and Jared Ellis Dr

Jim,

Thanks for getting back to me. You are correct, none of this will affect Graphite Oakley!

Please do not hesitate to reach out to me if you have any more questions.

Thank you and have a great day.

#### Jesse Urbancsik | City Planner

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202

[jesse.urbancsik@cincinnati-oh.gov](mailto:jesse.urbancsik@cincinnati-oh.gov)

513-352-4843 | [Facebook](#) | [Twitter](#) | [Website](#) | [Plan Cincinnati](#)



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**From:** Jim Obert <jimo@hillsinc.com>  
**Sent:** Monday, September 20, 2021 11:43 AM  
**To:** Urbancsik, Jesse <jesse.urbancsik@cincinnati-oh.gov>  
**Subject:** [External Email] RE: Zone Change Clean Up along Disney St and Jared Ellis Dr

#### External Email Communication

Jesse – this appears to be pretty clear but can you confirm none of the Graphite Oakley property is affected by the requested re-zoning? Your maps do not include a metes and bounds description nor a plat reference. I've attached the platting documentation related to our property to this email.

*Jim Obert*

VP of Planning, Zoning & Development

**HILLS**  
**PROPERTIES**

4901 Hunt Road, Suite 300

Cincinnati, Ohio 45242

c. 513-477-7003

o. 513-618-7721

[jimo@hillsinc.com](mailto:jimo@hillsinc.com)

[www.hillsproperties.com](http://www.hillsproperties.com)





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**From:** Urbancsik, Jesse <[jesse.urbancsik@cincinnati-oh.gov](mailto:jesse.urbancsik@cincinnati-oh.gov)>  
**Sent:** Wednesday, September 15, 2021 2:32 PM  
**To:** Jim Obert <[jimo@hillsinc.com](mailto:jimo@hillsinc.com)>  
**Subject:** Zone Change Clean Up along Disney St and Jared Ellis Dr

Good afternoon Jim,

I hope that you are doing well.

I'm Jesse Urbancsik, with the Department of City Planning & Engagement for the City of Cincinnati.

I wanted to make you aware of a City-initiated zone change 'cleanup' that is going to occur shortly near the Oakley Station development. There are four small portions of property located along Disney Street and Jared Ellis Drive that are requesting to change the zoning districts to adjust the zoning lines to match existing property boundaries. The zoning districts lined up with the property lines PD-64 (Oakley Station) was created in 2011. Since then, inconsistencies were created due to property reconfiguration for the development of Oakley Station including the installation of Disney Street as a public street. I have attached a map that displays all of this.

We are basically considering this a 'cleanup' because there is a future development on the site located to the west of Disney St and south of Jared Ellis Dr who wants to make the entire property the same zone (CG-A). Our department felt it was necessary to adjust the changes to the north of Disney St as well to make it consistent.

I'd be happy to jump on a call if you have any questions!

Thank you very much and have a great day.

**Jesse Urbancsik | City Planner**

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202

[jesse.urbancsik@cincinnati-oh.gov](mailto:jesse.urbancsik@cincinnati-oh.gov)

513-352-4843 | [Facebook](#) | [Twitter](#) | [Website](#) | [Plan Cincinnati](#)





## Urbancsik, Jesse

---

**From:** Steve Dragon <sdragon@vanhold.com>  
**Sent:** Wednesday, September 15, 2021 3:00 PM  
**To:** Urbancsik, Jesse  
**Subject:** [External Email] RE: Zone Change Clean Up along Disney St and Jared Ellis Dr

### External Email Communication

Thank you, Jesse. I do not have any objection to the proposed changes.

Steve

Steven N. Dragon, P.E.

**VANDERCAR**

5027 Madison Road  
Suite 200  
Cincinnati, OH 45227  
(513) 272-1700 ext. 5  
(513) 600-7370 mobile

---

**From:** Urbancsik, Jesse <jesse.urbancsik@cincinnati-oh.gov>  
**Sent:** Tuesday, September 14, 2021 3:24 PM  
**To:** Steve Dragon <sdragon@vanhold.com>  
**Subject:** Zone Change Clean Up along Disney St and Jared Ellis Dr

Good afternoon Steve,

I hope that you are doing well.

I'm Jesse Urbancsik, with the Department of City Planning & Engagement for the City of Cincinnati. I have taken over for Steve Briggs in multiple facets of our department.

I wanted to make you aware of a City-initiated zone change 'cleanup' that is going to occur shortly near the Oakley Station development. There are four small portions of property located along Disney Street and Jared Ellis Drive that are requesting to change the zoning districts to adjust the zoning lines to match existing property boundaries. The zoning districts lined up with the property lines PD-64 (Oakley Station) was created in 2011. Since then, inconsistencies were created due to property reconfiguration for the development of Oakley Station including the installation of Disney Street as a public street. I have attached a map that displays all of this.

We are basically considering this a 'cleanup' because there is a future development on the site located to the west of Disney St and south of Jared Ellis Dr who wants to make the entire property the same zone (CG-A). Our department felt it was necessary to adjust the changes to the north of Disney St as well to make it consistent.

I'd be happy to jump on a call if you have any questions!

Thank you very much and have a great day.

**Jesse Urbancsik | City Planner**

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
[jesse.urbanicsik@cincinnati-oh.gov](mailto:jesse.urbanicsik@cincinnati-oh.gov)  
513-352-4843 | [Facebook](#) | [Twitter](#) | [Website](#) | [Plan Cincinnati](#)



BALTIMORE & OHIO RAILROADCOMPANY  
500 WATER ST  
JACKSONVILLE FL 32202

GRAPHITE OAKLEY LLC  
4901 HUNT RDSUITE 300  
CINCINNATI OH 45242

LEWIS & WILLIAMS LTD  
4433 VERNE AVE  
CINCINNATI OH 45209

LOCAL OAKLEY LLC  
7755 MONTGOMERY RDSTE 190  
CINCINNATI OH 45236

MILACRON LLC  
ONE BATESVILLE BLVD  
BATESVILLE IN 47006

NET LEASE REALTY I INC  
450 S ORANGE AVE#900  
ORLANDO FL 32801

PS MID WEST TWO BSS CINCINNATI LLC  
701 WESTERN AVE  
GLENDALE CA 91201

STORE MASTER FUNDING III LLC  
8377 E HARTFORD DR#100  
SCOTTSDALE AZ 85255

THREE OAKS SINGLE FAMILY LLC  
2135 DANA AVESUITE 200  
CINCINNATI OH 45207

USS REALTY LLC  
9900 SPRINGBORO PIKE#2000  
MIAMISBURG OH 45342

OAKLEY COMMUNITY COUNCIL  
P.O. BOX 9244  
CINCINNATI OH 45209

October 13, 2021

Cincinnati City Council  
Council Chambers, City Hall  
Cincinnati, Ohio 45202



Dear Members of Council:

We are transmitting herewith an Emergency Ordinance captioned as follows:

**AMENDING the official zoning map of the City of Cincinnati to align the boundaries of certain portions of the CG-A, "Commercial General Auto-Oriented," zoning district and Planned Development District No. 64, "Oakley Station," in the Oakley neighborhood with the curvature of Disney Street and its intersection with Jared Ellis Drive.**

**Summary:**

Ordinance 147-2011 was approved by Cincinnati City Council to change the zoning of the former Milacron site to PD-64: Oakley Station (Exhibit C). The zoning district boundaries at that time were drawn to the property lines of the parcel. The western edge of the parcel contained the former Forrer Street, which was a private drive located on the property before Oakley Station was developed. Disney Street was installed to the east of Forrer Street once the development was completed and is now a public street. A small sliver of PD-64 remains west of Disney Street, which has since been transferred to adjoining property owners outside of PD-64 as the property is not needed for Oakley Station. Those property owners would like to have consistent zoning throughout their property for future redevelopment efforts.

The City of Cincinnati is requesting zone changes on four (4) small slivers of property; three (3) zoned PD-64 (Planned Development #64: Oakley Station) are being requested to change to CG-A and one (1) zoned CG-A is being requested to change to PD-64. The four small portions located along Disney Street and Jared Ellis Drive are being requested to change zoning districts to adjust the zoning lines to match existing property boundaries. The property owners for the portions of properties are the City of Cincinnati, Milacron LLC, Local Oakley LLC, and PS Mid West Two BSS Cincinnati LLC.

The reason for the emergency is the immediate need to ensure that properties adjacent to the areas to be rezoned are developed in a consistent manner.

The zone changes are consistent with both *The Oakley Master Plan* (2019) and *Plan Cincinnati* (2012).

Motion to Approve: Mr. Samad

Ayes:

Mr. Juech  
Mr. Smitherman  
Ms. McKinney  
Mr. Eby  
Mr. Stallworth  
Mr. Samad  
Ms. Sesler

Seconded: Ms. McKinney

THE CITY PLANNING COMMISSION

A handwritten signature in blue ink, appearing to read "Katherine Keough-Jurs".


Katherine Keough-Jurs, AICP, Director  
Department of City Planning and Engagement

KKJ: jmu

Encl.: Staff Report, Ordinance

October 13, 2021

To: Sheila Andrews, Office of the Clerk of Council

From: Katherine Keough-Jurs, AICP, Director, Department of City Planning and Engagement 

Copies to: Jesse Urbancsik, City Planner

Subject: **Emergency Ordinance – Zoning Clean Up – Oakley Station**

---

The above referenced Emergency Ordinance is ready to be scheduled for Committee. We are requesting that this item be scheduled for the next available the Economic Growth & Zoning Committee. This item requires a public hearing and notice in the City Bulletin 14 days before the public hearing.

Included in this submission are the following items:

- 1) The transmittal letter to the Economic Growth & Zoning Committee;
- 2) A copy of the Planning Commission staff report dated October 1, 2021;
- 3) The Ordinance to change the zoning for four portions of property in Oakley;
- 4) The mailing labels for notification of all property owners within 400 feet and the Oakley Community Council; and
- 5) A copy of the mailing labels for your records.

October 20, 2021

**To:** Mayor and Members of City Council

**From:** Paula Boggs Muething, City Manager

202102999

**Subject: Notwithstanding Ordinance – 4780 Winton Road**

---

Transmitted is a Notwithstanding Ordinance captioned:

AUTHORIZING the real property located at 4870 Winton Road in the Spring Grove Village neighborhood to be developed and used as a day care center NOTWITHSTANDING the use limitations contained chapter 1403, “Single-Family,” and Chapter 1405, “Residential Multi-Family,” of the Cincinnati Municipal Code and any other applicable zoning regulations that would restrict the property’s development and use as a day care center.

Summary

The applicant wishes to renovate the property at 4870 Winton Road and change the use from a two-family home to a day care center for 47 children. The site plan includes a two-story day care center, the expansion of the parking lot from four to eight spaces, and an outdoor play area. A day care center is not a permitted use in the SF-6 single-family zoning district or the adjacent RM-2.0 residential multi-family zoning district to the north but is permitted in the adjacent MA (Manufacturing Agricultural) zoning district across Winton Road to the west.

The applicant originally requested a zone change to MA, but the access drive to the property crosses property containing Winton Wood Apartments through an access easement, zoned RM-2.0, which does not allow a day care center use and would require a Use Variance from the Zoning Hearing Examiner. The MA zoning also requires a 35-foot bufferyard along residential property, which would require additional relief for the proposed parking lot. The MA zoning district also allows higher intensity uses beyond a day care center, which was a concern from the Spring Grove Village Community Council (SGVCC) and surrounding property owners.

Based on the relief that would be required to move the project forward in addition to a zone change to MA, along with feedback given by Spring Grove Village neighborhood leaders and surrounding property owners, the applicant amended their request to a Notwithstanding Ordinance (NWO) to allow for the construction and use of a day care center in the SF-6 zoning district, which addresses neighborhood concerns and removes the necessity for variances. The SGVCC supports the proposed Notwithstanding Ordinance.

The NWO is consistent with the criteria of Cincinnati Municipal Code Section 111-5 and is consistent with *Plan Cincinnati* (2012).

The Administration recommends Approval of this Notwithstanding Ordinance.

cc: Katherine Keough-Jurs, AICP, Director  
Department of City Planning and Engagement

**AUTHORIZING** the real property located at 4870 Winton Road in the Spring Grove Village neighborhood to be developed and used as a day care center NOTWITHSTANDING the use limitations contained Chapter 1403, “Single-Family,” and Chapter 1405, “Residential Multi-Family,” of the Cincinnati Municipal Code and any other applicable zoning regulations that would restrict the property’s development and use as a day care center.

WHEREAS, Kevin and Melonie Longino (“Owners”) own the real property located at 4870 Winton Road in the Spring Grove Village neighborhood (“Property”), which property is located in the SF-6, “Single-Family,” zoning district and consists of one parcel containing an existing vacant residential structure; and

WHEREAS, the Property is accessed via an access easement through a separate parcel to the north, which contains the Winton Woods Apartments complex and is located in the RM-2.0 “Residential Multi-Family,” zoning district; and

WHEREAS, Hampton Architects, LLC (“Petitioner”), on behalf of the Owners, now seeks to develop the property for use as a day care center serving up to forty-seven children, including by renovating the existing building on the Property, expanding the existing parking lot from four to eight parking spaces, and constructing an outdoor play area (“Project”); and

WHEREAS, the Project is compatible with the surrounding residential land use in the area, would return a vacant residential building to productive use, and would provide a necessary service for the surrounding community and the adjacent Winton Woods Apartments complex; and

WHEREAS, the Petitioner has requested authorization to complete the Project notwithstanding certain zoning code provisions that would otherwise prevent the Property’s use as a day care center; and

WHEREAS, reasonable deviations from zoning code provisions that would otherwise prevent the Property’s use as a day care center will provide substantial public benefits by significantly increasing the availability of child care services for the surrounding residential area; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on October 15, 2021, upon considering the factors set forth in Cincinnati Municipal Code (“CMC”) Section 111-5, recommended the adoption of a notwithstanding ordinance authorizing the Project subject to certain conditions; and

WHEREAS, a legislative variance authorizing the Project is consistent with *Plan Cincinnati* (2012), specifically the goal to “[g]row our own by focusing on retention, expansion,

and relocation of existing businesses” (page 81) and the Action Step to “[i]mprove early childhood education programs” (page 106); and

WHEREAS, the Council finds that the Project will preserve the quality and character of the neighborhood by improving and rehabilitating an existing building that will fit within the context of Winton Road and the Spring Grove Village neighborhood; and

WHEREAS, the Council additionally finds that permitting the Project will not have an adverse effect on the character of the area or the public health, safety, and welfare, and the Project is 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, following its own independent review and consideration, the City Council incorporates the foregoing recitals as if fully rewritten herein, and it hereby confirms that the legislative variance criteria set forth in Section 111-5 of the Cincinnati Municipal Code are satisfied in all respects.

Section 2. That the Council specifically finds that a legislative variance authorizing the development and use of the property located at 4870 Winton Road in the Spring Grove Village neighborhood (including the area contained with the access easement that benefits the property) as a day care center (“Project”), which property is depicted on the map attached hereto as Exhibit A and incorporated herein by reference, will not have an adverse effect on the character of the surrounding area or the public's health, safety, and general welfare and that it is consistent with the purposes of the Cincinnati Municipal Code and the zoning districts within which the property is located.

