

SUBJECT: Proposed text amendment for the Urban Mix district for sections 1400-11, 1400-15, 1419-29, 1421-17, 1421-33, 1421-13-A, 1425-19-A, 1425-23, 1427-37, 1447-11 of the Zoning Code.

PURPOSE:

To obtain approval from the City Planning Commission (CPC) of texts amendment to correct several oversights for the newly created Urban Mix (UM) District.

PROPOSED TEXT AMENDMENT:

See attached amendments

JUSTIFICATION:

Recently a new Urban Mix zoning district was created. Several sections of the Code need to include regulations for the Urban Mix district and were not addressed when the district was created. The attached amendments correct this oversight.

RECOMMENDATION:

The Department of Community Development and Planning staff recommends that the City Planning Commission approve the requested text amendments.

APPROVED:

Margaret A. Wuerstle, AICP, Chief Planner
Department of Community Development & Planning

Amendment Committee

SUBJECT: Report and recommendation on proposed text amendments for Schedule 1400-11, -15, 1410-11, 1419-29, 1421-17, 1423-13-A, 1425-19-A, 1425-23, 1427-37 and 1447-11 fully incorporating the new Urban Mix District into the Zoning Code.

PURPOSE:

To obtain approval from the City Planning Commission (CPC) on a text amendment to Schedule 1415-05: Use Regulations – Riverfront Districts.

PROPOSED TEXT AMENDMENTS:

§ 1400-11. Establishment of Zoning Districts.

For the purposes of the Cincinnati Zoning Code, the City of Cincinnati is divided into 22 zoning districts. These zoning districts are intended to:

- (a) **Location and Use.** Regulate and restrict the location and use of buildings and land for residence, commerce and trade, industry, transportation, communications and utilities and other purposes.
- (b) **Dimensions.** To regulate and restrict the height and size of buildings and structures hereafter erected or structurally altered, the size of yards, setbacks, other open spaces and the density of population.
- (c) **Standards.** To establish site development and design standards, subdivision standards and requirements for adequate public facilities and services.

Base zoning districts and chapter references are shown in Schedule 1400-11. References to classes of districts (SF, RM, C, **UM**, DD, M, RF and IR) include all of the subdistricts.

Schedule 1400-11: Establishment of Zoning Districts

Base Districts and Chapter Reference	District
1403 Single-family Districts	Single-family (SF-20) Single-family (SF-10) Single-family (SF-6) Single-family (SF-4) Single-family (SF-2)
1405 Multi-family Districts	Residential Mixed (RMX) Residential Multi-family (RM-2.0) Residential Multi-family (RM-1.2) Residential Multi-family (RM-0.7)
1407 Office Districts	Office Limited (OL) Office General (OG)
1409 Commercial Districts	Commercial Neighborhood (CN) Commercial Community (CC) Commercial General (CG)
1410 Urban Mix District	Urban Mix (UM)
1411 Downtown Development District	Downtown Development (DD)
1413 Manufacturing Districts	Manufacturing Limited (ML)

Base Districts and Chapter Reference	District
	Manufacturing General (MG) Manufacturing Exclusive (ME)
1415 Riverfront Districts	Riverfront Residential/Recreational (RF-R) Riverfront Commercial (RF-C) Riverfront Manufacturing (RF-M)
1417 Institutional-Residential Districts	Institutional-Residential (IR)

§ 1400-15. District Hierarchy.

The term "more restrictive" district applies to any district in the sequence set forth in Schedule 1400-15 that precedes any other district in Schedule 1400-15 and the term "less restrictive" applies to any district which succeeds any other district in Schedule 1400-15.

Schedule 1400-15: District Hierarchy

- (a) Single-family (SF-20)
- (b) Single-family (SF-10)
- (c) Single-family (SF-6)
- (d) Single-family (SF-4)
- (e) Single-family (SF-2)
- (f) Residential Mixed (RMX)
- (g) Residential Multi-family (RM-2.0)
- (h) Residential Multi-family (RM-1.2)
- (i) Residential Multi-family (RM-0.7)
- (j) Riverfront Residential/Recreational (RF-R)
- (k) Office Limited (OL)
- (l) Office General (OG)
- (m) Institutional-Residential (IR)
- (n) Commercial Neighborhood-Pedestrian (CN-P)
- (o) Commercial Community-Pedestrian (CC-P)
- (p) Commercial Neighborhood-Mixed (CN-M)
- (q) Downtown Development (DD)
- (r) Commercial Community-Mixed (CC-M)
- (s) Commercial Community-Auto Oriented (CC-A)

(t) **Urban Mix (UM)**

- (u) Manufacturing Limited (ML)
- (v) Commercial General-Auto Oriented (CG-A)
- (w) Manufacturing Exclusive (ME)
- (x) Riverfront Commercial (RF-C)
- (y) Riverfront Manufacturing (RF-M)
- (z) Manufacturing General (MG)

§ 1410-11. Truck Docks; Loading and Service Areas

Truck docks, loading and service areas are not permitted within 50 feet of residential district boundaries and are not permitted to be used between 10 PM and 7 AM on weekdays and between 11 PM and 7 AM on weekends. These facilities must be located at the side of buildings or in the rear of the site and screened so as not to be visible from residential districts. Where a building abuts a residential district, the preferred location of these facilities is the side away from the district boundary.

