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MODIFYING Title XIV, "Zoning Code of the City of Cincinnati," by amending the provisions of Section 1400-21, “Interpretation of District Boundaries,” Section 1401-01-D10, “Director of City Planning and Buildings,” Section 1401-01-F4, “Fences,” Section 1401-01-P19, “Production Industry,” Section 1403-05, “Land Use Regulations,” Section 1403-19, “Application Procedures and Requirements,” Section 1405-05, “Land Use Regulations,” Section 1407-05, “Land Use Regulations,” Section 1409-07, “Land Use Regulations,” Section 1410-05, “Land Use Regulations,” Section 1411-39, “Signs,” Section 1411-47, “Demolition,” Section 1413-05, “Land Use Regulations,” Section 1415-05, “Land Use Regulations,” Section 1415-11, “Maximum Height,” Section 1415-19, “Ohio River Bank Area,” Section 1415-21, “Little Miami Riverfront Area Use Review,” Section 1416-05, “Land Use Regulations,” Section 1417-03, “Land Use Regulations,” Section 1417-11, “Institutional Buffer Yard Plan,” 1417-13, “Institutional Buffer Yard Standards,” Section 1419-05, “Animal Services,” Section 1419-17, “Home Occupations,” Section 1419-25, “Sexually Oriented Businesses,” Section 1419-27, “Vehicle Repairs,” Section 1421-01, “Accessory Residential Structures,” Section 1425-15, “Location of Parking,” Section 1425-19 “Off-Street Parking and Loading Requirements,” Section 1425-23, “Reduced Parking,” Section 1425-25, “Off-Street Parking and Loading Dimensions,” Section 1425-33, “Additional Parking Lot Standards,” Section 1425-35, “Access Drive and Maneuvering Aisles,” 1425-37 “Surfacing, Drainage and Grade of Parking and Loading Facilities,” Section 1427-05, “Temporary Signs,” Section 1427-41, “Removal of Illegal Signs,” Section 1429-09, “Concept Plan and Development Program Statement,” Section 1429-13, “Final Development Plan,” Section 1429-15, “Planning Commission Approval of Final Development Plan,” Section 1429-19, “Limitation on Final Plan Implementation,” Section 1429-21, “Final Plan Amendments,” Section 1429-23, “Delegation of Duties,” Section 1431-09, “Three-Month IDC Overlay Districts,” Section 1433-11, “Exempt Permits,” Section 1433-13, “Applications Subject to Review,” Section 1433-21, “Approval,” Section 1435-05-2, “Urban Conservator,” Section 1435-05-3, “Historic Conservation Board,” Section 1435-07-2-C, “Adoption of Conservation Guidelines,” Section 1435-07-2-D, “Notice,” Section 1435-09-1-A, “Application,” Section 1435-09-1-B, “Historic Conservation Board Review and Determination,” Section 1435-09-1-D, “Notice of Application,” Section 1435-09-2, “Certificates of Appropriateness; Standards for Review,” Section 1435-09-4, “Minimum Maintenance Requirements; Demolition by Neglect,” Section 1435-09-5, “Exceptions from Requirement to Obtain Certificate of Appropriateness,” Section 1437-07, “Applications Subject to Review,” Section 1437-09, “Development Standards in UD Overlay Districts,” Section 1437-11, “Approval,” Section 1439-03, “Director of Community Development and Planning,” Section 1439-09, “Historic Conservation Board,” Section 1439-11, “Zoning Board of Appeals,” Section 1441-01, “Common Procedures for Review of Applications,” Section 1441-03, “Director of Buildings and Inspections Procedures,” Section 1441-05, “Covenants,” Section 1441-07, “Certificate of Compliance,” Section 1441-09, “Building Permits,” Section 1441-11, “Certificates of Occupancy and Use,” Section 1441-17, “Effect of Administrative Interpretations,” Section 1443-01, “Receipt of Application and Staff Reports,” Section 1443-05,

"Public Hearing Schedule and Notice," Section 1443-09, "Zoning Hearing Examiner Decisions," Section 1445-11, "Procedures for Application for Variances, Special Exceptions and Conditional Uses," Section 1445-17, "Standards for Variances to Accommodate Persons with Disabilities," Section 1445-30, "De Minimis Variance," Section 1447-15, "Application Procedures," Section 1447-23, "Reconstruction of Nonconforming Use and Structure," Section 1449-03, "Person Affected," Section 1449-07, "Public Hearing Notice and Procedures," Section 1449-09, "Appeals to the Zoning Board of Appeals," Section 1449-11, "Time Limit for Appeals," Section 1449-13, "Procedures for Appeals from Decisions of the Director of Buildings and Inspections or the City Planning Commission," Section 1449-15, "Procedures for Appeals from Decisions of the Zoning Hearing Examiner or Historic Conservation Board, "Section 1449-17, "Decision," Section 111-5, "Notice and Hearings on Notwithstanding Ordinances," AMENDING the provisions of Title XVII of the Cincinnati Municipal Code, "Land Development Code," and ENACTING Section 1401-01-D9, "Director," Section 1401-01-Z, "Zoning Administrator" and 1439-05, "Director of Buildings and Inspections" of the Cincinnati Municipal Code in order to reflect changes to the City's Table of Organization that redistribute the duties and responsibilities of the Department of Buildings and Inspections, Department of City Planning, and Law Department in relation to the City's zoning ordinances.

WHEREAS, pursuant to Ordinance No. 44-2015, Cincinnati City Council approved changes to the City's Table of Organization to be effective as of July 1, 2015, which changes redistribute the duties and responsibilities of the Department of Buildings and Inspections, Department of City Planning, and Law Department in relation to the City's zoning ordinances; and

WHEREAS, the Council wishes to amend the City's zoning ordinances to reflect the redistribution of duties and responsibilities among the Department of Buildings and Inspections, Department of City Planning, and Law Department; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on _____, 2015, recommended that the Council amend its zoning ordinances to properly reflect the redistribution of duties and responsibilities among the Department of Buildings and Inspections, Department of City Planning, and Law Department; and

WHEREAS, a committee of Council held a public hearing on the proposed amendments to the City's zoning ordinances following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved the major amendment, finding it in the interest of the general public's health, safety, and general welfare; and

WHEREAS, this ordinance is in accordance with the "Compete" goal to "build a streamlined and cohesive development process" as described on page 111 of Plan Cincinnati (2012); and

WHEREAS, Council considers amendment of the City's zoning ordinances to properly reflect the redistribution of duties and responsibilities among the Department of Buildings and Inspections, Department of City Planning, and Law Department to be in the best interest 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 Section 1400-21 of the Cincinnati Municipal Code, "Interpretation of District Boundaries," is hereby amended as follows:

§ 1400-21. - Interpretation of District Boundaries.

Where uncertainty exists regarding the boundary of a zoning district, the following rules apply:

(a) Property Lines. District boundaries shown as approximately following the property line of a lot are construed to follow such property line.

(b) Scale. On unsubdivided land or where a district boundary divides a lot, the location of the district boundary is determined by using the scale appearing on the zoning map, unless the boundary location is indicated by dimensions printed on the map.

(c) Boundary Lines. District boundaries shown as approximately following right-of-way lines of freeways, streets, railroads, streams, corporations or other identifiable boundary lines are construed to follow such right-of-way or boundary lines.

(d) Centerlines. District boundaries shown as lying within right-of-way lines of freeways, streets, railroads, streams, corporations or other identifiable boundary lines are construed to follow the centerline of such right-of-way or boundary lines.

(e) Uncertainty. If any uncertainty remains as to the location of a district boundary or other feature shown on the zoning map, the Director of City Planning ~~Director of Community Development and Planning~~ has the duty to determine the location.

The Director of City Planning ~~Director of Community Development and Planning~~ has the duty to keep a record of interpretations made pursuant to this section and keep them available to the public.

Section 2. That new Section 1401-01-D9 of the Cincinnati Municipal Code, "Director," is hereby enacted as follows:

§ 1401-01-D9. - Director.

As used herein, the term "Director," "director," and "Director of Buildings and Inspections" shall mean the Director of the Department of Buildings and Inspections as set forth in Administrative Code Article XXI.

Section 3. That Section 1401-01-D10 of the Cincinnati Municipal Code, "Director of City Planning and Buildings," is hereby amended and renumbered as follows:

§ 1401-01-D10. - Director of City Planning ~~and Buildings~~.

"Director of City Planning ~~and Buildings~~" shall mean the Director of the Department of City Planning ~~and Buildings~~ as set forth in Administrative Code Article XXV. ~~As used herein, the terms "Director Department of Planning and Buildings," "Director," "director," "Community Development and Planning Director," and "Director of Buildings and Inspections" shall mean the Director of the Department of City Planning and Buildings.~~

Section 4. That Section 1401-01-F4 of the Cincinnati Municipal Code, "Fences," is hereby amended as follows:

§ 1401-01-F4. - Fence.

"Fence" means a barrier made of wire, wood, metal, masonry or other material typically used as fencing or determined appropriate by the Zoning Administrator ~~Director of Buildings and Inspections~~, used as a screen or enclosure for a yard or open space. It includes a wall, gate or other structure used as a fence.

Section 5. That Section 1401-01-P19 of the Cincinnati Municipal Code, "Production Industry," is hereby amended as follows:

§ 1401-01-P19. - Production Industry.

"Production industry" means a category of uses that includes:

(a) Artisan. Establishments primarily engaged in on-site production of goods by hand manufacturing, involving the use of hand tools and small-scale equipment.

(b) General. Manufacturing of products, from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes: food, beverage and tobacco product manufacturing; textile mills; textile product mills; apparel manufacturing; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; transportation equipment manufacturing; primary metal manufacturing; and fabricated metal product manufacturing.

(c) Intensive high impact. Manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides,

disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This group also includes smelting, animal slaughtering and oil refining.

(d) Limited. Manufacturing of finished parts or products, primarily from previously prepared materials. This classification includes: printing and related support activities; machinery manufacturing, food manufacturing, computer and electronic product manufacturing; electrical equipment, appliance, component manufacturing, furniture and related product manufacturing; and other uses as determined by the Zoning Administrator ~~Director of Buildings and Inspections~~.

Section 6. That new Section 1401-01-Z of the Cincinnati Municipal Code, "Zoning Administrator," is hereby enacted as follows:

§ 1401-01-Z. – Zoning Administrator.

As used herein, the term "Zoning Administrator" shall mean the Zoning Administrator as set forth in Administrative Code Article XXI.

Section 7. That Section 1403-05 of the Cincinnati Municipal Code, "Land Use Regulations," 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.
~~Uses are defined in Chapter 1401, Definitions. Uses not listed in the Schedule 1403-05 are prohibited.~~

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	L5	L5	L5	L5	L5	
Group residential						
Convents and monasteries	C	C	C	C	C	
Fraternities and sororities	—	—	—	—	—	
Patient family homes	—	—	—	—	—	
Rooming houses	—	—	—	—	—	
Shared housing for the elderly	—	—	—	L4	L4	
Permanent residential						
Single-family dwelling	P	P	P	P	P	See § 1403-11
Attached single-family dwelling	L14	L14	L14	P	P	See § 1403-11
Two-family	L12	L12	L12	L12	L12	
Multi-family	L12	L12	L12	L12	L12	
Residential care facilities						
Developmental disability dwelling	P	P	P	P	P	
Public and Semipublic Uses						
Cemeteries	—	—	—	L1	L1	

Cultural institutions	—	—	C	C	C	
Park and recreation facilities	L13	L13	L13	L13	L13	
Public safety facilities	—	—	—	C	C	
Religious assembly	C	C	C	C	C	
School, public or private	C	C	C	C	C	
Transportation, Communication and Utilities						
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
Agriculture and Extractive Uses						
Community gardens	P	P	P	P	P	See § 1419-41
Farming	L3	L3	L3	—	—	
Accessory Uses						
Any accessory use not listed below	L9	L9	L9	L9	L9	
Home Occupation	P	P	P	P	P	See § 1419-17
Commercial Vehicle Parking	L6	L6	L6	L6	L6	
Child day-care centers	L5,7	L5,7	L5,7	L5,7	L5,7	
Refuse storage areas	P	P	P	P	P	See § 1421-35
Drive Box	L8	L8	L8	L8	L8	
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	—	—	—	L10	L10	
Rooming Unit	—	—	L11	L11	L11	
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 Enclosures for food, small animals and commercial sales must be set back no less than 100 feet from lot lines.	L4 The minimum lot area for every resident is 800 square feet and the minimum living area for every resident is 250 square feet.
L5 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.	L6 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.
L7 Only if accessory to a public or semi-public use.	L8 Accessory to a public or semi-public use, provided the drive-box is at least 100 feet from any property used for residential purposes.
L9 Accessory uses determined by the Zoning Administrator ~~Director of Buildings and Inspections~~ to be customarily incidental to a use of the district are permitted. All others require conditional use approval.	L10 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.
L11 No more than two rooming units may be rented or leased in a single-family dwelling.	L12 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.
L13 Publicly owned or operated park and recreation facilities are permitted. All park and recreation facilities, private or non-profit, require a conditional use approval.	L14 Attached single-family is only permitted as part of a cluster housing development. See § 1403-13

Section 8. That Section 1403-19 of the Cincinnati Municipal Code, "Application Procedures and Requirements," is hereby amended as follows:

§ 1403-19. - Application Procedures and Requirements.

The cluster housing development plan is submitted to the Director of City Planning ~~Buildings and Inspections~~ and processed as an administrative review by the director.

(a) Application Requirements. The plan must be submitted on forms and applications specified by the Director of City Planning ~~Buildings and Inspections~~. The plan must include, but is not limited to, the following: proposed development layout, streets, drives, parking areas, walkways, buffer yard, open space, heights of structures, location of buildings, elevation of structures, setbacks of buildings, drainage, grading, landscaping, proposed uses, number of dwelling units and site area.

(b) Relationship to Overlay Districts. If the cluster housing development site is filed for a property wholly or partially located in an Overlay District, the application is reviewed in accordance with the applicable Overlay District regulations.

(c) Variances and Special Exceptions. The Zoning Hearing Examiner has authority to modify the regulations set forth in this chapter applicable to cluster housing as a variance or special exception. (See Chapter 1445, Variances, Special Exceptions and Conditional Uses.)

Section 9. That Section 1405-05 of the Cincinnati Municipal Code, "Land Use Regulations," is hereby amended as follows:

§ 1405-05. - Land Use Regulations.

Schedule 1405-05 below prescribes the land use regulations for RM Districts. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1405-05 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 1405-05. 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. Use classifications not listed in Schedule 1405-05 below are prohibited.~~

Schedule 1405-05: Use Regulations - Residential Multi-family Districts

Use Classifications	RMX	RM-2.0	RM-1.2	RM-0.7	Additional Regulations
Residential Uses					
Bed and breakfast home	P	P	P	P	See § 1419-09

Day care home - Adult	C	C	P	P	
Day care home - Type A	C	C	L4	L4	
Day care home - Type B	L4	L4	L4	L4	
Group residential					
Congregate housing	—	—	P	P	
Convents and monasteries	P	P	P	P	
Fraternities, sororities, dormitories	—	—	C	P	
Patient family homes	—	—	P	P	
Rooming houses	—	—	—	L2	
Shared housing for the elderly	L1	L1	L1	L1	
Permanent residential					
Single-family dwelling	P	P	P	P	See § 1403-11
Attached single-family dwelling	L15	P	P	P	See § 1403-11
Rowhouse, single-family dwelling	L15	P	P	P	
Two-family dwelling	P	P	P	P	
Three-family dwelling	P	P	P	P	
Multi-family dwelling	L3	P	P	P	
Residential care facilities					
Assisted living	C	C	P	P	
Developmental disability dwelling	P	P	P	P	

Nursing home	C	C	P	P	
Special assistance shelter	—	—	—	C	
Transitional housing					
Programs 1—4	—	P	P	P	
Programs 5—6	—	—	—	—	
Public and Semipublic Uses					
Clubs and lodges	L5	L5	L5	L5	
Community service facilities	C	C	C	P	
Cultural institutions	C	C	C	P	
Parks and recreation facilities	P	P	P	P	
Public safety facilities	C	C	P	P	
Religious assembly	P	P	P	P	
Schools, public or private	P	P	P	P	
Commercial Uses					
Bed and breakfast inns	C	C	C	P	See § 1419-09
Business services	—	—	—	L6,7	
Food markets	—	L16	L16	L7	
Funeral and interment services	—	—	—	L6	
Loft dwelling units	—	L14	L14	L14	See § 1419-23
Medical services and clinics	—	—	—	L6,7	

Offices	—	—	—	L6,7	
Parking facilities	—	C	C	C	See Chapter 1425
Personal instructional services	—	—	—	L6,7	
Personal services	—	—	—	L6,7	
Recreation and entertainment					
Indoor or small-scale	—	—	—	L6,7	
Transportation, Communication and Utilities					
Public utility distribution system	C	C	C	C	
Transportation facilities					
Railroad right-of-way	P	P	P	P	
Wireless communication antenna	L9	L9	L9	L9	See § 1419-33
Wireless communication tower	C	C	C	C	See § 1419-33
Agriculture and Extractive Uses					
Community gardens	P	P	P	P	See § 1419-41
Accessory Uses					
Any accessory use not listed below	L8	L8	L8	L8	
Home occupations	P	P	P	P	See § 1419-17
Commercial vehicle parking	L11	L11	L11	L11	
Day care center	L4, L17	L4, L17	L4, L17	L4, L17	
Rooming unit	L10	L10	L10	L10	

Transitional housing	L13	L13	L13	L13	
Commercial services	—	P	P	P	See § 1419-35, 1419-37
Refuse storage areas	P	P	P	P	See § 1421-35
Drive box	L12	L12	L12	L12	
Fences and walls	P	P	P	P	See § 1421-33
Exterior lighting	P	P	P	P	See § 1421-39
Portable storage containers	P	P	P	P	See § 1419-24
Nonconforming Uses					See Chapter 1447

Specific Limitations	
L1 The minimum lot area for every resident is 500 square feet and the minimum living area for every resident is 250 square feet.	L2 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
L3 Multi-family dwellings of four or more units 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.	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 Not to exceed 3,000 square feet in gross floor area.	L6 Permitted only on arterial streets.
L7 Permitted on the ground floor occupying less than 2,500 sq. ft.; more space requires a	L8 Accessory uses determined by the Zoning Administrator ~~Director of Buildings and Inspections~~

conditional use approval	to be customarily incidental to a use of the district are permitted. All others require conditional use approval.
L9 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 or public utility building or structure.	L10 No more than two rooming units may be rented or leased in any dwelling.
L11 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.	L12 Accessory to a public or semi-public use, provided the drive box is at least 100 feet from any property used for residential purposes.
L13 Limited to transitional housing conforming to Paragraph 1401-03-T(c)(5) as an accessory use to public and semi-public uses. The use requires conditional use approval.	L14 Limited to City Council designated Live/Work Districts
L15 Attached single-family dwellings and Rowhouse single-family dwellings of four or more units require conditional use approval.	L16 Permitted on the ground floor in multi-family buildings with a minimum of 50 dwelling units, occupying 1,200 square feet or less of gross floor area and having a separate exterior entrance: structures with less than 50 dwelling units require conditional use approval; food markets occupying more than 1,200 square feet of gross floor area require conditional use approval.
L17 Permitted only if accessory to a public or	

semi-public use.	

Section 10. That Section 1407-05 of the Cincinnati Municipal Code, "Land Use Regulations," is hereby amended as follows:

§ 1407-05. - Land Use Regulations.

Schedule 1407-05 below prescribes the land use regulations for O Office Districts. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1407-05 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 1407-05. 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. Use classifications not listed in Schedule 1407-05 below are prohibited.~~

Schedule 1407-05: Use Regulations - Office Districts

Use Classifications	OL	OG	Additional Regulations
Residential Uses			
Bed and breakfast home	P	P	See § 1419-09
Day care home - Adult	P	P	
Day care home - Type A	L8	L8	

Day care home - Type B	L8	L8	
Group residential			
Congregate housing	P	P	
Convents and monasteries	P	P	
Fraternities and sororities	P	P	
Patient family homes	P	P	
Rooming house	—	L7	
Shared housing for elderly	P	P	
Permanent residential			
Single-family dwelling	P	L1	
Attached single-family dwelling	P	L1	
Rowhouse, single-family dwelling	P	—	
Two-family dwelling	P	L1	
Multi-family dwelling	P	L1	
Transitional housing			
Programs 1—4	P	P	
Program 5	—	P	
Program 6	—	C	
Public and Semipublic Uses			
Clubs or lodges	L2	P	

Colleges, public or private	—	C	
Cultural institutions	P	P	
Day care center	P	P	
Government facilities and offices			
Offices	P	P	
Hospitals	—	C	
Parks and recreation facilities	P	P	
Public safety facilities	P	P	
Religious assembly	P	P	
Schools, public or private	P	P	
Commercial Uses			
Animal services	—	P	See § 1419-05
Banks and financial institutions	P	P	See § 1419-13
Bed and breakfast inns	C	C	See § 1419-09
Business services	P	P	
Commercial meeting facility	L2	P	
Eating and drinking establishments			
Restaurants, full service	—	L4,5	See § 1419-21
Restaurants, limited	—	L4,5	See § 1419-21
Food markets	L4,5	L4,5	

Funeral and interment services	P	P	
Hotels and commercial lodging	—	P	
Laboratories, commercial	C	P	
Medical services and clinics	P	P	
Offices	P	P	
Parking facilities	C	C	See Chapter 1425
Personal instructional services	L3,4	L4	
Personal services	L3,4	L4	
Transportation, Communications and Utilities Uses			
Communications facilities	—	C	
Public utility distribution system	C	C	
Transportation facilities			
Heliports	—	C	
Railroad right-of-way	P	P	
Wireless communication antenna	L6	L6	See § 1419-33
Wireless communication tower	C	C	See § 1419-33
Agriculture and Extractive Uses			
Community gardens	P	P	See § 1419-41
Accessory Uses			See Chapter 1421
Any accessory use not listed below	L9	L9	

Home occupations	P	P	See § 1419-17
Rooming unit	L10	L10	
Refuse storage areas	P	P	See § 1421-35
Drive box	L11	L11	
Fences and walls	P	P	See § 1421-33
Exterior lighting	P	P	See § 1421-39
Small-scale specialized incinerator	—	L12	
Portable storage containers	P	P	See § 1419-24
Nonconforming Uses			See Chapter 1447

Specific Limitations	
L1 For new construction, permitted only above the ground floor in mixed-use building on arterial streets. Modification requires conditional use approval pursuant to the procedures and criteria of Chapter 1445, Variances, Special Exceptions, and Conditional Uses. Pre-existing permanent residential uses are permitted.	L2 Not to exceed 3,000 square feet in gross floor area.
L3 Permitted only on arterial streets.	L4 Permitted on the ground floor occupying less than 2,500 sq. ft.; more space requires a conditional use approval.
L5 Drive-through facilities are not permitted.	L6 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.

L7 Only rooming houses licensed pursuant to Chapter 855. Rooming Houses of the Municipal Code; no more than five rooming units for every building, and a separate entrance for access to rooming units must be provided. The minimum rental is seven days. See § 1421-43	L8 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.
L9 Accessory uses determined by the Zoning Administrator ~~Director of Buildings and Inspections~~ to be customarily incidental to a use of the district are permitted. All others require conditional use approval.	L10 The maximum number of rooming units is two.
L11 Accessory to a public or semi-public use, provided the drive box is at least 100 feet from any property used for residential purposes.	L12 Accessory to hospitals, medical services, clinics commercial laboratories and research and development uses, provided the incinerator is located on a roof or at least 100 feet from any property used for residential purposes.

Section 11. That Section 1409-07 of the Cincinnati Municipal Code, "Land Use Regulations," 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.

~~Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1409-07 below are prohibited.~~

Schedule 1409-07: Use Regulations - Commercial Subdistricts

Use Classifications	CN-P	CN-M	CC-P	CC-M	CC-A	CG-A	Additional Regulations
Residential Uses							
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	—	—	
Group residential							
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	—	—	
Permanent residential							
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	—	
Residential care facilities							
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	
Public and Semipublic Uses							
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	L13	L13	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	
Commercial Uses							
Ambulance services	—	—	—	—	P	P	
Animal services	L4	L4	L4	L4	L9	L9	
Banks and financial institutions	L13	L13	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	L13	P	P	P	P	
Commercial meeting facility	—	—	—	P	P	P	
Eating and drinking establishments							
Drinking establishments	L13	L13	L13	P	P	P	
Restaurants, full service	L6, L13	L6, L13	L6	P	P	P	See § 1419-21
Restaurants, limited	L6, L13	L6, L13	L6	P	P	P	See § 1419-21
Food markets	L13	L13	P	P	P	P	
Food preparation	L13	L13	P	P	P	P	

Funeral and interment services	P	P	P	P	P	P	
Garden supply stores and nurseries	—	—	—	L5	L5	P	
Hotels and commercial lodging	—	—	—	P	P	P	
Laboratories, commercial	L13	L13	P	P	P	P	
Loft dwelling units	P	P	P	P	P	P	See § 1419-23
Maintenance and repair services	L13	L13	P	P	P	P	
Medical services and clinics	L13	L13	P	P	P	P	
Offices	L13	L13	P	P	P	P	
Parking facilities	C	P	C	P	P	P	See Chapter 1425
Personal instructional services	L13	L13	P	P	P	P	
Personal services	L13	L13	P	P	P	P	
Private vehicular storage Lot	—	—	—	—	P	P	
Recreation and entertainment							
Indoor or small-scale	L13	L13	P	P	P	P	
Outdoor or large-scale	—	—	—	—	C	P	
Retail sales	L13	L13	P	P	P	P	
Vehicle and equipment services							
Vehicle and equipment sales and rental	—	—	—	C	L8	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
Industrial Uses							
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	
Transportation, Communication and Utilities Uses							
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	L7	L7	L7	L7	L7	L7	See § 1419-33
Wireless communication tower	C	C	C	C	C	C	See § 1419-33
Agriculture and Extractive Uses							

Community gardens	P	P	P	P	P	P	See § 1419-41
Accessory Uses							See Chapter 1421
Any accessory use not listed below	L10	L10	L10	L10	L10	L10	
Refuse storage areas	P	P	P	P	P	P	See § 1421-35
Drive box	L11	L11	L11	L11	L11	L11	
Commercial vehicle parking	P	P	P	P	P	P	
Exterior lighting	P	P	P	P	P	P	See § 1421-39
Small-scale specialized incinerator	L12	L12	L12	L12	L12	L12	
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 Permitted, provided that there are no outdoor exercise areas, yards or pens and mechanical ventilation and air filter devices must be provided.
L5 Permitted provided that outside storage is screened with an 8 ft. privacy fence.	L6 Presentation of entertainment is not permitted in outdoor areas.
L7 Antenna height may not exceed 20 feet; greater height required a conditional use approval. The	L8 Permitted on arterial streets with a maximum site size of two acres. Vehicle loading and

antenna may be attached to a multi-family, public and semi-public, commercial or public utility building or structure.	unloading must occur on-site.
L9 Outdoor exercise areas, yards or pens must be 100 feet from any residential district.	L10 Accessory uses determined by the Zoning Administrator ~~Director of Buildings and Inspections~~ to be customarily incidental to a use of the district are permitted except where expressly prohibited. 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 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.
L13 Use is limited to 15,000 square feet; more space requires conditional use approval	

Section 12. That Section 1410-05 of the Cincinnati Municipal Code, "Land Use Regulations," is hereby amended as follows:

§ 1410-05. - Land Use Regulations.

Schedule 1410-05 below prescribes the land use regulations for the UM District. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1410-05 below are prohibited.

The regulations 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 1410-05. 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. Use classifications not listed in Schedule 1410-05 below are prohibited.~~

Schedule 1410-05: Use Regulations—Urban Mix District

Use Classifications	UM	Additional Regulations
Residential Uses		
Group Residential		
Bed and breakfast home	P	See § 1419-09
Day care home - Adult	P	
Day care home - Type A	L2	
Day care home - Type B	L2	
Group residential		
Congregate housing	P	
Convents and monasteries	L7	
Fraternities, sororities, dormitories	L7	
Patient family homes	L7	
Rooming houses	L1	
Shared housing for the elderly	L7	
Permanent Residential		
Single-family dwelling	P	See § 1403-11
Attached single-family dwelling	P	See § 1403-11
Rowhouse, single-family dwelling	P	

	Two-family dwelling	P	
	Multi-family dwelling	P	
Residential Care Facilities			
	Assisted living	P	
	Developmental disability dwelling	P	
	Nursing home	P	
	Special Assistance Shelter	C	
Transitional Housing			
	Programs 1—4	P	
	Program 5, 6	—	
Public and Semipublic Use			
Clubs and lodges		P	
Colleges, Public or Private		P	
Community service facilities		C	
Cultural institutions		P	
Day Care Center		P	
Government Facilities and Offices			
	Offices	P	
	Hospitals	P	
	Parks and recreation facilities	P	

	Public maintenance Facilities	C	
	Public safety facilities	P	
	Religious assembly	P	
	Schools, public or private	P	
Commercial Uses			
Ambulance Services		C	
Animal Services		C	See § 1419-05
Banks and Financial Institutions		L9	See § 1419-13
ATM, Stand Alone		C	
Bed and breakfast inns		P	See § 1419-09
Building maintenance services		P	
Building material sales & services		L3	
Business services		P	
Commercial meeting facilities		C	
Eating and Drinking Establishments			
Drinking establishments		P	See § 1419-21
Restaurants, Full Service		L9	See § 1419-21
Restaurants, Limited Service		L9	See § 1419-21
Food markets		L9	
Food preparation		P	

Funeral and interment services	P	
Garden supply stores & nurseries	C	
Hotels & commercial lodging	P	
Laboratories, commercial	L6	
Loft dwelling units	P	See § 1419-23
Maintenance & repair services	P	
Medical services and clinics	P	
Offices	P	
Parking facilities	C	See § 1425, § 1411-25
Personal instructional services	P	
Personal services	P	
Recreation and Entertainment		
Indoor or small scale	P	
Outdoor or large scale	C	
Retail sales	L6	
Vehicle & Equipment Services	L10	
Car wash	L10	See § 1419-11
Vehicle repair	L11	See § 1419-27
Industrial Uses		
Production industry		

Artisan	P	
General	C	
Limited	P	
Research & development	C	
Warehouse & Storage		
Contractor's storage	L3	
Indoor storage	P	
Wholesale & distribution	C	
Transportation, Communication and Utilities		
Communications facilities	C	
Public utility distribution system	L12	
Transportation Facilities		
Heliports	C	
Railroad right-of-way	P	
Transportation passenger terminals	C	
Wireless communication antenna	L4	See § 1419-33
Wireless communication tower	C	See § 1419-33
Agriculture and Extractive Uses		
Community gardens	P	See § 1419-41
Accessory Uses		

Any accessory use not listed below	L5	
Commercial services	P	See § 1419-35, 37
Commercial vehicle parking	P	
Drive box	L13	
Exterior lighting	P	See § 1421-39
Fences and walls	P	See § 1421-33
Home occupations	P	See § 1419-17
Refuse storage areas	P	See § 1421-35
Rooming unit	L8	
Small scale specialized incinerator	—	
Transitional Housing	—	
Portable Storage Containers	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 Fencing, a minimum of four feet in height must be provided for purposes of securing outdoor play areas which much be located in the rear.
L3 Permitted provided outdoor storage is screened so as not to be visible from adjacent streets.	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, public utility, a commercial or industrial building or structure.
L5 Accessory uses determined by the Zoning Administrator ~~Director of Buildings and Inspections~~ to be customarily incidental to a use of the district are permitted. All others require conditional use approval.	L6 Use is limited to 15,000 square feet.
L7 A separate entrance for access to rooming units must be provided in a MIX-use building.	L8 No more than two rooming units may be rented or leased in any dwelling.
L9 Drive through facilities are not permitted.	L10 Permitted as an accessory use located within a parking garage
L11 Permitted within a fully enclosed structure	L12 The facility must be underground, within a building or on the roof within an enclosure
L13 Accessory to a public or semi-public use provided that the drivebox is at least 100 feet from any property used for residential purposes.	

Section 13. That Section 1411-39 of the Cincinnati Municipal Code, "Signs," is hereby amended as follows:

§ 1411-39. - Signs.

Signs located in any DD subdistrict must comply with the following regulations and with Chapter 718, Revocable Street Privileges, of the Municipal Code. Every sign erected, constructed, painted or maintained for which a permit is required, must be plainly marked with the name of the person erecting, painting and maintaining such sign, and must have affixed the number corresponding to the permit issued for the sign. The absence of a reference to a permit number is prima facie evidence that the sign or advertising structure is being displayed in violation of this section.

(a) *Prohibited Signs*. The following signs are prohibited in the DD District:

(1) Outdoor advertising signs.

(2) Flashing signs, unless a marquee sign as provided below.

(3) Portable signs.

(b) *Projecting Signs*. (Refer to Figure 1411-39-A). Projecting signs must comply with the following unless located in a Historic District and approved by the Historic Conservation Board:

(1) Location: Below the third story of a building and extend from the building facade.

(2) Maximum Width: 3.5 feet.

(3) Maximum Height: eight feet.

(4) Required Clearance: A ten-foot clearance above the sidewalk must be maintained.