Section 3. That the Council authorizes the construction of the Project and its use as a day care center, subject to the terms and conditions set forth in this ordinance. This authorization is granted notwithstanding the use limitations contained in Chapter 1403, “Single-Family,” and Chapter 1405 “Residential Multi-Family,” of the Cincinnati Municipal Code, and any other



applicable zoning regulations that would restrict the construction of the Project and its use as a day care center.

Section 4. That the Council authorizes the construction of the Project and its use as a day care center subject to the following conditions:

- a. That the Project must be constructed and used per the approved site plan attached hereto as Exhibit B.
- b. That the capacity of the day care facility shall not exceed forty-seven children.
- c. That this ordinance does not provide a variance from any other laws of the City of Cincinnati, and the property shall remain subject to all other provisions of the Cincinnati Municipal Code and the SF-6, "Single-Family," and RM-2.0 "Residential Multi-Family," zoning districts.
- d. That the use of the property shall not be considered a nonconforming use of land by virtue of this ordinance.

Section 5. That the City Manager and the appropriate City officials are authorized to take all necessary and proper actions to implement this ordinance, including by issuing building permits and related approvals provided they conform to applicable building codes, housing codes, accessibility laws, or other laws, rules, or regulations.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

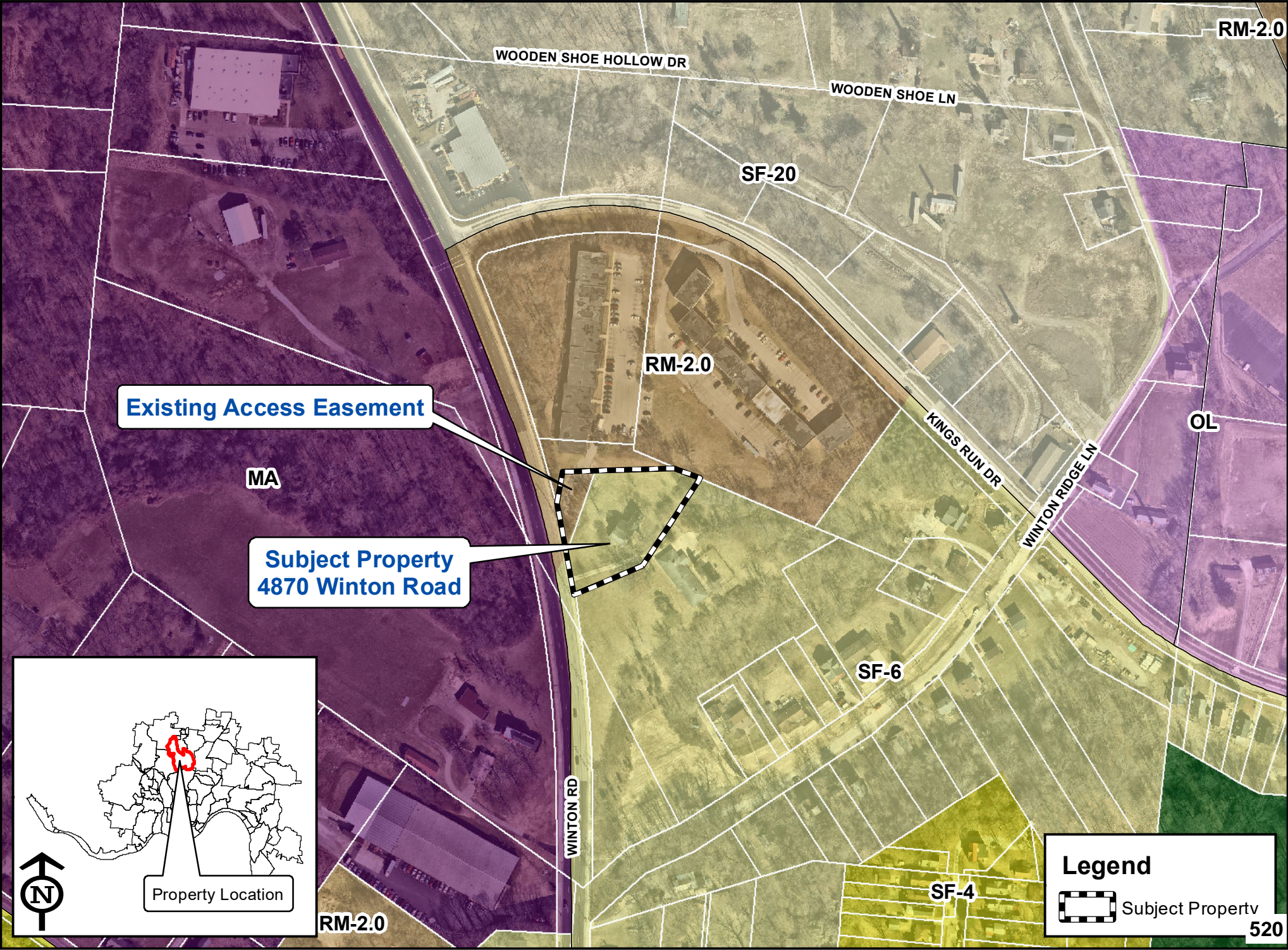
Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

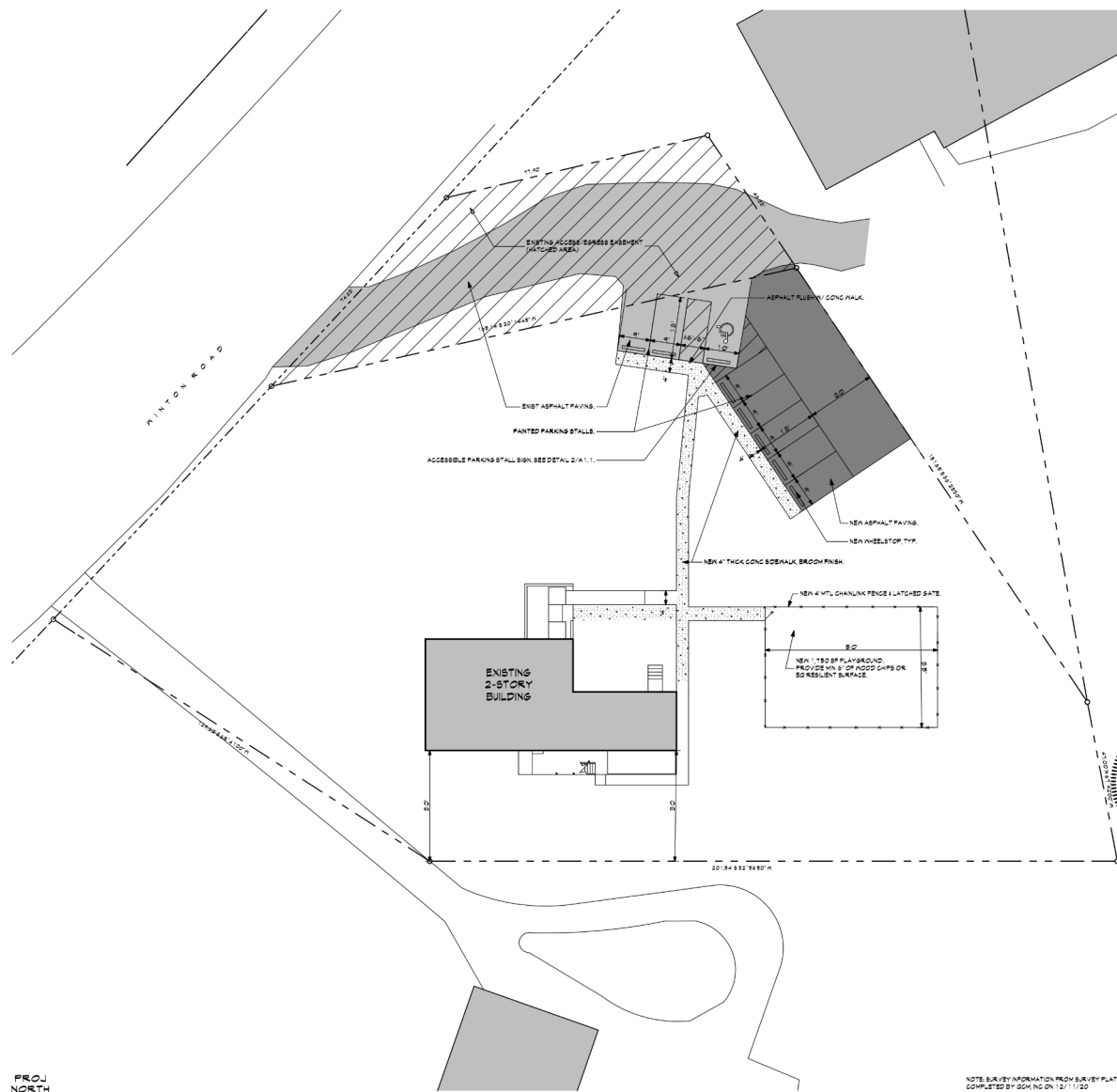
Attest: \_\_\_\_\_  
Clerk



Ex.A: Proposed Notwithstanding Ordinance at 4870 Winton Road in Spring Grove Village







NOTE: SURVEY INFORMATION FROM SURVEY PLAT  
COMPLETED BY GCM, INC. ON 12/11/20

SITE  
PLAN

REV.	DRAWING NO.
0	A1.1

110 EAST McMICKEN AVENUE  
CINCINNATI, OHIO 45202  
(513) 784-0352  
STEVE@HAMPTONARCHITECTS.COM  
**HAMPTON ARCHITECTS, LLC**

CHILD CARE CENTER  
**RENOVATIONS**  
4870 WINTON ROAD  
CINCINNATI, OHIO 45232

[illegible]

ALL DRAWINGS AND EXHIBITS MADE  
APPEARING HEREIN CONSTITUTE THE  
ORIGINAL AND UNPUBLISHED WORK  
OF THE ARCHITECT, AND THE SAME  
SHALL NOT BE REPRODUCED, COPIED,  
OR DISSEMINATED IN ANY MANNER  
WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.  
THE ARCHITECT'S LIABILITY FOR CON-  
SEQUENCES OF THE USE OF ANY  
DOCUMENT SHALL BE LIMITED TO  
ACCORDANCE WITH THE TERMS AND  
CONDITIONS OF THE AGREEMENT  
UNLESS OTHERWISE SPECIFIED  
HEREIN. THE ARCHITECT ASSUMES  
NO LIABILITY FOR THE ACTIONS OF  
UNAUTHORIZED USERS OF THIS DOCUMENT.

PROJECT NO. **2002**  
DRAWN BY **ST**  
CHECKED BY **ST**  
DATE **09/24/2002**  
SCALE **AS NOTED**  
DRAWING TITLE

Honorable City Planning Commission  
Cincinnati, Ohio

CPC ITEM # 9  
October 15, 2021

**SUBJECT:** A report and recommendation on a proposed Notwithstanding Ordinance permitting the construction and use of a day care center at 4870 Winton Road in Spring Grove Village.

**GENERAL INFORMATION:**

**Location:** 4870 Winton Road  
Cincinnati OH 45232

**Petitioner:** Steve Hampton, Hampton Architects, LLC  
110 East McMicken Avenue  
Cincinnati, OH 45202

**Owner:** Kevin & Melonie Longino  
4840 Winton Road  
Cincinnati OH 45232

**EXHIBITS:**

Provided in addition to this report are the following exhibits:

- Exhibit A Location Map
- Exhibit B Zone Change Application
- Exhibit C Letter requesting a Notwithstanding Ordinance
- Exhibit D Site Plan
- Exhibit E Site Plan with 35" Buffer
- Exhibit F Floor Plans
- Exhibit G Coordinated Site Review Letter

**BACKGROUND:**

Kevin and Melonie Longino are the property owners of a vacant two-family home at 4870 Winton Road next to their primary residence at 4840 Winton Road. The property is zoned SF-6 (Single-family) and currently contains a four-space parking lot serving the building and is accessed via an access easement through a separate parcel to the north containing Winton Woods Apartments, zoned RM-2.0 (Residential Multi-family).

The applicant is proposing to renovate the property at 4870 Winton Road and change the use from a two-family home to a day care center for 47 children. The site plan (Exhibit D) includes a two-story day care center, the expansion of the parking lot from four to eight spaces, and an outdoor play area. A day care center is not a permitted use in the SF-6 zoning district or the adjacent RM-2.0 zoning district to the north but is permitted in the adjacent MA (Manufacturing Agricultural) zoning district across Winton Road to the west.

The applicant originally requested a zone change from SF-6 to MA (Exhibit B) to allow for the use. Although a zone change to MA would allow the use of a day care center, the proposal would have also required significant variances to the existing standards of the MA zoning district, complicated further by the access via a shared easement through a separate parcel containing Winton Woods Apartments, which is zoned RM-2.0. The RM-2.0 zoning does not allow the proposed day care use. Section 1441-09(b) of the Cincinnati Zoning Code states that building permits or Certificates of Occupancy cannot be issued for a use that requires access across a zoning district which prohibits the use. Another issue with the initial zone

change request was that there would be a required 35-foot buffer yard where the MA zoning district abuts residential zoning districts, which in this case would be to the north, east, and south of the subject property. The site plan for the project shows the entire parking lot serving the proposed day care center within the buffer yard, which does not allow surface parking (Exhibit E). Both variances would be difficult for City staff to support as these hardships for relief are created by the applicant.

The MA zoning district also allows higher intensity uses beyond a day care center, such as public safety facilities (as a conditional use), food preparation, maintenance and repair services, wholesaling and distribution, limited production, and animal keeping, farms, and gardens.

Based on the relief that would be required to move the project forward in addition to a zone change to MA, along with feedback given by Spring Grove Village neighborhood leaders and surrounding property owners, the applicant amended their request to a Notwithstanding Ordinance (NWO) to allow for the construction and use of a day care center only, which addresses neighborhood concerns and removes the necessity for variances.

#### **PROPOSED NOTWITHSTANDING ORDINANCE:**

The applicant requests an NWO (Exhibit C) at 4870 Winton Road and the adjoining access easement over the driveway to the property on Winton Woods Apartments property to permit the use of a day care center. Doing so would allow the use on both the property and the access easement and would remove the need for additional zoning relief that would be required if the zoning was changed to MA.

Surrounding property owners and Spring Grove Village Community Council stated their support for a day care center in this location, but shared concerns of other potential uses that are permitted in the MA zoning district should the day care center cease to operate.

This request for a NWO will allow the applicant to open a day care center in this location while limiting any future potential incompatible uses on the property.

#### **PUBLIC COMMENT:**

The Department of City Planning and Engagement held a Virtual Public Staff Conference on the requested zoning change on September 14, 2021. Notice was sent to all property owners within a 400-foot radius of the subject property along with the Spring Grove Village Community Council. Besides City staff, seven people attended the meeting, including the applicant team.

The tone of the meeting was generally supportive of a day care center on this property, but concerns were brought up based on what other uses are permitted in the MA zoning district should the day care operation cease to exist in the future. Several attendees spoke to the issue of traffic and speeding along Winton Road, along with the challenge of making a left turn into the site. Some suggestions were to extend the school zone speed limit to include this property, create a dedicated turn lane for the property, time traffic lights, and potentially install speed cushions on Winton Road. Those concerns have been forwarded to the City's Department of Transportation & Engineering (DOTE). One attendee shared concerns about the potential of additional water runoff from the property.