§ 1419-29. Vending Machines and Pay Telephones.

- (aa) **Location of Vending Machines and Pay Telephones in Residential Districts.** Vending machines or pay telephones may not be located outside any building or accessory building used for residential purposes in a Residential District.
- (bb) Location of Vending Machines in O, C, **UM**, DD, M, RF and IR Districts. Vending machines may not be located:
 - (1) Within any required landscaping or bufferyard.
 - (2) So as to obstruct or interfere with pedestrian travel.
 - (3) Within five feet from a crosswalk, display window, building entrance, fire hydrant or other emergency facility.
 - (4) With more than three machines at any location.
 - (5) Closer than 100 feet to another group of vending machines.
- (c) **Appearance:** Vending machines must be maintained in good operating condition and be free from rust and adornments such as graffiti, stickers and posters.

§ 1421-17. Increased Floor Area Ratio for Structured Parking.

In the OL, OG, **UM** and IR Districts where part or all of the parking spaces required for OL, OG, **UM** and IR uses are provided within the principal building or within a parking structure attached to the principal building, the maximum floor area ratio specified for the OL, OG, **UM** and IR Districts may be increased by a maximum of 20 percent using the following formula:

A/B times 20 percent, where

A equals the number of parking spaces provided within the principal building or attached parking structure, and

B equals the number of parking spaces required for the OL, OG, **UM** or IR uses.

Schedule 1423-13-A: Required Buffer Yards

District of Proposed Use	Adjoining District	Yard Condition	Buffer Type Required ¹
RM Districts	SF	Side or Rear	A
O District	SF	Side or Rear no Loading	A
		Any Yard with Loading	B
	RM	Side or Rear no Loading	A
		Any yard with Loading	B
	Other Districts	Front, Side or Rear	None
CN-P and CC-P	SF	Side or Rear no Loading	A
		Any Yard with Loading	A
	RM	Side or Rear no Loading	A
		Any Yard with Loading	A
	Other Districts	Front, Side or Rear	None
CN-M, CC-M and CC-A	SF	Side or Rear no Loading	B
		Any Yard with Loading	C
	RM	Side or Rear no Loading	B
		Any Yard with Loading	C
	Other Districts	Front, Side or Rear	None
CG-A	SF	Side or Rear no Loading	C
		Any Yard with Loading	D
	RM	Side or Rear no Loading	C
		Any Yard with Loading	D
	Other Districts	Front, Side or Rear	None
DD Subdistricts	SF	Side or Rear no Loading	C
		Any Yard with Loading	D
	RM	Side or Rear no Loading	A
		Any Yard with Loading	B
	Other Districts	Front, Side or Rear	None
UM Districts	RM	Side or Rear	A
	SF	Side or Rear	A
M Districts	SF and RM	Side or Rear	D
		Front No Storage	None
		Front with Storage	C
	O and C	Side or Rear	A
		Front No Storage or Loading	None
		Front with Storage or Loading	B
	DD	Side or Rear	A
Front No Storage or Loading		None	
Front with Storage or Loading		B	
Other Districts		Front, Side or Rear	None
RF Districts (Except Residential Uses of RF-R District)	SF, RM and Residential Uses of RF-R	Front or Side	D
		O and C	Front or Side
	DD	Front or Side	C
	Other Districts	Front or Side	None

¹See Schedule 1423-13-B

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

Use Classifications	Required Parking (Sq. Ft. of Floor Area)	Loading User Group
Residential Uses		
Bed and breakfast home	2 for every dwelling, plus 1 for every guest room	
Child day care home	No additional spaces required	

Use Classifications	Required Parking (Sq. Ft. of Floor Area)	Loading User Group
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, UM , M, 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		
RM2.0, RM1.2, OL	1.5 for every unit	
RM0.7, OG, C, UM , M, RF-R and IR	1 for every unit	
Residential care facilities		
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	
Transportation facilities		

§ 1425-23. Reduced Parking.