(5) Lighting: Lighting must be integrated with the sign design and must complement the building.

(6) Signs may not conceal any ornamental architectural elements.

(7) A revocable street privilege is required for signs projecting into the public right-of-way.

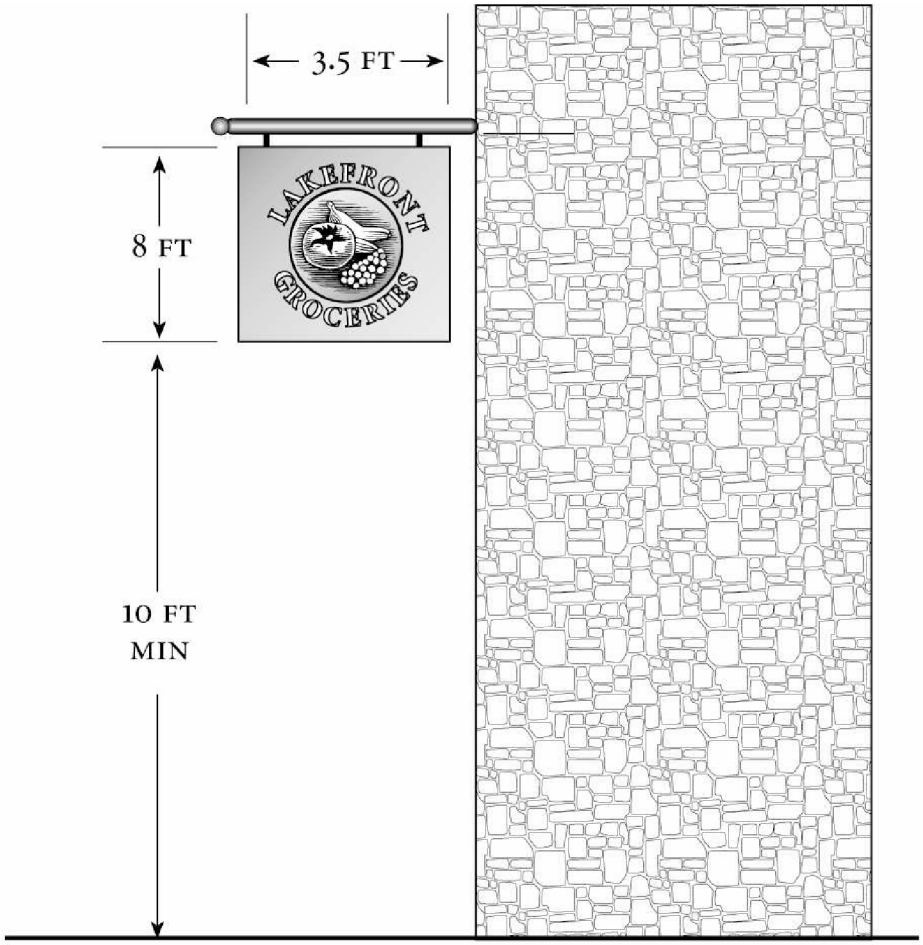


Figure 1411-39-A Projecting Signs in DD Subdistricts

(c) *Street-Level Wall Signs*. (Refer to Figure 1411-39-B). Street-level wall signs must comply with the following:

(1) Maximum Width: contained within the horizontal limits of the business premises.

(2) Maximum Height: 3.5 feet.

(3) Maximum Display Area: 1-square foot for each one-foot of business frontage on the street to be faced by the sign.

(4) Awning signs are considered street level wall signs included in (3) above.

(5) Awning signs may not exceed 12 square feet of total surface area and letters may not exceed 12 inches in height.

(6) The sign may not conceal any ornamental architectural elements and may not project above a parapet.

(7) Signs painted on buildings and structures are deemed street-level wall signs.

(d) *Skywalk-Level Wall Signs*. (Refer to Figure 1411-39-B). Skywalk-level signs must comply with the following:

(1) Maximum Width: contained within the horizontal limits of the business premises.

(2) Maximum Height: Two feet.

(3) Maximum Area: 30 square feet or 0.5-square feet for each foot of business frontage on the skywalk to be faced by the sign, whichever is more restrictive.

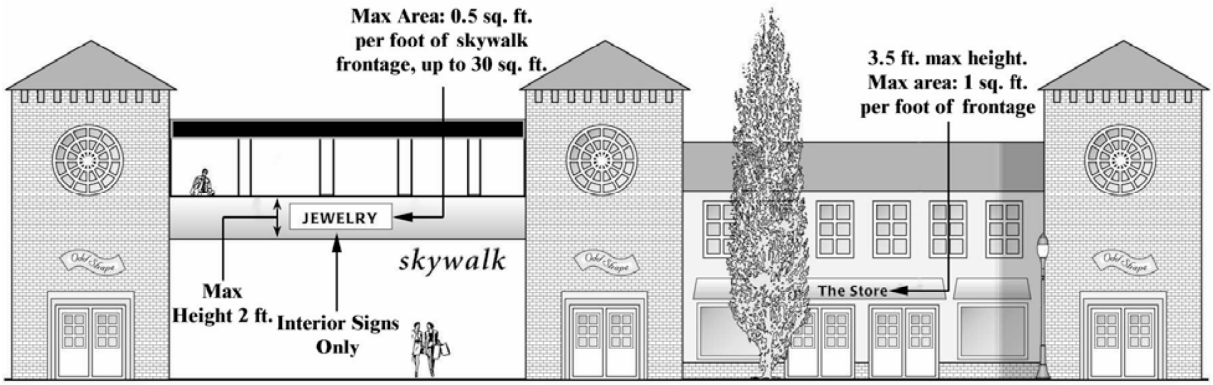


Figure 1411-39-B Wall Signs in DD Subdistricts

(e) *Ground Signs*. Ground signs must comply with the following:

(1) Applicability: A building setback from the public right-of-way by more than 25 feet may be served by one ground sign; otherwise, a ground sign is not permitted.

(2) Maximum Height: 16 feet.

(3) Maximum Area: 60 square feet or one-half square foot for each front foot of the building.

(f) *Building Identification Signs*. Building identification signs must comply with the following:

(1) One trademark or building identification sign identifying the principal occupant as determined by the building owner of a building is allowed for each building facade, with a maximum of four signs for the building.

(2) The trademark or the letters comprising the occupant name must be affixed directly to the building facade.

(3) The building facade underlying the trademark or name may not be painted or otherwise differentiated from the remainder of the building facade merely to draw attention to the sign.

(4) The top of the sign may not project above the parapet, nor may the parapet be enlarged to accommodate a sign.

(5) The sign may be illuminated, but may not be a flashing sign.

(6) The maximum size of the sign cannot exceed the width of the wall on which the sign is attached multiplied by one foot for each 30 feet the top of the sign is located above street grade or 1,800 square feet, whichever is less. For example, a sign whose top is 400 feet above street grade is proposed to be located on a wall that is 150 feet in width where the sign is to be located. The maximum size equals the lesser of $13 \times 150 = 1{,}950$ and 1,800. The maximum size is 1,800.

(g) *Marquee Signs*. Marquee signs must comply with the following:

(1) The sign must be accessory to a large-scale recreation and entertainment use, hotels or convention center.

(2) The sign may not be attached to a roof structure and must be integrated architecturally into the primary structure.

(3) The sign may contain copy or other images announcing on-premise events only.

(4) The copy may be permitted to flash, move or otherwise change at intervals of more than one each six seconds.

(5) The size and design of a marquee is subject to review and approval of the Zoning Administrator ~~Director of Buildings and Inspections~~ prior to issuance of a building permit.

(6) A revocable street privilege is required for any marquee sign that extends into the public right-of-way.

(h) *Murals*. Murals are regarded as a work of art and must demonstrate an artistic quality or theme as opposed to direct or indirect illustrative advertising. Murals must comply with the following:

(1) Advertising copy and trademarks are prohibited.

(2) One mural on one wall for every building.

(i) *Subdivision Real Estate or Construction Signs*. Subdivision real estate and construction signs must comply with the following:

(1) A maximum of one sign for every street frontage.

(2) Total Surface Area: 64 square feet.

(3) Temporary signs must be removed within 24 hours of the completion of the activity.

(j) *Temporary Message Sign (including banners)*. Temporary message signs must comply with the following:

(1) Be made of cloth or other light fabric.

(2) May not exceed 12 feet in any of its dimensions.

(3) The message must pertain only to the business, commodity, service or entertainment conducted, sold or offered on the same premises as where the sign is maintained.

(4) Temporary message signs may be installed for a period not to exceed 30 days for a maximum of four times for every calendar year with at least seven days between installations.

(5) Temporary message signs may not cover any building openings such as windows and doors.

Section 14. That Section 1411-47 of the Cincinnati Municipal Code, "Demolition," is hereby amended as follows:

§ 1411-47. - Demolition.

Except in cases of public emergency, no permit for the demolition of any building in the DD District shall be issued unless an application for a building permit for work to replace the building to be demolished has been filed with the Director ~~of Buildings and Inspections~~. Provided, however, the applicant may instead post a bond with the Director ~~of Buildings and Inspections~~ to secure compliance with § 1411-51. The bond shall be in the amount equal to ten dollars per square foot of the area of the lot on which the building to be demolished is located.

Section 15. That Section 1413-05 of the Cincinnati Municipal Code, "Land Use Regulations," 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 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.
~~Use classifications are defined in Chapter 1401: Definitions. Use classifications not listed in Schedule 1413-05 are prohibited.~~

Schedule 1413-05: Use Regulations - Manufacturing Districts

Use Classifications	MA	ML	MG	ME	Additional Regulations

Residential Uses					
Day care home—Adult	P	—	—		
Day care home—Type A	L9	—	—		
Day care home—Type B	L1	—	—		
Group residential					
Convents and monasteries	—	L1	—	—	
Fraternities and sororities	—	L1	—	—	
Patient family homes	—	L1	—	—	
Rooming houses	—	L1	—	—	
Shared housing for the elderly	P	L1	—	—	
Permanent residential					
Single-family dwelling	P	L1	—	—	
Attached single-family dwelling	P	L1	—	—	See § 1403-13
Two-family dwelling	—	L1	—	—	
Multi-family dwelling	—	L1	—	—	
Residential care facilities					
Developmental disability dwelling	P	P	—	—	
Special assistance shelter	—	C	—	—	
Transitional housing					
Programs 1—4	—	P	P	—	

Programs 5, 6	—	—	P	—	
Public and Semipublic Uses					
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	—	—	
Commercial Uses					
Ambulance services	—	P	P	—	
Animal services	—	P	P	—	
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					
Drinking establishments	—	P	P	—	
Restaurants, full service	—	P	P	—	See § 1419-21
Restaurants, limited	—	P	P	—	See § 1419-21
Food markets	—	L5	L5	—	
Food preparation	P	P	P	—	
Garden supply stores and nurseries	L17	P	—	—	
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
Vehicle and equipment services					
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	—	
Industrial Uses					
Production industry					
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	—	
Warehousing and storage					
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	
Waste management					
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	
Agriculture and Extractive Uses					
Community gardens	P	P	P	—	See § 1419-41
Farming	P	—	—	—	See § 1419-38
Mining and quarrying	—	—	C	C	
Accessory Uses					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
Nonconforming Uses					See Chapter 1447

Specific Limitations	
L1 New residential is permitted only when abutting an existing residential use	L2 Permitted on arterial street only. Vehicle loading and

or structure.	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 Director of Buildings and Inspections. 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 ~~Director of Buildings and Inspections~~ 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.
L17 Permitted only if occupying no more than 5,000 sq. ft. in the MA.	

Section 16. That Section 1415-05 of the Cincinnati Municipal Code, "Land Use Regulations," is hereby amended as follows:

§ 1415-05. - Land Use Regulations.

Schedule 1415-05 below prescribes the land use regulations for RF Riverfront Districts. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1415-05 are prohibited.

The regulations for each district 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 1415-05. 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. Use classifications not listed in Schedule 1415-05 are prohibited.~~

Schedule 1415-05: Use Regulations - Riverfront Districts

Use Classifications	RF-R	RF-C	RF-M	Additional Regulations
Residential Uses				
Bed and breakfast home	P	—	—	See § 1419-09
Day care home - Adult	C	—	—	

Day care home - Type A	C	—	—	
Day care home - Type B	L8	—	—	
Permanent residential				
Single-family dwelling	P	—	—	
Attached single-family dwelling	P	—	—	
Rowhouse single-family dwelling	P	—	—	
Two-family dwelling	P	—	—	
Multi-family dwelling	P	—	—	
Public and Semipublic Uses				
Community service facilities	P	—	—	
Cultural institutions	P	P	—	
Day care centers	P	P	—	
Government facilities and offices				
Facilities and installations	—	C	C	
Offices	P	P	—	
Parks and recreation facilities	P	—	—	
Public maintenance facilities	C	P	—	
Public safety facilities	P	P	P	
Religious assembly	P	P	P	
Schools, public and private	P	—	—	

Commercial Uses				
Bed and breakfast inns	P	—	—	See § 1419-09
Eating and drinking establishments				
Drinking establishments	L1,2,3	L2,3	—	
Restaurants, full service	L1,2,3	L2,3	—	See § 1419-21
Restaurants, limited	L1,2,3	L2,3	—	See § 1419-21
Garden supply stores and plant nurseries	P	—	—	
Hotels and commercial lodging	L3	L3	—	
Recreation and entertainment				
Outdoor or large-scale	P	—	—	
Industrial Uses				
Production industry				
General	—	L4,6	L4,7	
Intensive high-impact	—	—	L4,7	See § 1419-19
Limited	—	L4,6	L4,7	
Metal waste salvage yard/junk yards	—	—	C	
Wholesaling and distribution	—	L4	L4	
Transportation, Communications and Utilities Uses				
Public utility distribution system	P	P	P	
Public utility plant	—	P	P	

Transportation facilities				
Railroad right-of-way	P	P	P	
Railroad train yards	—	L9	L9	
Transportation passenger terminals	P	P	P	
Watercraft and riverfront facilities				
Barge terminals	—	L6	L7	
Boat and ship yards	L6	L6	P	
Commercial piers and ports	—	P	—	
Marinas	P	P	—	
Marine sales and services	—	P	—	
Wireless communication antenna	L5	L5	L5	See § 1419-33
Wireless communication tower	C	C	C	See § 1419-33
Agriculture and Extractive Uses				
Community gardens	P	—	—	See § 1419-41
Farming	P	—	—	
Accessory Uses				See Chapter 1421
Any accessory use not listed below	L10	L10	L10	
Home occupation	P	—	—	See § 1419-17
Laundries and commissaries	L11	L11	—	
Refuse storage areas	L15	L15	L15	See § 1421-35

Drive box	L12	—	—	
Exterior lighting	P	P	P	See § 1421-39
Outside equipment storage areas	C	—	—	
Office uses	—	L13	L13	
Retail and repair	—	L14	—	
Portable Storage Containers	P	P	P	See § 1419-24
Nonconforming Uses				See Chapter 1447

Specific Limitations	
L1 Outdoor eating and drinking areas require a conditional use approval. Presentation of entertainment is not permitted in such areas.	L2 Drive-through facilities are prohibited.
L3 Permitted in marinas and boatyards otherwise a conditional use approval is required.	L4 Use requires direct access to barge facilities
L5 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may be attached to an agricultural, multi-family, public or semi-public, public utility, commercial or industrial building or structure.	L6 All storage to be in completely enclosed facilities.
L7 Outdoor storage of chemicals, minerals and aggregate requires a conditional use approval.	L8 Fencing must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.
L9 Not allowed within 250 feet of a residential use in a Residential District.	L10 Accessory uses determined by the Zoning Administrator ~~Director of Buildings and Inspections~~ to be customarily incidental to a use of the district are permitted. All others require

	conditional use approval.
L11 Accessory to a marina.	L12 Accessory to a public or semi-public use, provided the drive box is at least 100 feet from any property used for residential purposes and is outside the 100-year floodplain.
L13 Accessory to a permitted or conditional use but may not exceed 20,000 square feet of gross floor area.	L14 Retail sales or repair of products incidental to the industrial uses of the district but may not exceed 5,000 square feet of gross floor area.
L15 Provisions of § 1421-35 apply when refuse storage area is within 100 feet of any property used for residential purposes.	

Section 17. That Section 1415-11 of the Cincinnati Municipal Code, "Maximum Height," is hereby amended as follows:

§ 1415-11. - Maximum Height.

In the RF-R District, maximum height is measured above base flood elevation. In the RF-C District, maximum height may not exceed 100 feet above the elevation of the Ohio River at the Markland Dam pool stage if within 500 feet of a SF, RM, or RF-R District except silos. The total width of all silos that exceeds that elevation may not exceed ten percent of the width of the property. Provided, however, the Zoning Administrator ~~Director of City Planning and Buildings~~ may approve silos having a total width of thirty percent of the width of the property if the silos do not materially impair significant views of the Ohio River from any U.S. or state highway or other public vantage. The width of silos is measured at the point of maximum width of the part of the silo that extends more than 100 feet above the elevation of the Ohio River at Markland Dam pool stage at the site. Conveyors, elevators, ladders and similar fixtures serving a silo are not included in the measurement of the width of a silo. The width of the property is the maximum width of the property measured along a straight line parallel to a line joining the mid points of the Ohio River at each end of the property.

Section 18. That Section 1415-19 of the Cincinnati Municipal Code, "Ohio River Bank Area," is hereby amended as follows:

§ 1415-19. - Ohio River Bank Area.

Existing tree cover and vegetation must be preserved between the pool stage of the Ohio River and a line 50 feet inland from and congruent with the Markland Dam pool

stage, except where new construction, floodproofing or docking facilities are necessary to achieve compliance with Chapter 1109, Flood Plain Management, of the Cincinnati Building Code, a U.S. Army Corps of Engineers permit, or where modified by the Zoning Administrator ~~Director of Buildings and Inspections~~ pursuant to Chapter 1423, Landscaping and Buffer Yards.

Section 19. That Section 1415-21 of the Cincinnati Municipal Code, "Little Miami Riverfront Area Use Review," is hereby amended as follows:

§ 1415-21. - Little Miami Riverfront Area Use Review.

Within 500 feet of the Little Miami River, a use may be established only if the Zoning Administrator ~~Director of Buildings and Inspections~~ finds in consultation with the Director of Parks and the Director of Recreation that the use:

(a) Maintains the natural and free-flowing conditions of the Little Miami River, except where channel modifications are required to mitigate a severe hazard to life or property;

(b) Does not aggravate erosion of the river bank;

(c) Has no adverse effect on existing wildlife habitation;

(d) Conserves significant natural vegetation and tree cover except for damaged or diseased trees in access ways;

(e) Protects or enhances the scenic, recreational, geologic, cultural or historic values of the river that led to its designation as a recreational and scenic river; and

(f) Does not substantially interfere with the recreational use and enjoyment of the Little Miami River by the public.

Section 20. That Section 1416-05 of the Cincinnati Municipal Code, "Land Use Regulations," is hereby amended as follows:

§ 1416-05. - Land use regulations.

Schedule 1416-05 below prescribes the land use regulations for the PR District. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1416-05 below are prohibited.

The regulations 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 1416-05. 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. Use classifications not listed in Schedule 1416-05 below are prohibited.~~

Schedule 1416-05
Use Regulations—Park and Recreation District

Use Classifications	PR	Additional Regulations
Public and Semipublic Uses		
Cemeteries	L1	
Cultural institutions	P	
Government Facilities and Offices—Offices	L2	
Parks and Recreation Facilities	P	
Public Maintenance Facilities	L3	
Schools, Public or Private	C	
Commercial Uses		
Restaurants, Full Service	C	
Funeral and interment services	L4	
Wireless communication antenna	L5	See § 1419-33
Wireless communication tower	C	See § 1419-33
Agriculture and Extractive Uses		

Community gardens	P	See § 1419-41
Accessory Uses		
Any accessory use not listed below	L6	
Drive box	L7	
Exterior lighting	P	See § 1421-39
Fences and walls	P	See § 1421-33
Refuse storage areas	P	See § 1421-35
Portable storage containers	P	See § 1419-24
Nonconforming Uses		See Chapter 1447

Specific Limitations	
L1 Only existing cemeteries allowed.	L2 Office uses for the administration of Parks and Recreation Facilities, their lessees and concession operators are permitted. All other Government Offices require conditional use approval.
L3 Public Maintenance Facilities for the maintenance of Parks and Recreation Facilities are permitted. All other Public Maintenance Facilities require conditional use approval.	L4 Permitted only as an accessory use to existing Cemeteries.
L5 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, a commercial or industrial building or structure.	L6 Accessory uses determined by the Zoning Administrator ~~Director of Buildings and Inspections~~ to be customarily incidental to a use of the district are permitted. All others require conditional use approval.

L7 Accessory to a public or semi public use provided that the drivebox is at least 100 feet from any property used for residential purposes.	

Section 21. That Section 1417-03 of the Cincinnati Municipal Code, "Land Use Regulations," is hereby amended as follows:

§ 1417-03. - Land Use Regulations.

Schedule 1417-03 below prescribes the land use regulations for IR Institutional-Residential Districts. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1417-03 below are prohibited.

The regulations for each district 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 1417-03. 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 a 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. Use classifications not listed in Schedule 1417-03 below are prohibited.~~

Schedule 1417-03: Use Regulations - Institutional-Residential Districts

Use Classifications	IR	Additional Regulations
Residential Uses		
Bed and breakfast home	P	See § 1419-09
Day care home - Adult	P	
Day care home - Type A	L6	

Day care home - Type B	L6	
Group residential	P	
Permanent residential		
Single-family dwelling	P	
Attached single-family dwelling	P	
Two-family dwelling	P	
Multi-family dwelling	P	
Residential care facilities		
Assisted living	P	
Developmental disability dwelling	P	
Nursing home	P	
Transitional housing		
Programs 1—4	P	
Programs 5,6	C	
Public and Semipublic Uses		
Colleges, public or private	P	See § 1417-05
Community service facilities	P	
Cultural institutions	P	
Day care center	P	
Government facilities and offices		

Offices	P	
Hospitals	P	See § 1417-05
Park and recreation facilities	P	
Public safety facilities	P	
Religious assembly	P	
Schools, public or private	P	See § 1417-05
Commercial Uses		
Laboratories, commercial	P	See § 1417-05
Medical services and clinics	P	
Offices	P	
Transportation, Communication and Utilities		
Communications facilities	P	
Public utility distribution system	C	
Transportation facilities		
Heliports	C	
Transportation passenger terminals	P	
Wireless communication antenna	L1	See § 1419-33
Wireless communication tower	C	See § 1419-33
Agriculture and Extractive Uses		
Community gardens	P	See § 1419-41

Accessory Uses		See Chapter 1421 and § 1417-05
Any accessory use not listed below	L2	
Drive box	L5	
Home occupations	P	See § 1419-17
Refuse storage area	L4	See § 1421-35
Rooming unit	L3	
Exterior lighting	P	See § 1421-39
Portable storage containers	P	See § 1419-24
Nonconforming Uses		See Chapter 1447

Specific Limitations	
L1 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may be attached to multi-family, public or semi-public, public utility or commercial building or structure.	L2 Accessory uses determined by the Zoning Administrator ~~Director of Buildings and Inspections~~ to be customarily incidental to a use of the district other than those specified in § 1417-05 are permitted. All others require conditional use approval.
L3 The maximum number of rooming units is two.	L4 Provisions of § 1421-35 apply when refuse storage area is within 100 feet of any property used for residential purposes.
L5 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.	L6 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.

Section 22. That Section 1417-11 of the Cincinnati Municipal Code, "Institutional Buffer Yard Plan," is hereby amended as follows:

§ 1417-11. - Institutional Buffer Yard Plan.

The development of colleges, hospitals, schools and commercial laboratories in an Institutional-Residential District must be in accordance with an approved Institutional Buffer Yard Plan.

(a) Purpose. The Institutional Buffer Yard Plan is intended to foster the appropriate growth of colleges, hospitals, schools and commercial laboratories. The purpose of the buffer yard regulations is to require building setbacks and landscaping in a park-like setting to provide a transition from the scale of institutions to the scale of the surrounding residential neighborhood and to address conditions sometimes associated with intense institutional land uses.

(b) When Required. Buffer yards must be provided whenever a new institution facility is constructed. New facilities include any new building, addition of more than 2,500 square feet of gross floor area to an existing building, parking garage or deck or expansion thereof, or an existing building whose use is changed to a use listed in (a) above. When the entire new facility is more than 200 feet from any district boundary line, a buffer yard is not required.

(c) Buffer Yard Plan. On the first occasion that an institution provides a buffer yard pursuant to the requirements of this section, the institution must file a buffer yard plan with the Zoning Administrator ~~Director of Buildings and Inspections~~. The plan must show all property within the IR District under control of the institution, the location of all buildings and paved areas for all parts of the institution property within 200 feet of a residential district that abuts the IR District. The plan must show the location of all buffer yards required by this section.

(d) Buffer Yard Location. Buffer yards must be provided at all points on the perimeter of an IR District where the IR District abuts a Residential District. Buffer yards are not required, however, at any point where the new facility is obscured by an existing building when viewed by a person standing at grade on the boundary between the IR District and the residential district or where the boundary is more than 200 feet from the new facility.

(e) Required Buffer Yard Depth. Buffer yards must be provided to a depth from the perimeter of the property a distance equal to one-sixth the height of the building or addition plus 25 feet when abutting a Residential District. An institution may designate additional depth to a required buffer yard in order to satisfy the standards over the expanded area.

Section 23. That Section 1417-13 of the Cincinnati Municipal Code, "Institutional Buffer Yard Standards," is hereby amended as follows:

§ 1417-13. - Institutional Buffer Yard Standards.

Buffer yards must meet the following standards:

(a) Plant Material. Buffer yards must contain plant materials such as trees, grass, flowers, shrubs and ground cover over at least 55 percent of the buffer yard area. The area beneath any building or parking lot that was constructed prior to the designation of the IR District in which the institution is located may be excluded in the calculation of the percentage under this paragraph.

(b) Trees. Buffer yards must contain at least one shade or ornamental tree of at least three-inch caliper for every 20 linear feet of buffer yard, measured along the property line, with no more than 50 feet between trees.

(c) New Structures Prohibited. New buildings, fences other than protective railings required by the Cincinnati Building Code, walls other than retaining walls, parking lots or loading areas may not be located in any buffer yard.

(d) Walls. Retaining walls must be faced with stone or maintained with plant material appropriate to a park-like setting.

(e) Waste Collection. Garbage, trash or recycling containers or facilities may not be located in any buffer yard. At the time of the establishment of a buffer yard, any existing garbage, trash or recycling containers or facilities must be removed. This prohibition on trash containers does not extend to trash receptacles located along walkways or in plazas intended for use by pedestrians.

(f) Underground Parking. Buffer yards may contain underground parking garages when approved by the Zoning Administrator ~~Director of Buildings and Inspections~~ as a conditional use, utility services and other accessory structures, if located entirely below grade and the surface is restored to park-like appearance with plantings.

(g) Landscape Maintenance. All required trees and plants must be maintained in a healthy condition and replaced if damaged or destroyed. Further, all buffer yards must be maintained in good condition and kept free of debris.

Section 24. That Section 1419-05 of the Cincinnati Municipal Code, "Animal Services," is hereby amended as follows:

§ 1419-05. - Animal Services.

Animal Services are permitted in the OG District subject to the following regulations:

(a) All veterinary activities and operations must be contained within a structure constructed according to the limitations of this section with no exterior exercise areas, yards, pens or storage areas.

(b) No part of any structure located within 100 feet of a residential district line may be used for veterinary facilities.

(c) The veterinary facility may not be used for the boarding of animals, except as needed for treatment and recovery.

(d) The total floor space of any veterinary facility may not exceed 2,500 square feet in area.

(e) There may be no openings in the walls or roof of any portion of the structures used for a veterinary facility unless such openings are stationary windows or required means of egress.

(f) The veterinary facility must be provided with mechanical ventilation with continual filtration of all exhaust air.

(g) The veterinary facility must be constructed and operated according to any other reasonable conditions ~~rules~~ that the Zoning Administrator ~~Director of Buildings and Inspections~~ may apply.

Section 25. That Section 1419-17 of the Cincinnati Municipal Code, "Home Occupations," is hereby amended as follows:

§ 1419-17. - Home Occupations.

Home occupations are permitted in residential districts, subject to the following regulations:

(a) Purpose. The purpose of home occupation regulations is to permit residents an opportunity to use their homes as a place of livelihood. While permitting such uses in homes, it is important to protect adjacent residential areas from any adverse impacts caused by activities associated with the home occupation. The limitations in this section are designed to assure compatibility between the home occupation and neighboring properties, while retaining the residential character of the building in which the home occupation is conducted.

(b) Permitted Home Occupation Uses. Home occupations may not include retail sales and are limited to personal services that can be performed on the premises in oral, written, fine-arts, manual-crafts, home-crafts or graphic-arts forms as well as limited business and professional office activities or other occupations determined by the Zoning Administrator ~~Director of Buildings and Inspections~~.

(c) Conditions and Limitations. All permitted home occupations are subject to all of the following conditions and limitations:

(1) The home occupation including accessory storage is conducted entirely within the dwelling unit or within an accessory building.

(2) The gross floor area exclusively devoted to the home occupation including accessory storage may not exceed twenty-five percent of the habitable gross floor area of the dwelling unit or 500 square feet, whichever is less.

(3) Only those persons residing on the premises may be employed, commissioned or engaged in the home occupation.

(4) Merchandise, supplies or stock in trade may not be sold or displayed on the premises.

(5) The exterior appearance of the building may not be altered for the purpose of accommodating the home occupation in a manner that is inconsistent with the residential character of the building.

(6) Materials used in the home occupation may not be stored outside of the principal building or accessory building.

(7) Goods and materials that serve to identify the home occupation may not be displayed so as to be visible from outside the building.

(8) A home occupation may not produce noise, odors, vibrations, glare, fumes or electrical interference above those levels normally expected in a residential neighborhood.

(9) Hazardous or toxic materials may not be used or stored on-site in quantities that could have a potentially significant environmental impact on the property or on the surrounding community. A hazardous or toxic material is one which is subject to the reporting provisions of Section 313 of Subtitle B of the Environmental Planning and Community Right-to-Know Act of 1986, 42 U.S.C. Section 11023.

(10) The home occupation may not generate vehicular or pedestrian traffic in greater volume than that normally expected in the residential district in which the home occupation is located.

Section 26. That Section 1419-25 of the Cincinnati Municipal Code, "Sexually Oriented Businesses," is hereby amended as follows:

§ 1419-25. - Sexually Oriented Businesses.

Sexually oriented businesses must be located, developed and operated in compliance with the following:

(a) *License*. These establishments are licensed by the city in compliance with the provisions of Chapter 899, Sexually Oriented Businesses and Employees, of the Municipal Code.

(b) *Location.*

(1) The minimum distance from a residential district boundary is 1,000 feet.

(2) The minimum distance from every other licensed sexually oriented businesses is 1,000 feet.

(3) The minimum distance from schools, public or private; religious assembly; public library; parks and recreation facilities; hotel; motel; child day care center; or any place licensed for the sale of beer or intoxicating liquor for consumption on the premises is 1,000 feet.

(c) *Approval*. The Zoning Administrator ~~Director of Buildings and Inspections~~ must only consider the proximity standards specified in (b) above in determining whether to approve a sexually oriented business. The determination must be made without a public hearing being held and must be made within ten days of the receipt of a complete application for a Certificate of Compliance. No person, other than an applicant who has been denied a Certificate of Compliance, may appeal a decision of the Zoning Administrator ~~director~~ on an application for a Certification of Compliance for a sexually oriented business to the Zoning Board of Appeals. Any appeal to the Zoning Board of Appeals must be heard and determined within 30 days of the filing of the notice of appeal. Further appeal is to a court of competent jurisdiction as provided by law. Unless the solicitor obtains an injunctive order restraining the opening and operation of a sexually oriented business, an applicant may open and operate a sexually oriented business 30 days after the filing of a notice of appeal to a court of competent jurisdiction pending final resolution of the appeal.

Section 27. That Section 1419-27 of the Cincinnati Municipal Code, "Vehicle Repairs," is hereby amended as follows:

§ 1419-27. - Vehicle Repairs.

Vehicle repairs must be located, developed and operated in compliance with the following:

(a) Location. The repair area must be located within an enclosed structure.

(b) Hazardous Materials. All automotive fluids must be recycled or removed according to local, state and federal standards.

(c) Outdoor Storage. Any space for the storage of vehicles awaiting repair must be screened on all sides and completely enclosed within an eight-foot screen fence which is protected by a guardrail or other barriers approved by the Zoning Administrator ~~Director of Buildings and Inspections~~. Electrical, barbed and razor wire fences are an accessory conditional use pursuant to § 1421-33. Vehicles may not be stored on the lot for more than 60 days.

(d) Indoor Storage. Used or discarded automotive parts or equipment or permanently disabled or junked vehicles must be stored inside a building.

(e) Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.

Section 28. That Section 1421-01 of the Cincinnati Municipal Code, "Accessory Residential Structures," is hereby amended as follows:

§ 1421-01. - Accessory Residential Structures.