During the Public Staff Conference, the idea of a Notwithstanding Ordinance to allow the day care center was brought up. It was explained that a NWO would allow the applicant the ability to obtain approval for the project without also needing variances and would give Spring Grove Village certainty that this property will only be able to be used as a day care center or single-family home. Both the applicant team and community members believed that a NWO would be the best course of action.

## ANALYSIS:

The Department of City Planning and Engagement has consistently taken a position to not support any NWOs because they do not comply with the Cincinnati Zoning Code that the department is charged with developing and enforcing. However, Cincinnati Municipal Code Section 111-5 establishes a list of factors by which a City Council committee may consider a notwithstanding ordinance application. As such, the City Planning Commission shall consider the following when making a recommendation on notwithstanding ordinances to City Council:

- 1) Whether the proposed application will not have an adverse effect on the character of the area or the public health, safety and welfare;

*The proposed development was reviewed through the Coordinated Site Review (CSR) process as CPRE210047 (Exhibit G) as a zone change application to the adjacent Manufacturing Agriculture (MA), as the existing zoning does not permit a day care center. The City Administration, Spring Grove Village Community Council, and adjoining property owners do not have objections to a day care center in this location. It is consistent with the surrounding area and will not adversely impact surrounding properties.*

- 2) Whether the proposed application is consistent with the purposes of this code and the zoning district where the subject property is located including but not limited to:

- (a) Providing a guide for the physical development of the city.

*The proposed Notwithstanding Ordinance would permit the renovation of an existing structure. The proposed day care center would activate an underutilized space. It does not create any new curb cuts and the proposed parking lot is adjacent to the existing parking lot for the property and Winton Woods Apartments. The front of the existing building faces away from Winton Road, so the building form should not change.*

- (b) Preserving the character and quality of residential neighborhoods.

*The proposed Notwithstanding Ordinance would provide a necessary service to the surrounding residential land uses, including a 149-unit apartment complex that shares access with the property.*

- (c) Fostering convenient, harmonious and workable relationships among land uses.

*The predominant land use surrounding the subject properties is residential, with Winton Woods Apartments to the north and single-family to the east, west, and south. The proposed day care center is compatible with the residential nature of the area and will provide a needed service to the neighborhood. It will also bring a vacant residential building back to a productive use.*

- (d) Achieving the arrangement of land uses described in the comprehensive plan for the development of the city as may have been adopted by council.

*The proposed Notwithstanding Ordinance is consistent with Plan Cincinnati (2012) (see "Consistency with Plans" for further analysis).*

- (e) Promoting the economic stability of existing land uses and protecting them from intrusions by inharmonious or harmful land uses.

*The original proposal of a zone change to MA could potentially destabilize the*

*existing land uses on the east side of Winton Road based on the potential land uses permitted in the MA zoning district should day care operations cease. Allowing a day care use on this property along with the access easement over the access drive to the north of the property would ensure that the future use of this property will remain a day care center or a single-family home.*

- (f) Providing opportunities for economic development and new housing for all segments of the community.

*The proposed Notwithstanding Ordinance would permit a new day care center with capacity for 47 children. Renovating the building into a day care center will provide an additional service to the surrounding neighborhood, including the 149-unit Winton Woods Apartments, which shares an access drive through an easement with the subject property.*

- (g) Creating pedestrian-friendly environments to reduce reliance on the automobile for travel.

*The subject properties are located along Winton Road, a busy, four-lane arterial street that is a major north-south route through the City. There are sidewalks on both sides of the street, and the property is located less than a quarter mile from the main residential area of Spring Grove Village. Additionally, it is along a bus route and immediately adjacent to a bus stop.*

- (h) Preventing excessive population densities and overcrowding of land or buildings.

*The proposed Notwithstanding Ordinance would permit a day care use for 47 children. It will not increase population density. Instead, it will serve the existing residents of Spring Grove Village and surrounding neighborhoods.*

- (i) Ensuring the provision of adequate open space for light, air and fire safety.

*The proposed Notwithstanding Ordinance does not provide a variance from any other laws of the City of Cincinnati. The owner would need to abide by the building code and fire regulations outlined in the Cincinnati Municipal Code. The proposed development was reviewed by all permitting agencies during the Coordinated Site Review process and there were no concerns regarding access to the property (Exhibit G).*

- (j) Ensuring that development is compatible with the environment, particularly on the hillsides and along the riverfront.

*The subject property is not located within a Hillside Overlay District or a flood plain.*

- (k) Promoting the conservation, protection, restoration and enhancement of the historic resources of the city.

*The subject property is not located within a historic district.*

- (l) Lessening congestion in the public streets by providing for off-street parking and loading areas for commercial vehicles.

*According to Sec. 1425-19-A of the Cincinnati Zoning Code, a total of eight parking spaces (two for the facility and one for every eight clients) are required. The proposal provides eight parking spaces. At the public staff conference, there was concern from Spring Grove Village about traffic on Winton Road and the proposal of turning left*

*into the property when driving southbound down the hill. Several suggestions were made, including re-timing traffic signals, extending the school zone to include this facility, or reducing the speed limit through this area. These suggestions were shared with the Department of Transportation and Engineering.*

- (m) Providing effective signage that is compatible with the surrounding urban environment.

*Proposed signage was not submitted as part of the application. However, a condition of the proposed Notwithstanding Ordinance is that the property shall remain subject to all other provisions of the Cincinnati Municipal Code, the SF-6, "Single-family," zoning district. This would include any signage regulations, which is a maximum of two sign faces of no more than 24 square feet each. The existing structure does not appear to have any signage beyond an address indicator.*

- (n) Setting standards by which a nonconforming use may continue to function and to provide for the adaptive reuse of nonconforming buildings.

*One of the recommended conditions, should the City Planning Commission approve the proposed Notwithstanding Ordinance, is that the use of the property at 4870 Winton Road should not be considered a nonconforming use.*

#### **COORDINATED SITE REVIEW:**

This project went through the City's Coordinated Site Review (CSR) process as CPRE210047 (Exhibit G). The most significant comments related to moving the project forward were from the Department of Buildings and Inspections – Zoning, which identified the zoning challenges of the SF-6 and MA zoning districts. Additionally, Stormwater Management Utility (SMU) will require a grading plan before a building permit is issued to ensure that the proposal will not increase stormwater runoff from the site, which was a concern brought up at the public staff conference.

#### **CONSISTENCY WITH PLAN CINCINNATI:**

The proposed day care center is consistent with the Compete Initiative Area of *Plan Cincinnati* (2012), specifically the goal to "Grow our own" by focusing on retention, expansion and relocation of existing businesses (page 104)," specifically a short-range Action Step under "Secure a trained and skilled workforce (page 106)," which specifically states to "Improve early childhood education programs." Increasing the capacity of existing day care availability by 47 children, especially in such proximity to a large apartment complex, will benefit both children and their parents.

#### **CONCLUSIONS:**

The Spring Grove Village community and surrounding property owners were supportive of a day care use on this site but expressed concerns about the potential of more intense future uses permitted in the proposed zoning district. Additionally, significant variances would be required for the day care center even upon approval of a zone change.

The proposed Notwithstanding Ordinance will cover both the property and the access easement to allow the applicant to open a day care center at 4870 Winton Road without the requirements of applying for additional relief from the Zoning Hearing Examiner.

The NWO will also give Spring Grove Village and surrounding property owners the certainty that this property will either be a day care center or a single-family home, and not a more intense use that could be permitted under the MA zoning district, especially if a zone change was approved and the requests for relief were denied by the Zoning Hearing Examiner.



The Department of City Planning and Engagement has consistently taken the position to not support any Notwithstanding Ordinances for land use decisions because they do not comply with the zoning laws that the department is charged with developing and enforcing. However, this particular situation is very unique. Section 111-5 of the Municipal Code suggests that a Notwithstanding Ordinance may be considered in a situation in which there are practical difficulties created by following existing legislative and administrative procedures. The Department of City Planning and Engagement researched and considered multiple administrative and legislative options that would allow a day care center on this site. Ultimately, there were no options that did not solve the issues of the site or create additional challenges. It could be argued that the proposed redevelopment of 4870 Winton Road as a day care is uniquely suitable for use of a Notwithstanding Ordinance, considering the factors listed in Section 111-5, as addressed in the *Analysis* section above.

**RECOMMENDATION:**

Typically, the Department of City Planning and Engagement has consistently taken the position to not support any Notwithstanding Ordinances for land use decisions because they do not comply with the zoning laws that the department is charged with developing and enforcing. In this unique instance however, the staff of the Department of City Planning and Engagement recommends that the City Planning Commission take the following action:

**APPROVE** the Notwithstanding Ordinance permitting the construction and use of a day care center at 4870 Winton Road in Spring Grove Village with the following conditions:

- 1) The use of a day care facility on this property must be constructed per the approved site plan (Exhibit D).
- 2) The capacity of the day care facility will not exceed 47 children.
- 3) The Notwithstanding Ordinance does not provide a variance from any other laws of the City of Cincinnati, and the properties shall remain subject to all other provisions of the Cincinnati Municipal Code, the SF-6, "Single-family," zoning district or RM-2.0, "Residential Multi-Family," zoning district.
- 4) The use of 4870 Winton Road for a day care facility should not be considered a nonconforming use.

Respectfully submitted:



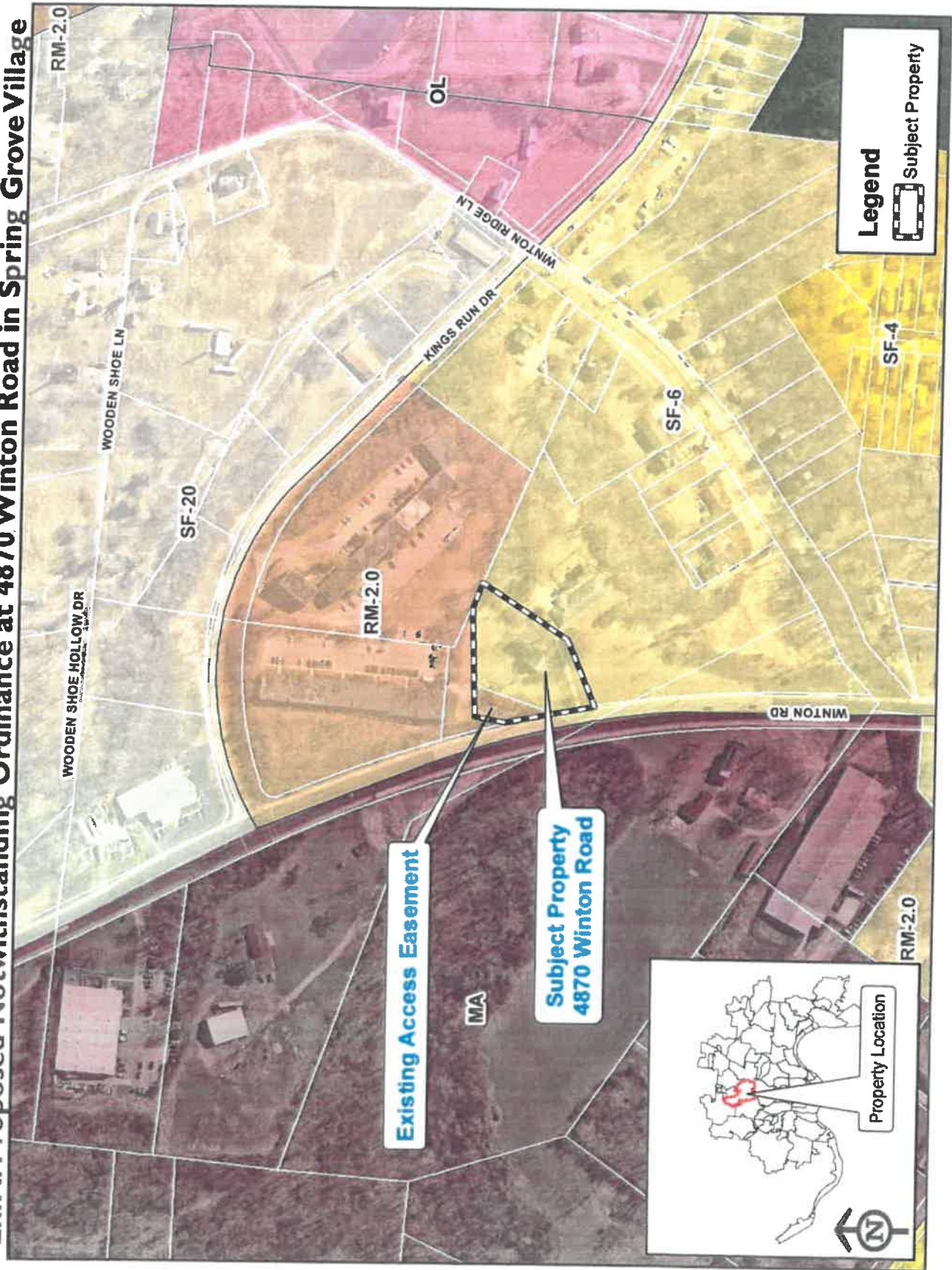
James Weaver, AICP, Senior City Planner  
Department of City Planning and Engagement

Approved:



Katherine Keough-Jurs, AICP, Director  
Department of City Planning and Engagement

Ex. A: Proposed Notwithstanding Ordinance at 4870 Winton Road in Spring Grove Village



**PETITION FOR CHANGE OF ZONING OF PROPERTY  
LOCATED IN THE CITY OF CINCINNATI, OHIO**

To: The Honorable Council of the City of Cincinnati

Date: 06/22/21

I hereby request your Honorable Body to amend the Zoning Map of the City of Cincinnati by changing the area described in the attached legal documentation and depicted on the attached plat from the SF-6 Zone District to the MA Zone District.

Location of Property (Street Address): 4870 WINTON ROAD CINCINNATI OHIO 45252

Area Contained in Property (Excluding Streets): 0.821 ACRES

Present Use of Property: SINGLE FAMILY DWELLING

Proposed Use of Property & Reason for Change: DAYCARE. THE PROPOSED USE IS NOT ALLOWED IN THE CURRENT ZONING

Property Owner's Signature: \_\_\_\_\_

Name Typed: KEVIN LONGINO & MELONIE KHALFANI-LONGINO

Address: 4850 WINTON RD CINCINNATI OH 45252 Phone: (513) 227-4221

Agent Signature: \_\_\_\_\_

Name Typed: STEVEN HAMPTON, ARCHITECT

Address: 110 E MCMICKEN AVENUE CINCINNATI OH 45202 Phone: (513) 484-2495

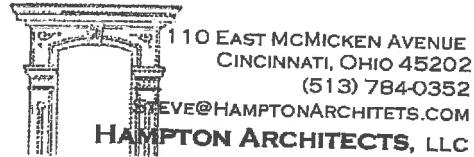
Please Check if the Following Items are Attached

Application Fee x

Copies of Plat x

Copies of Metes and Bounds x

Exhibit C



09/28/21

James Weaver  
City of Cincinnati  
Department of City Planning and Engagement  
Two Centennial Plaza  
805 Central Avenue, Suite 720  
Cincinnati, OH 45202

**RE: Notwithstanding Ordinance for 4870 Winton Road**

Mr. Weaver,

Per our discussion, this is a request for a Notwithstanding Ordinance for the property at 4870 Winton Road, Cincinnati Ohio 45232 to be allowed to be used as a "Day Care Center".