The Director of Buildings and Inspections may grant a reduction in the number of spaces to less than that specified in Schedule 1425-19-A for the following:

- (cc) **Proximity to Public Parking Facilities.** In the O, C, **UM** and M Districts, where a use is located within 600 feet of a public parking facility, either publicly or privately owned and operated and the facility could provide 50 percent or more of the parking spaces required for the use, the director may approve a 50 percent reduction in the parking requirements for the use. If the reduced requirement results in fewer than five spaces being required, no spaces need be provided.

§ 1427-37. Signs Standards for the C and **UM Districts.**

Signs in the C District must comply with the following:

- (dd) **Maximum Total Sign Area.** The maximum sign area allowed is as follows: (See § 1427-21)
 - (1) *CN-P and CC-P Districts:* One square foot for every linear foot of lot frontage on a street per site.
 - (2) *CN-M, CC-M and **UM** Districts:* 1.5 square feet for every linear foot of lot frontage on a street per site.
 - (3) *CC-A and CG-A Districts:* Two square feet for every linear foot of lot frontage on a street per site.
 - (4) *Changeable Copy Signs* are permitted in the CN-M, CC-M, CC-A, and CG-A Districts. They may be constructed as ground, wall, marquee, or canopy signs and are subject to all other size regulations for the particular sign type selected. Only one changeable copy sign per site is permitted. A Changeable Copy Sign may not be changed or rearranged at less than

a ten second interval and may not include streaming, animating, or flashing text or images.

- (5) If a site has more than one business occupant, the owner of the property shall determine how the sign area is to be allocated to the occupants. For all buildings, complexes, or sites designed and/or intended for multi-tenant usage, a total sign plan conforming to all the requirements of this Code must be submitted to the Buildings and Inspections Department for review and approval before any sign permit for the complex or an individual tenant will be issued.

For Signs in the **CN-M, CC-M & UM** Districts, the following regulations apply:

CN-M, CC-M & UM District	Ground Signs	Window Signs	Projecting Signs	Wall Signs	Marquee or Canopy Signs	Awning Signs
Permitted Signs	Yes	Yes	Yes, if no wall, marquee, or canopy sign	Yes, if no projecting, marquee, or canopy sign	Yes, if no wall or projecting sign	Yes
Max. # of Signs	1 per site	Unlimited	1 per street frontage per establishment	1 per street frontage per establishment	1 per street frontage per establishment	1 per establishment
Max. Sign Area	36 sq. ft. per sign face	See §1427-29	28 sq. ft. per sign face	72 sq. ft.	72 sq. ft.	12 sq. ft.
Max. # of Sign Faces Permitted	2	1	2	1	1	1
Max. Sign Height	10 ft.	See §1427-29	See §1427-27	25 ft.	Not more than 2 ft. above marquee or canopy	Letters may not be higher than 12 inches
Max. Sign Width	None	Horizontal limits of the window	See §1427-27	Horizontal limits of the wall	Horizontal limits of the marquee or canopy	Horizontal limits of the awning
Min. Setback from any lot line	One-half the height of the sign	N/A	See §1427-27	N/A	N/A	N/A
Permitted Illumination	External or Internal	External or Internal	External or Internal	External or Internal	External or Internal	None

§ 1447-11. Substitution of a Nonconforming Use.

The Zoning Hearing Examiner may allow the substitution of a nonconforming use for another nonconforming use permitted in another district as specified in Schedule 1447-11 - Substitution Rights for a Nonconforming Use. Whenever any nonconforming use is changed to a conforming use, such use may not later be changed to a use other than a conforming use.

Schedule 1447-11 - Substitution Rights for a Nonconforming Use

Location of Nonconforming Use	Substitution Rights	Location of Nonconforming Use	Substitution Rights	Location of Nonconforming Use	Substitution Rights
SF-20	None ¹	RM0.7	OL	CGA	ML
SF-10	None ¹	OL	OG	DD	None
SF-6	None ¹	OG	CN-P, CN-M	ML	MG

SF-4	None ¹	CN-P	CN-M	MG	None
SF-2	None ¹	CN-M	CC-P	RF-R	RF-C
RMX	RM0.7	CC-P	CC-M	RF-C	RF-M
RM-2.0	RM0.7	CC-M	CC-A	RF-M	None
RM-1.2	OL	CC-A	CG-A	I-R	None
UM	ML				

¹See § 1447-13

JUSTIFICATION:

These changes are required to incorporate the Urban Mix District that was approved by Council in December 2006 into the City of Cincinnati Zoning Code.

RECOMMENDATION:

The Department of Community Development and Planning staff recommends that the City Planning Commission approve the requested text amendments.

APPROVED:

Respectfully Submitted:

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