Structures ancillary to a principal structure are considered accessory structures. This section establishes regulations for residential accessory structures. All accessory structures must be located, developed and operated in compliance with the following:

(a) Location. Accessory structures are not permitted in a front yard or a side yard except for fences and walls, flagpoles, lamp posts, arbors, trellis, birdbaths, decorative fountains, or other similar structures as determined appropriate by the Zoning Administrator ~~Director of Buildings and Inspections~~.

(b) Minimum Distance from Principal Structure: One foot. Accessory structures, other than fences and walls, within one foot of the principal structure are considered part of the principal structure.

(c) Maximum Size: 800 square feet for all structures other than fences and walls.

(d) Maximum Number of Accessory Buildings: Two.

(e) Maximum Height: 15 feet.

(f) Setbacks. A minimum three-foot rear yard setback and three-foot side yard setback is required except that any outdoor enclosure for pets shall be no less than 20 feet from all property lines.

Section 29. That Section 1425-15 of the Cincinnati Municipal Code, "Location of Parking," is hereby amended as follows:

§ 1425-15. - Location of Parking.

Parking spaces must be on the same lot as the principal buildings except as noted in (c) below, and must be located in compliance with the following:

(a) Front-Yard Parking Prohibited. In the SF and RMX Districts, parking for all uses may not be located in any front yard. Parking may be permitted on access drives where such drives lead to the parking lots or spaces either within the principal building or in any accessory structure or at locations behind the front line of a building. In the RM-2.0, RM-1.2, RM-0.7, O, ML and RF Districts, no parking lots or spaces are permitted in the required front yard setback of the district.

(b) Corner Lots. On a corner lot in the SF and RM Districts, parking spaces must be located in interior side or rear yards and be at least ten feet from the street lot line.

(c) Off-Site Parking on Nearby Lots. Off-site parking to serve a nearby principal structure or principal use is permitted on a lot upon the satisfaction of all of the following conditions:

(1) the off-site parking lot shall be located within a 600-foot radius of the lot containing the principal structure or principal use;

(2) the off-site parking lot shall not be located in a SF Single-Family District; and

(3) (i) A written instrument shall be recorded in title to both the lot containing the principal structure or principal use and the off-site parking lot as follows:

(aa) If the lot containing the principal structure or principal use and the off-site parking lot are owned by the same owner, then a covenant shall be recorded; or

(bb) If the lot containing the principal structure or principal use and the off-site parking lot are owned by different owners, then a reciprocal easement shall be recorded.

(ii) In order to satisfy Condition 3(i) above, any such written instrument shall:

(aa) Be acceptable to the City Solicitor in substance and form;

(bb) State clearly on its face that it is irrevocable without the prior written consent of the City Manager Director of City Planning and Buildings;

(cc) State that the off-site parking lot shall be used and maintained exclusively for parking to serve the principal structure or principal use so long as the principal structure or principal use requiring such parking remains in existence and has not been abandoned, under the definition contained in Section 1447-07; and

(dd) State that the off-site parking lot shall in no way be deemed to be a nonconforming use or be permitted to continue to be used for parking if the parking is no longer needed to serve the principal structure or principal use.

Section 30. That Section 1425-19 of the Cincinnati Municipal Code, "Off-Street Parking and Loading Requirements," 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 ~~Director of Buildings and Inspections~~ 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
Residential Uses		
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		
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	
Public and Semi Public Uses		
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
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
Commercial Uses		
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 50 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 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.	
Recreation and entertainment		

Indoor and small scale		
Bingo parlors, fitness centers, gymnasiums	1 for every 50 sq. ft.	
Billiard parlors, poolrooms, amusement arcades, handball, racquetball or tennis club facilities, ice or roller skating rinks, miniature golf courses	1 for every 250 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	

Industrial Uses		
Production industry	1 for every 1,000 sq. ft.	4
Research and development	1 for every 750 sq. ft.	2
Warehousing and storage		
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
Transportation, Communication and Utilities Uses		
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 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	
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.	
Agriculture and Extractive Uses		
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
Group 1	
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.
Group 2	
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
Group 3	
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 31. That Section 1425-23 of the Cincinnati Municipal Code, "Reduced Parking," is hereby amended as follows:

§ 1425-23. - Reduced Parking.

The Zoning Administrator ~~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:

(a) *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.

(b) *Multiple Uses on a Single Development Site*. The maximum allowable reduction in the number of spaces to be provided may not exceed 15 percent of the sum of the number required for each individual use served and not less than the largest amount required for any of the uses computed separately. A covenant in a form satisfactory to the City Solicitor must be filed with the Zoning Administrator ~~director~~ in which the owner or owners of property comprising the site agree to participate in the shared parking program. The covenant must include the following:

(1) An agreement that there will be no substantial alteration in the uses that will create a greater demand for parking.

(2) An agreement among the landowners for access to and use of the shared parking spaces.

(c) *Housing for the Elderly and Persons with Disabilities*. The parking requirements for Type A dwelling units is one parking space for every two units, provided that the owner files with the Zoning Administrator ~~Director of Buildings and Inspections~~, a covenant that reserves those units for the exclusive use of the elderly and persons with disabilities. "Type A dwelling unit" means an accessible dwelling unit complying with Section 1002 of the American National Standard ICC/ANSI A117.1-1998. "Exclusive use of the elderly and persons with disabilities" means that at least one member of the household occupying the dwelling unit is 60 years of age or older or has a physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working; a record of a physical or mental impairment; or being regarded as having a physical or mental impairment.

(d) *Proximity to Streetcar*. In SF, RM, RF-R, and UM Districts, where a residential use is located within 600 feet of a streetcar stop, the Zoning Administrator ~~Director of City Planning and Buildings~~ may grant a fifty percent reduction in the number of required parking spaces. If the effect of the 50% reduction means that fewer than three spaces are required, then no spaces need be provided.

Section 32. That Section 1425-25 of the Cincinnati Municipal Code, "Off-Street Parking and Loading Dimensions," is hereby amended as follows:

§ 1425-25. - Off-Street Parking and Loading Dimensions.

The following standards apply to off-street parking and loading facilities:

(a) *Size*. A parking space used to comply with the parking requirements of this chapter may not be less than 8.5 feet in width, as measured perpendicularly to parallel straight lines and contain 160 square feet in area. The parking spaces, access drives and aisles of the parking facility design must be as approved by the Zoning Administrator ~~Director of Buildings and Inspections~~.

(b) *Loading Space*. Each loading space may not be less than ten feet in width and 25 feet in length.

Section 33. That Section 1425-33 of the Cincinnati Municipal Code, "Additional Parking Lot Standards," is hereby amended as follows:

§ 1425-33. - Additional Parking Lot Standards.

Driveways and parking areas must comply with the following standards:

(a) *Vertical Clearance*. The minimum vertical clearance for parking spaces is 6 feet 8 inches.

(b) *Wheel Stops*. All spaces must have wheel stops 2.5 feet from a fence, wall, or walkway unless this requirement is waived by the Zoning Administrator ~~Director of Buildings and Inspections~~.

Figure 1425-33 Landscape Island WITHOUT Wheel Stops (Bumpers)

Section 34. That Section 1425-35 of the Cincinnati Municipal Code, "Access Drive and Maneuvering Aisles," is hereby amended as follows:

§ 1425-35. - Access Drive and Maneuvering Aisles.

Access drives for parking purposes are permitted only in connection with permitted uses, except for access drives to restricted parking lots allowed by the Zoning Administrator ~~Director of City Planning and Buildings~~ in connection with uses in more restricted districts.

(a) *Parking Access*. An access drive connecting the required parking spaces to a street must be provided either on the same lot as the principal use, or if located on a separate lot as the principal use by either of the following recorded instruments: (i) a recorded covenant if the lot containing the access drive is owned by the same owner as the lot containing the principal use; or (ii) a recorded reciprocal easement if the lot containing the access drive has a different owner than the lot containing the principal use. In any event, any such recorded instrument shall state clearly on its face that it is irrevocable without the prior written consent of the City Manager ~~Director of City Planning and Buildings~~ and shall be acceptable to the City Solicitor. Where provided on the same lot as the principal use, the access drives must have a minimum width of eight feet and a maximum aggregate width of 20 feet. Where provided for by a recorded instrument, the access drive must have a minimum width of eight feet, except where the access drive serves more than two properties in which case the access drive must be 16 feet.

(b) *Maneuvering Aisles*. Maneuvering aisles and driveways may serve both required parking spaces and loading spaces if they meet the requirements specified in §1425-19 and § 1425-25 for both parking and loading facilities.

(c) *Requirement for Wider Driveway*. The City Engineer may require a wider driveway and driveway opening for a development.

(d) *Driveway Visibility*. Visibility from a driveway may not be blocked between a height of three feet and seven feet for a depth of five feet from the street property line and five feet from the edge of the driveway or at the nearest property line intersecting the street property line, whichever is less. Refer to Figure 1425-35.

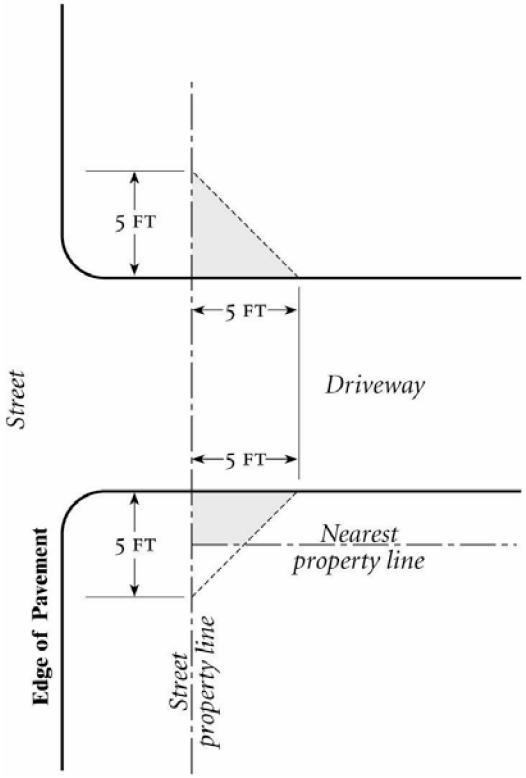


Figure 1425-35 Driveway Visibility

(e) Garage Doors Facing an Alley. Any garage door facing an alley shall provide an adequate turning radius.

Section 35. That Section 1425-37 of the Cincinnati Municipal Code, "Surfacing, Drainage and Grade of Parking and Loading Facilities," is hereby amended as follows:

§ 1425-37. - Surfacing, Drainage and Grade of Parking and Loading Facilities.

Parking and loading facilities must comply with the following standards:

(a) Maximum Slope. The maximum slope of any required maneuvering aisle, parking space or loading space is ten percent and the maximum slope of any required driveway is 15 percent.

(b) Surfacing. Parking areas, maneuvering aisles and loading spaces must be paved with asphalt, concrete, interlocking masonry pavers or surfaced with open honeycomb paving blocks which allow grass or ground cover to grow, except as otherwise authorized by the Zoning Administrator ~~Director of Buildings and Inspections~~.

(c) Drainage. All paved parking areas, access drives and loading spaces must have satisfactory disposal of surface waters by grading and drainage subject to approval by the Metropolitan Sewer District.

(d) Maintenance. Parking areas, maneuvering aisles and loading spaces must be maintained in good condition, free from broken asphalt, concrete, potholes and weeds and in a state of equivalent quality to that which was approved or required by the City.

Section 36. That Section 1427-05 of the Cincinnati Municipal Code, "Temporary Signs," is hereby amended as follows:

§ 1427-05. - Temporary Signs.

A temporary sign is permitted in any zoning district, requires obtaining a building permit or a Certificate of Compliance, may only be externally illuminated, and may include:

(a) A Temporary Construction Sign provided that such a sign is limited in size to a maximum total sign face area of 64 square feet in commercial zoning districts and 32 square feet in residential zoning districts. Each site may only have one Temporary Construction Sign. Construction signs shall be installed no sooner than one (1) week prior to the commencement of construction on the site and must be removed within 24 hours of completion of construction or if the project ceases construction for 12 months or longer. Construction signs may be erected as wall or ground signs.

(b) A Construction Site Wrap provided that such a sign in limited in height to no more than eight (8) feet. The purpose of a Construction Site Wrap is to conceal the construction site, inform people about the future uses, recognize principle parties, and create interest about the new development. The sign copy may be modified at any time during construction, if the Zoning Administrator ~~Director of the Department of City Planning and Buildings~~ approves the change. The sign may span the length of the fence. Construction Site Wraps shall be installed no sooner than one (1) week prior to the commencement of construction on the site and must be removed within 24 hours of the completion of construction or if the project ceases construction for 12 months or longer.

(c) Decorations, banners, and signs for public demonstrations, special events, or for the temporary promotion of civic, welfare or charitable enterprises or events. A banner may not exceed 12 feet in any of its dimensions. These signs may be installed for a period not to exceed 30 days with a minimum of 30 days between installation periods for a maximum of four times for every calendar year.

(d) Residential subdivisions with multiple lots for sale, lease, or rent may have one temporary ground mounted sign per perimeter street frontage around the subdivision in addition to signs allowed under § 1427-11(m) Real Estate Sign. The additional residential subdivision sign may not exceed 250 square feet in area or ten square feet for every lot offered, whichever is less. This

sign must be at least 50 feet from a perimeter street or right-of-way surrounding the subdivision. No two signs, if allowed, may be closer than 200 feet to each other. The sign must be removed when 75% of the lots in the subdivision have received a certificate of occupancy.

(e) One on-site commercial sign per site, installed only as a temporary ground sign, not exceeding 36 square feet per sign face, with a maximum of two sign faces and a maximum sign height of 5 feet. Such sign may be installed for a period not to exceed 30 days for a maximum of four times for every calendar year with a minimum of 30 days between installations.

Section 37. That Section 1427-41 of the Cincinnati Municipal Code, "Removal of Illegal Signs," is hereby amended as follows:

§ 1427-41. - Removal of Illegal Signs.

An owner of property where an illegal sign is displayed has the duty to remove all illegal signs. If the Director ~~of Buildings and Inspections~~ finds an illegal sign, the Director has the duty to issue an order for the sign to be removed within 60 days. The Director has the duty to issue a notice of civil violation to an owner who fails to comply with an order to remove an illegal sign. If the property owner is found guilty of failing to comply with an order to remove an illegal sign, the Director has the duty ~~to give notice to the owner that the sign is a public nuisance and~~ to cause the illegal signs to be removed pursuant to § 1101-73~~57~~, ~~Demolition of Buildings and~~ Removal of Unlawful ~~Illegal~~ Signs ~~by the Director of Buildings and Inspections~~, of the Cincinnati Building Code.

Section 38. That Section 1429-09 of the Cincinnati Municipal Code, "Concept Plan and Development Program Statement," is hereby amended as follows:

§ 1429-09. - Concept Plan and Development Program Statement.

A petition to rezone property to a PD District must have a concept plan and development program statement included. The purpose of the concept plan and development program statement is to describe the proposed use or uses to be conducted in the PD District, including regulations governing permitted uses, conditional uses, site use and development, off-street parking and loading requirements and other special regulations that may be appropriate to govern development, use and maintenance of the site or sites included within the PD District. Applicants are encouraged to engage in informal consultations with the Department of City Planning ~~Community Development and Planning~~ staff prior to preparing plans; however, no statement or representation by staff is binding on either the department or the City Planning Commission. The concept plan and development program statement must include a text and diagram or diagrams that specify:

(a) Plan Elements. A survey of the tract to be developed, providing a metes and bounds description of the property and the survey of property lines and total acreage. Additionally, the plan should include the location in general terms, of land areas to be developed, including: type and description of proposed land uses, buildings and structures; street rights-of-way and driveways; parcel boundaries and proposed lots, including set back lines; building heights; pedestrian circulation systems and open space or other facilities; and proposed topography, drainage, landscaping and buffer plantings.

(b) Ownership. Evidence that the applicant has sufficient control over the tract of land to effect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development.

(c) Schedule. Time schedule of projected development, if the total site is to be developed in phases or if construction is to extend beyond a two year time period.

(d) Preliminary Reviews. A preliminary review of geo-technical, sewage, water, drainage and refuse collection.

(e) Density and Open Space. Calculations of density and open space area.

(f) Other Information. Any other information requested by the Director of City Planning ~~of Community Development and Planning~~ or the City Planning Commission.

Section 39. That Section 1429-13 of the Cincinnati Municipal Code, "Final Development Plan," is hereby amended as follows:

§ 1429-13. - Final Development Plan.

Following approval of a PD District with a concept plan and development program statement, a final development plan must be submitted to the City Planning Commission. A final development plan must be filed for any portion of an approved concept plan that the applicant wishes to develop and this plan has to conform substantially to the approved concept plan and Development Program Statement. The final development plan must include in text and map form:

(a) *Survey.* Plan or survey of the parcel to be developed showing existing and proposed physical features, including: topography, drainage, open space areas and landscaping; and streets, easements and utility lines.

(b) *Site Plan*. A site plan showing the location and arrangement of all existing and proposed structures, including building pads, the proposed internal and external traffic circulation pattern, the areas to be developed for parking, the relationship of abutting land uses and zoning districts, proposed lot lines,

building setbacks, proposed sidewalks and pedestrian walkways and proposed public or common open space or other public facilities.

(c) *Engineering Plans*. Engineering plans, including: site grading; street improvements; drainage and utility improvements and extensions as necessary.

(d) *Open Space*. A statement of the anticipated open space, gross density and net density.

(e) *Schematic Building Plans*. Plans showing building footprints, schematic floor plans and exterior elevations and types of building materials.

(f) *Landscape Plans*. Landscaping plans showing the placement of trees, shrubs, ground cover and associated structures and improvements, including specifications, species and quantities.

(g) *Phase Schedule*. A schedule for the development of such phases must be submitted when a development is to be constructed in phases.

(h) *Ownership*. Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development.

(i) *Statement of Uses*. A statement identifying the principal uses that are to be included in the proposed development.

(j) *Future Ownership and Control*. Statement on the present and future ownership and control of the development delineating responsibilities of maintenance and upkeep of the buildings, streets, drives, parking areas, utilities, common areas and common facilities.

(k) *Restrictive Covenants*. Copies of any restrictive covenants that are to be recorded with respect to property included in the PD District.

(l) *Other Information*. Any other information requested by the Director of City Planning ~~Community Development and Planning Director~~ or the City Planning Commission as deemed necessary.

Section 40. That Section 1429-15 of the Cincinnati Municipal Code, "Planning Commission Approval of Final Development Plan," is hereby amended as follows:

§ 1429-15. - Planning Commission Approval of Final Development Plan.

The City Planning Commission may approve a final development plan for a development in a PD District on consideration of the following:

(a) *Consistency*. The final development plan is consistent with the purpose of the Planned Development District Regulations;

(b) *Adequate Streets*. The existing and proposed internal and external streets are adequate to serve the proposed development and properly interconnect with the surrounding existing road network;

(c) *Adequate Infrastructure*. The proposed infrastructure, utilities and all other proposed facilities are adequate to serve the planned development and properly interconnect with existing public facilities;

(d) *Covenant*. The Department of City Planning ~~Buildings and Inspections~~ must require covenants by the owner of the property in a form acceptable to the City Solicitor to be recorded indicating that the open spaces, parking areas, walks and drives as shown on the plan may not be used for any other purpose. The owner must further covenant that all streets, common areas, common utilities and other common facilities remain in common ownership by all owners of any interest in the land or buildings in the Planned Development other than a leasehold interest of less than five years. (See § 1441-07).

(e) *Release of Covenants*. The City Manager, on receipt of a recommendation from the Director of City Planning ~~Building and Inspections~~, may recommend the covenant be terminated in the following instances: the particular use requiring a covenant is no longer necessary and the building permits have been terminated, or the condition or conditions requiring such covenant are no longer applicable.

(f) *Compatibility*. The proposed uses, location and arrangement of structures, lots, parking areas, walks, open spaces, landscaping, lighting and appurtenant facilities are compatible with the surrounding land uses;

(g) *Sufficiency of Legal Documents*. Proposed covenants, easements and other provisions meet development standards; and

(h) *Sufficiency of Provisions for Maintenance of Common Areas*. Open space and common areas are identified and provisions have been made for the care and maintenance of such areas.

Section 41. That Section 1429-19 of the Cincinnati Municipal Code, "Limitation on Final Plan Implementation," is hereby amended as follows:

§ 1429-19. - Limitation on Final Plan Implementation.

Final development plans are subject to the following:

(a) Expiration. A final development plan is effective on the date approved by the City Planning Commission and expires after two years unless a building permit has been issued and construction diligently pursued. An approved final development plan may specify a development staging program exceeding two years.

(b) Renewal. The City Planning Commission may renew a final development plan for one year subject to a reevaluation of conditions of approval as specified in the decision or renewal application, if it finds the renewal consistent with the purposes of this chapter. Application for renewal must be made in writing to the Director of City Planning ~~Community Development and Planning~~ not less than 30 days nor more than 120 days prior to expiration.

(c) Reversion to Prior Zoning. If a building permit has not been issued and construction diligently pursued, or a renewal approved within two years of the effective date of approval by the City Planning Commission, the PD District designation is to be removed from the zoning map and the zoning of the PD District revert to the zoning district designation in effect immediately before the PD designation.

Section 42. That Section 1429-21 of the Cincinnati Municipal Code, "Final Plan Amendments," is hereby amended as follows:

§ 1429-21. - Final Development Plan Amendments.

Final development plans may be amended as follows:

(a) Minor Amendments. The City Planning Commission may authorize minor adjustments in the final development plan that become necessary because of field conditions, detailed engineering data, topography or critical design criteria. More specifically, the City Planning Commission may authorize the Director of City Planning ~~Community Development and Planning Director~~ to approve these minor adjustments to revise size and location of drainage ways, sewers, roadways, retaining walls or similar features and to substitute landscape materials in light of technical or engineering considerations. The Director of City Planning ~~Community Development and Planning Director~~ may also authorize structural dimensional changes provided that they do not increase building heights by more than 15 feet, gross floor area by more than five percent, decrease the number of parking spaces by more than ten percent or allow buildings closer to perimeter property lines.

(b) Major Amendments. Amendments to any final development plan other than a minor amendment may be approved only by the City Planning Commission, provided, however, that the City Planning Commission determines that such adjustments do not substantially alter the concept or intent of the approved

final development plan. Amendments that change the uses allowed or materially change the density of the development require approval of Council as a zoning map amendment.

Section 43. That Section 1429-23 of the Cincinnati Municipal Code, "Delegation of Duties," is hereby amended as follows:

§ 1429-23. - Delegation of Duties.

The Director of City Planning ~~Community Development and Planning~~ may designate a person to perform the duties imposed on the director by this chapter if the director would have a conflict of interest or appearance thereof or if such appointment is necessary for the efficient operation of the department.

Section 44. That Section 1431-09 of the Cincinnati Municipal Code, "Three-Month IDC Overlay Districts," is hereby amended as follows:

§ 1431-09. - Three-Month IDC Overlay Districts.

Council may establish IDC Overlay Districts to remain in effect for three months without prior notice, advertisement or public hearing. The Director of City Planning ~~Community Development and Planning~~ has the duty to give notice of the establishment of the district and the time and place of a public hearing on the extension of the district for an additional nine-month period within ten business days of the establishment of an IDC Overlay District, by placing an advertisement in a newspaper of general circulation and, if less than 100 parcels of property are within the district, by sending the notice to all owners of record.

Section 45. That Section 1433-11 of the Cincinnati Municipal Code, "Exempt Permits," is hereby amended as follows:

§ 1433-11. - Exempt Permits.

The following are exempt from the provisions of this chapter:

(a) Permits for roof, gutter and chimney repair or replacement, plumbing, heating, air conditioning, elevators, fire alarms and extinguishing equipment and all other mechanical and electrical equipment.

(b) Permits necessary for compliance with retroactive provisions of the Cincinnati Building Code.

(c) Permits necessary for compliance with a lawful order of the Director ~~of Buildings and Inspections~~, including deficiencies listed in Certificates of Inspection.

(d) Permits necessary to ensure the immediate public health or safety.

(e) Building permits for interior alterations and repairs, demolition or wrecking, driveways, fences and signs.

(f) Permits for construction of public utilities in the public right-of-way.

Section 46. That Section 1433-13 of the Cincinnati Municipal Code, "Applications Subject to Review," is hereby amended as follows:

§ 1433-13. - Applications Subject to Review.

The Zoning Administrator ~~Director of Buildings and Inspections~~ has the duty to review the following permits in an established HS District for compliance with the base requirements of this district.

(a) New Buildings. Permits for construction of new primary buildings and accessory structures larger than 600 square feet in area or 15 feet in height.

(b) Alterations to Residential Buildings. Permits for alterations, additions and repairs to the exterior of residential buildings that result in an increase of dwelling units or exceeds the maximum building envelope.

(c) Alterations to Non-Residential Buildings. Permits for alterations, additions and repairs to the exterior of all non-residential buildings in which the estimated improvement costs exceed $5,000;

(d) Excavation and Fill Permits. Permits for excavation and fill.

Section 47. That Section 1433-21 of the Cincinnati Municipal Code, "Approval," is hereby amended as follows:

§ 1433-21. - Approval.

(a) If the Zoning Administrator ~~Director of Buildings and Inspections~~ determines the application conforms to the requirements of § 1433-19 and the requirements of this chapter and all other requirements of the Cincinnati Zoning Code, the Zoning Administrator ~~director~~ has the duty to approve ~~issue~~ a building permit for the proposed work. The Zoning Administrator ~~Director of Buildings and Inspections~~ has the duty to notify all owners of property abutting the subject property and the community organization recognized by the Council as representing the area that includes the subject property.

(b) If the Zoning Administrator ~~Director of Buildings and Inspections~~ determines the application does not conform to the requirements of § 1433-19, a hearing

and decision by the Zoning Hearing Examiner is required, pursuant to Chapter 1443, Zoning Hearing Examiner Procedures, prior to the issuance of a building permit.

(c) The Zoning Hearing Examiner may approve, approve with conditions or disapprove an application for development in the HS District based on written findings in accordance with § 1433-23, Hillside Development Standards.

Section 48. That Section 1435-05-2 of the Cincinnati Municipal Code, "Urban Conservator," is hereby amended as follows:

§ 1435-05-2. - Urban Conservator.

The position of Urban Conservator is established pursuant to Article XXI ~~II~~, §4 ~~14~~ of the City of Cincinnati Administrative Code. The Urban Conservator ~~acts as the secretary to the Historic Conservation Board and~~ has the duty~~ies~~ to administer the city's historic preservation regulations; maintain and administer the city's historic inventory and conservation guidelines; and review and consider the appropriateness of alterations and demolitions of the city's historic assets and properties located within historic districts~~; set forth herein, including, but not limited to,~~ , which includes the duty to facilitate the processing of certificates of appropriateness.

Section 49. That Section 1435-05-3 of the Cincinnati Municipal Code, "Historic Conservation Board," is hereby amended as follows:

§ 1435-05-3. - Historic Conservation Board.

The Historic Conservation Board is established pursuant to Article XXX ~~II~~, §4 ~~14~~ of the City of Cincinnati Administrative Code. ~~The Board shall adopt rules and procedures to govern its meetings and hearings. The Board's membership and terms shall be determined by Article II, §14 of the City of Cincinnati Administrative Code.~~ In addition to its duties in this Chapter 1435, the Board shall work with city departments and assist departments in recommendations to Council on methods of financing public improvements in Historic Districts if those improvements require additional expenditures as a result of historic design. Any such recommendation shall be advisory only and shall not be binding or appealable by any party. All interested city departments may likewise consult with the Urban Conservator.

Section 50. That Section 1435-07-2-C of the Cincinnati Municipal Code, "Adoption of Conservation Guidelines," is hereby amended as follows:

§ 1435-07-2-C. - Adoption of Conservation Guidelines.

At the time of designation of a Historic Landmark, Historic District or Historic Site, Council has the duty to adopt conservation guidelines for each Historic Landmark, Historic District or Historic Site. Conservation guidelines shall promote the conservation, development and use of the Historic Landmark, Historic District or Historic Site and its special historic, architectural, community or aesthetic interest or value. Insofar as practicable, conservation guidelines shall promote redevelopment and revitalization of Historic Structures and compatible new development within the Historic District. The guidelines shall not limit new construction within a Historic District to a single period or architectural style but may seek to preserve the integrity of existing Historic Structures. Conservation guidelines shall take into account the impact of the designation of a Historic Landmark, Historic District or Historic Site on the residents of the affected area, the effect of the designation on the economic and social characteristics of the affected area, the projected impact of the designation on the budget of the city, as well as all of the factors listed in paragraph 1435-07-2-B(c) above. Conservation guidelines shall address Non-Contributing Structures. Approved conservation guidelines shall be published on the City's website and be made available for public inspection in the Department of City Planning ~~and Buildings~~.

Section 51. That Section 1435-07-2-D of the Cincinnati Municipal Code, "Notice," is hereby amended as follows:

§ 1435-07-2-D. - Notice.

Upon enactment of a designation, the Clerk of Council has the duty to promptly notify the Historic Conservation Board, the City Planning Commission, the Director of City Planning ~~and Buildings~~, and the City Solicitor. The Urban Conservator has the duty to provide notice of such designation in the City Bulletin. Once designated, a Historic Landmark, Historic District or Historic Site shall be shown on the city's official zone map by the designation "HL," "HD" or "HS" appended to the underlying zone designation. A Historic Landmark, Historic District or Historic Site may be designated as an overlay on any other zoning district or combined with any other overlay district.

Section 52. That Section 1435-09-1-A of the Cincinnati Municipal Code, "Application," is hereby amended as follows:

§ 1435-09-1-A. - Application.

Applications for Certificates of Appropriateness shall be made ~~filed with the Urban Conservator~~ on such forms and upon the payment of such fees as may be prescribed by the Historic Conservation Board from time to time. Each application shall be stamped with the time and date of its original receipt. ~~Upon receipt of an application, the Urban Conservator shall time stamp and date the face of the application.~~ Not later than ten (10) business days after receipt of an application, ~~the Urban Conservator shall~~

~~notify~~ the applicant shall be notified by e-mail, if an e-mail address is provided, and if not, by regular mail, of any deficiencies in the application. An application shall be deemed perfected when all information required by the application form has been submitted and all fees are paid in full. ~~The Urban Conservator shall have the right to request a~~Additional information may be requested from the applicant at any time prior to a hearing before the Historic Conservation Board. The effective date of the application, for all purposes, shall be the date that the application is perfected, and such date shall be clearly noted on the first page of the application. The applicant's address set forth on the application shall be the address used by the City for all purposes herein unless updated in writing to the Historic Conservation Board ~~Urban Conservator~~ by the applicant. If the applicant fails to perfect an application after all applicable notice and cure periods have run, the application shall be deemed rejected.

Section 53. That Section 1435-09-1-B of the Cincinnati Municipal Code, "Historic Conservation Board Review and Determination," is hereby amended as follows:

§ 1435-09-1-B. - Historic Conservation Board Review and Determination.

The Historic Conservation Board has the duty to make a final appealable determination on a perfected application for Certificate of Appropriateness within a reasonable amount of time after the application is perfected, but in no event more than sixty (60) days thereof unless the applicant agrees to an extension of time or unless the Board requests additional information from the applicant and tables or continues the matter. A continued matter must be heard at the next regularly scheduled meeting of the Board. A tabled matter must be taken off the table and finally determined within thirty (30) days after the matter was tabled. The Board may approve, approve with conditions, or deny an application for Certificate of Appropriateness. The Board's determination on an application for Certificate of Appropriateness shall be made in writing on the Certificate of Appropriateness indicating the Board's approval, conditional approval, or denial of the application, and shall contain findings of fact and conclusions of law and shall be issued ~~by the Urban Conservator~~ to the applicant by certified mail not later than ten (10) business days after the date of the Board's final appealable determination, and that writing shall constitute the final appealable order of the Board. Any denial of an application shall also include a statement of the reasons why the application failed to comply with the applicable guidelines. Failure ~~of the Urban Conservator~~ to issue a Certificate of Appropriateness within such time period shall not invalidate the Board's determination, but shall extend the time for which the applicant has to appeal the Board's determination by one (1) day for each day the Certificate of Appropriateness is late.

Section 54. That Section 1435-09-1-D of the Cincinnati Municipal Code, "Notice of Application," is hereby amended as follows:

§ 1435-09-1-D. - Notice of Application.

Within ten (10) days after the perfection date thereof, ~~the Urban Conservator shall send~~ notice of all applications for Certificates of Appropriateness shall be sent to all city departments with authority over any aspect of the activities proposed, to all owners of properties located within two hundred feet (200') of all of the boundaries of the subject property, and to the community council in which the subject property is situated and to all abutting property owners. Such notice shall be by regular mail and electronic mail, if addresses have been provided or are otherwise readily available. ~~In such notice, the Urban Conservator may request and propose~~ The notice may include a time, date and place for a prehearing conference to be held by the Urban Conservator, to which the applicant, the property owner, and all interested city departments, and the aforementioned community council shall be invited. At such prehearing conference, the comments and recommendations of all interested city departments concerning their respective authority over the proposed improvements and their advice as to the appropriateness of the proposed improvements may be received and discussed with the applicant. No member of the Historic Conservation Board shall be present at any prehearing conference. All interested departments and civic organizations may promptly advise the Board in writing of their respective recommendations for approval, conditional approval, disapproval or modifications of the proposed improvements.