The existing structure on the property is a two-family dwelling, and the property is zoned SF-6. The owner wishes to establish a Day Care Center in the existing building. This use is not allowed in the current zone, and changing the zoning to be MA will require additional variances for buffer yards, location of parking, and use of the access easement on an adjoining property.

The project is supported by the community, who see a Day Care Center as a desirable and needed use for the neighborhood. It is also supported by the neighboring property owners.

The owner wishes to get as narrow of an approval as possible, and along with the community does not wish to see the zoning changed that would allow more incompatible uses at some future date.

The owner also does not want to go through the process of changing the zoning, only for the required variances to not be granted making the project infeasible.

The project will utilize the existing structure on the site with no additions, with a portion of the building in the required buffer yard. The existing parking in the required buffer yard will be expanded with an additional 4 spaces in the required buffer yard, minimizing the amount of new hardscape on the site. The site will continue to be accessed through the access easement on the adjoining property to the north, to remain zoned SF-6.

We feel a Notwithstanding Ordinance would allow the project to proceed in a manner that provides the neighborhood with a needed resource with limited impact while limiting any incompatible uses.

Please let me know if you have any questions or if you need any additional information.

Sincerely,

HAMPTON ARCHITECTS, LLC  
Steven T. Hampton, Director  
Architect, NCARB

**CHILD CARE CENTER  
RENOVATIONS**  
4970 WHITTON ROAD  
CINCINNATI, OHIO 45232



**HAPTON ARCHITECTS, LLC**  
110 EAST MCKENNA AVENUE  
CINCINNATI, OHIO 45202  
(513) 764-0202

**SITE PLAN**  
Scale: 1" = 30'-0"



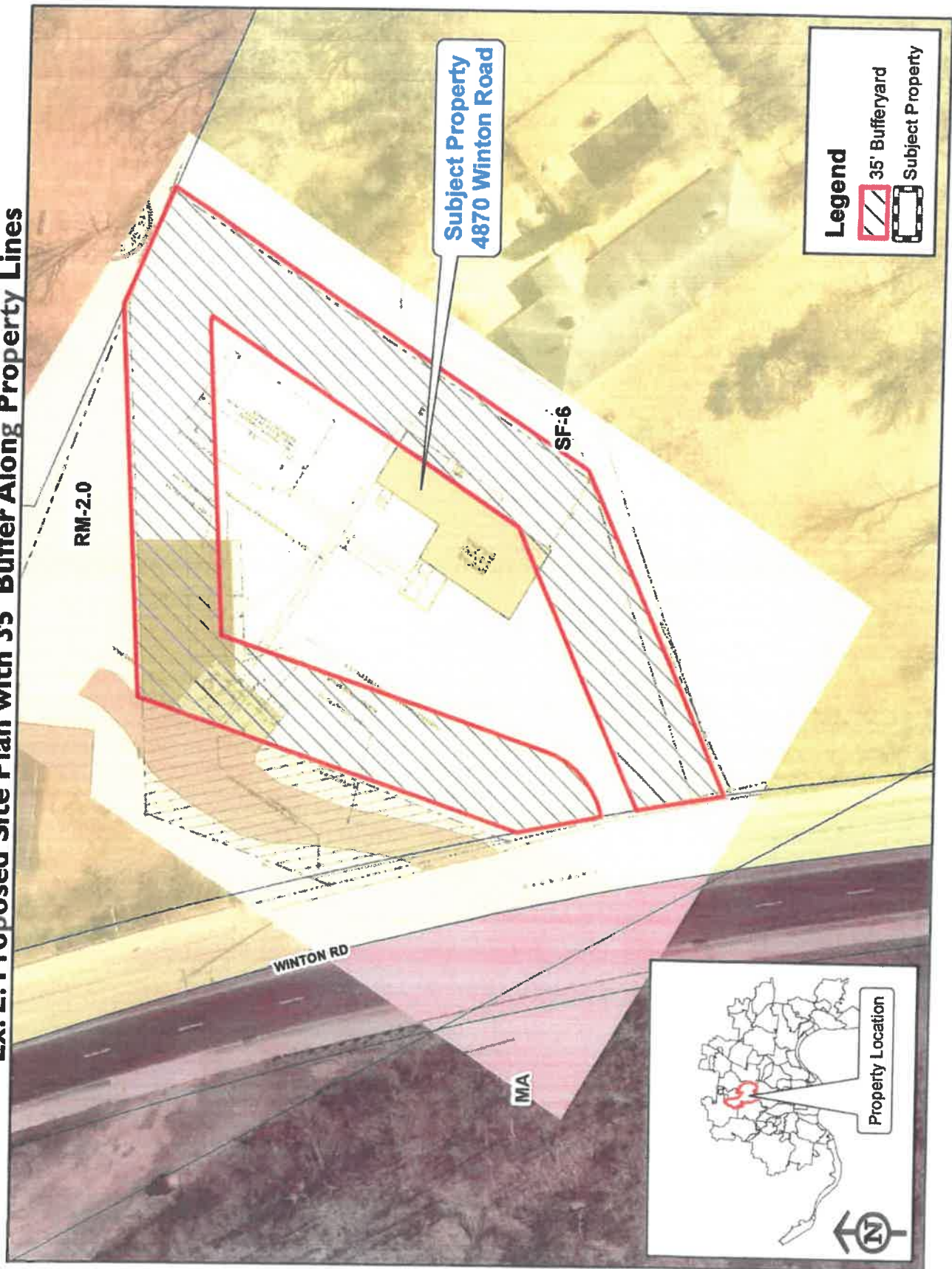
**SITE PLAN**  
Scale: 1" = 30'-0"

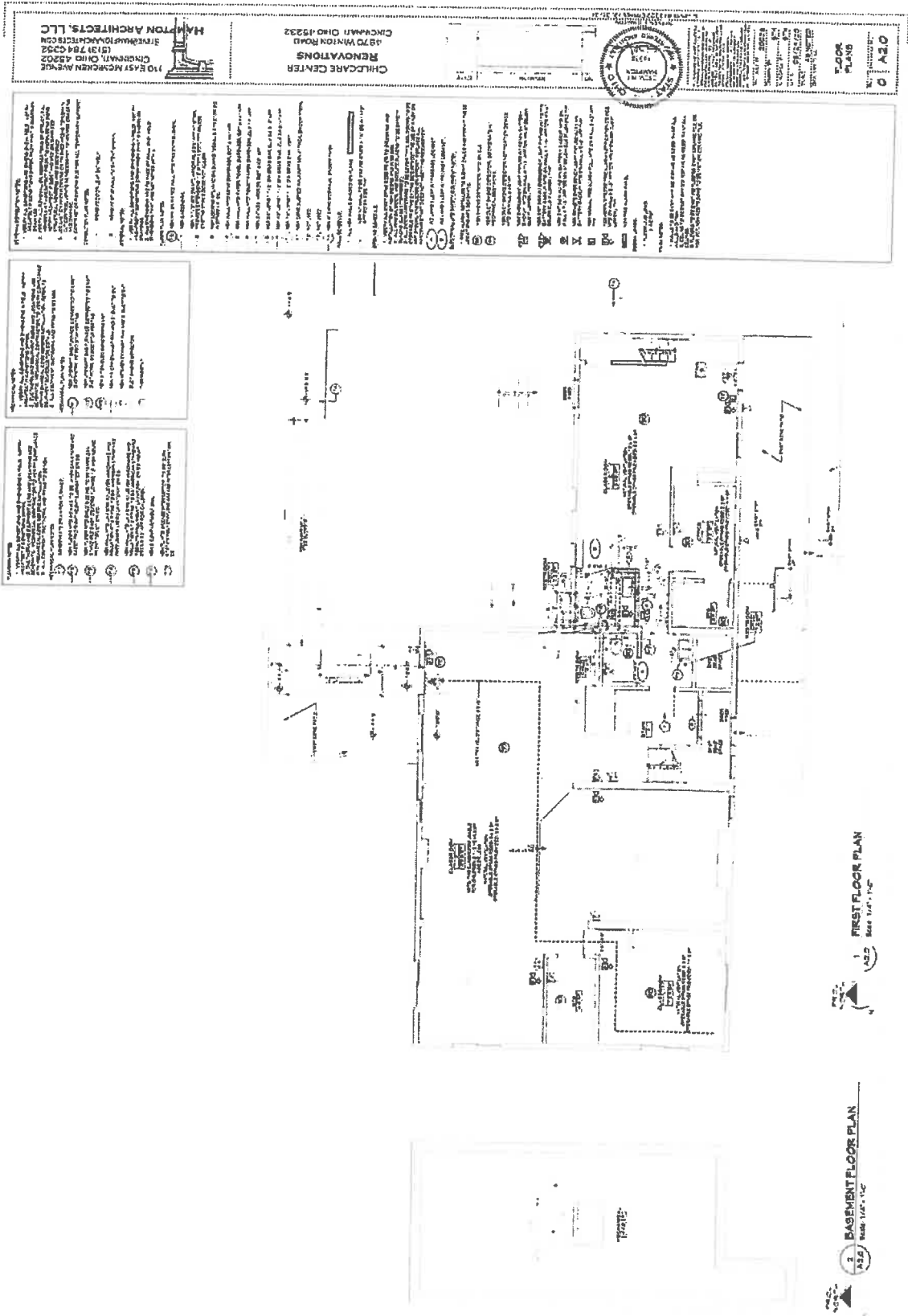


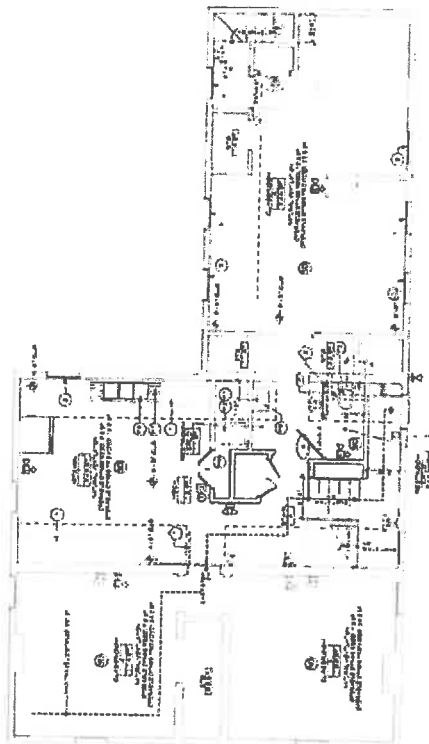
**DETAIL**  
Scale: 1" = 3'-0"



**Ex. E: Proposed Site Plan with 35' Buffer Along Property Lines**







1. **What is the purpose of the study?**  
 The purpose of the study is to determine the effect of the use of a computer program on the learning of the English language.

2. **What is the research question?**  
 The research question is: "What is the effect of the use of a computer program on the learning of the English language?"

3. **What is the hypothesis?**  
 The hypothesis is: "The use of a computer program will have a positive effect on the learning of the English language."

4. **What is the independent variable?**  
 The independent variable is the use of a computer program.

5. **What is the dependent variable?**  
 The dependent variable is the learning of the English language.

6. **What is the control group?**  
 The control group is the group of students who did not use the computer program.

7. **What is the experimental group?**  
 The experimental group is the group of students who used the computer program.

8. **What is the data collection method?**  
 The data collection method is a pre-test and post-test design.

9. **What is the data analysis method?**  
 The data analysis method is a t-test.

10. **What is the conclusion?**  
 The conclusion is that the use of a computer program has a positive effect on the learning of the English language.

[illegible]

1. ☐ **Mr. [Name]**  
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 70. ☐ **Mr. [Name]**  
 71. ☐ **Mr. [Name]**  
 72. ☐ **Mr. [Name]**  
 73. ☐ **Mr. [Name]**  
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 75. ☐ **Mr. [Name]**  
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 81. ☐ **Mr. [Name]**  
 82. ☐ **Mr. [Name]**  
 83. ☐ **Mr. [Name]**  
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 96. ☐ **Mr. [Name]**  
 97. ☐ **Mr. [Name]**  
 98. ☐ **Mr. [Name]**  
 99. ☐ **Mr. [Name]**  
 100. ☐ **Mr. [Name]**

110 EAST MCKENNA AVENUE  
CINCINNATI, OHIO 45202  
(513) 784-0352  
5137840352@HAPTONARCHITCTS.COM  
HAPTON ARCHITECTS, LLC

CHILD CARE CENTER  
RENOVATIONS  
4870 UNION ROAD  
CHICAGO, ILL 60632



FLOR  
FLANS





June 3, 2021

Mr. Steven Hampton  
Hampton Architects  
110 E. McMicken Avenue  
Cincinnati, Ohio 45202

Re: 4870 Winton Road | Day Care Center (D) – (CPRE210047) Final Recommendations

Dear Mr. Hampton,

This letter is to inform you that our CSR Advisory-TEAM and CSPRO Committee has reviewed your proposed project at 4870 Winton Road in the Community of Spring Grove Village. The information provided is the recommendations of the City of Cincinnati and must be followed as you move forward with your project. As a reminder, we will have a WebEx conference call meeting with you on June 8, 2021 @ 10 am to discuss this information. Please see the feedback listed below. Thank you for developing within the City of Cincinnati.

**City Planning Department**

**Immediate Requirements to move the project forward:**

1. In order to move forward to put a Day Care Center at this location, a zone change is required.
2. The applicant has identified a zone change to Manufacturing Agricultural, which permits Day Care Centers. The zone change process must be complete before permits can be issued.
3. <https://www.cincinnati-oh.gov/buildings/zoning-administration/zone-change-application-packet/>

**Requirements to obtain permits:**

- None

**Recommendations:**

1. The Department of City Planning recommends engaging and sharing these plans with the Spring Grove Village Community Council prior to applying for a zone change.

**Contact:**

- **James Weaver** | City Planning | 513-352-4882 | [james.weaver@cincinnati-oh.gov](mailto:james.weaver@cincinnati-oh.gov)

**Buildings & Inspections – Zoning**

**Immediate Requirements to move the project forward:**

1. The subject property is located in a Single-Family (SF-6) zoning district. Per Sec. 1403-05, a Daycare Center is not a permitted use in the SF-6 district unless it is accessory to a public or semi-public land use. No public or semi-public use has been identified, so the proposed project would require a Zone Change. Per Sec. 1413-05, a Daycare Center is a permitted use in the proposed Manufacturing Agricultural (MA) district if a zone change is approved.

2. Per Sec. 1441-09(b) [Access to a Use], a building permit or Certificate of Occupancy and Use may not be issued for any building or use that would require access across a zoning district prohibiting the use. For the purposes of this Zoning Code, access to a use is deemed the use. So, you cannot access the proposed use via the easement over the adjacent parcel in a Residential Multi-Family (RM-2.0) district as depicted, because a Daycare Center is not a permitted as a principal use in the RM-2.0 district. Therefore, you will need to provide egress only across the subject property.
3. Per Sec. 1423-13, a Buffer Yard Type D must be provided in any side or rear yard where the MA district borders residential (SF or RM) zoning districts. A Buffer Yard Type D requires a width of 35 feet, and the following buffering elements for every 50 linear feet of buffer yard:
  4. A screen wall or fence 6 feet in height and (4) 6 feet high evergreen trees, (4) 1.5-inch caliper trees, and (3) 2.5-inch caliper trees, OR
  5. A berm 8 feet in height, and (3) 6 feet high evergreen trees, (3) 1.5-inch caliper trees, and (2) 2.5-inch caliper trees.
  6. Buffer yards may be used as required yards, open space, or driveways, but accessory structures and surface parking are not permitted in a buffer yard.