Section 55. That Section 1435-09-2 of the Cincinnati Municipal Code, "Certificates of Appropriateness; Standards for Review," is hereby amended as follows:

§ 1435-09-2. - Certificates of Appropriateness; Standards for Review.

In accordance with Section 1435-09-1 above, the Historic Conservation Board has the duty to review and make a determination on all Certificates of Appropriateness in the manner prescribed herein for the purpose of furthering the conservation and integrity of the Historic Asset or Historic District affected. The Board may approve or approve with conditions an application for a Certificate of Appropriateness when it finds either:

(a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines; or

(b) That the property owner has demonstrated by credible evidence that the property owner will suffer economic hardship if the certificate of appropriateness is not approved.

In determining whether the property owner has demonstrated an economic hardship for purposes of (b) above, the Historic Conservation Board shall consider all of the following factors:

(i) Will all economically viable use of the property be deprived without approval of a Certificate of Appropriateness;

(ii) Will the reasonable investment-backed expectations of the property owner be maintained without approval of a Certificate of Appropriateness; and

(iii) Whether the economic hardship was created or exacerbated by the property owner.

In evaluating the above factors for economic hardship, the Historic Conservation Board may consider any or all of the following:

(aa) A property's current level of economic return;

(bb) Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;

(cc) The feasibility of alternative uses for the property that could earn a reasonable economic return;

(dd) Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;

(ee) Knowledge of landmark designation or potential designation at time of acquisition; and/or

(ff) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

Whenever a Certificate of Appropriateness is required pursuant to the provisions of this chapter, the Director of Buildings and Inspections ~~City Planning and Buildings~~ may not issue a building permit until a Certificate of Appropriateness has been approved or approved with conditions. In the event that the standards in this Section 1435-09-2 conflict with any standards set forth in any conservation guidelines, the standards set forth herein shall govern and control.

Section 56. That Section 1435-09-4 of the Cincinnati Municipal Code, "Minimum Maintenance Requirements; Demolition by Neglect," is hereby amended as follows:

§ 1435-09-4. - Minimum Maintenance Requirement; Demolition by Neglect.

The owner of a Historic Asset has the duty to provide sufficient maintenance and upkeep for such structure to ensure its perpetuation and to prevent its destruction by deterioration. The provisions of this Section 1435-09-4 shall be in accordance with Section 1451-11 below and Cincinnati Municipal Code Chapter 1101. Any failure to comply with this Section 1435-09-4 or Section 1451-11 below shall be an unlawful demolition which shall be punishable by the criminal and civil penalties set forth in the Cincinnati Municipal Code and Sections 1451-13 and 1451-15 below. The Urban Conservator~~, in cooperation with the Department of Community Development,~~ shall maintain a list of Historic Assets that are deemed to be neglected and shall publish that list on the City's website annually.

Section 57. That Section 1435-09-5 of the Cincinnati Municipal Code, "Exceptions from Requirement to Obtain Certificate of Appropriateness," is hereby amended as follows:

§ 1435-09-5. - Exceptions from Requirement to obtain Certificate of Appropriateness.

Nothing in this chapter is to be construed to prevent or regulate:

(a) Ordinary and routine maintenance or repair to a Historic Asset if it entails no alteration.

(b) Emergency repairs to public property.

(c) Emergency demolition, when the ~~Director of City Planning and Buildings,~~ Chief Building Official~~,~~ and the Fire Chief certify in writing that demolition is required for the immediate preservation of public safety because of an unsafe or dangerous condition that constitutes an emergency. Such determination shall be made in accordance with Cincinnati Municipal Code Chapter 1101. In making a determination about whether to issue an emergency demolition permit, the Chief Building Official shall do all of the following: (i) consult with the Urban Conservator; (ii) review all permit applications for the property filed within a period of two (2) calendar years prior to the emergency; (iii) review City records to account for all City orders which have been placed upon the property during the period of ownership by the current owner; and (iv) review City records to determine whether a vacated building maintenance license has been applied for or issued for the property.

(d) A Public Infrastructure improvement that Council has expressly approved or that is required to be installed or maintained by law.

For purposes of this Section 1435-09-5, the term "Public Infrastructure" shall mean any public utility line, street, roadway, or transit improvement or facility, signalization, directional or safety signage, streetscape, sidewalk or other public safety improvement, and shall not be deemed to include public buildings, parks, paver alleys, granite curbs, plazas or skywalks.

Section 58. That Section 1437-07 of the Cincinnati Municipal Code, "Applications Subject to Review," is hereby amended as follows:

§ 1437-07. - Applications Subject to Review.

(a) The Zoning Administrator ~~Director of Buildings and Inspections~~ 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 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.

Section 59. That Section 1437-09 of the Cincinnati Municipal Code, "Development Standards in UD Overlay Districts," 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 supercede 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
S1		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
S3	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
S5	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
M1	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
R1	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
E1		X		X	X		X				X			
F1		X												
N1	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
D1	X	X		X	X	X	X	X	X	X	X	X	X	X

UD #1 - College Hill Business District	UD #8 - Mt. Washington Business District
UD #2 - Clifton Business District	UD #9 - Mt. Airy Business District

UD #3 - Hartwell Business District	UD #10 - Columbia-Tusculum Business District
UD #4 - Hyde Park Square Business District	UD #11 - Hyde Park East Business District
UD #5 - Oakley Square Business District	UD #12 - Mt. Lookout Square
UD #6 - University Village Business District	UD #13 - Pleasant Ridge Business District
UD #7 - North Avondale Along Reading Road	

(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 Community Plans approved by City Council when making decisions for projects in an Urban Design District.

• Proposed uses shall be consistent with the goals, objectives and guidelines of the community plans approved by City Council.

(i) *Demolition*:

D1. Demolition has been ordered by the Director of Buildings and Inspections for reasons of public health and safety <u>and</u>:

- The structure 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 60. That Section 1437-11 of the Cincinnati Municipal Code, "Approval," is hereby amended as follows:

§ 1437-11. - Approval.

(a) If the Zoning Administrator ~~Director of Buildings and Inspections~~ determines that an application conforms to the requirements of § 1437-09 and all other requirements of this Code, the Zoning Administrator ~~Director~~ has the duty to approve ~~issue~~ a building permit for the proposed work. The Zoning Administrator ~~Director of Buildings and Inspections~~ has the duty to notify all owners of property abutting the subject property and the community organization recognized by the Council as representing the area that includes the subject property.

(b) If the Zoning Administrator Director of Buildings and Inspections determines the application does not conform to the requirements of § 1437-09, a hearing and decision by the Zoning Hearing Examiner is required, pursuant to Chapter 1443, Zoning Hearing Examiner Procedures, prior to the issuance of a building permit.

Section 61. That Section 1439-03 of the Cincinnati Municipal Code, "Director of Community Development and Planning," is hereby amended as follows:

§ 1439-03. - Director of City Planning ~~Community Development and Planning~~.

The Director of City Planning ~~Community Development and Planning~~ is appointed pursuant to Administrative Code Article XXV, § 1~~2~~ and has the following powers and duties under Cincinnati Zoning Code:

(a) Administrative Duties. The Director of City Planning ~~Community Development and Planning~~ administers the Department of City Planning ~~Community Development and Planning~~.

(b) Staff to the City Planning Commission. The Director of City Planning ~~Community Development and Planning~~ acts as staff to the City Planning Commission and provides professional guidance to the commission, including departmental reports on zoning applications decided by the Commission.

~~(c) Assistance to the Historic Conservation Board. The Director of Community Development and Planning assists the Historic Conservation Board in the performance of its duties and provides administrative supervision to the staff of the Board.~~

(c~~d~~) Planning Advice and Studies. The Director of City Planning ~~Community Development and Planning~~ advises the Council and City Manager and other local officials on matters affecting the physical development of the city and prepares comprehensive plans, urban design plans, environmental studies and other plans and planning-related studies.

(d~~e~~) District Boundary Lines. The Director of City Planning ~~Community Development and Planning~~ is authorized to interpret the exact location of zoning district boundary lines in such a way as to carry out the intent and purpose of the Cincinnati Zoning Code and the Zoning Map for the particular section or district in question.

Section 62. That Section 1439-05 of the Cincinnati Municipal Code, "Director of Buildings and Inspections," is hereby enacted as follows:

§ 1439-05. - Director of Buildings and Inspections.

The Director of Buildings and Inspections is appointed pursuant to Administrative Code Article XXI, § 1 and has the following powers and duties under Cincinnati Zoning Code:

(a) Administrative Duties. The Director of Buildings and Inspections administers the Department of Buildings and Inspections and serves as the Chief Building Official for the city.

(b) Permits and Inspections. The Director of Buildings and Inspections conducts reviews and inspections to ensure that all building permits and uses of land within the city are in compliance with building, housing, and zoning codes, and other related codes and regulations, including the historic preservation code and historic guidelines.

(c) Code Enforcement. The Director of Buildings and Inspections inspects existing buildings and uses of land for compliance with building, housing, and zoning codes, and other related codes and regulations, including the historic preservation code and historic guidelines, and may take enforcement action as necessary to abate nuisance, unsafe, and hazardous conditions and to otherwise ensure code compliant maintenance of buildings.

Section 63. That Section 1439-09 of the Cincinnati Municipal Code, "Historic Conservation Board," is hereby amended as follows:

§ 1439-09. - Historic Conservation Board.

The Historic Conservation Board is established pursuant to Article XXX~~II~~, § ~~1~~4 of the Administrative Code and has the following powers and duties under the Cincinnati Zoning Code:

(a) To hear applications for designation of historic districts, structures or sites and to make recommendation to the City Planning Commission on designation applications. See § 1435-07

(b) To approve, conditionally approve or deny applications for Certificates of Appropriateness. See § 1435-13.

(c) To assume the powers and duties of the Zoning Hearing Examiner to hear and approve, conditionally approve or deny applications for conditional uses, nonconforming uses, variances or special exceptions for those applications relating to property wholly or partially within a designated historic district or site or involving a designated landmark. See § 1435-27.

Section 64. That Section 1439-11 of the Cincinnati Municipal Code, "Zoning Board of Appeals," is hereby amended as follows:

§ 1439-11. - Zoning Board of Appeals.

The Zoning Board of Appeals is established pursuant to Article XXX~~I~~, § 6~~9~~ of the Administrative Code and has the following powers and duties under the Cincinnati Zoning 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, 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, pursuant to the procedures and standards established in Chapter 1449, Zoning Board of Appeals.

(c~~b~~) 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~~c~~) To hear and decide appeals from any decision of the Historic Conservation Board.

Section 65. That Section 1441-01 of the Cincinnati Municipal Code, "Common Procedures for Review of Applications," is hereby amended as follows:

§ 1441-01. - Common Procedures for Review of Applications.

Applications, related legal and other documents submitted pursuant to the Cincinnati Zoning Code, with the exception of petitions to amend the Cincinnati Zoning Code or Zoning Map, are processed in accord with the following procedures:

(a) *Determination of Completeness of Application*. ~~An application is submitted to the Director of Buildings and Inspections Planning and Buildings~~. ~~The director has~~ Applications are submitted to staff for the applicable decision-making body on forms prescribed by the decision-making body. Upon receipt of an application, the staff for the receiving body has the duty to determine whether the application is complete within five working days of receipt of an application. If the staff ~~director~~ determines that the application is not complete, the staff ~~director~~ has the duty to notify the applicant in writing, specifying the deficiencies of the application, including any additional information that must be supplied and that no further action will be taken by the city on the application until the deficiencies are corrected.

(b) *Remedy of Deficiencies*. If the applicant fails to correct the specified deficiencies within 30 working days of the notification of deficiency, the application for development approval will be deemed withdrawn and will be returned to the applicant. The receiving body ~~director~~, on written request, may for good cause shown and without any notice or hearing, grant extensions of the 30 working day time limit for remedying of deficiencies.

(c) *Abutting Property Owners*. If notice to abutting property owners is required, the staff for the receiving body ~~director~~ will provide the names and addresses of all abutting property owners as they appear in the official records of the Auditor of Hamilton County within a 100-foot radius of the subject property.

~~(d) *Application Forwarded to Decision-Making Body*. The director has the duty to forward any application submitted for decision by another decision maker~~

~~to that decision-making body within three working days after the director determines that the application is complete.~~

(d~~e~~) *Fees*. Fees for applications, hearings and review of plans and other documents shall be at a reasonable cost basis as determined by the Director of Buildings and Inspections ~~Planning and Buildings~~.

Section 66. That Section 1441-03 of the Cincinnati Municipal Code, "Director of Buildings and Inspections Procedures," is hereby amended as follows:

§ 1441-03. – Zoning Administrator ~~Directo r of Buildings and Inspections~~ Procedures.

Applications submitted pursuant to the Cincinnati Zoning Code~~, submitted to the Director of Buildings and Inspections for~~ seeking a decision by the Zoning Administrator ~~director~~ are processed in accord with the following procedures:

(a) Applications Decided by the Zoning Administrator ~~Director of Buildings and Inspections~~. Every application seeking a decision by the Zoning Administrator ~~submitted to the director for a decision by the director~~ must be on forms specified by the Zoning Administrator ~~director and~~, must be accompanied by the information specified on the application form or in instructions specified by the Zoning Administrator ~~or the director's rules and regulations,~~ and must be accompanied by the required filing fee set forth in the fee schedule adopted pursuant to this chapter. Applications are processed in accordance with the common procedures set forth in this chapter.

(b) Decision by Zoning Administrator ~~Director~~. The Zoning Administrator ~~director~~ has the duty to render a decision to approve or deny an application no later than 30 days after determination of completeness of the application, unless the applicant consents in writing to additional time. The Zoning Administrator ~~director~~ may require, at the applicant's expense, additional studies, acquire additional data, or provide the applicant an opportunity to submit plan revisions.

Section 67. That Section 1441-05 of the Cincinnati Municipal Code, "Covenants," is hereby amended as follows:

§ 1441-05. - Covenants.

The Zoning Administrator ~~Director of Buildings and Inspections~~ has the following duties pertaining to covenants:

(a) Acceptance of Covenants. To obtain covenants from the owners of property whenever the Cincinnati Zoning Code requires the owner to file a covenant

as a condition for the issuance of a permit or Certificate of Occupancy. Covenants must be in a form acceptable to the City Solicitor.

(b) Recording. To file covenants with the Hamilton County Recorder, the owner must pay for the costs of recording.

(c) Release of Covenants. To recommend to the City Manager the release of any covenant in favor of the city granted pursuant to the Cincinnati Zoning Code. The release must be in a form of written instrument acceptable to and approved by the City Solicitor. The Zoning Administrator ~~Director of Buildings and Inspections~~ may recommend the termination of a covenant if and only if the conditions that gave rise to the covenant being required no longer apply.

Section 68. That Section 1441-07 of the Cincinnati Municipal Code, "Certificate of Compliance," is hereby amended as follows:

§ 1441-07. - Certificate of Compliance.

A person may apply to the Zoning Administrator ~~Director of Buildings and Inspections~~, on forms prepared by the Zoning Administrator ~~Director~~, for a Certificate of Compliance for the zoning of any building or premises. The applicant must furnish any additional information the Zoning Administrator ~~director~~ may require to determine compliance with the Cincinnati Zoning Code. The Zoning Administrator ~~director~~ has the duty to issue a Certificate of Compliance if and only if the intended use or occupancy conforms to the Cincinnati Zoning Code.

The Zoning Administrator ~~director~~ may issue a temporary Certificate of Compliance for a part of a building or premises under conditions as necessary to assure the public health and safety.

Section 69. That Section 1441-09 of the Cincinnati Municipal Code, "Building Permits," is hereby amended as follows:

§ 1441-09. - Building Permits.

A building, structure, land or any part thereof, may not be constructed until a building permit has been issued by the Director of Buildings and Inspections. The director may not issue a building permit for any construction ~~unless~~ until the Zoning Administrator has determined that the plats, plans, specifications and intended use

conform to the Cincinnati Zoning Code. The lot or parcel and the location of the building or buildings must be fixed by survey before construction is started.

(a) Forms, Information and Specifications Required. An application for a building permit must be made to the director on forms provided for that purpose. The director must be furnished with all plans and documents as may be required to allow the Zoning Administrator to determine compliance with the provisions of this Code. Applications for building permits must also be accompanied by those items the director and the Zoning Administrator deems pertinent and such additional information as the director may require to determine compliance with the provisions of this Code, including, but not limited to, plans, drawn to an architectural or engineering scale, showing the following:

(1) The exact shape and dimensions of the lot or parcel to be built on based on an actual survey;

(2) The exact size and location of existing structures;

(3) The lines within which the proposed structure is to be erected or altered;

(4) The existing and intended use of each building or part thereof;

(5) The number of dwelling units the building is designed to accommodate; and

(6) Such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of the Cincinnati Zoning Code.

(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.

(c) Time Limits for Zoning Approvals. Issuance of a building permit vests the applicant the right to construct the work for which the permit was issued in accordance with the provisions of the Cincinnati Zoning Code in effect at the time of application. That right expires with the expiration of the building permit as provided in the Cincinnati Building Code, Title XI of the Cincinnati Municipal Code.

Section 70. That Section 1441-11 of the Cincinnati Municipal Code, "Certificates of Occupancy and Use," is hereby amended as follows:

§ 1441-11. - Certificates of Occupancy and Use.

The Director of Buildings and Inspections has the duty to verify that the Zoning Administrator has determined ~~determine compliance of~~ that proposed work complies with the Cincinnati Zoning Code and to ensure compliance with the Cincinnati Zoning Code through the issuance, issuance with conditions or denial of a Certificate of Occupancy and Use.

(a) Use of Buildings or Land. A building, structure, land, or any part thereof, may not be occupied or used and a building hereafter located, constructed, reconstructed, enlarged or structurally altered may not be occupied or used in whole or in part for any purpose until the director issues a Certificate of Occupancy and Use, on finding that the Zoning Administrator has determined the building and use comply with the provisions of this Code.

(1) A Certificate of Occupancy and Use may not be issued until construction is completed and the premises inspected and certified to be in conformity with the plans and specifications on which the building permit and other necessary permits were granted.

(2) A change or conversion of use may not be made in any land, building or part thereof, without a New Certificate of Occupancy and Use issued by the director.

(b) Application. An application for a Certificate of Occupancy and Use must be made in writing and signed by the applicant attesting to the truth and exactness of all information supplied on the application form

(c) Approval of Certificate of Occupancy and Use. The director may issue Certificates of Occupancy and Use only on finding that the Zoning Administrator has determined a use conforms with the provisions of this Code, any written decision from the Zoning Hearing Examiner or Zoning Board of Appeals deciding an appeal, conditional use, variance or special exception, and any final judgment of a court of competent jurisdiction arising out of the application.

(d) Conditions of Approval. Within 20 working days after the receipt of an application, the director has the duty to approve, approve with conditions or disapprove the application in conformance with the provisions of this Code.

(e) Record of Certificates of Occupancy and Use. The director has the duty to maintain a record of all Certificates of Occupancy and Use and to furnish copies on request and on payment of all applicable fees to any person.

Section 71. That Section 1441-17 of the Cincinnati Municipal Code, "Effect of Administrative Interpretations," is hereby amended as follows:

§ 1441-17. - Effect of Administrative Interpretations.

The Zoning Administrator ~~Director of Buildings and Inspections~~ may make administrative interpretations finding a particular use to be permitted as-of-right or as a conditional use. Such an interpretation does not authorize the establishment of such use nor the development, construction, reconstruction, alteration or moving of any building or structure. It merely authorizes the preparation, filing and processing of applications for any approvals and permits that may be required by this Code.

An administrative interpretation by the Zoning Administrator ~~director~~ finding proposed work to be permitted as-of-right or permitted as a conditional use in a particular district only authorizes the proposed work for which the interpretation is issued. Such interpretation does not authorize any other work for which a separate use interpretation has not been issued, even if the other work is similar in character to the work for which the interpretation was issued.

Section 72. That Section 1443-01 of the Cincinnati Municipal Code, "Receipt of Application and Staff Reports," is hereby amended as follows:

§ 1443-01. - Receipt of Application and Staff Reports.

After acceptance of an application ~~by the Director of Buildings and Inspections~~ pursuant to the provisions of Chapter 1441, Application Procedures, Fees, Permits and Certifications, the ~~director has the duty to forward the application to the Zoning Hearing Examiner within three working days of the determination of completeness of the application. The director~~ staff for the Zoning Hearing Examiner must notify the Director of City Planning of the applications within three working days following its acceptance. The Director of City Planning ~~director~~ must provide the examiner with a staff report on the application prior to the scheduled public hearing on the application. The examiner may also forward an application to any other city department for review and request a staff report from any other city department. The failure to receive a staff report prior to the public hearing does not prohibit the examiner from proceeding with a scheduled hearing or deciding to approve, conditionally approve or deny an application.

Section 73. That Section 1443-05 of the Cincinnati Municipal Code, "Public Hearing Schedule and Notice," is hereby amended as follows:

§ 1443-05. - Public Hearing Schedule and Notice.

The Zoning Hearing Examiner has the duty to hold the required public hearing on an application within 30 days of receipt of the complete application ~~from the Director of Buildings and Inspections~~. The examiner has the duty to send notice of the public hearing to the applicant, all owners of property located within a 100 foot radius of the subject

property, a 250 foot radius of the subject property in the SF-20 and SF-10 zoning districts or the property owners of abutting properties not under the applicant's ownership, and appropriate community organizations known to the examiner to be concerned with the application of zoning regulations to properties in the vicinity of the subject property at least 14 days in advance of the public hearing. The examiner has the duty to advertise notice of the public hearing in the City Bulletin or other newspaper of general circulation at least seven days prior to the hearing.

Section 74. That Section 1443-09 of the Cincinnati Municipal Code, "Zoning Hearing Examiner Decisions," is hereby amended as follows:

§ 1443-09. - Zoning Hearing Examiner Decisions.

The Zoning Hearing Examiner has the duty to issue a written decision on an application within ten working days of the close of the public hearing on the application, or within 14 days of receipt of an application for which a public hearing has been waived, unless the applicant agrees to an extension of the time for issuance of a decision.

The following conditions will apply to all approvals granted by the examiner. These conditions are in addition to any other conditions set by the Examiner or required by the Cincinnati Zoning Code:

(a) Permit Expiration and Extension. A permit for construction or the use of land or buildings for which an approval has been granted must be obtained within two years from the date of the decision of the examiner, unless the decision specifically provides a different time frame for commencement of work. Prior to the ending of the two year period, the applicant may submit a written request for an extension of the decision to the Zoning Administrator ~~Director of Buildings and Inspections~~. If the Zoning Administrator ~~director~~ determines that the approval is still in compliance with all applicable codes, the decision may be extended for an additional six months. Any further extension requires the approval of the examiner; a public hearing is not needed for such approval.

(b) Compliance. The Director of Buildings and Inspections has the authority to inspect all properties for compliance with conditions of approval as often as necessary to assure continued compliance.

Section 75. That Section 1445-11 of the Cincinnati Municipal Code, "Procedures for Application for Variances, Special Exceptions and Conditional Uses," is hereby amended as follows:

§ 1445-11. - Procedures for Application for Variances, Special Exceptions and Conditional Uses.

The procedures for the application and application review for variances, special exceptions and conditional uses are as follows:

(a) *Application Form and Materials*. An application for a variance, special exception or conditional use must be filed ~~with the Director of Buildings and Inspections,~~ in accordance with the provisions of Chapter 1441, Application Procedures, Permits and Certificates.

(b) *Application Procedures*. The following procedures apply to the review of applications for a variance, special exception or conditional use:

(1) The ~~director~~ Director of City Planning has the duty to prepare a staff report on the application and transmit the staff report to the Zoning Hearing Examiner prior to the public hearing.

(2) The examiner has the duty to schedule and hold a public hearing on the completed application in accord with the procedures for conduct of the public hearing set forth in § 1443-05 and § 1443-07

(3) Staff reports received by the examiner are to be considered at a public hearing. Following the conclusion of the public hearing and within ten working days, the examiner has the duty to take one of the following actions:

(A) Approve the application.

(B) Approve the application subject to specific conditions.

(C) Postpone a decision pending consideration of additional information.

(D) Deny the application.

(c) *Coordinated Review and Approval of Applications*. Whenever, in addition to a variance, special exception or conditional use pursuant to this chapter, the applicant also requires another decision by the examiner, the applicant must simultaneously file all other required applications ~~with the director~~. All required notices must include reference to the request for all required examiner approvals.

(d) *Public Hearing Waiver*.

(1) *Property Owner or Authorized Agent*. The examiner may waive the public hearing requirement on applications for a variance from side and rear yard and open space requirements and on all other applications for which public hearing waivers are specifically provided in this Code. Applicants requesting a public hearing waiver must submit a site plan of the proposed project, signed by every concerned community

organization identified by the Director of City Planning ~~Buildings and Inspections~~ and the owners of every parcel of abutting real property.

(2) *City Agency or Department*. The examiner may waive~~r~~ the public hearing requirement on applications for a variance or special exception when a City agency or department makes the request where the strict application of the zoning code would be detrimental to the public health or safety in writing to the Director of Buildings and Inspections prior to zoning approval being issued. The examiner has the duty to provide notice of the decision to property owners within a 100-foot radius of the subject property and the community organization recognized by Council as representing the area that includes the subject property. This notification shall include the deadline date to file an appeal of the examiner's decision.

Section 76. That Section 1445-17 of the Cincinnati Municipal Code, "Standards for Variances to Accommodate Persons with Disabilities," is hereby amended as follows:

§ 1445-17. - Standards for Variances to Accommodate Persons with Disabilities.

The Zoning Hearing Examiner may authorize a variance from the provisions of the Cincinnati Zoning Code that limit the number of persons who may live together as a single-housekeeping unit in a dwelling unit on finding that all of the following circumstances apply:

(a) The variance is necessary as a reasonable accommodation of persons with disabilities;

(b) The denial of the variance would result in the denial of the equal opportunity of persons with disabilities to use and enjoy occupancy of a dwelling;

(c) The variance is not materially detrimental to the public welfare or injurious to property in the district or vicinity in which the property is located; and

(d) In a residential district, the maximum number persons that the Zoning Hearing Examiner ~~director~~ may authorize to live together as a single-housekeeping unit is eight.

Section 77. That Section 1445-30 of the Cincinnati Municipal Code, "De MinimisVariance," is hereby amended as follows:

§ 1445-30. - De Minimis_Variance.

Where a minor or de minimis variance could be achieved only at unreasonable expense or inconvenience to an applicant, the Zoning Administrator ~~Director of City Planning and Buildings~~ may grant a de minimis variance without a public hearing or written decision upon determining that the de minimis variance is in harmony with the general purposes and intent of the Cincinnati Zoning Code, is in the public interest, and would not enlarge a previously granted variance. A de minimis variance is defined as the lesser of (a) a ten percent (10%) or (b) a ten foot (10') deviation from the prescribed dimensional requirement or standard. This Section 1445-30 shall operate to permit the Zoning Administrator ~~Director of City Planning and Buildings~~ to grant a de minimis variance exclusively from the general site standards set forth in Chapter 1421, the development regulations set forth in Cincinnati Zoning Code Sections 1403-07, 1405-07, 1407-07, 1409-09, 1410-07, 1411-07, 1413-07, 1415-09, 1416-07, 1417-07, and the dimensional and height requirements set forth in Cincinnati Zoning Code Sections 1427-23, 1427-25, 1427-26, 1427-27, 1427-29, 1427-33, 1427-35, 1427-37, and 1427-39, and from no other section of the Cincinnati Zoning Code. The Zoning Administrator ~~Director of City Planning and Buildings~~ shall not be permitted to grant a de minimis variance on any lot or for any structure located in a Hillside Overlay District, Historic Overlay District, or Urban Design Overlay District, or for a floor area ratio or averaged setback. Nothing contained herein shall be construed to in any way affect the authority of the Zoning Administrator ~~Director of City Planning and Buildings~~ to grant a minor amendment to a Concept Plan or a Final Development Plan as provided for in Sections 1429-12 and 1429-21. An applicant for a de minimis variance shall apply directly to the Zoning Administrator ~~Director of City Planning and Buildings~~ on forms that are provided and shall pay a fee in connection with such application, the amount of which shall be determined by the Zoning Administrator ~~Director of City Planning and Buildings~~ from time to time. Each applicant shall be required to provide notice by certified mail to each abutting and adjacent property owner within three (3) business days after the date of the filing of the de minimis variance application. Such owners shall be identified according to the records on file with the Hamilton County Auditor. An applicant shall only need to provide proof of such mailing for notice to be deemed sufficient. Notwithstanding anything to the contrary contained in Section 1441-03, the Zoning Administrator ~~Director of City Planning and Buildings~~ shall provide written notice to the applicant of his or her decision to grant or deny a de minimis variance not later than twenty (20) days of the date of the filing of the application. Such written notice need not include findings of fact or conclusions of law. The Zoning Administrator ~~Director of City Planning and Buildings~~ shall publish notice of the grant of a de minimis variance in the next available issue of the "City Bulletin." Any party with standing may appeal the Zoning Administrator's ~~Director of City Planning and Buildings~~ decision regarding an application for a de minimis variance to the Zoning Board of Appeals pursuant to Cincinnati Zoning Code Section 1449-09(a).

Section 78. That Section 1447-15 of the Cincinnati Municipal Code, "Application Procedures," is hereby amended as follows:

§ 1447-15. - Application Procedures.

An application for a substitution of a nonconforming use may be filed with staff for the Zoning Hearing Examiner ~~with the Director of Buildings and Inspections~~ in accord with the application procedures under Chapter 1441, Application Procedures, Fees, Permits and Certificates. Applications must include a complete description of the proposed use and such other information as the Zoning Hearing Examiner determines is necessary to decide the application, as shown on the application form approved by the Zoning Hearing Examiner. In the review and decision of applications, the following procedures apply:

(a) *Staff Report*. The Director of City Planning ~~director~~ has the duty to prepare a staff report on the application and transmit the staff report to the Zoning Hearing Examiner prior to the public hearing.

(b) *Public Hearing*. The examiner has the duty to schedule and hold a public hearing on the completed application in accord with the procedures for conduct of the public hearing set forth in § 1443-07

(c) *Action*. Staff reports received by the examiner are to be considered at a public hearing. Following the conclusion of the public hearing and within ten working days, the examiner has the duty to take one of the following actions:

(1) Approve the application.

(2) Approve the application subject to specific conditions.

(3) Postpone a decision pending consideration of additional information.

(4) Deny the application.

(d) *Coordinated Review and Approval of Applications*. Whenever, in addition to approval of an application for a substitution of a nonconforming use pursuant to this chapter, the applicant also requires a variance or other approval from the examiner, the applicant must simultaneously file all other applications and required applications with the director. All required notices must include reference to the request for all required examiner approvals.

(e) *Conditions*. The Zoning Hearing Examiner may impose such conditions that are determined to be in the public interest and necessary to mitigate any harmful effects of the substitution of the nonconforming use. The examiner may require a bond or other acceptable form of surety to insure compliance with the conditions imposed. These conditions must be expressly set forth in the examiner's decision.

Section 79. That Section 1447-23 of the Cincinnati Municipal Code, "Reconstruction of Nonconforming Use and Structure," is hereby amended as follows:

§ 1447-23. - Reconstruction of Nonconforming Use and Structure.

A nonconforming use, building or structure, or improvement or one or more of a group of nonconforming buildings or structures related to one use and under one ownership, substantially destroyed by fire, flood, earthquake or other act of God, may not be reconstructed or used as before such calamity.

As used in this section, "substantially destroyed" means that the estimated cost of reconstruction exceeds 150 percent of the assessed improvement value as determined from the records of the Hamilton County Auditor of all the buildings or structures within the group of one or more nonconforming buildings or structures related to one use and under one ownership. The estimated cost of reconstruction is as submitted in a verified affidavit acceptable to the Zoning Administrator ~~Director of Buildings and Inspections~~ as reasonable. The repairs and reconstruction must be completed within two years of the date of the damage.

If the estimated cost of reconstruction exceeds 150 percent of the assessed improvement value, the use of the property and the reconstruction of the building must be in accordance with the provisions of this Zoning Code.

Section 80. That Section 1449-03 of the Cincinnati Municipal Code, "Person Affected," is hereby amended as follows:

§ 1449-03. - Person Affected.

As used in this chapter "person affected" means:

(a) Any applicant for a permit or owner of property that is the subject of a final decision or order of the Zoning Administrator, the Director of Building and Inspections~~, the Director of Community Development and Planning~~, the Historic Conservation Board or the Zoning Hearing Examiner.

(b) Any applicant or owner of property that is the subject of a final decision or order of the City Planning Commission concerning the renewal, revision or approval of a final development plan of a Planned Development.

(c~~b~~) Any owner or occupant of property abutting subject property~~,~~.

(d~~c~~) Any other person who is substantially and adversely affected by a final decision of the Historic Conservation Board or the Zoning Hearing Examiner made following a public hearing, who expressed in writing a position prior to the hearing or testified at the hearing.

(e~~d~~) A community organization recognized by Council as representing the area that includes the subject property and that has prepared a community plan accepted by Council has standing to appeal without regard to having expressed an opinion in writing prior to the hearing or having testified through a representative at the hearing.

Section 81. That Section 1449-07 of the Cincinnati Municipal Code, "Public Hearing Notice and Procedures," is hereby amended as follows:

§ 1449-07. - Public Hearing Notice and Procedures.

~~The Secretary of~~ The staff for the Zoning Board of Appeals has the duty to give notice of hearings before the Board by publication one time in the "City Bulletin" not less than six days in advance of the hearing. At least three members of the Zoning Board of Appeals must be present at the hearing. At any public hearing of the case before the board, the person affected may be represented by counsel or agent. The appellant's side of the case is heard first and those in objection follow. Every person who appears before the Board has the duty to abide by the order and direction of the officer presiding over the hearing. The presiding officer may exclude from the hearing any person whose conduct is discourteous or contemptuous.

Section 82. That Section 1449-09 of the Cincinnati Municipal Code, "Appeals to the Zoning Board of Appeals," is hereby amended as follows:

§ 1449-09. - Appeals to the Zoning Board of Appeals.

The following persons may appeal to the Zoning Board of Appeals:

(a) Persons Affected by a Final Decision of the Zoning Administrator, the Director of Buildings and Inspections or the Zoning Hearing Examiner. Any person affected, as defined in § 1449-03, by a final decision of the Zoning Administrator, the Director of Buildings and Inspections or the Zoning Hearing Examiner has standing to appeal to the Zoning Board of Appeals.

(b) Persons Affected by Certain Decisions of the Historic Conservation Board. A person affected by a decision of the Historic Conservation Board pertaining to an Urban Design Overlay District, Planned Development, conditional use, variance, special exception, Downtown Development District or Certificate of Appropriateness may appeal that decision to the Zoning Board of Appeals. ~~Appeals are conducted in the same manner as appeals from decisions of the Director of Building and Inspections.~~

(c) Persons Affected by Certain Decisions of the City Planning Commission. Any person affected as defined in § 1449-03 may appeal the City Planning Commission's approval or denial of a request for renewal, revision or approval of a final development plan of a Planned Development to the Zoning Board of Appeals.

Section 83. That Section 1449-11 of the Cincinnati Municipal Code, "Time Limit for Appeals," is hereby amended as follows:

§ 1449-11. - Time Limit for Appeals.

Notice of appeal must be filed with ~~the Secretary of~~ staff for the Zoning Board of Appeals within 30 days of the date of mailing of the decision below by the decision-making body or official. The ~~secretary~~ staff has the duty to promptly notify the maker of the decision being appealed and the owner of the subject property or permit applicant, if other than the appellant, of the filing of the notice of appeal. In cases where the appeal is to be heard by Council, the notice of appeal must be filed with the Clerk of Council.

Section 84. That Section 1449-13 of the Cincinnati Municipal Code, "Procedures for Appeals from Decisions of the Director of Buildings and Inspections or the City Planning Commission," is hereby amended as follows:

§ 1449-13. - Procedures for Appeals from Decisions of the Zoning Administrator, the Director of Buildings and Inspections or the City Planning Commission.

The following procedures apply to appeals to the Zoning Board of Appeals from decisions of the Zoning Administrator, the Director of Buildings and Inspections or the City Planning Commission:

(a) *Application*. The application procedure for appeals is as follows:

(1) A person with standing as specified in § 1449-09, Appeals to the Zoning Board of Appeals, must file a notice of appeal on forms prepared and supplied by the ~~Secretary of~~ staff for the Board.

(2) All appeals must be accompanied by materials specified on the application form.

((b) *Remand*. The board may remand a matter to the director in order to cure a deficiency in the record or the proceedings below.

(c) *Hearing*. At the hearing the appellant and any affected person have the right to:

1) Present their positions, arguments and contentions.

(2) Offer and examine witnesses and present evidence in support of positions, arguments and contentions.

(3) Cross-examine witnesses purporting to refute their position, arguments and contentions. The board may limit the right of cross-examination to persons represented by counsel.

(4) Offer evidence to refute evidence and testimony offered in opposition to their position, arguments and contentions.

(d) *Decision*. The board has the duty to enter a decision in accordance with § 1449-17, Decision.

Section 85. That Section 1449-15 of the Cincinnati Municipal Code, "Procedures for Appeals from Decisions of the Zoning Hearing Examiner or Historic Conservation Board," is hereby amended as follows:

§ 1449-15. - Procedures for Appeals from Decisions of the Zoning Hearing Examiner or Historic Conservation Board.

The following procedures apply to appeals to the Zoning Board of Appeals from decisions of the Zoning Hearing Examiner or Historic Conservation Board:

(a) *Application*. The application procedure for appeals is as follows:

(1) A person with standing as specified in § 1449-09, Appeals to the Zoning Board of Appeals, must file a notice of appeal on forms prepared and supplied by the ~~Secretary of~~ staff for the Board.

(2) All appeals must be accompanied by materials specified on the application form.

(b) *Transcript*. Within 21 days of the filing of the notice of appeal, the appellant has the duty to cause a complete record of the proceedings, including a transcript of all testimony, pertaining to the decision being appealed to be filed with the ~~secretary of~~ staff for the board at the appellant's cost.

(c) *Remand*. The board may remand a matter to the examiner in order to cure a deficiency in the record or the proceedings below.

(d) *Hearing*. The appellant and any person who expressed a position in writing or testified in opposition below have an opportunity personally or through counsel to present arguments based on the evidence in the record. No other person has a right to be heard. The board is confined to consideration of the record and arguments based on the record as filed unless it appears on the face of the record or by affidavit filed by person affected that:

(1) The record does not contain a report of all evidence admitted or proffered below.

(2) The testimony adduced was not given under oath.

(3) The appellant or other person affected was not permitted to be heard in person or by counsel in opposition to the order appealed:

(A) To present the position, arguments and contentions of the appellant or other person affected.

(B) To offer and examine witnesses and present evidence in support thereof.

(C) To cross-examine witnesses purporting to refute the position, arguments and contentions of the appellant or other person affected.

(D) To offer evidence to refute evidence and testimony offered in opposition to the position arguments and contentions of the appellant or other person affected.

(E) To proffer any such evidence into the record, if the admission thereof was denied by the examiner.

The board may remand a matter to the examiner in order to cure any such deficiency or enter such other order as justice may require. Otherwise, the board may not receive any additional testimony or evidence.

(e) *Decision*. The board has the duty to enter a decision in accordance with § 1449-17, Decision.

Section 86. That Section 1449-17 of the Cincinnati Municipal Code, "Decision," is hereby amended as follows:

§ 1449-17. - Decision.

The Zoning Board of Appeals may find that the order, adjudication, or decision is illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence on the whole record. Consistent with its findings, the board may affirm, reverse, vacate, or modify the order, adjudication, or decision, or remand the cause to the officer or body appealed from with instructions to enter an order, adjudication, or decision consistent with the findings or opinion of the Board.

A majority of the members of the board present and voting is required to reverse, vacate or modify the order, adjudication or decision. In the absence of a majority or in the case of a tie vote, the order, adjudication or decision is deemed affirmed.

The board may direct the appellant or other person who appeared at the hearing to propose findings of fact and conclusions of law supporting its decision. The chairman of the board has the duty to cause findings and conclusions to be entered on the record. A decision by the board is effective as of the date of mailing of the findings and

conclusions. The ~~secretary~~ staff for the board has the duty to send written notification of the decision to the appellant.

Section 87. That Section 111-5 of the Cincinnati Municipal Code, "Notice and Hearings on Notwithstanding Ordinances," is hereby amended as follows:

Sec. 111-5. - Notice and Hearings on Notwithstanding Ordinances.

The property owner shall file a written application with the ~~d~~Director of ~~b~~Buildings and ~~i~~Inspections outlining the need for relief from existing legislative and administrative procedures. The application shall include the address of the subject property, the name and address of the property owner, the proposed use of the property, a copy of the building zone map showing the subject property, and a statement outlining all of the practical difficulties created by following existing legislative and administrative procedures. The ~~d~~Director of ~~b~~Buildings and ~~i~~Inspections shall immediately forward a copy of the application to the clerk of council and the ~~d~~Department of City Planning ~~community development and planning~~ for a report on the application, which shall be returned to the clerk of council prior to the scheduled public hearing. The failure to receive a staff report prior to the public hearing shall not prohibit the committee from proceeding with the scheduled public hearing and shall not invalidate an ordinance.

A committee of council shall hold a public hearing on a proposed notwithstanding ordinance relative to the zoning code or the building zone map before reporting its recommendation to council. The clerk of council shall fix the time and place for the hearing. The clerk shall publish notice of the public hearing in the City Bulletin or in another newspaper of general circulation in the city at least 14 days in advance of the hearing. The clerk shall keep a copy of the application available for public inspection at least 14 days in advance of the hearing.

The clerk shall also mail notice of the public hearing to a community council representing the location of the application and to all owners of property located within a 400-foot radius of the subject property at least 14 days prior to the hearing. The owners and their mailing addresses shall be determined from the current tax list of the county auditor. The failure to notify by mail an owner of property or a community council shall not invalidate an ordinance.

A community council shall mean an organization participating in the neighborhood support program or included on a list of community councils approved by the city council and filed with the clerk. The area of representation of a community council shall be shown on a map approved by the city council and filed with the clerk. City council may approve a map showing an area as being represented by more than one community council.

The committee of council shall consider the following when making a recommendation to council:

Whether the proposed application will not have an adverse effect on the character of the area or the public health, safety and welfare;

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.

(b) Preserving the character and quality of residential neighborhoods.

(c) Fostering convenient, harmonious and workable relationships among land uses.

(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.

(e) Promoting the economic stability of existing land uses and protecting them from intrusions by inharmonious or harmful land uses.

(f) Providing opportunities for economic development and new housing for all segments of the community.

(g) Creating pedestrian-friendly environments to reduce reliance on the automobile for travel.

(h) Preventing excessive population densities and overcrowding of land or buildings.

(i) Ensuring the provision of adequate open space for light, air and fire safety.

(j) Ensuring that development is compatible with the environment, particularly on the hillsides and along the riverfront.

(k) Promoting the conservation, protection, restoration and enhancement of the historic resources of the city.

(l) Lessening congestion in the public streets by providing for off-street parking and loading areas for commercial vehicles.

(m) Providing effective signage that is compatible with the surrounding urban environment.

(n) Setting standards by which a nonconforming use may continue to function and to provide for the adaptive reuse of nonconforming buildings.

The committee's recommendation to council may include conditions or limitations on the use of the subject property and the length of time for continuation of the use of the subject property.

Section 88. That Section 1703-5: "Supplemental to Transect Zones," of Title XVII, "Land Development Code," of the Cincinnati Municipal Code, is hereby amended as set forth on Exhibit A, attached hereto and incorporated herein by reference.

Section 89. That Section 1703-6: "Specific to Creating a Walkable Neighborhood," of Title XVII, "Land Development Code," of the Cincinnati Municipal Code, is hereby amended as set forth on Exhibit B, attached hereto and incorporated herein by reference.

Section 90. That Section 1703-8: "Administration and Procedures," of Title XVII, "Land Development Code," of the Cincinnati Municipal Code, is hereby amended as set forth on Exhibit C, attached hereto and incorporated herein by reference.

Section 91. That Section 1703-9: "Form-Based Code Glossary," of Title XVII, "Land Development Code," of the Cincinnati Municipal Code, is hereby amended as set forth on Exhibit D, attached hereto and incorporated herein by reference.

Section 92. That the effective date for shall be July 1, 2015.

Section 93. 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 amend the City's zoning ordinances to reflect the redistribution of duties and responsibilities among the Department of Buildings and Inspections, the Department of City Planning, and the Law Department pursuant to Ordinance 44-2015, shall redistribution of duties and responsibilities shall become fully effective on July 1, 2015.

Passed: _____, 2015

_____
Mayor

Attest: _____
Clerk

Exhibit A to Ordinance

Section 1703-5: Supplemental to Transect Zones
of Title XVII, Land Development Code

SEE ATTACHED

Section 1703-5: Supplemental to Transect Zones

Subsections:

1703-5.10	Purpose
1703-5.20	Applicability
1703-5.30	Topography and Hillside Overlay Districts
1703-5.40	Historic Landmarks and Districts
1703-5.50	Parking
1703-5.60	Building Height
1703-5.70	Renovations and New Construction Compatibility
1703-5.80	Signs
1703-5.90	Corner Stores
1703-5.100	Additional Standards for Specific Uses
1703-5.110	Accessory Uses
1703-5.120	Temporary Uses

1703-5.10 Purpose

This Section establishes standards that supplement the regulations of each transect zone. The standards are specific to particular aspects of development, such as parking and signage. These standards are intended to promote development that compliments and reinforces the vibrant, mixed-use pedestrian environment of Cincinnati.

1703-5.20 Applicability

This Section applies to all development in applicable transect zones. Each Subsection within this Section further refines the applicability of the standards.

1703-5.30 Topography and Hillside Overlay Districts

A. **Purpose.** This Subsection establishes standards and guidance for development on sites with irregular, undulating, or uneven topography.

B. **Applicability**

1. The standards in this Subsection shall apply in all transect zones that are not located in a Hillside Overlay District. For transect zones located in a Hillside Overlay District, the regulations of the Cincinnati Municipal Code Chapter 1433 shall govern and control.

C. **Building Height.** Sites with uneven topography present unique issues in relation to building height.

1. The Form-Based Code addresses building height in the following locations:

   a. **Maximum and/or Minimum Building Height.** Building heights are regulated by the transect zone. See Section 1703-2 (Specific to Transect Zones).

   b. **Overall Building Height.** The maximum height of a building follows the existing topography of a site. This ensures that buildings comply with the building height across an entire site. See Subsection 1703-5.60 (Building Height).

   c. **Exposed Basements.** The maximum amount a basement may be exposed before it counts as a building story is set forth in Subsection 1703-5.60.E.2.

D. **Location of Parking.** Steep topography can present issues with locating parking on a lot. Table 1703-8.30.A (Allowable Variations) provides findings and allowed administrative variations for issues arising from steep topography preventing parking spaces from being provided in accordance with the standards in Section 1703-2 (Specific to Transect Zones).

E. **Grading or Regrading of Sites.** When a site's topography is modified, the site shall be graded in such a way to avoid the following features:

1. Retaining walls or blank walls taller than four feet in height within required front street or side street setbacks or build-to lines;

2. Retaining walls on rear or side lot lines; and

3. New site grading that permits construction of buildings that do not reflect the pre-construction topography of the site.

The drawings on the following three pages illustrate methods of inappropriate and appropriate site grading methods.

F. **Massing.** Buildings on steep slopes should reflect the pre-construction topography of the site.

1. Buildings with footprints 36 feet wide or less shall have a simple water table or change in contrasting material between the basement and the ground floor.

2. Buildings with footprints wider than 36 feet, and those 3 stories or taller shall have a minimum of one story tall defined base. The base shall be defined through the use one of the following methods:

   a. Contrasting change in material;

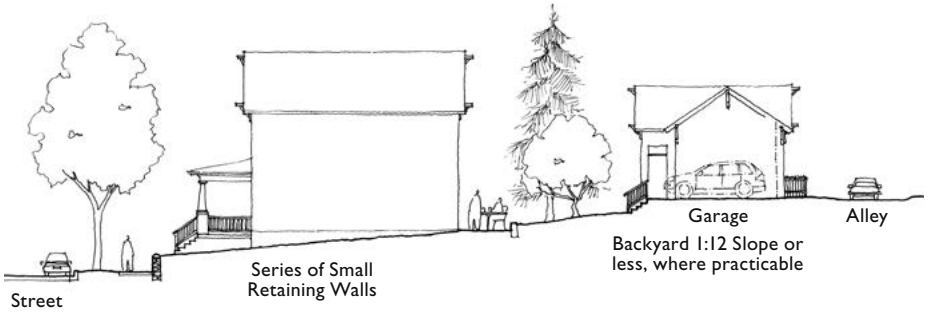
   b. Use of a continuous shopfront frontage; and/or

   c. A continuous horizontal band between the base and upper floors.

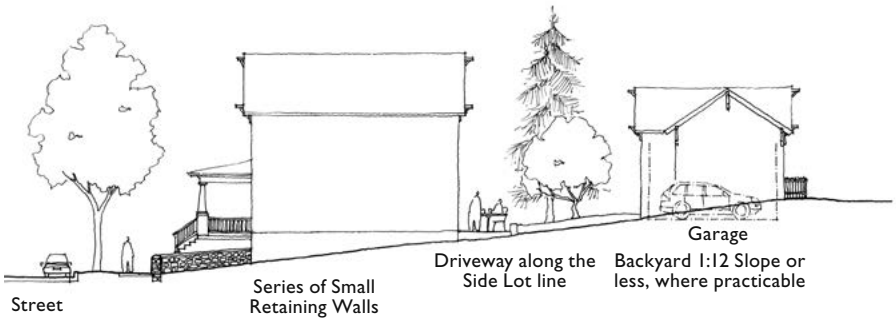
G. **Administrative Relief.** Subsection 1703-8.30 (Varying The Form; Administrative Variations) provides a process to obtain variations to standards found in this Chapter due to topographic constraints.

Parking Access on Uphill and Downhill Sites. The following examples illustrate appropriate methods of providing access to parking areas on uphill and downhill sites.

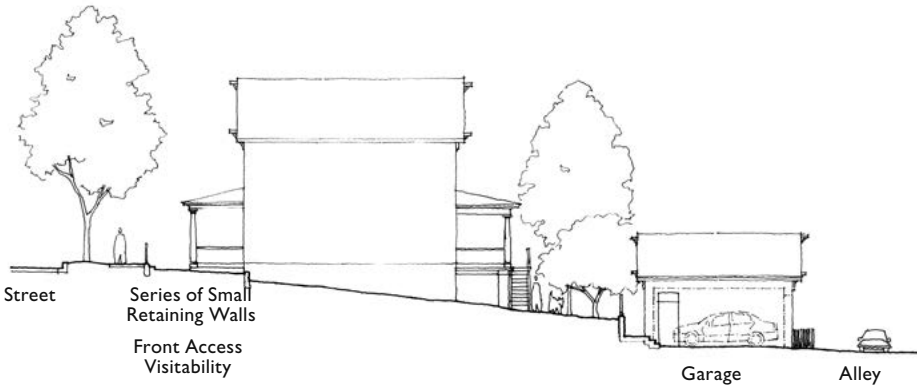
Example of appropriate grading of an uphill site that has alley access for parking.



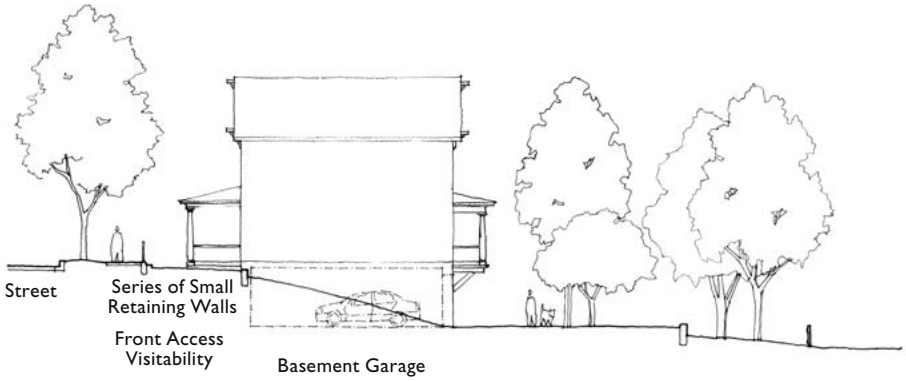
Example of appropriate grading of an uphill site that has access to parking from the front of the lot.



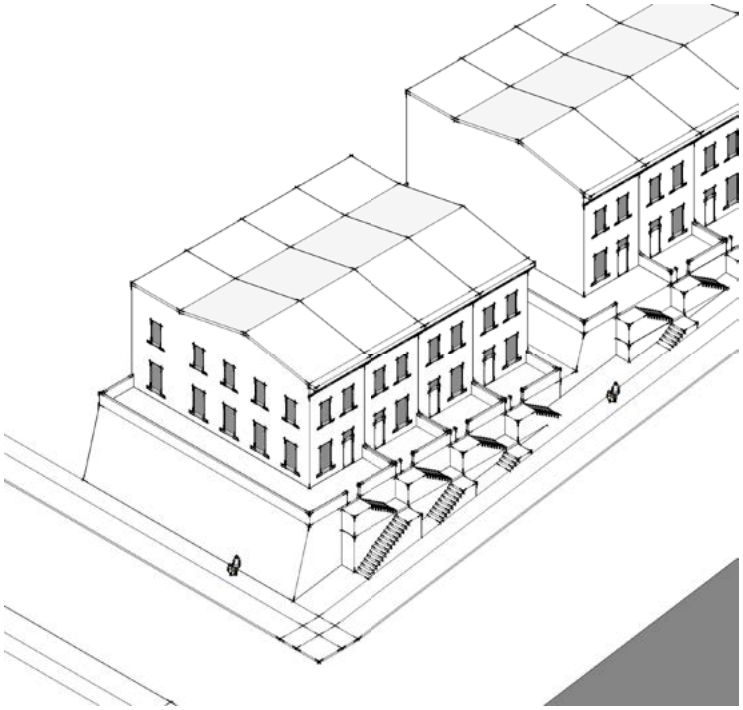
Example of appropriate grading of an downhill site that has alley access for parking.



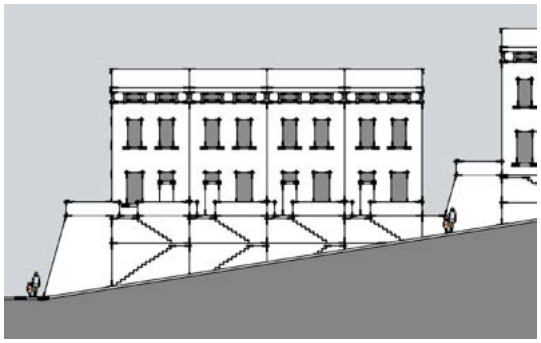
Example of appropriate grading of an downhill site that has access to parking from the front of the lot.



Inappropriate and Appropriate Site Grading. The following examples apply to detached or narrow attached building forms such as detached houses, duplexes, rowhouses, multi-plex and main street mixed use building types.

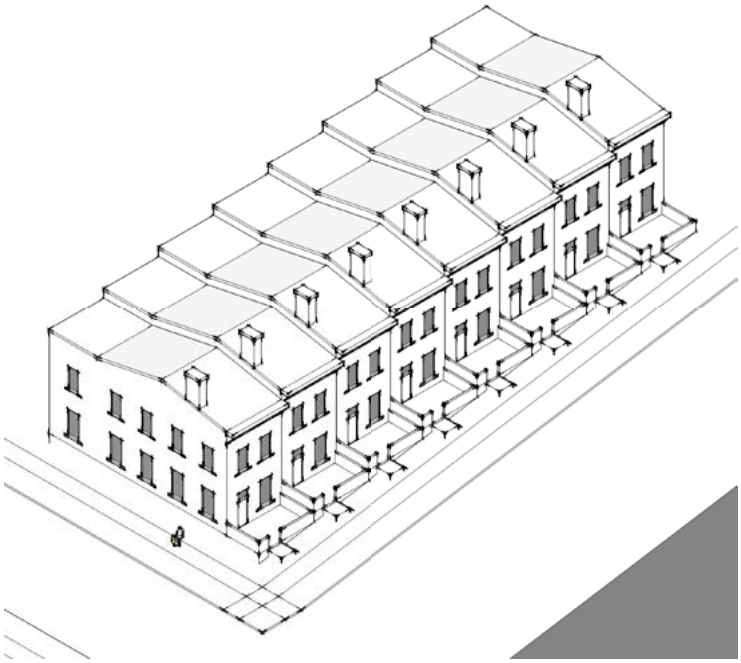


Axonometric



Elevation

Inappropriate. *An inappropriate mass grading of a site that does not allow for narrow footprint building types to follow and reflect the topography of the site.*



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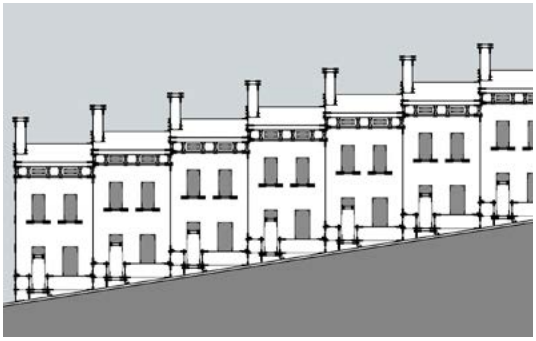
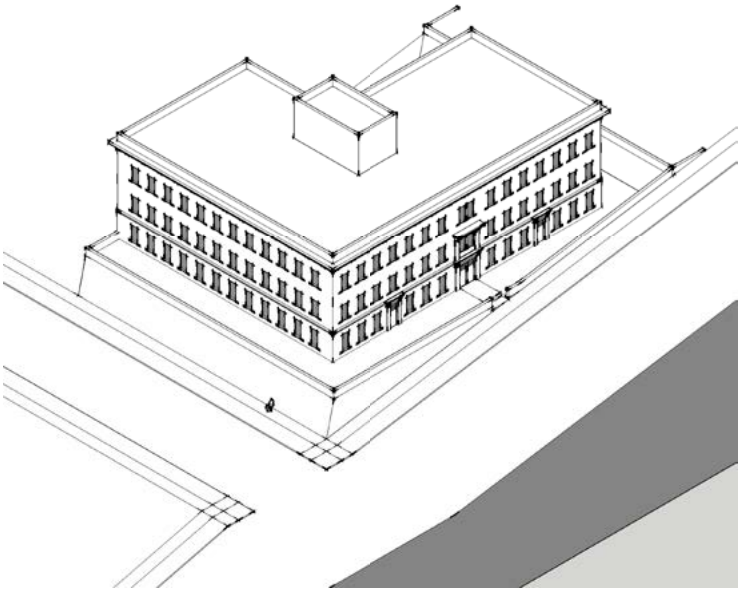


Elevation

Appropriate. *An appropriate grading of a site to allow for narrow footprint building types to step up and follow the topography of the site.*

Inappropriate and Appropriate Site Grading. The following examples apply to large footprint building types and other attached building forms such as stacked flats, Mid-Rise and High-Rise building types.



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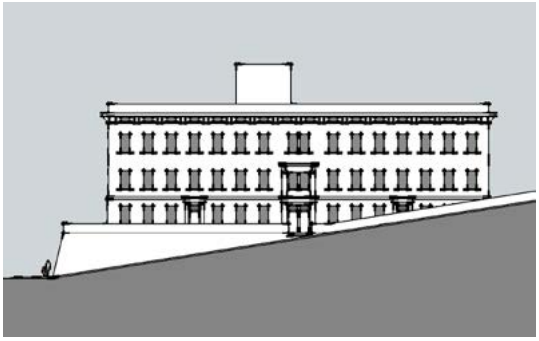
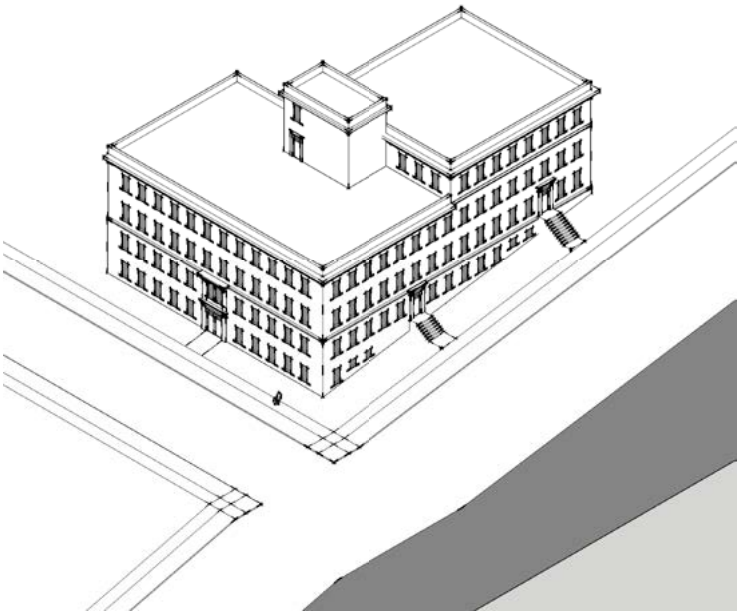


Elevation

Inappropriate. *An inappropriate mass grading of a site that creates large blank retaining walls and building facades.*



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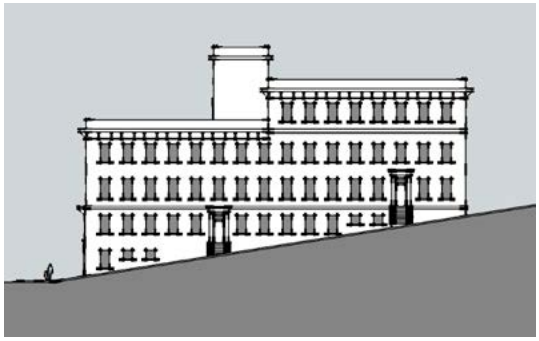


Elevation

Appropriate. *An appropriate grading of a site to allow for the building to front on to both street addresses with out creating large blank retaining walls or building facades.*

1703-5.40 Historic Assets

See Section 1703-8.50, "Relationship to Overlay Districts."

1703-5.50 Parking

A. **Purpose.** This Section regulates and ensures the provision of parking spaces and access drives are designed for motor vehicles and bicycles. The Section also provides options for adjusting parking requirements and providing parking alternatives. These standards ensure that parking needs of new land uses and development are met, while ensuring parking spaces and access drives are designed and located in a manner consistent with the desired character and development patterns of walkable communities as outlined in Plan Cincinnati.

B. **Applicability**

1. On-site parking shall be required in all transect zones as set forth in this section and shall apply to the following:

   a. New development;

   b. Changes in land use; and

   c. Changes to a building or structure that cause an increase or decrease of 25 percent or greater made subsequent to the effective date of this Form-Based Code:

      (1) Gross floor area;

      (2) Seating capacity;

      (3) Dwelling units; or

      (4) Parking spaces.

C. **General Parking Standards**

1. **Off-Site Parking.** Required off-street parking may be provided if the following standards are met:

   a. The required parking is provided in an off-street parking facilitiy on another site within 600 feet of the site proposed for development, as measured along thoroughfare right-of-ways that provide access to both sites;

   b. Pedestrian access between the site and the off-site parking area shall be via concrete or paved sidewalk or walkway; and

   c. The owners of the site and the offite parking area shall provide a recorded parking agreement or covenant in a form approved by the City Solicitor reflecting the arrangement between the sites.

2. **Larger Vehicle Parking**

   a. Trucks, tractors or tractor-trailers having a capacity of more than a one-and-one-half-ton load, front- and rear-end loaders, or any commercial, industrial, agricultural or transportation vehicles or equipment shall not be parked or stored within any T3 or T4 zones for purposes other than short-term unloading, loading or delivery services, or temporary construction within the zone.

b. Automobiles, small trucks, vans, vehicle trailers permitted in conjunction with an approved home occupation (one per home occupation), and recreational vehicles, utilized for personal or business use, are excluded from the provisions of this Subsection.

3. **Storage of Unregistered or Inoperable Motor Vehicles.** Automotive vehicles, trailers, or vehicles of any kind or type, requiring licenses, but without current plates or inoperable, shall not be parked in a transect zone unless parked within a completely enclosed building.

4. **Cargo or Freight Container.** Portable cargo or freight storage containers in any zone for purposes of loading or unloading, may be parked or stored for a period not to exceed 10 days.

5. **Commercial Auto Repairs.** Commercial repairs or restoration of vehicles shall only be conducted in the appropriate transect zones.

6. **Non-Commercial Auto Repairs within T3 and T4 Zones.** Unlicensed vehicle restoration is permitted within an allowed off-street parking area, provided the vehicles undergoing restoration or used for parts shall either be covered by a commercially manufactured opaque automobile cover in serviceable condition or stored in an enclosed building.

   a. Not more than one vehicle per premises for either renovation or parts may be screened by use of a cover that shall be securely fastened to the vehicle.

   b. Vehicles other than the screened vehicle shall be parked in an enclosed building.

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.

Table 1703-5.50.A: Parking Spaces Required	
Use	**Required Spaces**
Industrial	
General Industrial, except	1 per 1,000 gsf
Warehousing	1 per 2,000 gsf
Wholesale Business	1 per 2,000 gsf
Residential	
Group Residential: Residential Care	1 per 3 beds/residents
For other residential uses see Section 1703-2 (Specific to Transect Zones)	
Retail	
See Section 1703-2 (Specific to Transect Zones)	
Recreation, Education, Public Assembly	
Colleges and Universities	1 per 5 seats plus 1 per 3 auditorium seats
Community/Public Safety Facility	1 per 300 gsf
School, Public or Private	
Grades K-8	1 per 30 seats
Grades 9-12 or Trade	1 per 10 seats
Theaters	1 per 5 seats
Other Assembly Uses	
With Fixed Seats	1 per 5 seats
Without Fixed Seats	1 per 300 gsf
Services	
See Section 1703-2 (Specific to Transect Zones)	

E. **Parking Adjustments**

1. **On-Street Parking.** On-street parking spaces adjacent to the lot may count towards the required non-residential use parking standards.