**Requirements to obtain permits:**

1. Provide a Buffer Yard Plan per Chapter 1423. Depict the egress drive across the subject property on a Site Plan.

**Recommendations:**

- None

**Contact:**

- **Tre Sheldon** | ZPE | 513-352-2422 | [henry.sheldon@cincinnati-oh.gov](mailto:henry.sheldon@cincinnati-oh.gov)

**Metropolitan Sewer District (MSD)**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. Your project may change flow to a sewer overflow. Please complete the Request for Availability of Sewer Service Form online. The link to the online form can be found at [http://www.msdbg.org/customer\\_care/development\\_services/index.html](http://www.msdbg.org/customer_care/development_services/index.html) REQUEST for AVAILABILITY of SEWER SERVICE Form Website
2. Your project will require a grease trap review. The application and instructions can be found at [http://msdbg.org/customer\\_care/permits\\_and\\_records/index.html](http://msdbg.org/customer_care/permits_and_records/index.html). Submit the application, plans, and menu to [SewerUseApplications@cincinnati-oh.gov](mailto:SewerUseApplications@cincinnati-oh.gov).

**Recommendations**

- None

**Contact:**

- **Jim Wood** | MSD | 513-352-4311 | [jim.wood@cincinnati-oh.gov](mailto:jim.wood@cincinnati-oh.gov)

**Stormwater Management Utility (SMU)**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. Submit grading plan.
2. Submit utility plan.
3. Submit erosion control plan.

**Recommendation:**

- None at this time

**Contact:**

- **Rob Goodpaster** | SMU | 513-581-0893 | [robert.goodpaster@cincinnati-oh.gov](mailto:robert.goodpaster@cincinnati-oh.gov)

**Water Works**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. Must have proper backflow preventer per Greater Cincinnati Water Works Rules and Regulations 401-125 and Ohio EPA Chapter 3745-95 of Ohio Administrative Code, contact Premise Services, Ben McQueary 513-591-7835.
2. The development is receiving water service from the 12" public water main in Winton Road with the following address and branch:

Address	Branch No.	Branch Size	Meter No.	Meter Size
4870 Winton Rd	H- 266535	3/4"	266535	5/8"

3. Any existing water service branch not to be used for this development, must be properly disconnected at the owner's / developer's expense. Owner would be required to fill out the online Discontinuance Form (FOD) at <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/fod/> authorizing removal of the existing water service branch before any new water service can be sold. Any questions contact 513-591-7837.

**Recommendations:**

1. The Owner(s)/Developer(s) will need to hire a Greater Cincinnati Water Works certified licensed and bonded plumber to perform the private water service branch design work and installation.
2. The Owner(s)/Developer(s) must have a licensed plumber that is bonded and certified with GCWW and fill out the Online Branch application <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/> for water service.

**Contact:**

- **Rick Roell** | WaterWorks | 513-591-7858 | [richard.roell@gcww.cincinnati-oh.gov](mailto:richard.roell@gcww.cincinnati-oh.gov)

**Fire Department**

**Immediate Requirements to move the project forward:**

1. The minimum fire flow requirements for Commercial/Educational structures is a minimum of 2,000 gallons/per/minutes (GPM) @ 20 pressure/per/square inch (psi) (138Kpa).
2. Closest hydrants are 4870 and 4890 Winton Rd.

**Requirements to obtain Permits:**

- None

**Recommendations:**

- None

**Contact:**

- Kenneth Caldwell | Fire Dept. | 513-357-7595 | [kenneth.caldwell@cincinnati-oh.gov](mailto:kenneth.caldwell@cincinnati-oh.gov)

**Office of Environment and Sustainability (OES)**

**Immediate Requirements to move forward with project:**

- None

**Requirements to obtain permits:**

1. Commercial waste, including construction and demolition debris, generated during the renovation of the site building as part of this development project must utilize a City - franchised commercial waste collection service per Cincinnati Municipal Code Chapter 730. Current franchise holders include Rumpke of Ohio, Republic Services of Ohio, Best Way of Indiana, and Bavarian Trucking Company.

**Recommendations:**

1. Due to the age of the existing site building, asbestos, lead based paint, and other hazardous building materials should be surveyed and, if needed, abatement should be conducted following all applicable regulations prior to renovation.
2. The renovation goal should be to earn at a minimum the LEED Certified rating level.
3. Rooftop solar should be considered in the design as a renewable energy source.
4. Site parking should include electric vehicle charging stations.
5. Site areas designated for trash carts should also have at least equal space designated for recycling carts (or dumpster).
6. The use of trees in the landscape design should be included to enhance urban forestry.
7. The use of pervious surfaces should be maximized to the extent practical in the design.

**Contact:**

- Howard Miller | OES | 513-352-6999 | [howard.miller@cincinnati-oh.gov](mailto:howard.miller@cincinnati-oh.gov)

**Parks Department (Urban Forestry)**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

- None

**Recommendations:**

- None

Exhibit G



**Contact:**

- Robin Hunt | Urban Forestry | 513-861-9070 | [robin.hunt@cincinnati-oh.gov](mailto:robin.hunt@cincinnati-oh.gov)

**Department of Transportation & Engineering (DOTE)**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. Any work in the right of way requires a DOTE permit.
2. Address will remain as 4870 Winton Rd. Address must be posted and visible from Winton Rd.

**Recommendations:**

- None

**Contact:**

- Morgan Kolks | DOTE | 513-335-7322 | [morgan.kolks@cincinnati-oh.gov](mailto:morgan.kolks@cincinnati-oh.gov)

**Buildings & Inspections – Buildings**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. Classroom 2 is limited to the area where there is no step.
2. Specify the ages and number of occupants in each space.
3. Exterior doors must provide a 32" clear opening.
4. The common path of egress travel cannot exceed 75' in an unsprinklered education building. Sprinklers are required for your 3412 analysis 3412.6.17

**Recommendations:**

- None

**Contact:**

- Robert Martin | B&I Plans Exam | 513-352-2456 | [robert.martin@cincinnati-oh.gov](mailto:robert.martin@cincinnati-oh.gov)

**Law Department**

**Immediate Requirements to move the project forward:**

- No comments at this time

**Requirements to obtain permits:**

- None

**Recommendations:**

- None

**Contact:**

- Charles Martinez | Law | 513-352-3359 | [charles.martinez@cincinnati-oh.gov](mailto:charles.martinez@cincinnati-oh.gov)

Exhibit G



**Department of Community & Economic Development (DCED)**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

- None

**Recommendations:**

- None

**Contact:**

- **Taylor German** | DCED | 513-352-4546 | [taylor.german@cincinnati-oh.gov](mailto:taylor.german@cincinnati-oh.gov)

**Health Department**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. A food facility plan review by the Cincinnati Health Department (CHD) will be required if future or current space (or tenant) is licensable (or is currently licensed) as a food service operation (FSO) or retail food establishment (RFE). If licensable, plumbing will not issue permits until CHD has completed the food facility review and approved the project.

**Recommendations:**

1. For assistance in determining whether facility is licensable as an FSO/RFE or not, please contact me.

**Contact:**

- **Trisha Blake** | Health Dept. | 513-352-2447 | [trisha.blake@cincinnati-oh.gov](mailto:trisha.blake@cincinnati-oh.gov)

**Police Department**

**Immediate Requirements to move the project forward:**

- None currently.

**Requirements to obtain permits:**

- No comments.

**Recommendations:**

- None

**Contact:**

- **Katalin Howard** | Police Dept. | 513-352-3298 | [katalin.howard@cincinnati-oh.gov](mailto:katalin.howard@cincinnati-oh.gov)
- **Brandon Kyle** | Police Dept. | 513-564-1870 | [brandon.kyle@cincinnati-oh.gov](mailto:brandon.kyle@cincinnati-oh.gov)

**FINAL ACTION:** The CSR Advisory-TEAM and CSPRO Committee believes that the proposed project plans are moving in the appropriate direction and recommends that the project move forward to City Planning Commission subject to the following condition.

- **The subject development must follow the requirements listed above to ensure that the development meets the requirements of all agencies as they apply for all permits.**

Exhibit G



Sincerely,

A handwritten signature in blue ink that reads "Art Dahlberg".

Art Dahlberg,  
Director of Buildings and Inspections Department  
& CSPRO Committee Chair

A handwritten signature in blue ink that reads "Rodney D. Ringer".

Rodney D. Ringer,  
Development Manager

AD:RDR:hs



## **Spring Grove Village Community Council**

October 13, 2021

James Weaver  
Dept of Planning & Engagement

This letter is to provide community endorsement and feedback concerning a proposed Notwithstanding Ordinance permitting the construction and use of a day care center at 4870 Winton Road.

Spring Grove Village Community Council wishes to express our input as related to a "Notwithstanding Ordinance" for 4870 Winton Road. We value the shift to using a NWO for this project in lieu of a formal zone change to permit the requested day care facility. This would lock in the future use of this property to the requirements of the NWO, e.g., day care center or other SF6 uses. The largest concern expressed by residents and our zoning committee is the hazards associated with access at this difficult section of Winton Rd using an existing access easement shared by the adjacent apartment complex. We urge DOTE and the property owners involved to consider site modifications to make this a safer area for daycare commuters.

This proposed ordinance was discussed at our general community meeting on 10/12/21. If there are any questions about this endorsement, please let us know.

Gary Robbins, Pres.  
Spring Grove Village Community Council  
702-7029  
[www.MySGV.org](http://www.MySGV.org)



ADAMS LOUIS E & SHIRLEY P  
4827 WINTON RIDGE LN  
CINCINNATI OH 45232

CINCINNATI METROPOLITAN HOUSING  
AUTHORITY  
1635 WESTERN AVE  
CINCINNATI OH 45214

HILL GLORIA J  
4867 WINTON RIDGE LN  
CINCINNATI OH 45232

LONGINO KEVIN H & MELONIE D  
4840 WINTON RD  
CINCINNATI OH 45232

MCCOLGAN FAMILY ENTERPRISES LLC  
602 GOLF PARK DR  
KISSIMMEE FL 34747

RUEBEL JOHN & PATRICIA J JAEGER  
375 HALLMARK CT  
FAIRFIELD OH 45014

SPRING LAWN FREEHOLD LLC  
310 TERRACE AVE SUITE 200  
CINCINNATI OH 45220

STORMS MATTIE LEE  
4873 WINTON RIDGE LN  
CINCINNATI OH 45232-1611

WINTON KINGS LLC  
5855 NAPLES PLAZA DR SUITE 311  
LONG BEACH CA 90803

SPRING GROVE VILLAGE COMMUNITY  
COUNCIL  
638 E EPWORTH AV  
CINCINNATI OH 45232

ADAMS LOUIS E & SHIRLEY P  
4827 WINTON RIDGE LN  
CINCINNATI OH 45232

CINCINNATI METROPOLITAN HOUSING  
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CINCINNATI OH 45232-1611

WINTON KINGS LLC  
5855 NAPLES PLAZA DR SUITE 311  
LONG BEACH CA 90803

SPRING GROVE VILLAGE COMMUNITY  
COUNCIL  
638 E EPWORTH AV  
CINCINNATI OH 45232

October 20, 2021

To: Sheila Andrews, Office of the Clerk of Council

From: Katherine Keough-Jurs, AICP, Director, Department of City Planning and Engagement 

Copies to: James Weaver, AICP, Senior City Planner

Subject: **Notwithstanding Ordinance – 4780 Winton Road**

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The above referenced ordinance is ready to be scheduled for Committee. We are requesting that this item be scheduled for the next available the Economic Growth & Zoning Committee. This item requires a public hearing and notice in the City Bulletin 14 days before the public hearing.

Included in this submission are the following items:

- 1) The transmittal letter to the Economic Growth & Zoning Committee;
- 2) A copy of the Planning Commission staff report dated October 15, 2021;
- 3) The Notwithstanding Ordinance authorizing the use of a day care center at 4870 Winton Road;
- 4) The mailing labels for notification of all property owners within 400 feet; and
- 5) A copy of the mailing labels for your records

October 20, 2021

Cincinnati City Council  
Council Chambers, City Hall  
Cincinnati, Ohio 45202



Dear Members of Council:

We are transmitting herewith a Notwithstanding Ordinance captioned as follows:

**AUTHORIZING the existing building located at 4870 Winton Road in the Spring Grove Village neighborhood to be renovated and used as a day care center NOTWITHSTANDING the provisions of Section 1403-05, "Land Use Regulations," of Chapter 1403, "Single-Family," and Section 1405-05, "Land Use Regulations," of Chapter 1405, "Residential Multi-Family," of the Cincinnati Zoning Code and any other applicable provisions of the Cincinnati Zoning Code and the Cincinnati Municipal Code.**

**Summary:**

The applicant wishes to renovate the property at 4870 Winton Road and change the use from a two-family home to a day care center for 47 children. The site plan includes a two-story day care center, the expansion of the parking lot from four to eight spaces, and an outdoor play area. A day care center is not a permitted use in the SF-6 single-family zoning district or the adjacent RM-2.0 residential multi-family zoning district to the north but is permitted in the adjacent MA (Manufacturing Agricultural) zoning district across Winton Road to the west.

The applicant originally requested a zone change to MA, but the access drive to the property crosses property containing Winton Wood Apartments through an access easement, zoned RM-2.0, which does not allow a day care center use and would require a Use Variance from the Zoning Hearing Examiner. The MA zoning also requires a 35-foot bufferyard along residential property, which would require additional relief for the proposed parking lot. The MA zoning district also allows higher intensity uses beyond a day care center, which was a concern from the Spring Grove Village Community Council (SGVCC) and surrounding property owners.

Based on the relief that would be required to move the project forward in addition to a zone change to MA, along with feedback given by Spring Grove Village neighborhood leaders and surrounding property owners, the applicant amended their request to a Notwithstanding Ordinance (NWO) to allow for the construction and use of a day care center in the SF-6 zoning district, which addresses neighborhood concerns and removes the necessity for variances. The SGVCC supports the proposed Notwithstanding Ordinance.

The NWO is consistent with the criteria of Cincinnati Municipal Code Section 111-5 and is consistent with *Plan Cincinnati* (2012).

The Administration recommends Approval of this Notwithstanding Ordinance.

Motion to Approve: Mr. Smitherman

Seconded: Mr. Samad

Ayes:  
Mr. Juech  
Mr. Smitherman  
Ms. McKinney  
Mr. Eby  
Mr. Stallworth  
Mr. Samad  
Ms. Sesler

THE CITY PLANNING COMMISSION

A handwritten signature in black ink that reads "Katherine Keough-Jurs". The signature is written in a cursive, flowing style.