2. **Shared Parking.** For two use types, shared parking shall be calculated as follows. The sum of the required parking for the two use types shall be divided by the factor listed in the table below. The required number of parking spaces shall be rounded up to the closest whole number. If the use is not listed below then the shared parking shall be based on Subsection 3 below.

Table: 1703-5.50.B: Shared Parking Factor for Two Uses				
	Residential	Lodging	Office	Retail
Residential	1.0	1.1	1.4	1.2
Lodging	1.1	1.0	1.7	1.3
Office	1.4	1.7	1.0	1.2
Retail	1.2	1.3	1.2	1.0

3. **Shared Parking Study.** When three or more use types share parking or a use type is not listed in Table B (Shared Parking Factor for Two Uses) above, the amount of required parking may be reduced as follows:

   a. If the ~~Director~~ Zoning Administrator determines one of the following circumstances has been established, the ~~Director~~ Zoning Administrator may grant a reduction in the parking standards set forth in this Subsection:

      (1) Where uses seek to share parking with different peak hour demands and are in the same or adjoining development, the owner of the parking spaces shall submit to the ~~Director~~ Zoning Administrator an analysis and substantiated projections of peak parking demand for the entire development to justify the shared use of parking spaces for separate uses;

      (2) Where the special nature of a certain development (e.g., special types of housing projects inhabited by persons with low or no automobile ownership) does not require the amount of parking listed in Subsection D; or

      (3) Where fewer parking spaces are needed due to access to transit, special designs and traffic mitigation measures incorporated in the parking lot design and circulation plan.

   b. The ~~Director~~ Zoning Administrator shall consider all of the following in determining whether a reduction is warranted:

      (1) The likelihood that the reduced number of parking spaces can satisfy demand;

      (2) The amount of time during the year when the number of spaces provided may be insufficient and the amount of resulting parking overflow;

      (3) The impact of periodic overflows upon the public thoroughfares and other parking facilities;

      (4) The nature of surrounding land uses, character of the surrounding road system, and nearby circulation pattern;

      (5) The amount of on-street parking available within one-quarter of a mile of the development;

      (6) Any additional reduction in on-site parking demand by implementing transportation demand management strategies proposed by the applicant; and in all cases, the owner of the lot shall have the burden to demonstrate that a reduction in parking standards is warranted.

F. **Parking Spaces, Lot Design and Layout**

1. **Access.** The following standards are applicable to off-street parking lot access design and include parking for single-family residences unless modified by Section 1703-2 (Specific to Transect Zones).

   a. Each required off-street parking space shall open directly onto an aisle or driveway as specified in Table C (Minimal Dimensional Requirements for Parking Spaces and Aisles). All off-street parking facilities shall be designed with an appropriate means of vehicular access to a thoroughfare or to an alley to cause the least interference with traffic flow.

   b. Parking spaces in any parking lot or parking structure shall not be designed or located so as to permit a vehicle to enter or exit a parking space directly from a public thoroughfare. Ingress to and egress from parking spaces shall be from an on-site aisle or driveway, except:

      (1) Parking spaces within lots of up to eight spaces may be designed or located so as to permit a vehicle to enter or exit a parking space directly from a public alley or rear lane.

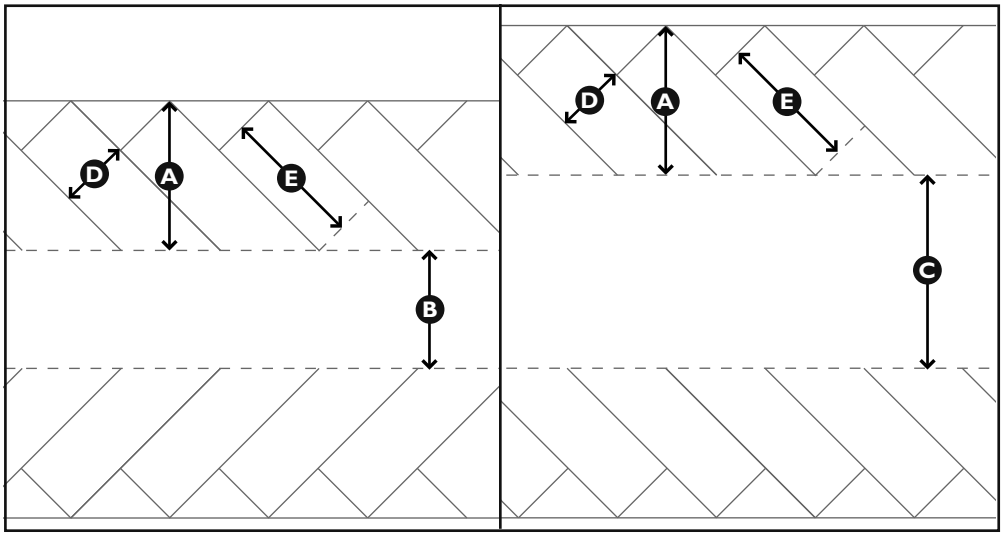


Table 1703-5.50.C: Minimum Dimensional Requirements

Angle	Parking Row Depth A	Drive Aisle Width		Space Width D	Space Length E
		One-Way B	Two-Way C		
Parallel	8'[1]	12'	20'	8'[1]	20'
30°	17'	11'	24'	9'	20'
45°	20'	13'	24'	9'	20'
60°	21'	18'	24'	9'	18'
Perpendicular	18'	24'	24'	8'	18'
Tandem	36'	24'	24'	8'	36'

[1] Width of on-street parallel parking shall be determined by standards set forth in Section 1703-7 (Specific to Thoroughfares).

2. **Driveways**

   a. Access to driveways.

      (1) Developments of two or fewer dwelling units. Access to and from driveways onto public thoroughfares shall be where practicable by forward motion of the vehicle.

      (2) All other developments. Access to and from driveways onto public thoroughfares shall be by forward motion of the vehicle.

   b. Driveways shall extend and include the area between the lot line and the edge of the street pavement.

   c. The design and construction of all off-street parking access drives shall meet the requirements of the Director of the Department of Transportation and Engineering.

3. **Identified as to Purpose and Location.** Off-street parking areas of four or more spaces and off-street loading areas shall include painted lines, wheel stops, curbing or other methods of identifying individual parking spaces and loading areas, while distinguishing such spaces from aisle and other circulation features.

4. **Materials**

   a. All off-street parking areas and driveways shall be surfaced with materials approved by the City Engineer.

   b. The use of pervious or semi-pervious parking area surfacing materials–including, but not limited to "grasscrete," or recycled materials such as glass, rubber, used asphalt, brick, block and concrete–may be approved by the ~~Director~~ Zoning Administrator for required vehicular surface area on a site, provided such areas are properly maintained. Where possible, such materials should be used in areas in proximity to and in combination with on-site stormwater control devices.

5. **Accessible Parking.** All parking facilities that require accessible parking spaces shall ensure that a portion of the total number of required parking spaces shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the Federal Americans with Disabilities Act (ADA).

6. **Dimensional Standards for Parking Spaces and Aisles**

   a. **General.** Standard car parking spaces and parking lot aisles shall comply with the minimum dimension standards established in Table C (Minimum Dimensional Requirements) above.

   b. **Dimensional Adjustments.** Parking structures may be subject to dimensional adjustments based on utilization, but in no case shall the standard parking space width be less than eight feet. Reduction in design standards shall be subject to approval by the ~~Director~~ Zoning Administrator .

   c. **Vertical Clearance.** All parking spaces shall have a minimum overhead clearance of six foot, eight inches (6'8").

d. **Reduction for Sidewalk and Planter Overhangs.** When a parking space abuts a sidewalk or planter; the front two feet of the required parking space length may overhang the planter or sidewalk provided that wheel stops or curbing are provided and the remaining area outside of the overhang meets the minimum width requirements of the sidewalk or planter.

e. **Spaces Near Obstructions**. When the side of a parking space abuts a wall or other structure that is taller than six inches, the width of the parking space shall be increased by two foot, six inches (2"6").

7. **Landscaping, Fencing, and Screening**

a. Parking lots with more than 8 parking spaces shall provide one tree per every four parking spaces.

b. Screening of parking and loading areas shall meet the following standards:

Table 1703-5.50.D: Parking and Loading Area Screening

Zone	Adjacent Zone	Required Screening [1]
T4, T5, T6	T3, T4 or residential non-transect zone	6' wall, fence or evergreen hedge.

[1] Screening is not required when parking and loading is adjacent to an alley.

c. Landscaping areas may be ideal locations to accommodate stormwater management features.

8. **Location**

a. Location of required on-site parking in all zones is regulated by setbacks set forth in Section 1703-2 (Specific to Transect Zones) and the following:

(1) Parking lots with 20 or fewer spaces shall have all off-street parking areas shall be separated at least five feet from buildings in order to provide a sidewalk between the building and parking area.

(2) Parking lots with more than 20 spaces shall have all off-street parking areas shall be separated at least 10 feet from buildings in order to make room for a sidewalk, landscaping, and other planting between the building and the parking area.

(3) This separation may be eliminated to the rear of buildings in areas designed for unloading and loading of materials.

9. **Size of Parking Lot**

a. Parking lots larger than one-quarter of an acre in size shall be divided into smaller parking areas with planted landscape areas with a minimum width of 15 feet between them to minimize the perceived scale of the total field of stalls.

10. **Tandem Parking.** Tandem parking is allowed in all zones for all residential uses as follows:

a. Both tandem parking spaces satisfy the parking requirement of one residential unit; and

b. Neither of the tandem parking spaces shall be for required accessible parking spaces.

G. **Bicycle Parking Requirements**

1. **Exempt.** Bicycle parking is not required for single-family residential developments and uses.

2. **Number of Bicycle Parking Spaces and Location Standards**

Table 1703-5.50.E Bicycle Parking Requirements

Use Type	Required Spaces	Location
Residential: Multi-Family	1 per 4 bedrooms	Either within the building or within 25 feet of the building entrance.
Retail, Services or Recreation, Education and Public Assembly [1]	4 stalls or 20% of required off-street automobile parking spaces, which ever is greater (up to a maximum of 30 bicycle spaces)	Within 50 feet of public entrance of the building and adjacent to a bicycle path and/or pedestrian walks.
Industry, Manufacturing & Processing and Transportation, Communications, Infrastructure [1]	10% of required off-street automobile parking spaces, which ever is greater (up to a maximum of 30 bicycle spaces)	Within 50 feet of public entrance of the building and adjacent to a bicycle path and/or pedestrian walks.

[1] At the discretion of the ~~Director~~ Zoning Administrator required bicycle parking may be provided within the public ROW.

3. **Bicycle Parking Standards.** Bicycle spaces shall be provided in accordance with the following standards:

   a. Bicycle parking shall consist of either a lockable enclosure (locker) in which the bicycle is stored or a rack to which the bicycle can be locked;

   b. Lockers and racks shall be securely anchored to the pavement or a structure;

   c. Racks shall be designed and installed to permit two points of contact with the frame and allow the frame and one or both wheels to be secured;

   d. Areas containing bicycle spaces shall be surfaced with impervious surfaces such as concrete or pavers. Pervious pavements or gravel may be used where appropriate as determined by the ~~Director~~ Zoning Administrator;

   e. When located within a parking area: curbs, fences, planter areas, bumpers, or similar barriers shall be installed and maintained for the mutual protection of bikes, motor vehicles and pedestrians, unless determined by the ~~Director~~ Zoning Administrator to be unnecessary; and

   f. Bicycle parking shall be placed in a convenient, highly-visible, active, and well-lit location.

4. **Bicycle Parking Space Dimensions.** All bicycle parking shall meet the following minimum dimensions:

   a. Each bicycle parking space shall include a minimum area of 72 inches in length and 24 inches in width that is clear of obstructions;

   b. No part of the rack shall be located closer than 30 inches to a wall or other obstruction;

   c. The front or back of the rack shall be located no less than 48 inches from a sidewalk or pedestrian way; and

d. A minimum of 30 inches shall be provided between adjoining racks.

1703-5.60 Building Height

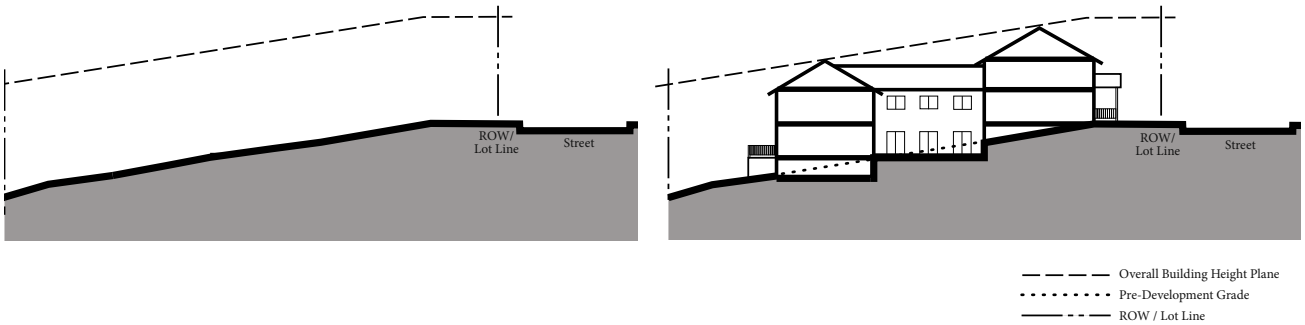
A. **Purpose.** This Subsection establishes the methodology used to measure the height of a building. The methodology applies to all structures. Several methods are used to regulate structure height, including regulating the overall building height, the height to the eave or parapet and the number of stories. These methods together help ensure that new development is consistent with the character and scale of Cincinnati's neighborhoods.

B. **Applicability.** This Subsection applies to all development within transect zones.

C. **Overall Building Height.** Overall building height shall be measured using an imaginary plane which is determined as follows:

1. The plane is parallel to the pre-development grade of the site; and
2. The plane is set vertically at the highest point of the coping of a flat roof, the top of a mansard roof, or the highest point of the highest pitched roof.

The following illustrates the planes used to determine overall building height:



D. **Building Height to Eave/Parapet.** Building height to eave/parapet shall be measured vertically from the finished grade adjacent to the front facade of a building exterior to the base of eave or parapet.

E. **Building Height by Story.** A story shall be measured as follows for purposes of regulating the height of a building:

1. A floor that is equal to or less than the height regulations in Table A (Maximum Height of a Floor) shall be counted as one story. A floor that exceeds the height regulations in Table A (Maximum Height of a Floor) shall be counted as two or more stories.
2. Basement floors with an exterior exposed wall greater than four feet in height shall count as a story. The height of the exterior wall shall be measured from the finished grade to the finished floor of the story above.

Table 1703-5.60.A: Maximum Height of a Floor[1]

	Non-Residential, except Civic Uses	Multi-Family Residential	Single-Family Residential
Ground Floor	20' max.	16' max.	14' max.
All Other Floors	12' max.	12' max.	12' max.

[1] All heights are measured from finished floor to highest point of the finished ceiling.

F. **Crawl Spaces**

1. Unfinished crawl spaces taller than three feet shall be screened from view of public thoroughfares with landscaping.
2. Unfinished crawl spaces shall not exceed five feet in height measured from the exterior finished grade to the finished floor of the story above.

G. **Basements.** Basement walls visible from a thoroughfare shall not exceed nine feet in height measured from the exterior finished grade to the finished floor of the story above.

H. **Allowed Encroachments Beyond Height Limits**

Table 1703-5.60.B: Allowed Encroachments beyond Height Limits

Element	Additional Requirements
Electrical Power Transmission Lines	
Antennas or Chimneys	Shall not exceed the lessor of 20% of the height limit or 10 feet above height limit.
Steeples, Towers or Other Unoccupied Architectural Features	Shall not exceed 20% of the roof area and shall not exceed 20% of the height limit.
Stair Towers or Elevator Towers	Shall not exceed 20% of the roof area.
Mechanical Equipment	Shall not exceed 20% of the roof area and shall be screened from thoroughfare level view.
Solar Panels or Solar Water Heating	Shall not exceed the lessor of 20% of the height limit or 10 feet above height limit.

1703-5.70 Renovations and New Construction Compatibility

A. **Purpose.** This Subsection provides standards for providing compatibility between proposed renovations and new construction with the existing neighborhood fabric of buildings and structures.

B. **Applicability.** The standards in this Subsection apply to all development within the T5 Main Street transect zone (T5MS).

C. **Mechanical Equipment and Utility Standards.** Mechanical equipment, including air conditioning, piping, ducts, and conduits external to the building, shall be concealed from view from adjacent buildings and street level by landscaping, grills, screens or other enclosures. All utility service connections shall be underground for new construction and is recommended for existing buildings undergoing a renovation or addition.

D. **Replacement Window Standards.** Replacement windows shall meet the following standards:

1. Replacement windows shall fit the size and style of the original openings when constructed.
2. 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**

1. Renovations, alterations or additions shall be designed and executed in a manner that is sympathetic to the particular architectural character of the structure under construction. Architectural elements shall be designed to reflect the detailing and materials associated with the particular style of the building.
2. Renovations and restorations of older buildings shall respect the original building design, including structure, use of materials and details.
   a. New materials or signs shall not cover original materials and detailing.
   b. Natural materials (brick, slate, glass, stone, etc.) shall be retained in their natural state and not covered with any other contemporary materials.
   c. Materials that do not keep with the historic character of the building shall be removed from the facade upon significant exterior renovation or restoration of the existing structure.

F. **New Construction**

1. New buildings shall be compatible with their surroundings. Bulk, shape, massing, scale and form of new buildings and the space between and around buildings shall be consistent with the neighborhood, and with neighboring buildings.
   a. New buildings shall respond to the pattern of window placement in the neighborhood. The designs of new buildings shall avoid long unrelieved expanses of wall along the thoroughfare by maintaining the rhythm of windows and structural bays in the neighborhood. 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 neighborhood.
   b. Buildings shall de-emphasize secondary rear or side door entrances to commercial space, unless the entrances are associated with public parking areas.
2. The ~~Director~~ Zoning Administrator shall review and consider applicable community plans approved by City Council when making decisions for projects in transect zones.
   a. Proposed uses shall be consistent with the goals, objectives and guidelines of the community plans approved by City Council.

1703-5.80 Signs

A. **Purpose**

1. Provide property owners and occupants an opportunity for effective identification subject to reasonable, yet appropriate conditions for identifying goods sold or produced or services rendered in all transect zones.
2. Maintain and enhance the quality of the City's appearance by:
   a. Controlling the size, location and design of temporary and permanent signs so that the appearance of such signs will reduce sign clutter, be aesthetically harmonious with their surroundings, and will enhance the overall appearance of the built environment;

b. Preserving and perpetuating uncluttered and natural views, significant architecture and cultural resources for the enjoyment and environmental enrichment of the citizens of the community and visitors; and

c. Protecting residential neighborhoods from adverse impacts of excessive signs both from within T3 and T4 zones and from surrounding zones.

3. Ensure that signs are located and designed to:

a. Maintain a safe and orderly pedestrian and vehicular environment; and

b. Reduce potentially hazardous conflicts between commercial or identification signs and traffic control devices and signs.

B. **Applicability.**

1. The standards of this Subsection apply to all on-site signs in a transect zone.

2. Signs regulated by this Subsection shall not be erected or displayed unless a building permit is obtained or it is listed as exempt.

C. **Exempt Signs.** The following signs are exempt from the permit standards of this Section and are permitted in any transect zone:

1. Street address numbers displayed in accordance with § 723-65, Displaying House Numbers, of the Municipal Code.

2. Public information, identification, special event, directional, and other signs erected by:

a. A government agency; or

b. A public utility or other quasi-public agent in the performance of a public duty.

3. City entry, community or district identification signs not exceeding 20 square feet in area and eight feet in height.

4. Names of buildings, dates of erection, commemorative tablets and the like, when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type material.

5. Credit card, trading stamp, or trade association signs not exceeding one-half square foot each and not exceeding ten per establishment.

6. Flags not exceeding 72 square feet each. A flag may be displayed on a pole not exceeding the height limit found within the transect zone.

7. One identification sign per dwelling unit or per business, not exceeding one square foot each.

8. Instructional On-Site Signs provided that such signs are limited to a maximum of six square feet in area. If constructed as a ground mounted sign the maximum height is four feet.

9. Temporary open house signs provided that they are limited in number to a maximum of four per event, limited in size to a maximum of 12 square feet in area and located at least 12 feet from the edge of the thoroughfare pavement. An open house sign may only be installed the day before the open house and shall be removed the same day of the open house after its conclusion. In no case shall an open house sign be installed for more than 48 continuous hours.

10. Real Estate Sign
    a. Only one such sign is allowed per site per street frontage, and is limited in size to a maximum total sign face area of 24 square feet and 12 square feet for any single sign face.
    b. The sign may be a ground sign, a window sign, or a wall sign.
    c. All signs shall be removed within 14 days after the sale, lease, or rental has occurred. These signs may only be installed on the property to which they refer.
11. Noncommercial signs as regulated by § 1427-15 of the Municipal Code.

D. **Prohibited Locations and Features for Signs**

1. **Prohibited Locations**
    a. No permanent sign shall be installed within the public right-of-way unless displayed by a governmental entity or pursuant to a revocable street privilege.
    b. Signs shall not be located on property without prior authorization granted by the property owner, or in the case of public parks or any public property without the permission of the City of Cincinnati.
    c. Sign shall not be located where the view of approaching or intersecting traffic would be obstructed.
    d. Signs shall not be located as to interfere with the safe movement of vehicles, bicycles or pedestrians entering, leaving or crossing a public right-of-way.
    e. Signs shall not be located on the roofs of buildings or structures.
    f. Yard signs shall not interfere with pedestrian movement along sidewalks and paths.
    g. Signs shall not be attached to any traffic control sign, utility pole, street sign or tree, except for temporary signs installed by a government agency for public information or special events.
    h. Signs shall not be mounted, attached or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on private premises close to the public right-of-way or within public right-of-way in a manner intended to attract the attention of the public for advertising purposes. Signs indicating only the name and or phone number of the owner or business are allowed if the following standards are met:
        (1) The sign is painted on, adhered with vinyl film, or magnetically attached to a motor vehicle or trailer; and
        (2) The motor vehicle or trailer is regularly and consistently used to conduct normal business activities.
2. **Prohibited Features**
    a. Moving, flashing, or animated signs including but not limited to searchlights, streamers and spinners;
    b. Inflatable signs, such as but not limited to balloons, gas inflated signs or similar inflated signs;

c. Portable signs, except for Sandwich Board Signs as allowed in Subsection M;

d. Flags, other than those specifically allowed in Subsection C.6; and

e. Outdoor image projections (signs projected from an external light source onto a building or structure) or any other similar devices.

E. **Permanent Signs**

1. Permanent Signs shall meet the standards set forth in Subsections 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).

F. **Temporary Signs.** Temporary signs are allowed in all transect zones and shall meet the following standards:

1. Requires obtaining a Building Permit or a Certificate of Compliance;

2. Shall only be externally illuminated; and

3. Shall meet the standards found in Table A (Allowed Temporary Signs).

Table 1703-5.80.A: Allowed Temporary Signs	
Temporary Construction Sign	
Number of Signs	1 per site max.
Types Allowed	Ground or Wall
Total Sign Face Area	32 sf for residential max.; or 64 sf for commercial max.
Duration/Frequency	Installed no sooner than one week prior to the commencement of construction and shall be removed within 24 hours of completion of construction or if the project ceases construction for 12 months or longer.
Construction Site Wrap Sign	
Number of Signs	1 per street frontage max.
Sign Height	8' max.
Duration/Frequency	Installed no sooner than one week prior to the commencement of construction and shall be removed within 24 hours of completion of construction or if the project ceases construction for 12 months or longer.
Special Event Banner	
Size	12' max. along any dimension for a maximum of 144 square feet.
Duration/Frequency	Display shall not exceed 30 days with a minimum of 30 days between installation periods with a maximum of four display times per calendar year.
Special Event Sign	
Total Sign Face Area	12' max. along any dimension
Duration/Frequency	Display shall not exceed 30 days with a minimum of 30 days between installation periods with a maximum of four display times per calendar year.
Special Event Decoration	
Duration/Frequency	Display shall not exceed 30 days with a minimum of 30 days between installation periods with a maximum of four display times per calendar year.
Residential Subdivisions with Multiple Lots for Sale, Lease, or Rent	
Number of Signs	1 per perimeter street frontage, max., in addition to any allowed real estate sign(s)
Types Allowed	Ground
Total Sign Face Area	10 sf per lot up to 250 sf max.
Location	Along perimeter street or right-of-way
Setback from R.O.W.	50' min.
Spacing between Signs	200' min.
Duration	Installed after Development Permit is issued and removed when 75% of lots in the subdivision have received a Certificate of Occupancy
Commercial On-Site	
Number of Signs	1 per site max.
Number of Faces	2 max.
Total Sign Face Area	36 sf per sign face max.
Sign Height	5' max.
Duration/Frequency	Display shall not exceed 30 days with a minimum of 30 days between installation periods with a maximum of four display times per calendar year.

G. **Removal of Illegal Signs**

1. An owner of property where an illegal sign is displayed has the duty to remove all illegal signs.
2. If the Director of Buildings and Inspections finds an illegal sign, the ~~D~~director has the duty to issue an order for the sign to be removed within 60 days and issue a notice of civil violation to an owner who fails to comply with an order to remove an illegal sign.
3. If the property owner is found guilty of failing to comply with an order to remove an illegal sign, the Director of Buildings and Inspections has the duty to give notice to the owner that the sign is a public nuisance and to cause the illegal signs to be removed pursuant to Cincinnati Municipal Code, Section 1101-57, Demolition of Buildings and Removal of Illegal Signs.

H. **Nonconforming Signs**

1. A nonconforming sign must be brought into conformity with the provisions of the this Code, when:
   a. The sign is structurally altered, rebuilt, enlarged, extended, or relocated; or
   b. When the principal use of the property is changed from a commercial use to a residential use.
2. Provided, however, the repainting or refacing of an existing nonconforming sign is not considered an alteration within the meaning of this subsection.

I. **Maintenance, Abandonment and Removal**

1. All signs must be maintained in a condition or state of equivalent quality to which was approved or required by the City.
2. An on-premise sign advertising an activity, business, service or product must be removed or the sign face replaced with a blank face within 60 days of the activity, business, or service promoted by the sign being discontinued on the premises where the sign is displayed.
3. If the use is not reestablished or a new use is not established within two years and a replacement sign face conforming to this Code installed, then the entire sign structure and mounting hardware must be removed.

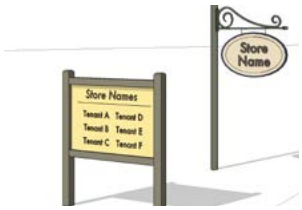
J. **Penalties.** See Cincinnati Municipal Code Chapter 1451. Enforcement.

Table 1703-5.80.B: Sign Types General

Specific Sign Type	Illustration	Zones	Standards
Building Signs			
Awning Sign. This sign type is a traditional shopfront fitting and can be used to protect merchants' wares and keep shopfront interiors shaded and cool in hot weather.		T3E, T3N, T4N.MF, T4N.SF, T5MS, T5N.LS, T5N.SS, T5F, T6C	1703-5.80.K
Directory Sign. This sign type provides a listing of establishments within a building or series of buildings.		T3E, T3N, T4N.MF, T4N.SF, T5MS, T5N.LS, T5N.SS, T5F, T6C	1703-5.80.L
Marquee Sign. This sign type is a vertical sign that is located either along the face, where it projects perpendicular to the facade, or at the corner of the building, where it projects at a 45 degree angle.		T3E, T3N, T4N.MF, T4N.SF, T5MS, T5N.LS, T5N.SS, T5F, T6C	1703-5.80.N
Projecting Sign. This sign type is mounted perpendicular to a building's facade. These signs are small, pedestrian scaled, and easily read from both sides.		T3E, T3N, T4N.MF, T4N.SF, T5MS, T5N.LS, T5N.SS, T5F, T6C	1703-5.80.P
Suspended Sign. This sign type is mounted to the underside of beams or ceilings of a porch, breezeway or similar covered area. These signs are small, pedestrian scaled, and easily read from both sides.		T3E, T3N, T4N.MF, T4N.SF, T5MS, T5N.LS, T5N.SS, T5F, T6C	1703-5.80.R
Wall Sign. This sign type is flat against the facade consisting of individual cut letters applied directly to the building, or painted directly on the surface of the building.		T3E, T3N, T4N.MF, T4N.SF, T5MS, T5N.LS, T5N.SS, T5F, T6C	1703-5.80.S

Key

# Allowed	# Allowed with Restrictions	# Not Allowed

Table 1703-5.80.B: Sign Types General (continued)			
Specific Sign Type	**Illustration**	**Zones**	**Standards**
Building Signs (continued)			
Wall Mural Sign. This 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.		T3E, T3N, T4N.MF, T4N.SF, **T5MS**, **T5N.LS**, **T5N.SS**, **T5F**, **T6C**	1703-5.80.T
Window Sign. This sign type is professionally painted consisting of individual letters and designs or gold leaf individual letters and designs, applied directly on the inside of a window.		T3E, T3N, T4N.MF, T4N.SF, **T5MS**, **T5N.LS**, **T5N.SS**, **T5F**, **T6C**	1703-5.80.U
Ground Signs			
Landscape Wall Sign. This sign type is attached to freestanding walls and is often used to mark a place of significance or the entrance to a location.		**T3E**, **T3N**, **T4N.MF**, **T4N.SF**, **T5MS**, **T5N.LS**, **T5N.SS**, **T5F**, **T6C**	1703-5.80.M
Pole/Monument Sign. This sign type encompass a variety of signs that are not attached to a building and have an integral support structure. Two varieties include: Pole/Monument and Pole.		**T3E**, **T3N**, **T4N.MF**, **T4N.SF**, T5MS, T5N.LS, T5N.SS, T5F, T6C	1703-5.80.O
Sandwich Board Sign. This sign type provides secondary signage and may be used to announce daily specials, sales, or point to shops off the sidewalk (i.e. a shop located along a paseo).		T3E, T3N, T4N.MF, T4N.SF, **T5MS**, **T5N.LS**, **T5N.SS**, **T5F**, **T6C**	1703-5.80.Q
Yard Sign. This sign type is mounted on a porch or in a yard between the public ROW and the building facade.		T3E, T3N, T4N.MF, T4N.SF, T5MS, **T5N.LS**, **T5N.SS**, **T5F**, T6C	1703-5.80.V

Key

# Allowed	# Allowed with Restrictions	# Not Allowed

K. Awning Sign

T3E | T3N | T4N.MF | T4N.SF | **T5MS** | **T5N.LS** | **T5N.SS** | **T5F** | **T6C**

Description

The awning sign type is a traditional shopfront fitting and can be used to protect merchants' wares and keep shopfront interiors shaded and cool in hot weather. Retail tenant signs may be painted, screen printed, or appliquéed on the awnings.

Size

Projecting		
Signable Area	1 sf per linear foot of shopfront max.	A
Lettering Height	16" max.	B
Lettering Thickness	6" max.	C
Sloping Plane		
Signable Area	25% coverage max.	D
Lettering Height	18" max.	E

Size (continued)

Valance		
Signable Area	75% coverage max.	F
Width	Shopfront width, max.	G
Height	8" min.; 16" max.	H
Lettering Height	8" max.	I

Location

Clear Height	8' min.	J
Signs per Awning	1 projecting, or 1 valance and 1 sloping plane, max.	

Miscellaneous

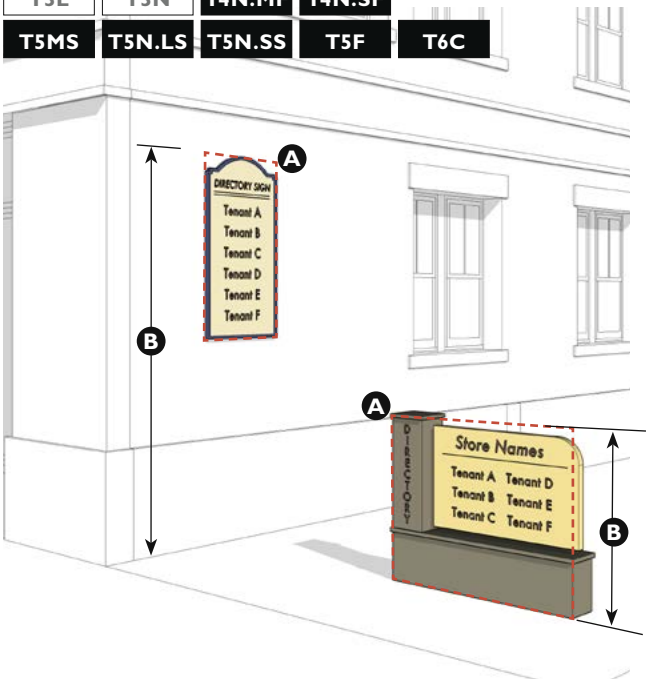
Only the tenant's store name, logo, and/or address shall be applied to the awning. Additional information is prohibited.

Open-ended awnings are strongly encouraged.

Vinyl or plastic awnings are strongly discouraged.

L. Directory Sign

T3E | T3N | **T4N.MF** | **T4N.SF**
T5MS | **T5N.LS** | **T5N.SS** | **T5F** | **T6C**



Description

The directory sign type provides a listing of establishments within a building or series of buildings. entrances and parking locations.

Size

Signable Area	6 sf max.	A

Location

Height		B
Wall Mounted	8' max.	
Freestanding [1]	3' max.	

[1] See Subsection 1703-5.80.O (Pole/Monument sign type) for additional standards.

Miscellaneous

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

M. Landscape Wall Sign

T3E | T3N | **T4N.MF** | **T4N.SF**
T5MS | **T5N.LS** | **T5N.SS** | **T5F** | **T6C**

Description

The landscape wall sign type is attached to freestanding walls and is often used to mark a place of significance or the entrance to a location. This type is often used in place of a pole/monument sign.

Size

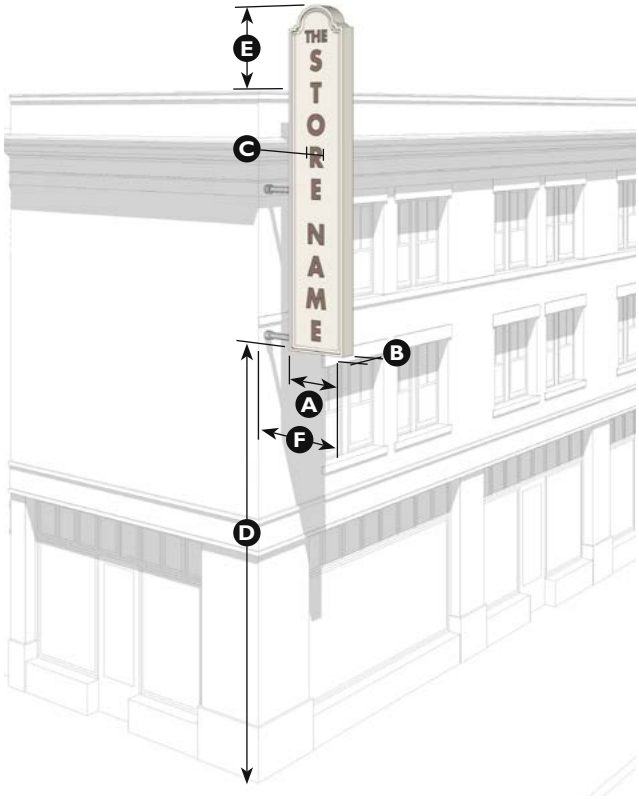
Signable Area	24 sf max.	A

Location

Height of Landscape Wall	4' max.	B
Mounting Height		
Below Top of Wall	6" max.	C
Above Grade	12" min.	D

N. Marquee Sign

T3E | T3N | T4N.MF | T4N.SF | **T5MS** | **T5N.LS** | **T5N.SS** | **T5F** | **T6C**



Description

The marquee sign type is a vertical sign that is located either along the face, where it projects perpendicular to the facade, or at the corner of the building, where it projects at a 45 degree angle. Marquee signs often extend beyond the parapet of the building, but may also terminate below the cornice or eave. Marquee signs often have neon lettering used in conjunction with painted lettering.

Size

Signable Area		
Width	24" max.	A
Depth	10" max.	B
Lettering		
Width	75% of sign width max.	C

Location

Clear Height	12' min.[1]	D
Extension	10' max.[2]	E
Projection	6' max.	F

[1] When located over driveways or alleys, Marque Signs shall have a minimum clear height of 16'.

[2] Marquee signs may not extend beyond the eave of a pitched roof.

Miscellaneous

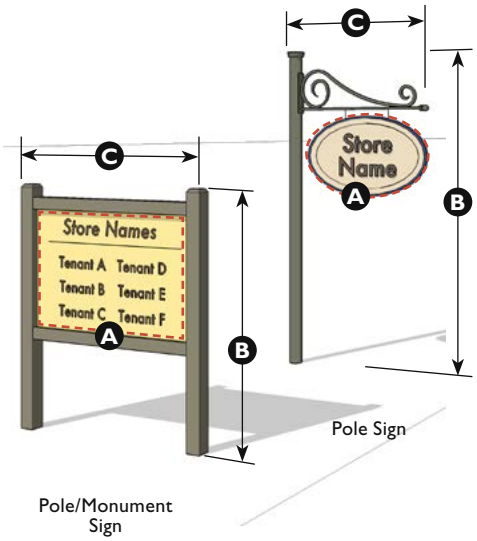
Neon lettering may only be used in conjunction with painted lettering; signs consisting only of neon lettering are not permitted.

Shall only be located along or oriented toward a street frontage.

This signage type should be used sparingly and should not be repeated along a frontage.

O. Pole/Monument Sign

T3E	T3N	T4N.MF	T4N.SF	
T5MS	T5N.LS	T5N.SS	T5F	T6C



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.

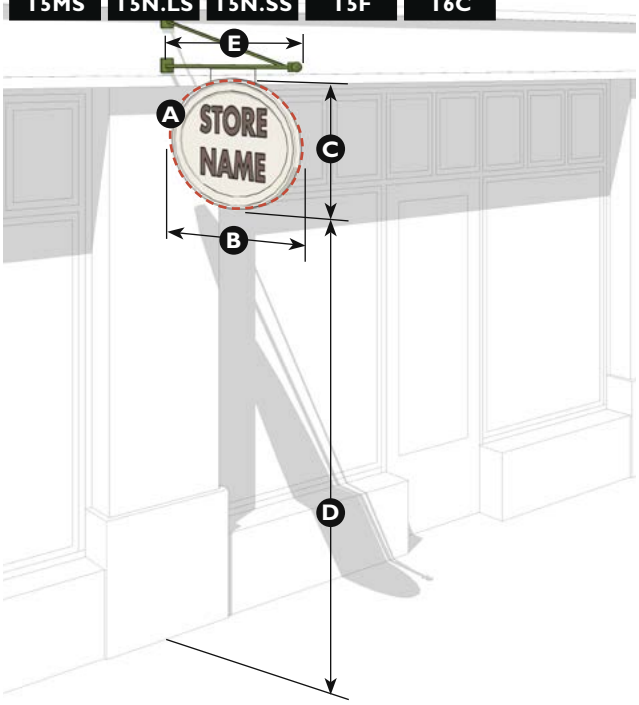
Size		
Signable Area	12 sf max.	A
Location		
Signs per Frontage	1 max.	
Height	8' max.	B
Width	8' max.	C

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.

P. Projecting Sign

T3E	T3N	T4N.MF	T4N.SF	
T5MS	T5N.LS	T5N.SS	T5F	T6C



Description

The projecting sign type is mounted perpendicular to a building's facade from decorative metal brackets such as cast or wrought iron in a manner that allows them to swing slightly. These signs are small, pedestrian scaled, and easily read from both sides. Often, projecting signs offer an opportunity for a more creative or "playful" sign. Syn. Blade Sign.

Size		
Signable Area		
Area	6 sf max. per side, 12 sf max. total	A
Width/Height	36" max.	B/C
Thickness	4" max.[1]	

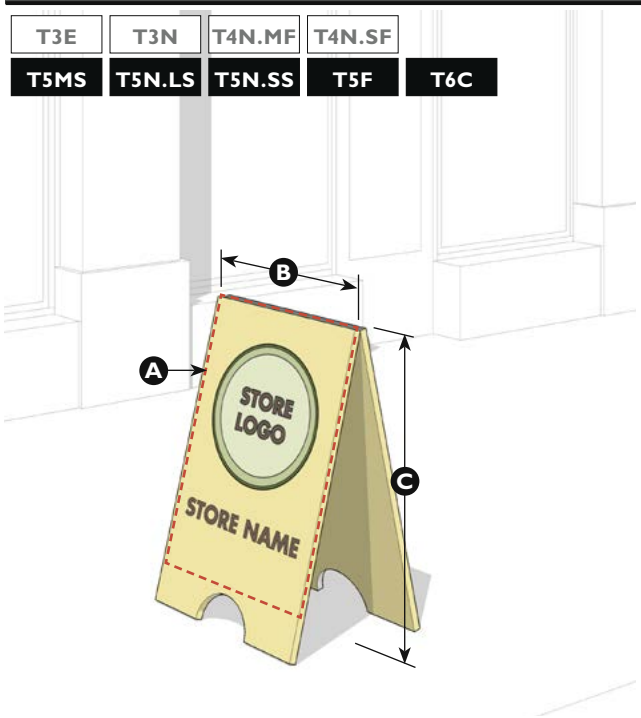
[1] Special and creative signs that have a three dimensional quality may have a greater thickness subject to approval by the ~~Director~~ Zoning Administrator.

Location		
Clear Height	8' min.	D
Projection	4' max.	E

Q. Sandwich Board Sign

T3E | T3N | T4N.MF | T4N.SF

T5MS | T5N.LS | T5N.SS | T5F | T6C



Description

The sandwich board sign type provides secondary signage and may be used to announce daily specials, sales, or point to shops off the sidewalk (i.e. a shop located along a paseo). Sandwich boards made of wood and/or slate boards are highly recommended. Chaser lights or illuminated signs shall not be used.

Size

Signable Area

Area	6 sf max. per side	A
Width	24" max.	B
Height	36" max.	C

Location

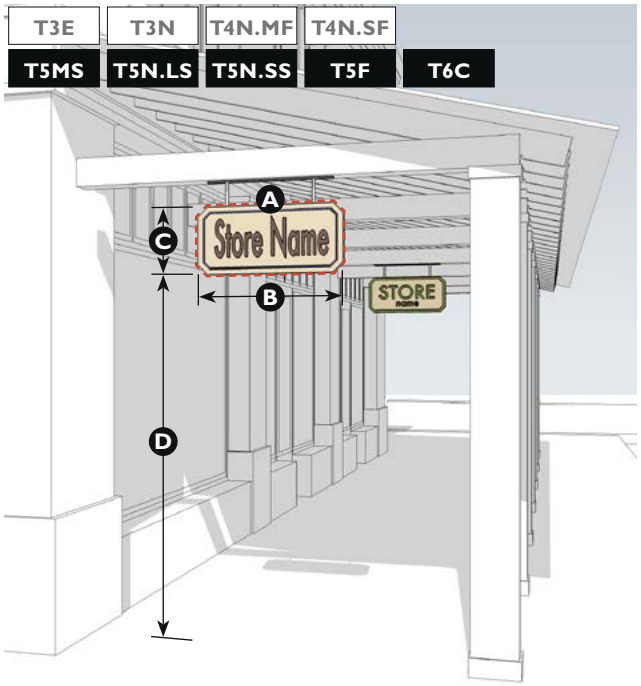
Sandwich board signs shall not interfere with pedestrian travel or encroach upon the required accessible path.

Sandwich board signs shall only be displayed during business hours and shall be removed when the business is closed.

R. Suspended Sign

T3E | T3N | T4N.MF | T4N.SF

T5MS | T5N.LS | T5N.SS | T5F | T6C



Description

The suspended sign type is mounted to the underside of beams or ceilings of a porch, gallery, arcade, breezeway or similar covered area. They are typically hung in a manner that permits them to swing slightly. These signs are small, pedestrian scaled, and easily read from both sides. Suspended signs shall be hung well out of reach of pedestrians and all exposed edges of the sign shall be finished.

Size

Signable Area

Area	6 sf max.	A
Width	36" max.	B
Height	36" max.	C

Location

Clear Height	8' min.	D

S. Wall Sign

T3E | T3N | T4N.MF | T4N.SF | T5MS | T5N.LS | T5N.SS | T5F | T6C

Description

The wall sign type is flat against the facade 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% of signable height or 10" (whichever is lesser) max.	E

Location

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

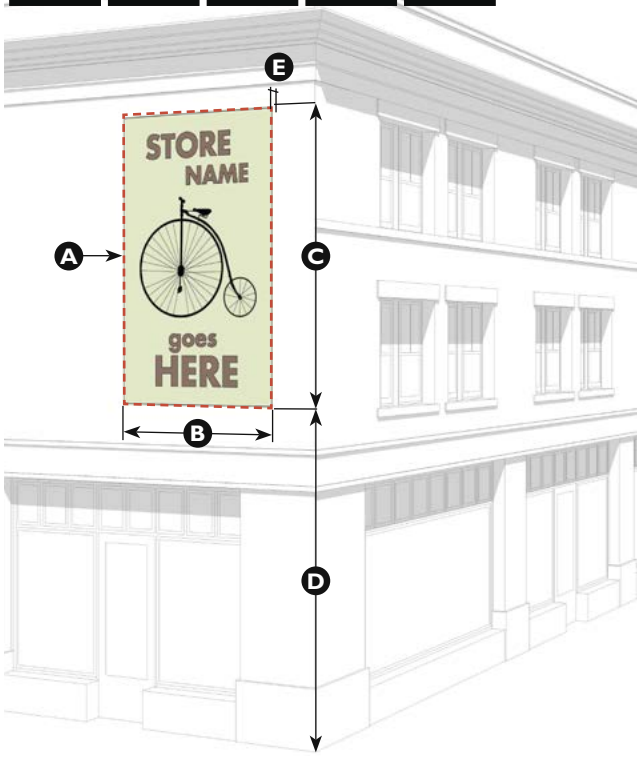
Miscellaneous

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.

Wall signs shall not be internally illuminated.

T. Wall Mural Sign

T3E | T3N | T4N.MF | T4N.SF
T5MS | T5N.LS | T5N.SS | T5F | T6C



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~~ Zoning Administrator. 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.	E

U. Window Sign

T3E | T3N | T4N.MF | T4N.SF
T5MS | T5N.LS | T5N.SS | T5F | T6C

Description

The window sign type is often professionally painted consisting of individual letters and designs or gold leaf individual letters and designs, applied directly on the inside of a window. Window signs offer a high level of craftsmanship and visibility, and are often used for small professional offices.

Size

Signable Area		
Area per Shopfront Window	20% max.	A
Width	5' max.	B
Height	36" max.	C

Location

Height Above Ground	5' min.	D

Window signs shall be applied directly to the inside of the glass.

Miscellaneous

Applied plastic or vinyl cut letters are strongly discouraged.

Window signs shall have a clear background.

V. Yard Sign

T3E | T3N | T4N.MF | T4N.SF | T5MS | **T5N.LS** | **T5N.SS** | **T5F** | T6C

Description

The yard sign type is a sign mounted on a porch or in a yard between the public ROW and the building facade. Yard signs mounted on a porch are placed parallel to the building's facade. Yard signs mounted in a yard are placed parallel or perpendicular to the ROW. Yard signs work well for home businesses located in mixed use environments.

Standards

Size		
Signable Area		
Area	6 sf max.	
Width	36" max.	A
Height	36" max.	B
Location		
Clear Height		C
Mounted on Porch	6'8" min.	
Mounted in Yard	12" min.	
Overall Height		
Mounted in Yard	5' max	D
Miscellaneous		
Yard signs may not be located within a public ROW.		
Yard mounted signs shall be parallel or perpendicular to the ROW.		

1703-5.90 Corner Stores

A. **Purpose.** The standards within this Subsection are intended to allow the diverse network of existing corner stores throughout the City to be utilized to incubate small, local businesses and artisans to serve as catalysts for neighborhood revitalization, as a tool for economic development, and as an important component of the walkability of a neighborhood.

B. **Applicability.** This Subsection is applicable to any building originally constructed as a corner store that existed prior to the adoption of this Form-Based Code within all T3 and T4 zones and within the T5N.LS and T5N.SS zones. Corner stores shall meet the following definition:

1. Originally or currently constructed with a shopfront; or
2. Used as a neighborhood retail establishment.

C. **Development Standards.** Any building that meets the applicability criteria in Subsection B above may be adaptively re-used in accordance with the following standards:

1. **Building Form**
   a. The building form shall follow the standards of the transect zone in which it is located; or
   b. Buildings that do not meet the standards of the transect zone in which they are located shall follow the standards established in Subsection 1703-8.40 (Non-Conformities).
2. **Parking**
   a. No off-street parking is required for uses within a corner store.
   b. Off-street parking shall only be provided as head-in parking off of an alley or on a pre-existing parking area.
   c. Existing pervious surface areas on the lot may not be paved over for parking.
   d. All parking area shall be screened from view as set forth in Subsection 1703-5.50.F.7 and any required screening shall match the character of the building.
3. **Loading.** No off-street loading is required.
4. **Allowed Uses.** In addition to those permitted uses within the transect zone in which the Corner Store is located, the uses listed in Table A are allowed on any floor of the building.
5. **Signage.** Corner store signage shall follow the standards set forth in the transect zone in which they are located.

D. **Procedures.** See Section 1703-9 (Administration and Procedures) for procedures.

Table 1703-5.90.A: Corner Store Use Table

Land Use Type	Specific Use Regulations	Corner Store
Retail		
General Retail, except with any of the following features:		MUP
Alcoholic Beverage Sales		—
Drive-Through Facilities	1703-5.100.f	—
Eating or Drinking Establishment, except with any of the following features:		MUP
Alcoholic Beverage Sales		UP
Drive-Through Services	1703-5.100.f	—
Operating between 10pm - 7am		UP
Outdoor Entertainment	1703-5.100.l	UP
Services		
Day Care Home:	1703-5.100.D	
Adult		P
Type A (7 - 12 Children)		P
Type B (1 - 6 Children)		P
Medical Services:		
Clinic		P
Doctor Office		P
Office: Professional		P
Personal Services		P

Key	
P	Permitted Use
MUP	Minor Use Permit Required
UP	Use Permit Required
—	Use Not Allowed

1703-5.100 Additional Standards for Specific Uses

Purpose. This Subsection provides site planning, development, and operating standards for certain land uses where allowed in compliance with Section 1703-2 (Specific to Transect Zones) and for activities that require special standards to ensure their compatibility with site features and existing uses.

Applicability. This Subsection applies to development in all transect zones.

A. **Animal Services**

1. All veterinary activities and operations shall be contained within a structure constructed according to the limitations of this Subsection with no exterior exercise areas, yards, pens or storage areas.
2. No part of any structure located within 100 feet of a T3 zone or residential non-transect zone may be used for veterinary facilities.
3. The veterinary facility may not be used for the boarding of animals, except as needed for treatment and recovery.
4. The total floor space of any veterinary facility may not exceed 2,500 square feet in area.
5. There shall not be any openings in the walls or roof of any portion of the structures used for a veterinary facility unless such openings are stationary windows or required means of egress.
6. The veterinary facility shall be provided with mechanical ventilation with continual filtration of all exhaust air.
7. The veterinary facility shall be constructed and operated according to any other ~~rules~~ conditions that the ~~Director~~ Zoning Administrator may establish to provide for public health, safety and welfare.

B. **Automated Teller Machines.** Automated teller machines (ATM) must be located, developed and operated in compliance with the following standards:

1. **Drive-Through Facilities.** See Subsection F (Drive-through).
2. **User Comfort.** Where ATMs are located on the exterior of a building, weather protection must be provided in the form of an awning or shallow portico.
3. **Security.** ATM facilities must have adequate lighting for security purposes.
4. **Litter.** ATM facilities must include at least one trash receptacle.

C. **Bed and Breakfast**

1. Bed and Breakfasts shall have no more than five rooms for rent.
2. Bed and Breakfasts located in all T3 and T4 zones shall maintain a residential character on the exterior of the buildings.
3. A current business license shall be obtained and posted in compliance with Cincinnati Municipal Code Chapter 855 (Rooming Houses).
4. Meals and rental of bedrooms are limited to registered guests. Separate or additional kitchens for guests are prohibited.

D. **Community Gardens.** Shall comply with the following standards:

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.

Table 1703-5.0.A: Community Gardens (continued)
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 1st 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.

E. **Day Care Home or Center.** Outdoor play areas associated with Day Care Homes or Centers shall comply with the following standards:

1. Outdoor play areas shall be located in the rear yard.
2. A fence or wall with a minimum of four feet in height shall enclose all outdoor play areas.

F. **Drive-Through.** Uses that provide drive-throughs shall comply with the following standards:

1. **Location**
   a. Drive-through lanes shall not be located between buildings and adjacent streets.
2. **Pedestrian Walkways.** Pedestrian walkways shall have clear visibility and be emphasized by enhanced paving or markings when they intersect the drive-in or drive-through aisles.
3. **Screening**
   a. All service areas, trash storage areas and mechanical equipment shall be screened from ground-level view from adjacent sites and public rights-of-way.
4. **Menu Boards**
   a. Menu boards shall be located a minimum of 50 feet from T3 and T4 transect zone boundary lines and residential non-transect zone boundary lines.
   b. Speaker noise levels shall not be audible within any abutting T3 or T4 transect zone or residential non-transect zone.
5. **Trash Receptacle.** At least one trash receptacle shall be installed along each drive-through lane.

G. **Fuel Sales.** Fuel sale uses shall comply with the following standards:

1. **Location**
   a. Fuel dispensing units shall be located at least 15 feet from any lot line , except if the neighboring property is a residential use, in which case the fuel dispensing unit shall be located at least 50 feet from that lot line."

b. Canopies covering fuel dispensing areas shall not be located:

(1) Between buildings and adjacent streets; and/or

(2) Within five feet of a lot line , except if the neighboring property is a residential use, in which case the canopy shall not be located within 40 feet of the lot line."

2. **Screening**

a. All service areas, trash storage areas and mechanical equipment shall be screened from ground-level view from adjacent properties and public rights-of-way.

b. A six foot tall wall or fence shall be provided along all T3 or T4 zone boundary lines.

3. **Lighting.** All lighting shall be stationary and shielded or recessed to direct light away from adjacent rights-of-way and adjacent T3 or T4 transect zone and residential non-transect zone properties.

4. **Trash Receptacle.** At least one trash receptacle shall be installed at each pump island.

H. **Home Occupation**

1. The home occupation shall be conducted only inside the dwelling or inside an accessory building.

2. The business shall only be conducted by a resident or residents of the dwelling.

3. No more than 25 percent or 500 square feet, whichever is less, of the total floor area of the dwelling shall be used for the home occupation.

4. No more than two home occupations shall be carried on in a single residence, provided that together they do not exceed the area limitation in Subsection 3 above, or violate any other conditions specified in this Subsection.

5. No stock, goods, and/or materials shall be displayed or sold at the location of the home occupation, provided this provision shall not be interpreted to prevent pick up of orders made either through the telephone or at sales meetings outside of the dwelling in which the home occupation is located.

6. No outdoor display or storage of materials, goods, supplies, or equipment shall be permitted in connection with a home occupation.

7. Signs shall be used in compliance with Section 1703-2 (Specific to Transect Zones) and Section 1703-5.80 (Signs).

8. The home occupation shall not be conducted in such a manner or advertised in such a way as to generate more pedestrian or vehicular traffic than typical for the zone within which it is located.

9. A home occupation shall not utilize flammable liquids or hazardous materials in quantities not customary to a residential use.

10. Hazardous or toxic materials shall not be used or stored on-site in quantities that could have a potentially significant environmental impact on the property or on the surrounding community. A hazardous or toxic material is one which is subject to the reporting provisions of Section 313 of Subtitle B of the Environmental Planning and Community Right-to-Know Act of 1986, 42 U.S.C. Section 11023.

11. The home occupation shall not create any radio, television, computer or power line interference, or noise audible beyond the boundaries of the site.

I. **Outdoor Dining Areas and Entertainment for Restaurants and Drinking Establishments**

1. **Location.** Outdoor areas on any public sidewalk or alley requires a revocable street privilege under Cincinnati Municipal Code Chapter 718. Any outdoor area located within 100 feet of a T3 or T4 transect zone or a residential non-transect zone boundary line requires a Use Permit.

2. **Maximum Size.** Within 500 feet of a T3 or T4 zone or residential non-transect zone boundary line, the outdoor area may not exceed 50 percent of the indoor area accessible to the public. Additional outdoor dining area requires a Use Permit.

3. **Barriers.** Decorative walls or fencing shall enclose an outdoor area.

4. **Fixtures.** Furniture and fixtures provided for use in an outdoor area may consist only of movable tables, chairs, umbrellas, planters, lights and heaters. Lighting fixtures may be permanently affixed onto the exterior of the building. All movable furniture and fixtures shall be removed during the off-season.

5. **Outdoor Entertainment.** Within 500 feet of a T3 or T4 zone or residential non-transect zone boundary line, entertainment, including the use of audio/visual equipment or amplified sound is prohibited without a Use Permit.

J. **Refuse Storage Areas.** The purpose of these regulations is to ensure the provision of adequate, accessible and convenient locations for the collection and storage of recyclable materials and refuse within containers and enclosures that are compatible with surrounding land uses and structures. Refuse and recycling containers required for all residential and non-residential developments by Cincinnati Municipal Code Chapter 729, Waste Disposal, shall comply with the following:

1. **Access.** Driveways and aisles shall be unobstructed.

2. **Enclosure.** All refuse collections and recycling containers shall be enclosed or screened so as not to be visible from the right-of-way or other publicly accessible areas. The structure shall be enclosed on all sides, one of which includes a gate or door that can be secured.

3. **Location.** The enclosures may not be located in any required front yard, side street yard, required parking or landscape areas or any other area required by law to be maintained.

4. **Enclosure Materials.** The enclosure may consist of screen fencing of chain link with slats, solid wood, vinyl fencing or masonry walls.

5. **Height.** A minimum of one foot taller than the container and no taller than eight feet.

6. **Maintenance.** Enclosures shall be maintained in a manner that protects adjacent properties as well as tenants located on the subject property from adverse environmental, health and safety impacts such as noise, odors and attraction of rodents or other pests. The receptacle shall be covered by either a roof on the enclosure or covered receptacles.

7. **Hours of Operation.** The use of refuse storage areas is prohibited between 11 PM and 7 AM on weekends and between 10 PM and 7 AM on weekdays if located within 50 feet of residential district boundaries.

K. **Wireless Communications Facilities**

1. Wireless communications facilities are regulated by Cincinnati Municipal Code Section 1419-33.

Exhibit B to Ordinance

Section 1703-6: Specific to Creating a Walkable Neighborhood
of Title XVII, Land Development Code

SEE ATTACHED

Section 1703-6: Specific to Creating a Walkable Neighborhood

Subsections:

1703-6.10 Purpose
1703-6.20 Applicability
1703-6.30 Traditional Neighborhood Plan Standards

1703-6.10 Purpose

The purpose of this Section is to provide specific standards when applying the Form-Based Code to a large scale development site in order to create a new walkable urban neighborhood.

Walkable Neighborhood Plans (WNP) are intended to create walkable urban environments on a large scale development site through a mix of housing, civic, retail and service choices within a compact, walkable and transit-friendly environment.

1703-6.20 Applicability

A. **Applicability**

1. This Section shall apply to all petitions to establish transect zones for a development site greater than two acres in total area and under common ownership as established in Section 1703-8.20 (Creating a Regulating Plan for the Establishment of Transects for Your Development Site).
2. In the event that any of the standards in this Section conflict with other standards in this Code, the standards in this Section shall control.

1703-6.30 Walkable Neighborhood Plan Standards

A. **Walkable Neighborhood Plan (WNP) Requirements**

1. A WNP shall be established as part of the process established in Section 1703-9-2 below. Each WNP shall:
   a. Be structured with pedestrian sheds, as described in Subsection B below, to determine the scale and center, according to Subsection B below.
   b. Allocate transect zones according to Subsection C, and Table A (Required Allocation Mix of Transect Zones) below.
   c. Layout a block and thoroughfare network according to standards in Subsection D and E below.
   d. Allocate open space, civic spaces and civic buildings according to the standards in Subsection F below.

e. Provide neighborhood centers/main streets to meet the standards in Subsection G below.

f. Provide a mix of building types to meet the standards in Subsection H below.

g. Provide appropriate transitions to the scale and character of the surrounding built environment.

h. The WNP shall be calibrated to suit specific topographical, environmental, site layout, and design constraints unique to the site or its location within the City.

B. **Pedestrian Sheds.** Pedestrian sheds are useful in planning a WNP as they provide an understanding of how far a typical pedestrian might be willing to walk. They are based on the understanding that most people are willing to walk up to five minutes before they will choose to drive and up to ten minutes to a major destination or transit stop. WNPs use pedestrian sheds to define the boundaries and the relationship of development patterns to create walkable environments. Existing or proposed pedestrian sheds should be mapped on development applications to show the relationship of new development to the existing neighborhood.

1. **Center.** Pedestrian sheds shall be centered on a neighborhood center or a main street. within the development site.

2. **Types of Pedestrian Sheds**

a. **Standard Pedestrian Shed.** A pedestrian shed that is based on a one-quarter mile (1320 feet) radius around a node. Standard pedestrian sheds are useful in planning neighborhoods. See Figure 1.

b. **Linear Pedestrian Shed.** A pedestrian shed that is based on a one-quarter mile (1320 feet) radius around a series of block lengths. Linear pedestrian sheds are useful in planning neighborhood main streets or neighborhoods with multiple nodes. See Figure 2.

c. **Long Pedestrian Shed.** A pedestrian shed that is based on a one-half mile (2640 feet) radius around a series of block lengths. Long pedestrian sheds are useful in planning major destinations and downtowns. See Figure 3.

3. **Maximum Size of Pedestrian Shed.** The development site or planning area may be smaller than its associated pedestrian shed, but in no case shall a pedestrian shed be greater than the following:

a. Individual standard pedestrian sheds shall be no more than 160 acres;

b. Linear pedestrian sheds shall be no more than 200 acres; and

c. Long pedestrian sheds shall be no more than 510 acres.

4. **Remnants.** Portions of a site outside of a pedestrian shed shall meet the following requirements:

a. Remnant areas outside of a pedestrian shed shall be assigned transect zones, civic spaces, or non-transect zones; and

b. If the remnant areas assigned as T3, T4 and T5 transect zones exceed 35 acres, an additional pedestrian shed shall be created to encompass these remnant areas. The Pedestrian shed shall be centered around a main street or neighborhood center. See Subsection 1703-6.30.G.2.

5. **Mapping.** The pedestrian shed(s) shall be mapped on the regulating plan.

C. **Transect Zone Mix**

1. **General**

   a. Only transect zones established in Section 1703-2 (Specific to Transect Zones) shall be used for the regulating plan.

2. **Allocation of Transect Zones**

   a. WNPs for new neighborhoods shall assign and map transect zones to each pedestrian shed according to the percentages allocated in Table A (Required Allocation Mix of Transect Zones).

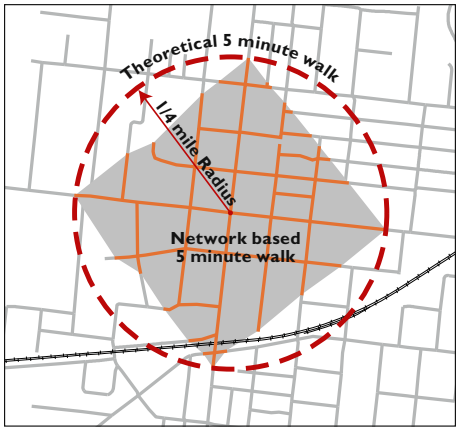


Figure 1: Standard Pedestrian Shed

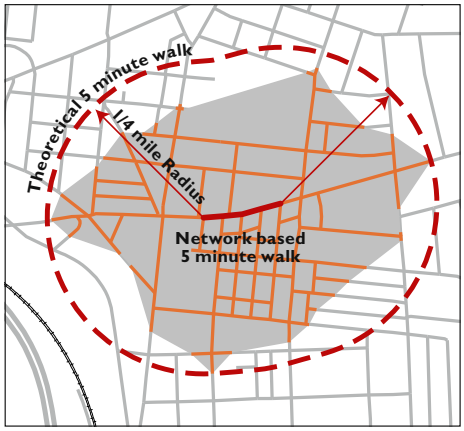


Figure 2: Linear Pedestrian Shed

Figure 3: Long Pedestrian Shed

3. **Transect Organization.** Transect zones shall be organized in a manner that responds appropriately to a site's context. More intense transect zones shall be organized around neighborhood centers and neighborhood main streets in visible and accessible locations suitable for greater intensities, typically at or near the center of a pedestrian shed. See Subsection G below.
4. **Transition of Transect Zones.** When applying transect zones, transitions between transect zones containing the neighborhood designation (T4N.MF, T4N.SF, T3N, T3E) are encouraged, but not required, to occur within the block or across alleys, but may occur across a street.