Katherine Keough-Jurs, AICP, Director  
Department of City Planning and Engagement

KKJ: jmw

Encl.: Staff Report, Ordinance

**Date:** October 28, 2021

**To:** Councilmember Chris Seelbach  
**From:** Andrew Garth, City Solicitor *AWG*  
**Subject:** **Ordinance – Modifying CMC 407 to Prohibit Animal Drawn Carriages**

---

Transmitted herewith is an ordinance captioned as follows:

**MODIFYING** the provisions of Chapter 407, “Public Vehicles,” Chapter 408, “Drivers’ Licenses for Public Vehicles,” Chapter 510, “Assemblages and Parades,” Chapter 765, “Special Events,” and Chapter 850, “Advertising of Tobacco Products” of the Cincinnati Municipal Code by **AMENDING** Section 407-1-P1, “Public Vehicle,” Section 407-3, “License Fees for Public Vehicles,” Section 407-5, “Application for License,” Section 407-30, “Uninsured and Underinsured Motorist Coverage Insurance,” Section 407-35, “Insignia,” Section 407-55, “Rates of Fare for Limousines, Pedicabs, Tour Vehicles, Low Speed Vehicles, and Animal-Drawn Carriages,” Section 407-69, “Rates To Be Filed With Director,” Section 407-71, “Rate Card or Rate Information to be Reviewable by Passengers,” Section 407-83, “Illegal Use of Hotel or Bus Zones,” Section 407-107, “Equipment Requirements,” Section 407-117-A, “Animal-Drawn Carriage and Pedicab Stands,” Section 407-125, “Rules and Regulations,” Section 408, “Driver’s License for Public Vehicles,” Section 408-1, “Application and Digital Identification Permit,” Section 408-3, “Driver’s License Fee,” Section 408-5, “Examination of Applicant,” Section 408-7, “Issuance or Denial of License,” Section 408-25, “Smoking Prohibited,” Section 408-45, “Rules and Regulations,” Section 510-3, “Special Parades Requiring Permits,” Section 765-11, “Required Terms and Conditions,” and Section 850-1-P3, “Public Vehicle”; **ORDAINING** new Section 407-12, “Animal-Drawn Carriages,”; and **REPEALING** in their entirety Section 407-137, “Litter Control for Animal-Drawn Carriages,” Section 407-139, “Dimensions for Animal-Drawn Carriages,” and Section 407-143, “Veterinarian’s Certificate Required,” to prohibit the use of animal-drawn carriages for commercial purposes.

AWG/AKS/(lnk)  
Attachment  
305432



**City of Cincinnati**  
**An Ordinance No. \_\_\_\_\_**

AKS

*BWL*

- 2021

**MODIFYING** the provisions of Chapter 407, “Public Vehicles,” Chapter 408, “Drivers’ Licenses for Public Vehicles,” Chapter 510, “Assemblages and Parades,” Chapter 765, “Special Events,” and Chapter 850, “Advertising of Tobacco Products” of the Cincinnati Municipal Code by **AMENDING** Section 407-1-P1, “Public Vehicle,” Section 407-3, “License Fees for Public Vehicles,” Section 407-5, “Application for License,” Section 407-30, “Uninsured and Underinsured Motorist Coverage Insurance,” Section 407-35, “Insignia,” Section 407-55, “Rates of Fare for Limousines, Pedicabs, Tour Vehicles, Low Speed Vehicles, and Animal-Drawn Carriages,” Section 407-69, “Rates To Be Filed With Director,” Section 407-71, “Rate Card or Rate Information to be Reviewable by Passengers,” Section 407-83, “Illegal Use of Hotel or Bus Zones,” Section 407-107, “Equipment Requirements,” Section 407-117-A, “Animal-Drawn Carriage and Pedicab Stands,” Section 407-125, “Rules and Regulations,” Section 408, “Driver’s License for Public Vehicles,” Section 408-1, “Application and Digital Identification Permit,” Section 408-3, “Driver’s License Fee,” Section 408-5, “Examination of Applicant,” Section 408-7, “Issuance or Denial of License,” Section 408-25, “Smoking Prohibited,” Section 408-45, “Rules and Regulations,” Section 510-3, “Special Parades Requiring Permits,” Section 765-11, “Required Terms and Conditions,” and Section 850-1-P3, “Public Vehicle”; **ORDAINING** new Section 407-12, “Animal-Drawn Carriages,”; and **REPEALING** in their entirety Section 407-137, “Litter Control for Animal-Drawn Carriages,” Section 407-139, “Dimensions for Animal-Drawn Carriages,” and Section 407-143, “Veterinarian’s Certificate Required,” to prohibit the use of animal-drawn carriages for commercial purposes.

WHEREAS, the City of Cincinnati regulates all public vehicles, including issuing licenses for animal drawn carriages for-hire which expire and must be renewed in January of each year; and

WHEREAS, the City of Cincinnati supports its small businesses in its urban core, recognizing that much of the City’s revenue comes from dining and entertainment tourism, where the smell of horse manure can and has had an impact on small businesses competing for customers with areas outside of the City; and

WHEREAS, the City of Cincinnati supports public safety and the wellbeing of all residents, recognizing the dangers involved in having animals traveling in the roadway, including crashes with injuries reported as recently as 2019 in the City of Cincinnati, and additional crashes that have led to at least one hospitalization in the Cincinnati area within the last several years, and that injuries to riders and drivers related to urban horse carriage rides occur every year across the United States; and

WHEREAS, the City of Cincinnati is a leader in the humane treatment of animals, having led the nation on laws prohibiting animal cruelty in kitten and bunny mills; ending the use of

wild, dangerous, and endangered species in performances within the City of Cincinnati; and adopting tethering laws that protect the public and animals by reducing the abuse of animals that can lead to more vicious behavior in pets; and

WHEREAS, urban cities across the United States have begun to tackle the inhumane conditions of for-hire animal drawn carriages on asphalt and concrete city streets, including the operation of such animal drawn carriages on hot and humid days which, combined with the urban heat island effect, can push an animal beyond recommendations for safe and humane care; and

WHEREAS, numerous U.S. cities, including Chicago, Illinois; Key West, Palm Beach, Pompano Beach, and Treasure Island, Florida; Biloxi, Mississippi; Camden, New Jersey; and Salt Lake City, Utah have determined that the risks of safety to the public, cruelty to animals, and negative impacts on small businesses outweigh any perceived benefit of continuing to permit for-hire animal drawn carriages; now, therefore,

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

Section 1. That existing Section 407-1-P1, "Public Vehicle," Section 407-3, "License Fees for Public Vehicles," Section 407-5, "Application for License," Section 407-30, "Uninsured and Underinsured Motorist Coverage Insurance," Section 407-35, "Insignia," Section 407-55, "Rates of Fare for Limousines, Pedicabs, Tour Vehicles, Low Speed Vehicles, and Animal-Drawn Carriages," Section 407-69, "Rates To Be Filed With Director," Section 407-71, "Rate Card or Rate Information to be Reviewable by Passengers," Section 407-83, "Illegal Use of Hotel or Bus Zones," Section 407-107, "Equipment Requirements," Section 407-117-A, "Animal-Drawn Carriage and Pedicab Stands," Section 407-125, "Rules and Regulations," of Chapter 407, "Public Vehicles"; existing Section 408, "Driver's License for Public Vehicles," Section 408-1, "Application and Digital Identification Permit," Section 408-3, "Driver's License Fee," Section 408-5, "Examination of Applicant," Section 408-7, "Issuance or Denial of License," Section 408-25, "Smoking Prohibited," Section 408-45, "Rules and Regulations," of Chapter 408, "Drivers' Licenses for Public Vehicles"; existing Section 510-3, "Special Parades Requiring Permits," of Chapter 510, "Assemblages and Parades"; existing Section 765-11, "Required Terms and Conditions," of Chapter 765, "Special Events"; and existing Section 850-

1-P3, "Public Vehicle," of Chapter 850, "Advertising of Tobacco Products," of the Cincinnati Municipal Code are hereby amended to read as follows:

**Sec. 407-1-P1. - Public Vehicle.**

"Public Vehicle" shall mean a vehicle, other than a charitable non-profit transportation vehicle as defined in Section 407-1-C2, by which individual service for compensation in the transportation of persons on the public streets is furnished or offered to be furnished. Vehicles offering service in the transportation of persons on the public streets that make profit primarily through advertising or another method besides passenger fare are public vehicles. Public vehicles are classified as "taxicabs," "limousines," "accessible vehicles," "tour vehicles," ~~"animal-drawn-carriages,"~~ "transportation network vehicles," "low speed vehicles," and "pedicabs."

Vehicles furnishing mass transportation service of persons, such as motor buses, which are operated over fixed routes on a fixed schedule or between fixed termini, are not included in the term "public vehicle," but must comply with the appropriate provisions of law and the Cincinnati Municipal Code.

**Sec. 407-3. - License Fees for Public Vehicles.**

- (a) No person shall operate or permit to be operated any vehicle as a public vehicle, or shall proffer the services of such vehicles as a public vehicle by solicitation by voice, sign, public advertisement, light, or otherwise unless the proper license has been issued for the vehicle to the owner thereof and is in force.
- (b) Every license shall expire on January 14 of the year following the date on which the license was issued. License fees for each public vehicle shall be payable to the city treasurer in the following amounts:
  - (1) Taxicab: \$200.00; after 6/30 of each year, the amount of the license fee shall be \$100.00.
  - (2) Limousine: \$150.00; after 6/30 of each year, the amount of the license fee shall be \$75.00.
  - (3) Accessible Vehicle: \$70.00; after 6/30 of each year the amount shall be \$35.00.
  - (4) ~~Animal-Drawn Carriage: \$150.00; after 6/30 of each year the amount shall be \$75.00.~~
  - (45) Pedicab: \$80.00; after 6/30 of each year the amount shall be \$40.00.
  - (56) Tour Vehicle: \$150.00; after 6/30 of each year, the amount of the license fee shall be \$75.00.
  - (67) Low Speed Vehicle: \$150.00; after 6/30 of each year, the amount shall be \$75.00.
- (c) These fees shall include all vehicle and taximeter inspections conducted by city personnel. The license fee required by this section shall be in addition to any fee required by the laws of the state of Ohio.



- (d) In addition as part of the requirements of this section, each application for a renewal of a taxicab and accessible vehicle shall be accompanied by a complete schedule of rates used by the applicant for trips to surrounding cities, villages, and communities. Any charge made that is not in accordance with this rate schedule shall be considered cause for revocation of the license of the driver, of the vehicle, or both. Taxicab trips shall be based upon the meter rate plus a surcharge and shall not exceed 25 cents per mile in excess of meter rate for mileage outside of the city of Cincinnati.
- (e) License requirements and fees for a person to become a licensed public vehicle driver in the City are contained within Chapter 408 of the Cincinnati Municipal Code, "Drivers' Licenses for Public Vehicles."
- (f) Transportation Network Drivers and vehicles are exempt from this section and are alternatively regulated pursuant to the Ohio Revised Code.

**Sec. 407-5. - Application for License.**

Applications for the following public vehicle licenses shall be made to the director or his designee upon forms provided by the director or his designee and shall cost \$50 to file per applicant. These forms shall be designed by the director after consultation with representatives from the public vehicles industry.

Transportation Network Drivers and vehicles are exempt from this section and are alternatively regulated pursuant to the requirements outlined in the Ohio Revised Code.

- (a) **Taxicab License.** At a minimum, the public vehicle application forms for a taxicab shall set forth the name and address of the applicant; the name and address of the vehicle's owner if this is different than the applicant; the type of vehicle including age, condition and intended use; the applicant's public vehicle history; the procedures to train drivers; whether the vehicle will be driven by someone other than the applicant; the maintenance of the vehicle; the trade name under which business is to be conducted; the class of each vehicle for which a license is desired; the seating capacity; the design, color scheme, and lettering and marks to be used on the vehicle; and any other information required by the director or his designee.
- (b) ~~Animal Drawn Carriage. Each application for an animal drawn carriage license shall contain the name and address of the applicant; the name and address of the vehicle's owner if this is different than the applicant; the trade name under which the business is to be conducted; the route on and hours during which the animal drawn carriage is to be operated; and a drawing, model, or photograph of the type of carriage to be inspected so that it shall conform to the aesthetic requirements set forth by the director. The proposed route, hours, and days of operation for each animal drawn carriage shall be reviewed for public safety purposes by the police department, public services department, transportation and engineering department, and the public vehicle inspection office. Each shall provide a report and recommendation to be considered by the director prior to the issuance of a public vehicle license specified in Section 407-7 of the Cincinnati Municipal Code.~~

- (be) **Pedicab.** Each application for a pedicab shall contain the name and address of the applicant; the name and address of the vehicle's owner if this is different than the applicant; the trade name under which the business is to be conducted; the hours and days of operation; the proposed area to be served; and a drawing, model, or photograph of the pedicab, so that it shall conform to the aesthetic requirements set forth by the director. The proposed route, hours, and days of operation for each pedicab shall be reviewed for public safety purposes by the police department, public services department, transportation and engineering department, and the public vehicle inspection office. Each shall provide a report and recommendation to be considered by the director prior to the issuance of a public vehicle license specified in Section 407-7 of the Cincinnati Municipal Code.
- (cd) **Limousine.** Each application for a limousine, both Class A and Class B limousines, shall contain the name and address of the applicant; the name and address of the vehicle's owner if this is different than the applicant; the trade name under which the business is to be conducted; the type of vehicle including age, condition, and intended use; the applicant's public vehicle history; the procedures to train drivers; whether the vehicle will be driven by someone other than the applicant; and the maintenance of the vehicle.
- (de) **Tour vehicle.** Each application for a tour vehicle shall contain the name and address of the applicant; the name and address of the vehicle's owner if this is different than the applicant; the trade name under which the business is to be conducted; and the route, days, and hours of operation of the tour vehicle. The proposed route, hours, and days of operation for each tour vehicle shall be reviewed for public safety purposes by the police department, public services department, transportation and engineering department, and the public vehicle inspection office. Each shall provide a report and recommendation to be considered by the director prior to the issuance of a public vehicle license specified in Section 407-7 of the Cincinnati Municipal Code.
- (ef) **Low Speed Vehicle .** Each application for a low speed vehicle shall contain the name and address of the applicant; the name and address of the vehicle's owner if different than the applicant; the trade name under which the business is to be conducted; the hours and days of operation; the proposed area to be served; the type of vehicle including age, condition and intended use; the applicant's public vehicle history; the procedures to train drivers; whether the vehicle will be driven by someone other than the applicant; and the maintenance of the vehicle. The proposed operating zones or permitted routes, hours, and days of operation for each low speed vehicle shall be reviewed for public safety purposes by the police department, public services department, transportation and engineering department, and the public vehicle inspection office. The owner of a vehicle shall also comply with all requirements of Ohio law regarding proper title, registration, and license plates prior to operating the vehicle on any street.
- (fg) **Approved Application.** If the application is approved, the applicant shall furnish the city treasurer, prior to the issuance of the decal, information related to the particular vehicle to be licensed. Such information shall include title to each

applicable vehicle; state license plate registration; certificate of insurance; a mechanical inspection completed by a certified approved mechanic; and proof of establishment of an account with the city of Cincinnati income tax division.

**Sec. 407-30. - Uninsured and Underinsured Motorist Coverage Insurance.**

Each licensed public vehicle, except ~~animal-drawn carriages and~~ pedicabs, shall provide to its passengers uninsured and underinsured motorist coverage which shall provide protection for bodily injury or death to said passengers in the amount of \$25,000. The coverage afforded herein shall not apply to the drivers of said vehicles.

**Sec. 407-35. - Insignia.**

- (a) Excluding transportation network companies, the department shall furnish free of charge a decal which is to be affixed in the lower left-hand corner of the windshield, except ~~animal-drawn carriages, and~~ pedicabs, where the decal shall be affixed to a glass (plexiglass) plate 4" × 5" provided by the licensee. The plate shall be secured (easily removed) to the exterior of the ~~carriage or~~ pedicab as approved by the director. The decal shall indicate vehicle license number and type of license (taxi, limousine, accessible vehicle, tour vehicle, ~~animal-drawn carriage or~~ pedicab). When the vehicle is retired from service, the decal is to be removed and returned to the director or his designee. Operation of a public vehicle without the proper decal or failure to properly return a decal shall be cause for revocation. If a public vehicle license is transferred from vehicle to vehicle, in accordance with Section 407-93, a new license decal shall be furnished by the department subject to the above conditions.
- (b) It shall be unlawful to display public vehicle equipment and insignia on any vehicle other than a licensed vehicle.
- (c) In an accessible vehicle, the floor area of an allocated space must display the international symbol of accessibility, also known as the international wheelchair symbol, and be outlined in a flush contrasting strip 1 inch wide. Every accessible vehicle used for the transportation of wheelchair users shall display the international symbol of accessibility in a clearly visible position on the rear of the vehicle and on the front of the vehicle in a position other than on the windshield.

**Sec. 407-55. - Rates of Fare for Limousines, Pedicabs, Tour Vehicles, and Low Speed Vehicles, ~~and Animal-Drawn Carriages.~~**

All fares and charges for use of limousines, pedicabs, tour vehicles, and low speed vehicles, ~~and animal-drawn carriages~~ shall be filed with and approved by the director between January 1 and 15 of each year in accordance with Section 407-69.

It shall be the duty of the licensee to inform any person hiring a limousine, ~~animal-drawn carriage,~~ tour vehicle, low speed vehicle, or pedicab of all rates and charges before any service is rendered.

**Sec. 407-69. - Rates To Be Filed With Director.**

- (a) Every owner of one or more public vehicles, except a transportation network vehicle, shall file in the office of the director the complete schedule of rates offered and used.

- (b) Rate schedules may be changed by the owner. No change in schedule shall become effective until one day after it is filed with the director and until all requirements of Section 407-77 have been complied with. (The requirements of Section 407-77 shall not apply to ~~animal-drawn carriages~~, tour vehicles, low speed vehicles, transportation network vehicles, and pedicabs.) Not more than one amended schedule shall be filed by an owner in any period of 30 days unless with the consent of the director.
- (c) All schedules of rates of fare on file with the director shall be open to public inspection.
- (d) No driver or other person in control of a taxicab, limousine, accessible vehicle, pedicab, or tour vehicle, ~~or animal-drawn carriage~~ shall make any charge except in accordance with the schedule of rates filed as herein provided.

**Sec. 407-71. - Rate Card or Rate Information to be Reviewable by Passengers.**

Every public vehicle, except transportation network vehicles, shall carry in it at all times a rate card issued for the vehicle by the director. The rate card shall contain, in legible type, the director's office address, the name of the license owner, the type of vehicle, the serial body number on the vehicle, the date of issuance, and the complete schedule of rates of fare used as filed with the director. In taxicabs such rate card shall be mounted under transparent covering in the rear compartment or interior of the vehicle in such a position that it can be read easily by the occupants of the vehicle. In limousines, pedicabs, and tour vehicles, ~~and animal-drawn carriages~~ such rate card shall be exhibited on demand.

Rate cards shall not be altered or tampered with by any person. Whenever a rate card becomes damaged, soiled, or illegible, the owner shall request and the director shall issue a new card for the vehicle. No fee shall be charged for the issuance of a new, corrected, or duplicated rate card when the old card is turned in to the director.

In case of the loss of a rate card, the owner shall file with the director a sworn statement of the facts concerning such loss. If the director is satisfied that the facts justify the issuance of a replacement rate card, such replacement rate card shall be issued upon the payment of 50 cents.

**Sec. 407-83. - Illegal Use of Hotel or Bus Zones.**

Occupancy of a hotel zone or bus zone for purposes of soliciting patronage, or offering taxicab, accessible vehicle, limousine, pedicab, or tour vehicle ~~or animal-drawn carriage~~ service shall be unlawful.

**Sec. 407-107. - Equipment Requirements.**

Every public vehicle shall be kept in a safe and sanitary operating condition. Each type of public vehicle must follow the equipment regulations as mandated below.

- (a) All taxis must be either a four door sedan, a station wagon with a minimum of four doors, or a van-type vehicle with either a minimum of four doors or with a sliding door on the vehicle's passenger side. Each Taxicab shall have the following equipment at all times:

- (1) A light within the passenger compartment capable of being turned on or off by the passenger;
  - (2) Brakes that comply with all requirements of Section 4513.20 of the Revised Code of Ohio;
  - (3) A light contained inside the meter and capable of illuminating the taximeter display;
  - (4) A light located on the top of the vehicle that is capable of indicating when the taxi is available for hire, with an on/off switch that can be controlled by the operator; and
  - (5) Manufacturer-installed safety belts, which must be worn by front-seat passengers and may be worn by back-seat passengers and which number no fewer than the maximum occupancy of the taxicab.
- (b) ~~Each animal-drawn carriage shall at all times have the following equipment:~~
- ~~(1) A braking device capable of safely stopping said vehicle.~~
  - ~~(2) Two headlamps capable of emitting a white light visible a distance of at least 1,000 feet ahead of the carriage;~~
  - ~~(3) Two tail lamps capable of emitting a red light visible at least 1,000 feet from the rear of the carriage;~~
  - ~~(4) A triangular slow-moving vehicle emblem (SMV) (reflectorized), which shall be mounted so as to be visible for a distance of 500 feet to the rear;~~
  - ~~(5) Reflective materials upon the shafts of the vehicle or other parts of the vehicle parallel thereto so as to render the vehicle visible from the side after dark from a distance of 500 feet.~~
- (be) Each accessible vehicle shall comply with the equipment requirements and other required features found in Sections 407-145 through 407-171 of this chapter.
- (cd) Each pedicab shall at all times have the following equipment:
- (1) Braking device capable of stopping said vehicle;
  - (2) Functioning battery-operated head and tail lights;
  - (3) Rear reflective lights;
  - (4) Reflective material on both sides;
  - (5) A reflective triangle and slow moving vehicle sign in the rear;
  - (6) A properly functioning timing device, visible to customers, if the rate is based on time;
  - (7) A properly functioning mileage meter, visible to customers, if rates are based on mileage;
  - (8) A public vehicle license displayed so that it is easily seen; and
  - (9) Any other device ordered by the director.

- (de) Every low speed vehicle shall at all times comply with any equipment requirements established in the Ohio Revised Code as well as those required under the city's policies and regulations for low speed vehicles, as published on April 26, 2018 and as amended from time to time by the city manager, the current version of which is available through the department of transportation and engineering.
- (ef) Every pedal wagon shall have at all times the following equipment:
- (1) Adequate brakes and braking system, including parking brake;
  - (2) Two headlamps capable of emitting a white light visible at a distance of at least 1,000 feet ahead of the pedal wagon;
  - (3) Two tail lights capable of emitting a red light visible at least 1,000 feet from the rear of the pedal wagon;
  - (4) Functioning battery to operate the head and tail lights;
  - (5) Reflective material on both sides and the rear of the vehicle so as to render the vehicle visible from a distance of 500 feet;
  - (6) A triangular slow-moving vehicle (SMV) emblem mounted on the rear of the vehicle;
  - (7) A public vehicle license displayed so that it can be easily seen as per CMC 407-35;
  - (8) Any other device ordered by the director.
- (fg) Whenever a public vehicle is found not to be in a safe and sanitary operating condition or not to comply fully with all the requirements specified herein, the city treasurer, upon the recommendation of the director, shall suspend or revoke the license of the public vehicle, until the public vehicle is in full compliance with provisions herein.
- (gh) Transportation Network Drivers and vehicles are exempt from this section and are alternatively regulated pursuant to the requirements outlined in the Ohio Revised Code.

**Sec. 407-117-A. - ~~Animal-Drawn Carriage and~~Pedicab Stands.**

The director shall designate the location of space and times of use for stands to be known as "~~animal-drawn carriage~~ pedicab stands." No automobiles or other means of conveyance except pedicabs shall be permitted to use such "~~animal-drawn carriage~~ pedicab stands" within the time as provided by the rules and regulations promulgated by the director.

The director is authorized to formulate reasonable rules and regulations for the use of such "~~animal-drawn carriage~~ pedicab stands" so as to ensure equality of opportunity between operators and to prevent unfair practices between the owners, operators and drivers of such ~~animal-drawn vehicles~~ pedicabs for hire.

**Sec. 407-125. - Rules and Regulations.**

The director is authorized and directed to establish rules and regulations necessary for the enforcement of the provisions of this chapter, ~~including rules and regulations pertaining to the health, safety and well-being of animals used to draw carriages in the city of Cincinnati.~~

Violation of any such regulation or failure to comply with a lawful order of the director shall be reason for revocation of any license issued under authority of this chapter.

**Sec. 408. - Driver's License for Public Vehicles.**

No person shall drive a taxicab, tour vehicle, limousine, accessible vehicle, pedicab, or low speed vehicle, ~~or animal-drawn carriage~~ unless duly licensed as hereinafter provided.

Transportation Network Companies and their drivers and vehicles are exempt from this Chapter and are alternatively regulated pursuant to the requirements contained in Ohio Revised Code Chapters 3942 and 4925 or any successor chapter or sections of the Ohio Revised Code.

**Sec. 408-1. - Application and Digital Identification Permit.**

- (a) Every applicant for a license as a driver of a taxicab, tour vehicle, accessible vehicle, pedicab, or low speed vehicle, ~~or animal-drawn carriage~~ shall make application to the director on forms to be supplied by the director. The director, for purposes of Chapter 408, shall be the same definition as Section 407-1-D1. The application shall be notarized, and each applicant must supply information or documentation to show the applicant fulfills the following requirements, and any other pertinent information as the director may require, in order to complete his/her application under Chapter 408:
- (1) Able to speak, read, and write the English language;
  - (2) Twenty-one years of age or over and must present a valid operator's license as approved by the director;
  - (3) Free of defective vision, defective hearing, epilepsy, vertigo, heart trouble, and any other infirmity, physical or mental, which would render the applicant unfit for safe operation of a public vehicle;
  - (4) Not currently engaging in the illegal use of alcohol or drugs;
  - (5) Cleared by a criminal background check, which is completed by a law enforcement entity, association, corporation, or firm approved by the director to perform such services.
- (b) Every applicant for a license to drive an accessible vehicle shall also produce satisfactory evidence that the applicant has completed a course in first aid and life saving, approved by the director, and in addition, a certificate from a reputable physician stating that the applicant is free from communicable diseases.

### **Sec. 408-3. - Driver's License Fee.**

Every driver of a taxicab, limousine, accessible vehicle, pedicab, tour vehicle, and low speed vehicle, ~~and animal-drawn carriage~~ shall pay to the city treasurer the sum of \$40.00 upon issuance of a driver's license, and the sum of \$20.00 per year for each annual renewal.

### **Sec. 408-5. - Examination of Applicant.**

After complying with the provisions of Section 408-1, every applicant shall be examined by the director or his designee as to the applicant's knowledge of the provisions governing the operation of taxicabs, limousines, pedicabs, tour vehicles, and low speed vehicles, ~~and animal-drawn carriages~~ and as to knowledge of the city of Cincinnati and state and local traffic regulations. The applicant shall produce evidence of at least six months' experience in operating a motor vehicle ~~or animal-drawn carriage~~, or successful completion of a course in the operation of a motor vehicle ~~or animal-drawn carriage~~ given by a school approved by the director, or both, and shall, if required, demonstrate the applicant's skill and ability.

Transportation Network Drivers and vehicles are exempt from this section and are alternatively regulated pursuant to the requirements contained in the Ohio Revised Code.

### **Sec. 408-7. - Issuance or Denial of License.**

If the applicant to drive a taxicab, tour vehicle, limousine, pedicab, or low speed vehicle, ~~or animal-drawn carriage~~ meets all the requirements set forth in this chapter, his/her criminal background check did not disclose convictions for felony crimes of violence, weapons, or moral turpitude, or misdemeanor convictions of moral turpitude and he/she is not non-compliant as stated in Chapter 801, "General Provisions," then the director shall notify the city treasurer in writing; and the city treasurer shall issue a license to applicant upon payment of the proper fee.

If the director denies the issuance of a public vehicles driver's license, the director shall send notice to the applicant-supplied address, or if applicable, the notice may be provided to the applicant in person if the individual is present in the office of the director at the time of the denial. The applicant may appeal the decision to the office of administrative hearings (OAH). All appeals must be filed in writing with OAH within 10 days from receipt of notice of the director's decision to deny the license, and OAH shall hold the hearing within 14 days from receipt of the applicant's written appeal. For purposes of appeal the director's decision shall be presumed accurate, and the appellant shall bear the burden of proof of evidence to contradict the director's decision. The hearing examiner will either uphold or reverse the director's decision based on the information presented at the hearing under the criteria set forth in this Chapter.

Transportation Network Drivers and vehicles are exempt from this section and are alternatively regulated pursuant to the requirements outlined in the Ohio Revised Code.

### **Sec. 408-25. - Smoking Prohibited.**

Drivers of limousines, taxicabs, transportation network vehicles, tour vehicles, accessible vehicles, and low speed vehicles, ~~and animal-drawn carriages~~ are prohibited from smoking while carrying passengers.



#### **Sec. 408-45. - Rules and Regulations.**

The director is hereby authorized and empowered to establish and adopt such additional rules and regulations governing the issuance of licenses to drive taxicabs, tour vehicles, pedicabs, ~~animal-drawn carriage~~, low speed vehicles, and accessible vehicles as may be reasonable and necessary and not inconsistent with the provisions of this chapter. Any rules and regulations proposed by the director under this section on or after September 1, 2014, shall be published and made available to the public and shall be made available for public comment at a committee of the city council prior to adoption.

#### **Sec. 510-3. - Special Parades Requiring Permits.**

Notwithstanding the provisions of Section 510-2, the city manager, or person designated by the city manager, may grant permission to a group, association or organization holding or sponsoring a parade, march or procession to do so without strict compliance with specified provisions of the laws and regulations relating to vehicular and pedestrian traffic, and may restrict parking along a proposed route of a parade, march or procession and provide police escorts therefor upon the following terms and conditions:

- (a) The group, organization or association sponsoring a parade, march or procession shall apply in writing at least 30 calendar days in advance of the date of the parade, march or procession for a permit to hold a parade at variance with the laws and regulations relating to pedestrian and vehicular traffic.

The city manager or person designated by the city manager shall, in appropriate cases, have the authority to waive the time period within which the application for a parade permit must be made.

- (b) Application for such permit shall be on forms provided by the city manager or person designated by the city manager, and shall state:
  - (1) The name and address of the sponsoring group, association or organization.
  - (2) The names and addresses and telephone numbers of officers of the organization or persons authorized to speak for and on behalf of such organization and to represent the organization in all matters pertaining to the parade permit.
  - (3) The date, time and proposed route of the parade.
  - (4) The nature of the parade; i.e., whether it will consist of or include:
    - a. Pedestrians,
    - b. Vehicles,
    - c. Animals,
    - d. A combination of any of the above, and
    - e. The approximate size or length of the parade.

- (5) Those traffic laws or regulations which the group, association or organization holding or sponsoring the parade wish to be waived in regard to it.
  - (6) Whether or not it is desirable that parking be restricted along the parade route or any part of the parade route.
  - (7) Whether or not a police escort is desired.
  - (8) The application for the proposed parade shall include a non refundable \$100.00 fee if it is estimated that fewer than 3,000 people will be in attendance, or a \$500.00 fee if it is estimated that over 3,000 people will be in attendance.
- (c) In reviewing the application for a parade permit, the city manager or person designated by the city manager shall determine the number of police officers reasonably necessary to control traffic in the area of the requested parade. In making this determination, the city manager or person designated by the city manager shall consider such factors as the time, date, route, length, number of participants and vehicles contained in the application for the parade permit. The city manager or person designated by the city manager shall inform the applicant for the parade permit of the number and cost of police officers and vehicles which he determines to be necessary to control the traffic for the requested parade. The cost to the applicant for each police officer shall be the current standard hourly special duty rate. The cost for each police vehicle shall be the standard hourly rental rate prescribed by the Cincinnati Police Department. The applicant for a parade permit shall deposit one-half of the amount of money designated by the city manager or person designated by the city manager as necessary for police traffic control and police vehicles with the Cincinnati Police Department within five business days of the issuance of the permit, or within five business days prior to the parade, whichever date is earlier, unless the deposit requirement is waived by the city manager. The Cincinnati Police Department will invoice the applicant for a parade permit for the remaining one-half of all such costs, and the applicant shall promptly pay the invoice.
- (d) In reviewing the application for a parade permit, the city manager or person designated by the city manager shall determine if personnel from the Cincinnati Fire Department are necessary to the safe conduct and operation of the parade. In making that determination, the city manager or person designated by the city manager shall consider the time, date, route and length of the parade; the likelihood of fires or explosions during the parade or the need for emergency and medical services; the nature and purpose of the parade; the anticipated attendance at the parade by both participants and observers; the number, type, and speed of vehicles in the parade; and the ability of the Cincinnati Fire Department to respond to a call for services from a location outside the parade route.
- If the city manager or person designated by the city manager determines that Cincinnati Fire Department personnel are necessary to the safe conduct and operation of the parade, then the applicant for the parade permit shall be informed of the necessary number and cost of Cincinnati Fire Department personnel. The

cost to the applicant of the Cincinnati Fire Department personnel shall be the current standard hourly special duty rate for such personnel. The cost for each Cincinnati Fire Department vehicle shall be a standard hourly rate prescribed by the fire chief. The applicant for a parade permit shall deposit one-half of the amount of money designated by the city manager or person designated by the city manager as necessary for fire department personnel and vehicles with the Cincinnati Fire Department within five business days of the issuance of the permit, or within five business days prior to the parade, whichever date is earlier, unless the deposit requirement is waived by the city manager. The Cincinnati Fire Department will invoice the applicant for a parade permit for the remaining one-half of all such costs, and the applicant shall promptly pay the invoice.

- (e) Before issuing a permit, the city manager or person designated by the city manager shall determine that:
  - (1) Waiver of laws or regulations relating to the movement of pedestrian or vehicular traffic for the proposed parade will not present an unreasonable hazard to the safety of the public.
  - (2) The waiver of enforcement of laws and regulations relating to vehicular and pedestrian traffic along the route of the suggested parade will not substantially and unreasonably increase traffic congestion in the congested area or in any other area of the city during rush hours.
  - (3) That there will be available sufficient city manpower to provide for the reasonably safe movement of the parade and other traffic, the safety of the public, and the restriction of parking along the parade route or police escorts when requested or when determined to be necessary for the safety of the public by the city manager or person designated by the city manager.
  - (4) That the parade will not unreasonably interfere with access to public or private property adjacent to the streets and sidewalks to the proposed parade route.
- (f) If the parade, march or procession involves the use of motor vehicles or animals, the organization, group or association sponsoring or holding the parade shall obtain liability insurance and file a copy of the policy with the City of Cincinnati, which policy shall:
  - (1) List the sponsoring group, association or organization and the City of Cincinnati as a named insured; and
  - (2) Provide liability coverage against all hazards arising from the holding of the parade for personal injuries and property damage in the amount of \$500,000.
- (g) If the parade, march or procession involves the use of animals, no permit shall be issued unless the organization, group or association sponsoring or holding the parade shall provide the following to the city at the time the permit is requested:

- (1) A description of the litter control measures that will be taken to prevent animal urine and manure from collecting on city property or streets and the plan for disposal of any animal urine or feces;
- (2) A certificate of fitness from a licensed veterinarian stating that the veterinarian has examined the animal within the last 60 days and that the exam included all matters consistent with the usual and customary veterinary practice in the community to maintain the health and well-being of animals, and that the animal is fit for use in the parade, march or procession; and
- (3) If an animal-drawn carriage is to be used, a certification that the carriage has a readily visible reflector on the rear of the carriage and that the carriage does not exceed the following dimensions:
  - a. Height: 13 feet, 6 inches
  - b. Width: 8 feet, 0 inches
  - c. Length: 48 feet, 0 inches, including horse, mule or other beast of burden.
- (4) If an animal-drawn carriage is to be used, evidence of the driver having at least six months' experience in operating an animal-drawn carriage, or successful completion of a course in the operation of an animal-drawn carriage given by a school approved by the director, or both, and shall, if required, demonstrate the driver's skill and ability.

- (hg) A parade permit will not be granted to any applicant whose stated intended purpose is to communicate any obscenity, defamation, "fighting words," or words creating a "clear and present danger."

The City of Cincinnati will promptly seek judicial review of any intended denial or revocation of a parade permit based upon the obscenity, defamation, "fighting words," or "clear and present danger" prohibitions contained in this section. Unless a court issues an order within ten business days of the city's petition declaring that the permit may be lawfully denied or revoked, the parade permit will be granted.

- (ih) After the application is filed, the city manager or person designated by the city manager shall act upon an application for a special parade permit within ten business days, or within five business days prior to the proposed parade, whichever date is earlier.

If the city manager or person designated by the city manager finds that the determinations required by paragraph (e) above cannot be made without changes in the proposed route, time, or waiver of laws or regulations relating to movement of pedestrian or vehicular traffic as requested in the application, or the restriction of parking along the proposed route, the city manager or person designated by the city manager shall suggest in writing alternate times, routes, or procedures or conditions which would meet the requirements of paragraph (e) above. Such suggestions shall be noted upon the application for the special parade permit. The

terms of such suggestions shall be communicated by the city manager or the person designated by the city manager to the permit applicant either by personal delivery or certified mail within ten business days after the application is filed, or within five business days prior to the proposed parade, whichever date is earlier.

If these suggestions are accepted in writing by the permit applicant within three business days after the date the city manager or person designated by the city manager personally notifies the applicant of the suggestions or mails the suggestions to the applicant, the city manager or person designated by the city manager shall proceed as though such changes were originally part of the application. The permit applicant's acceptance of the suggestions shall be noted upon the application.

- (ji) Any applicant shall have the right to appeal the denial of a permit to the office of administrative hearings by filing a written notice of appeal with the city manager within five business days of the denial of the permit. The city manager shall transmit the notice of appeal and all documents related to the permit application to the office of administrative hearings within 24 hours of the filing of the appeal. The office of administrative hearings shall conduct a hearing and issue a decision in sufficient time to allow the applicant to conduct the parade if the appeal is granted, but in no event shall the hearing be held more than five business days after the appeal is filed.
- (kj) A permit may be revoked at any time by the city manager or person designated by the city manager for the same reasons as those provided for denial of a permit. Notice of the revocation of a permit shall be given immediately to the applicant as provided in Section 510-3(g), and appeal of the revocation of the permit may be taken in the same manner and time as provided in Section 510-3(h), except the requirement that the appeal shall be heard before the date of the parade will not apply.
- (lk) In the absence of special circumstances, the following parade route in the congested district shall be deemed to comply with the requirements of this section insofar as presenting the least hazard to the safety of the public and the least interference with normal use and movement upon the streets in that area, and shall be followed by any group proposing to hold a parade in the congested area, unless the city manager or person designated by the city manager finds that exceptional circumstances exist, which shall be stated in writing upon the application, which warrant the use of an alternate route:  
  
From the intersection of Butler and Sentinel Street, travel south on Sentinel Street to Fifth Street, thence west on Fifth Street to Vine Street, thence north on Vine Street to the intersection of Vine Street and Central Parkway, where the parade shall end.
- (ml) No person participating in a parade, march or procession under this section shall distribute handbills, free samples, give autographs or other such items to spectators along the designated parade route nor commit any other act which

would encourage spectators to move into the designated parade route during the course of any such parade.

**Sec. 765-11. - Required Terms and Conditions.**

As part of a special event permit, the sponsor of the event shall agree in writing and the permit shall contain the following terms and conditions:

- (a) The sponsor of the event shall have a representative present at all times during the event who shall be responsible for ensuring compliance with all applicable ordinances and regulations and for accepting all notices of violations and closure orders.
- (b) The special event shall not take place unless the sponsor has supplied the chief of police with a certificate of insurance evidencing general commercial liability insurance, with limits of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate, and liquor liability insurance, if applicable, with a limit of not less than \$1,000,000. Each certificate of insurance shall list the city as an additional insured.
  - (1) Each insurance policy required by this subsection shall include a provision to the effect that it shall not be subject to cancellation, reduction in the amounts of its liabilities, or other material changes until notice thereof has been received in writing by the office of risk management and the chief of police not less than 60 days prior to such action.
  - (2) Each sponsor shall maintain the insurance required by this subsection in full force and effect for the duration of the permit period. Failure of the sponsor of the event to maintain such insurance during the periods indicated above shall result in automatic expiration of the permit. For the purposes of this subsection, the permit shall include the time required for construction and removal of all materials and equipment provided for the conduct of the special event until the public way has been cleared and restored as provided in subsection (f).
- (c) The sponsor of the event shall indemnify and hold harmless the city of Cincinnati, its officials, employees, subcontractors, agents, and assignees from any and all losses, damages, injuries, claims, demands, and expenses arising out of the operation of the special event or the condition, maintenance, and use of public property.
- (d) During the presentation of the special event, the sponsor of the event shall at its own cost keep the public way clean and free from paper, debris, or refuse, and upon termination of the permit by lapse of time or otherwise, the sponsor of the event shall remove all materials and equipment and clean the street. If the public way has been damaged, the city shall repair and restore it to the condition it was in prior to the special event and bill the sponsor of the event for the city's actual cost to repair.

- (e) Whenever a permit requires the closure of a street, a clear path of not less than twelve (12) feet must be maintained at all times to provide for the passage of emergency vehicles.
- (f) The sponsor of the event shall be responsible for ensuring that each vendor participating in the event obtains the proper licenses. In the event that an unlicensed or improperly licensed vendor is found at the event, the sponsor of the event shall be fined pursuant to CMC § 765-99 for each unlicensed or improperly licensed vendor. This shall be in addition to any fines or penalties which may be issued to the individual vendor. The sponsor shall promptly remove the unlicensed or improperly licensed vendor from the event area.
- (g) The sponsor of the event shall be responsible for ensuring that no person during the event shall, unless specifically authorized by the Cincinnati Police Department, possess or bring to the event area any poles, sticks, or clubs made of any rigid material or any other instrument, device, or thing that is capable of inflicting serious physical harm, that is designed or specifically adapted for use as a weapon, or that is possessed, carried, or used as a weapon, except to support a sign or banner, provided that such wooden stick is not more than two (2) inches in width or three-quarters ( $\frac{3}{4}$ ) of an inch in diameter, one-quarter ( $\frac{1}{4}$ ) inch in thickness, and forty (40) inches in length, and where such wooden stick is blunt on both ends.

This subsection shall apply without limitations to any poles, sticks or other devices attached to or otherwise used to support or elevate signs, banners or other displays of any kind not associated with or approved by the city of Cincinnati. This section does not apply to law enforcement officers or to canes, crutches, or other similar devices used by persons who are visually or physically impaired.

- (h) The sponsor of the event shall be responsible for ensuring that no person during the event shall take any animal to the event area, unless such animal is being or will be used by law enforcement officials engaged in the performance of their duties, or unless such animal is used as a guide for a disabled individual or such animal is part of the event and is listed on the application. If an animal is to be used during or as part of an event, then the sponsor of the event shall also comply with the provisions of Cincinnati Municipal Code Section 510-3(g).

#### **Section 850-1-P3. – Public Vehicle.**

“Public Vehicle” means a vehicle by which individual service for compensation in the transportation of persons on the public streets or highways is furnished or offered to be furnished including taxicabs, limousines, and handicapped livery vehicles ~~and animal-drawn carriages.~~

Section 2. That existing Section 407-1-P1, “Public Vehicle,” Section 407-3, “License Fees for Public Vehicles,” Section 407-5, “Application for License,” Section 407-30, “Uninsured and Underinsured Motorist Coverage Insurance,” Section 407-35, “Insignia,” Section 407-55,

“Rates of Fare for Limousines, Pedicabs, Tour Vehicles, Low Speed Vehicles, and Animal-Drawn Carriages,” Section 407-69, “Rates To Be Filed With Director,” Section 407-71, “Rate Card or Rate Information to be Reviewable by Passengers,” Section 407-83, “Illegal Use of Hotel or Bus Zones,” Section 407-107, “Equipment Requirements,” Section 407-117-A, “Animal-Drawn Carriage and Pedicab Stands,” Section 407-125, “Rules and Regulations,” of Chapter 407, “Public Vehicles,” and existing Section 408, “Driver’s Licenses for Public Vehicles,” Section 408-1, “Application and Digital Identification Permit,” Section 408-3, “Driver’s License Fee,” Section 408-5, “Examination of Applicant,” Section 408-7, “Issuance or Denial of License,” Section 408-25, “Smoking Prohibited,” Section 408-45, “Rules and Regulations,” of Chapter 408, “Drivers’ Licenses for Public Vehicles,” and existing Section 850-1-P3, “Public Vehicle,” of Chapter 850, “Advertising of Tobacco Products,” of the Cincinnati Municipal Code are hereby repealed.

Section 3. That the following new Section 407-12, “Animal-Drawn Carriages,” of Chapter 407, “Public Vehicles,” of the Cincinnati Municipal Code is hereby ordained to read as follows:

**Sec. 407-12. – Animal-Drawn Carriages**

As of January 15, 2022, animal-drawn carriages may no longer offer for-hire service in the transportation of persons on the public streets. Animal-drawn carriages may be utilized during parades and special events such as weddings, upon compliance with the applicable provisions of the Cincinnati Municipal Code and issuance of the proper special event approvals and permits.

Section 4. That existing Section 407-137, “Litter Control for Animal-Drawn Carriages,” Section 407-139, “Dimensions for Animal-Drawn Carriages,” and Section 407-143, “Veterinarian’s Certificate Required,” of Chapter 407 of the Cincinnati Municipal Code are hereby repealed in their entirety.

Section 5. That sections 1 through 4 above shall be effective as of January 15, 2022.



Section 6. That the proper City officials are hereby authorized to do all things necessary and proper to implement the provisions of Sections 1 through 5 of this Ordinance.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

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

\_\_\_\_\_  
New language underscored. Deletions indicated by strike-through.