Table 1703-6.30.A: Required Allocation Mix of Transect Zones

Transect Zone		Percentage of Land Assign to Zone			
		Urban Neighborhood		Traditional Neighborhood	
		Minimum	Maximum	Minimum	Maximum
Traditional Neighborhood Development (between 10 - 30 acres)					
T3 Estate	(T3E)	no min.	30% max.	no min.	30% max.
T3 Neighborhood	(T3N)	no min.	30% max.	no min.	30% max.
T4 Neighborhood Medium Footprint	(T4N.MF)	25% min.	70% max.	25% min.	70% max.
T4 Neighborhood Small Footprint	(T4N.SF)	10% min.	30% max.	10% min.	30% max.
T5 Main Street	(T5MS)	no min.	15% max.[1]	no min.	15% max.[1]
T5 Neighborhood Large Setback	(T5N.LS)	no min.	35% max.[1,2]	no min.	35% max.[1,2]
T5 Neighborhood Small Setback	(T5N.SS)	no min.	35% max.[1,2]	no min.	35% max.[1,2]
T6 Core	(T6C)	no min.	15% max.[1]	NA	NA
Traditional Neighborhood Development (greater than or equal to 30 acres)					
T3 Estate	(T3E)	no min.	30% max.	no min.	30% max.
T3 Neighborhood	(T3N)	10% min.	30% max.	10% min.	30% max.
T4 Neighborhood Medium Footprint	(T4N.MF)	25% min.	70% max.	25% min.	70% max.
T4 Neighborhood Small Footprint	(T4N.SF)	10% min.	30% max.	10% min.	30% max.
T5 Main Street	(T5MS)	no min.	30% max.[2]	no min.	30% max.[2]
T5 Neighborhood Large Setback	(T5N.LS)	no min.	35% max.[1,2]	no min.	35% max.[1,2]
T5 Neighborhood Small Setback	(T5N.SS)	no min.	30% max.[2]	no min.	30% max.[2]
T6 Core	(T6C)	no min.	15% max.[1]	NA	NA
Transit-Oriented Development					
T3 Estate	(T3E)	NA	NA	NA	NA
T3 Neighborhood	(T3N)	NA	NA	NA	NA
T4 Neighborhood Medium Footprint	(T4N.MF)	no min.	20% max.	no min.	20% max.
T4 Neighborhood Small Footprint	(T4N.SF)	no min.	30% max.	no min.	50% max.
T5 Main Street	(T5MS)	no min.	80% max.[3]	no min.	80% max.
T5 Neighborhood Large Setback	(T5N.LS)	no min.	35% max.[1,2]	no min.	35% max.[1,2]
T5 Neighborhood Small Setback	(T5N.SS)	no min.	30% max.[3]	no min.	80% max.
T6 Core	(T6C)	10% min.	15% max.[1]	NA	NA

End Notes:

[1] Allocation of transect zone requires Director approval.

[2] Allocation of T5N and/or T5F requires an allocation of T5MS.

[3] With Director approval, may be as high as 100%.

[4] With Director approval, may be as low as 0% if the site is not along a major corridor.

[5] With Director approval, may be up to 100% if the site is adjacent to the main street.

D. **Thoroughfares.** Thoroughfares define the public streets that refine pedestrian sheds into walkable environments. Care should be taken in the layout and sizing of thoroughfares, as wide thoroughfares and a lack of connectivity reduce the pedestrian friendliness of the area.

1. **Design**

   a. Thoroughfares shall consist of vehicular lanes and public frontages as established in Section 1703-7 (Specific to Thoroughfares).

   b. The design of thoroughfares shall meet the standards set forth in Section 1703-7 (Specific to Thoroughfares).

   c. Thoroughfares that pass from one transect zone to another shall adjust their public frontages to match the character of the transect zone. For example, while a thoroughfare within an urban transect zone with retail shops may have wide sidewalks with trees in tree grates, it may transition to a narrower sidewalk with a planting strip within a less urban transect zone with various residential building types.

   d. The thoroughfare network shall be mapped on a regulating plan and shall indicate the layout of thoroughfares and the block network according to standards in this Subsection and Subsection E (Blocks).

2. **External Connectivity**

   a. The arrangement of thoroughfares in a development shall provide for the alignment and continuation of existing or proposed thoroughfares into adjoining lands in those cases in which the adjoining lands are undeveloped and intended for future development or in which the adjoining lands are developed and include opportunities for such connections.

   b. Road rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or thoroughfare stub shall be provided for development:

      (1) At least every 1,500 feet for each direction (north, south, east, and west) in which development abuts vacant lands; or

      (2) The minimum block length as defined in Subsection E below.

   c. The regulating plan shall identify all stubs for thoroughfares and include a notation that all stubs are intended for connection with future thoroughfares on adjoining undeveloped property.

3. **Dead-End Streets and Cul-de-Sacs.** The creation of new dead-end streets and cul-de-sacs shall not be included in WNPs. Cul-de-sacs may be approved by administrative variance to accommodate a site specific environmental feature requiring protection and/or preservation only. Cul-de-sacs approved by administrative variance shall meet the following standards:

   a. Permanent dead-end streets shall be no longer than 300 feet and shall be provided with a cul-de-sac;

   b. Temporary dead-end streets shall be provided with a temporary turnaround area which shall be designed considering traffic usage, maintenance, and removal;

   c. Cul-de-sacs shall have a minimum right-of-way radius of 50 feet and a paved circular area with a minimum radius of 40 feet;

d. Cul-de-sacs shall contain a central planted median; and

e. Whenever cul-de-sac thoroughfares are created, at least one pedestrian access easement shall be provided, to the extent practicable, between each cul-de-sac head or road turnaround and the sidewalk system of the closest adjacent road or pedestrian pathway. The access easement shall be direct with a minimum width of 12 feet.

E. **Block Size**

1. Individual block faces and the total block perimeter shall follow the standards established in Table B below. If a block contains multiple transect zones, the most intense transect zone shall be used to establish the requirements for block size.

2. Blocks should be a minimum width, such that two tiers of developable lots are provided.

Table 1703-6.30.B: Block Size

	Block	
Transect Zone	**Face Length**	**Perimeter Length**
T3	900 ft. max.	2,400 ft. max.
T4	600 ft. max.	2,000 ft. max.
T5	600 ft. max.	1,800 ft. max.
T6	400 ft. max	1,600 ft. max.

F. **Open Space, Civic Space and Civic Buildings.** Open spaces, civic spaces and civic buildings provide important gathering places for communities and access to outdoor activities. The open spaces, civic spaces and civic buildings should be carefully located within the pedestrian shed and be accessible to all. The following standards shall be met for providing and locating open spaces, civic spaces and civic buildings.

1. **General**

a. WNPs shall designate open spaces, civic spaces and civic buildings on a regulating plan where applicable.

b. Public access and visibility along public parks, civic uses, and natural open spaces, including creeks and drainages, shall be maintained through the use of:

(1) Single-loaded frontage streets (those with development on one side and open space on the other);

(2) Bike and pedestrian paths; or

(3) Other methods of frontage that provides similar access and visibility to the open space that are appropriate in the transect zone.

c. The design of civic and open spaces shall meet the standards set forth in Subsection 4 (Specific to Civic and Open Space Types).

2. **Civic and Open Space Allocation**

a. WNPs shall set aside a minimum of 10 percent of the project area as civic or open space. This number shall be calculated after street rights-of-way are subtracted from the project area. The following are exceptions:

(1) For sites less than four acres, no civic spaces beyond the playground requirements of Subsection 3 are required; and

(2) For sites less than eight acres and within 1,000 feet of an existing public park of at least one acre, no civic spaces beyond the playground requirements of Subsection (1) above are required.

b. For sites greater than 15 acres, the required amount of civic or open space shall be distributed throughout the neighborhood as multiple smaller civic spaces.

c. Each residential lot shall be within 1,000 feet of an existing or proposed playground.

3. **Civic and Open Spaces Types**

a. The standards established in this Section provide the transect zones with a diverse palette of parks and other publicly accessible civic spaces that are essential components of walkable urban environments.

b. The civic space types are defined in Table A (Civic Space Type Standards) below. Two of the civic space types, Playgrounds and Community Gardens, may be incorporated into any of the other types or may stand alone.

c. In Table A (Civic Space Type Standards), the illustration and description of each civic space type are illustrative in nature and not regulatory.

d. The service area, size, frontage and disposition of elements standards of each civic space type is regulatory.

(1) **Service Area.** Describes how the civic space relates to the City as a whole and the area that will be served by the civic space.

(2) **Size.** The overall range of allowed sizes of the civic space.

(3) **Frontage.** The relationship along lot lines of a civic space to adjacent buildings or lots.

(a) **Building.** Civic spaces that are listed as having a "building" frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing onto the civic space for a minimum of three quarters of the perimeter.

(b) **Independent.** Civic spaces that are listed as having an "independent" frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing onto the civic space to the maximum extent possible, but may have the side or rear of a building or lot front onto the civic space.

(4) **Disposition of Elements.** The placement of objects within the civic space.

(a) **Natural.** Civic spaces with natural character are designed in a natural manner with no formal arrangement of elements.

(b) **Formal.** Civic spaces with a formal character have a more rigid layout that follows geometric forms and have trees and other elements arranged in formal patterns.

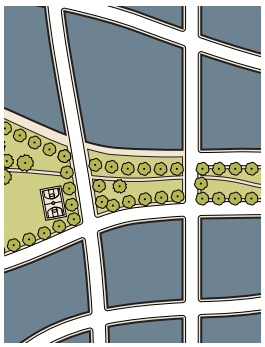
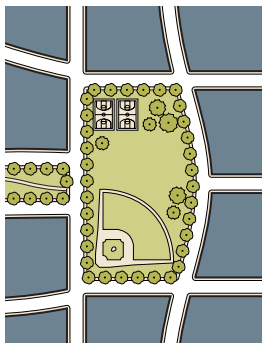
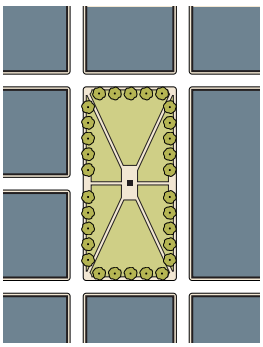
(c) **Informal.** Civic spaces with an informal character have a mix of formal and natural characteristics.

e. **Typical Facilities.** A list of the typical facilities found within the civic space. This list is not intended to be a complete list of facilities allowed nor is it intended that every civic space would contain each of the facilities listed.

f. **Accessory Structures.** All accessory structures within parks and open spaces, including, but not limited to, restrooms, open-air pavilions, gazebos, picnic shelters and outdoor theaters, shall not be subject to the physical requirements of the standards in Section 1703-2 (Specific to Transect Zones). They shall be designed and furnished to be consistent with the character of the transect zone in which they are located. Such consistency may require accessory structures to maintain building setbacks, frontage, massing, disposition and character similar to adjacent development as determined by the ~~Director~~ Zoning Administrator.

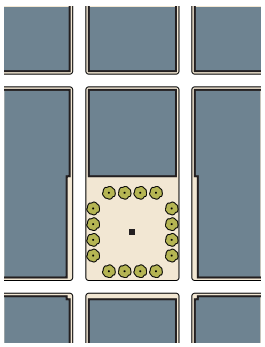
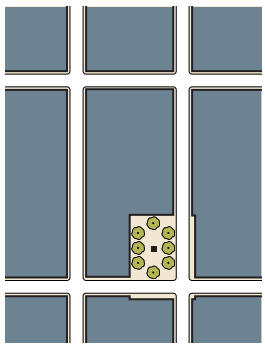
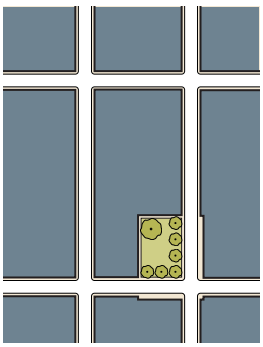
g. The civic spaces specified in Table C (Civic Space Type Standards) are allowed by right or with the specified approvals in the designated transect zones.

Table 1703-6.30.C: Civic and Open Space Type Standards (continued)

Transect Zone	T3 T4 T5 T6	T3 T4 T5 T6	T3 T4 T5 T6
Civic Space Type	**Greenway**	**Green**	**Square**
Illustration			
Description	A linear open space that may follow natural corridors providing unstructured and limited amounts of structured recreation.	An open space available for unstructured and limited amounts of structured recreation.	An open space available for civic purposes, unstructured and limited amounts of structured recreation.
Location and Size			
Location			
Service Area	Multiple neighborhoods	Neighborhood	Neighborhood
Size			
Minimum	8 acres	1 acre	1/2 acre
Maximum	-	15 acres	5 acres
Character			
Frontage	Independent or Building	Building	Building
Disposition of Elements	Natural or Informal	Informal	Formal
Typical Facilities			
	Passive and Active Recreation, Accessory Structure, Drinking Fountains, Community Facility < 5,000 gsf, Paths and Trails	Passive and Active (unstructured or structured) Recreation, Accessory Structure, Drinking Fountains, Community Facility < 5,000 gsf, Paths and Trails	Passive and Active (unstructured or structured) Recreation, Accessory Structure, Drinking Fountains, Community Facility < 5,000 gsf, Paths and Trails

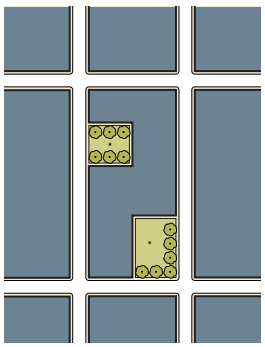
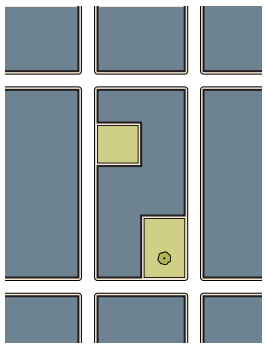
Key	T# Allowed	T# By Director	T# Not Allowed

Table 1703-6.30.C: Civic and Open Space Type Standards (continued)

Transect Zone	T3 T4 T5 T6	T3 T4 T5 T6	T3 T4 T5 T6
Civic Space Type	**Plaza**	**Pocket Plaza**	**Pocket Park**
Illustration			
Description	A formal open space available for civic purposes and commercial activities. Plazas are typically hardscaped.	A formal open space available for civic purposes and commercial activities. Pocket Plazas are typically hardscaped.	An open space available for informal activities in close proximity to neighborhood residences.
Location and Size			
Location			
Service Area	Neighborhood	Neighborhood	Neighborhood
Size			
Minimum	1/2 acre	4,000 sf	4,000 sf
Maximum	2-1/2 acres	1/2 acre	1 acre
Character			
Frontage	Building	Building	Building
Disposition of Elements	Formal	Formal	Formal or Informal
Typical Facilities			
	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails

Key	T# Allowed	T# By Director	T# Not Allowed

Table 1703-6.30.C: Civic and Open Space Type Standards (continued)

Transect Zone	T3 T4 T5 T6	T3 T4 T5 T6
Civic Space Type	**Playground**	**Community Garden**
Illustration		
Description	An open space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds may be included within other civic spaces.	An open space designed as a grouping of garden plots that are available to nearby residents for small-scale cultivation. Community Gardens may be included within other civic spaces.
Location and Size		
Location		
Service Area	Neighborhood	Neighborhood
Size		
Minimum	-	-
Maximum	-	-
Character		
Frontage	Independent or Building	Independent or Building
Disposition of Elements	Formal or Informal	Formal or Informal
Typical Facilities		
	Accessory Structure, Drinking Fountains, Paths and Trails	Accessory Structure, Drinking Fountains, Paths and Trails

Key T# Allowed T# By Director T# Not Allowed

G. **Neighborhood Centers/Main Streets**

1. **Location**

   a. Main streets and neighborhood centers shall be located near the center of each pedestrian shed.

   b. Main streets shall meet the following locational standards:

      (1) Along both sides of a thoroughfare; and

      (2) Along a primary through thoroughfare; or

      (3) Perpendicular to and directly engaging a primary through thoroughfare.

2. **Elements.** Neighborhood centers shall contain one or more of the following elements:

   a. Civic buildings and/or uses;

   b. Civic or open spaces; and

   c. Limited retail or service uses.

3. **Lot Depth.** Lots designated as part of new neighborhood centers/main streets within a WNP shall have a minimum depth of 130 feet; lots less than 130 feet may be approved by the Director.

4. **Allocation**. A new neighborhood center or main street outside the context of an established main street shall have a minimum of 400 linear feet of frontage as measured from the edge of lots.

5. **Phasing**. A minimum of one lot designated as part of a main street shall be included and built during the first phase of a project.

H. **Mix of Building Types**

1. A mix of building types introduces variety into the character of WNPs. Blocks shall provide a diversity of residential and mixed-use building types in a manner that fulfills the intent of each transect zone as they are described in Section 1703-2 (Specific to Transect Zones) and the following formulas below. In the event that blocks are composed of more than one transect zone, the minimum mixing requirements of the most intense transect zone shall apply across the block.

2. **T3 Estate.** Blocks within the T3E Transect Zone are intended to be composed of detached house building types and shall have no minimum mixing requirement. See Subsection 1703-2.40 for a list of allowed building types in T3E.

3. **T3 Neighborhood.** Blocks within the T3N Transect Zone are intended to be primarily composed of detached house and duplex building types, while accommodating limited multi-unit building types, small multi-plexes and large multi-plexes that are compatible with detached house forms. See Subsection 1703-2.50 for a list of allowed building types in T3N.

    a. Blocks within the T3N Transect Zone shall provide a minimum of two distinct building types per block.

    b. At least 50 percent of the residential units on a block shall be located within detached house and/or duplex building types.

4. **T4 Neighborhood Medium and Small Footprint.** Blocks within the T4N Transect Zones are intended to provide a mix of detached house, duplex and multi-unit types. See Subsection 1703-2.60 and 1703-2.70 for a list of allowed building types in T4N. MF and T4N.SF.

    a. Blocks within the T4N Transect Zones shall provide a minimum of two distinct building types per block.

    b. No more than 50 percent of the residential units on a block shall be located within detached house or duplex building types.

5. **T5 Main Street and T5 Neighborhood Large and Small Setback.** Blocks within the T5MS, T5N.LS or T5N.SS Transect Zone are intended to provide the greatest diversity of building types. See Subsection 1703-2.80, 1703-2.90 and 1703-2.100 for a list of allowed building types in T5MS, T5N.LS and T5N.SS.

    a. Blocks within the T5N, T5N.SS or T5MS Transect Zone shall provide a minimum of three distinct building types per block.

    b. No more than 50% of the residential units on a block shall be located within detached house or duplex building types.

6. **T6 Core.** Blocks within the T6C Transect Zone are intended to be composed of attached building types and shall have no minimum mixing requirement. See Subsection 1703-2.120 for a list of allowed building types in T6C.

T3E: Sample Building Type Mix

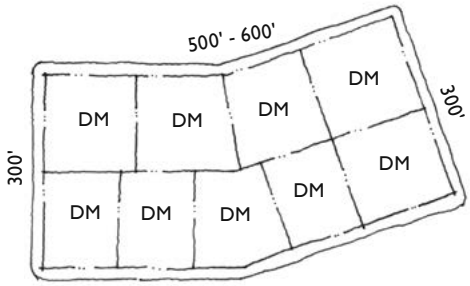
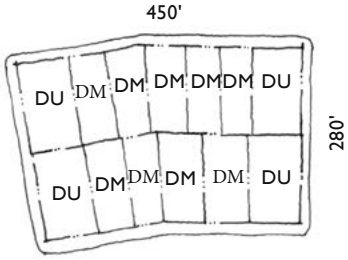
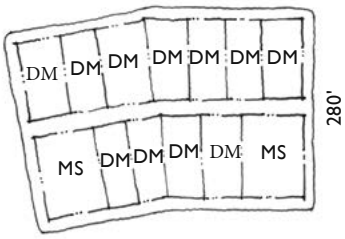


Diagram illustrates a typical block within the T3E or T3N Transect Zone composed of Detached House: Medium building types (DM).

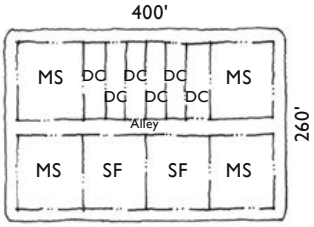
T3N: Sample Building Type Mix

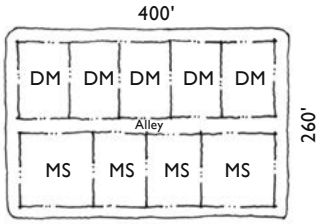




Far Left: Block with nine Detached House: Medium building types (DM) and four Duplexes (DU), one at each block corner; no alley is required for access.
Left: Block with eleven Detached House: Medium building types and two Multi-plex: Small (MS) building types placed at two respective corners; an alley is provided for access.

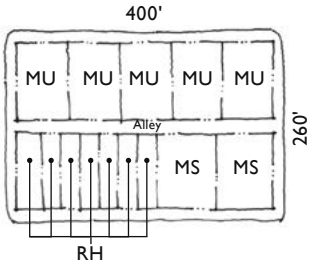
T4N.MF and T4N.SF: Sample Building Type Mix





Far Left: Block with six small-lot Detached House: Compact building types (DC), four Multi-plex: Small buildings (MS) and two Stacked Flat Buildings (SF).
Left: Block with 5 Detached House: Medium building types (DM) and four Multi-plex: Small buildings (MS).

T5N.SS: Sample Building Type Mix



Left: Block includes five Main Street Mixed-Use buildings (MU), seven Rowhouse buildings (RH), and two Multi-plex: Small buildings (MS).

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Exhibit C to Ordinance

Section 1703-8: Administration and Procedures
of Title XVII, Land Development Code

SEE ATTACHED

Section 1703-8: Administration and Procedures

Subsections:

1703-8.10	Creating a Regulating Plan for the Establishment of Transects for Your Neighborhood.
1703-8.20	Creating a Regulating Plan for the Establishment of Transects for Your Development Site
1703-8.30	Varying the Form: Administrative Variations
1703-8.40	Non-Conformities
1703-8.50	Relationship To Overlay Districts
1703-8.60	Obtaining a Use Permit or Minor Use Permit
1703-8.70	Appeals

1703-8.10 Creating a Regulating Plan for the Establishment of Transects for Your Neighborhood

A. **Purpose.** The purpose of this Subsection is to set forth the process for creating a regulating plan for the establishment of transect zones in an existing neighborhood. Although any person or entity may apply, the process set forth in this Subsection is designed for a recognized community council, neighborhood business association, community development corporation or other neighborhood group, or a property owner or group of property owners, to initiate and participate in a neighborhood charrette that will result in the development of a specific regulating plan and amendment to the zone map for all or a portion of an existing neighborhood.

Note: The establishment of a form-based code for a development site greater than two acres and less than ten acres in total area and under common ownership may be established according to the procedures set forth in Subsection 1703-8.20 (Opting into the Form-Based Code: Using Transect Zones to Create a Walkable Neighborhood). The owner of such a development site may also elect to proceed under this Subsection 1703-8.10. Except as otherwise permitted as set forth in Subsection 1703-8.20.B below, the owner(s) of a development site greater than ten acres in total area and under common ownership that seeks to create a regulating plan for the establishment of transects on their site shall proceed under this Subsection.

Transect zones established under this Subsection shall be adopted as part of a regulating plan specified for the subject area, which shall become an amendment to the zone map and an appendix to Cincinnati Municipal Code Title XVII, Land Development Code. The zone map shall identify each transect zone or group of transect zones with the letter "T" followed by a reference number (e.g. for a T5 Main Street, "T5MS"). The procedures for rezoning set forth elsewhere in the Cincinnati Municipal Code shall not apply to the establishment of transect zones under this Section.

B. **Petition**

1. **Who may file?** Any person or entity may file a petition to rezone a group of lots as a transect zone or group of transect zones. A petition shall not be accepted for the establishment of a transect zone or group of transect zones on a single lot less than two acres in total area; provided, however, that the Director, in his or her discretion, may accept a petition for a lot less than two acres in total area that is located directly adjacent to an existing transect zone.

2. **How is a petition filed?** The petition shall be made on a form and in accordance with instructions prescribed by the Director.
3. **Is there a fee for filing a petition?** No.
4. **What happens once a petition is filed?** Upon receipt of a petition, the Director shall determine whether the petition is complete. A petition shall not be deemed complete until the Director has received the following:
   a. A petition form completed in strict accordance with the form instructions;
   b. A written statement from all active community councils, neighborhood business associations and community development corporations identified by the Director as having an interest in the area to be rezoned as a transect zone or group of transect zones;
   c. A map showing all lots proposed to be rezoned as a transect zone or group of transect zones; and
   d. A written list of any development initiatives within the area proposed to be rezoned as a transect zone or group of transect zones.
5. **What if the petition is not complete?** If the Director determines a petition is not complete, the petition will be rejected and a written list of items that make it deficient will be provided to the petitioner. The Director shall take no action on a rejected petition until all items that make the application deficient have been corrected by the petitioner.
6. **In what order are petitions processed?** All completed petitions shall be time-stamped with the date the petition is deemed to be complete and shall be processed on a first-come, first-served basis.
7. **What about the neighborhoods that have already completed a charrette?** The following neighborhoods have participated in the Form-Based Code Working Group and have completed neighborhood charrettes in October-November, 2012 prior to the adoption of this Subsection and, as a result, shall be deemed to have filed a complete petition and are subject only to the provisions of Subsection 1703-8.10.E and Subsection 1703-8.10.D below: College Hill; Madisonville; Walnut Hills; and Westwood. These neighborhoods shall enjoy a partial exemption from the provisions of this Subsection specifically for the regulating plans adopted as part of the October-November, 2012 neighborhood charrettes. Except as is otherwise provided in this Section, all future petitions to rezone property as a transect zone or group of transect zones in these neighborhoods shall be subject to all of the provisions of this Subsection.

C. **Pre-Charrette Process**

1. **What happens next?** Within thirty days after the Director determines that a petition is complete, the petitioner and a staff member of the Department of City Planning ~~and Buildings~~ shall attend a pre-charrette conference.
2. **What is a pre-charrette conference?** The purpose of a pre-charrette conference is for the petitioner and staff member to outline a vision statement for the proposed transect zones and to determine a schedule and protocol for conducting a charrette to develop a regulating plan.
3. **What is a vision statement?** A vision statement is the petitioner's written development vision for the area of the proposed transects. This statement will inform

the regulating plan, which will ultimately become the regulatory scheme for the subject area. In preparing the vision statement, the walkable neighborhood design standards set forth in Section 1703-6 (Specific to Creating a Walkable Neighborhood) shall be considered but are not required to be incorporated in the vision.

4. **What is the charrette protocol?** The charrette protocol shall include a proposed date, time and location for the charrette, an estimate of the charrette's costs and expenses, and shall identify the standards to be applied and the participants that will take an active role in the charrette. The charrette protocol shall also identify potential funding sources to cover the costs and expenses of the charrette.

5. **What is the next step?** Within sixty days after the pre-charrette conference and prior to scheduling a charrette, the petitioner and a staff members of the Department of City Planning ~~and Buildings~~ shall attend a meeting of each active community council and neighborhood business association recognized by the Director as having an interest in the area to be rezoned as a transect zone or group of transect zones.

6. **What happens at these meetings?** At each meeting the petitioner and the staff member shall present the vision statement for the proposed transect zones and the charrette protocol. The petitioner and the staff member shall solicit feedback regarding the vision statement and charrette protocol. The petitioner and the staff member may, in their reasonable discretion, make changes to the vision statement and charrette protocol to address feedback received at the meetings. Within sixty days after attending the last community council or neighborhood business association meeting, the petitioner and the staff member shall finalize the vision statement and the charrette protocol, and schedule the charrette.

D. **Charrette Process**

1. **Where must a charrette be held?** Unless otherwise approved by the Director, the location of all charrettes shall be held at a facility accessible to the public and within two miles of the boundary of the proposed petition area and shall be open to all members of the public.

2. **Who must be at a charrette?** For a charrette to satisfy the requirements of this Subsection, the following parties shall be present for the entirety of the charrette:

   a. At least one registered architect formally trained in or having prior experience conducting a form-based code charrette;

   b. At least one staff planner from the Department of City Planning ~~and Buildings~~ and at least one staff member from any other City departments formally trained in or having prior experience conducting a form-based code charrette;

   c. The petitioner or an authorized representative of the petitioner; and

   d. At least one representative of each active community council, neighborhood business association, and community development corporation identified by the Director as having an interest in the area to be rezoned as a transect zone or group of transect zones.

3. **When may a charrette be held?** Charrettes must be at least one full day and may be held on multiple days anytime between the hours of 9:00 a.m. and 9:00 p.m., Monday through Saturday, provided that a charrette shall not be held on a City-recognized holiday.

4. **Who leads a charrette?** The charrette shall be led by a staff planner from the Department of City Planning ~~and Buildings~~ formally trained in or having prior experience conducting a form-based code charrette with support from a registered architect formally trained in or having prior experience conducting a form-based code charrette. The charrette shall be led in accordance with nationally recognized standards as determined and approved by the Director (e.g. National Charrette Institute, American Institute of Architects, American Planning Association).

5. **How is a charrette noticed?** Notice of the charrette shall be provided fourteen days in advance of the charrette.

   a. The City shall provide notice in the following manner:

      (1) To all owners of property located within one thousand feet (1000') of the boundary of the area proposed to be rezoned by regular U.S. Mail;

      (2) By publication in the City Bulletin;

      (3) By posting on the City's website; and

      (4) To all City departments and City utilities.

   b. The petitioner shall publish notice in an on-line or print newspaper and on social media as determined by the petitioner.

6. **How is a charrette funded?** Funds for the cost of a charrette, including, but not limited to, the cost for any experts, consultants or professionals engaged to conduct or attend the charrette, any room or equipment costs, costs of printed materials, travel costs; and all other related costs, shall be identified in the charrette plan. No charrette shall take place until guaranteed funds covering the total cost of the charrette are certified.

7. **What is produced at a charrette?** A charrette is more than a public meeting. It is an intensive design and visioning exercise whereby community groups, property owners, the city, and design and planning professionals, among others, work together to produce a detailed and realistic vision for the future development of the subject area. In addition to a regulating plan identifying the desired transect zones, the charrette will result in schematic drawings, illustrative plans, and specialized use tables, among other things, which become part of the regulating plan and guide future development.

E. **Post-Charrette Process**

1. **What happens after the charrette?**

   a. Not later than thirty days from the last day of the charrette, the petitioner shall submit one original and four copies of the final proposed regulating plan and the charrette summary report to the Director.

   b. The Director shall have ten days from receipt thereof to make a final determination whether the final proposed regulating plan is substantially compliant with the charrette summary report.

   c. Within ten days of the Director's determination of compliance, the Director shall notify the petitioner of the date for City Planning Commission's review in accordance with Subsection 1703-8.10.F.

2. **What is a regulating plan?** A regulating plan is the map of the area designating the locations of the transect zones and identifying key elements such as thoroughfares and civic and open spaces based on the charrette summary report.

3. **What is a charrette summary report?** A charrette summary report contains a summary of the data, information and the community's comments gathered at the charrette.

4. **What if the regulating plan does not reflect the charrette summary report?**

   a. If the Director determines that the final proposed regulating plan is not in substantial conformance with the charrette summary report, then the Director shall notify the petitioner no later than ten days after the Director's receipt of the final proposed regulating plan and shall request a post-charrette conference. The purpose of the post-charrette conference is to address deviations from the results of the charrette process.

   b. The petitioner shall have thirty days to modify the final proposed regulating plan to address any deficiencies identified by the Director at the post-charrette conference and to re-submit it to the Director for a final determination of whether it is in substantial conformance with the results of the charrette process.

   c. If the petitioner fails to re-submit a modified final proposed regulating plan within such time period, the petition shall be deemed held in abeyance until such time that the regulating plan is re-submitted or terminated by the petitioner in writing to the City. The City shall have no further obligation to advance a proposed regulating plan until such time that it is re-submitted and approved by the Director.

F. **Process for the Establishment of Transect Zone(s)**

1. **When does the zone map change?** Pursuant to City Charter Art. VII, the City Planning Commission has the duty to consider the petition for the establishment of a transect zone as an amendment to the zone map and as an appendix to Cincinnati Municipal Code Title XVII. After providing notice and a public hearing in accordance with all applicable rules and regulations, the City Planning Commission may recommend approval, approval with conditions or restrictions, or disapproval of the petition. The City Planning Commission has discretion to condition or restrict the transect zone as the City Planning Commission deems necessary for the protection of the public interest and to further the purpose, intent and principles of the Form-Based Code as set forth in the Preamble.

2. **What happens after the City Planning Commission acts?** The City Planning Commission shall certify its recommendation to City Council. City Council has the duty to consider the recommendation in the same manner as a proposal to amend the zone map. Pursuant to City Charter Art. VII, Section 6, City Council has the right to overrule the City Planning Commission's disapproval of the establishment of a transect zone by a two-thirds majority vote.

3. **Is there an applicable administrative appeals process?** No. A rezoning is a legislative act that is subject only to referendum. No administrative tribunal has jurisdiction or authority over the rezoning of property.

G. **Process for Amending a Transect Zone**

1. **Can a transect zone be amended in the future?** Transect zones established under this Subsection may be amended by following the process for establishing transect zones in Subsection 1703-8.20 (Opting into the Form-Based Code: Using Transect Zones to Create a Walkable Neighborhood).

1703-8.20 Creating a Regulating Plan for the Establishment of Transects for Your Development Site

A. **Purpose.** The purpose of this Subsection is to define the process for creating a regulating plan for the establishment of a transect zone or group of transect zones to create a walkable neighborhood in accordance with the walkable neighborhood design standards set forth in Section 1703-6 (Specific to Creating a Walkable Neighborhood). This process is designed for the owner of a large development site, greater than two acres, but less than ten acres in total area, and under common ownership anywhere in the City to initiate an amendment to the zone map to establish a transect zone or group of transect zones specific to a development site.

Transect zones established under this Subsection shall be adopted as part of a regulating plan for the development site which shall become an amendment to the zone map only. The zone map shall identify each transect zone or group of transect zones within the development site with the letter "T" followed by a reference number (e.g. for a T5 Main Street, "T5MS").

B. **Petition**

1. **Who may file?** The owner(s) of a lot or lots collectively greater than two acres but less than ten acres in total area and under common ownership may file a petition to establish a transect zone or group of transect zones specific to the lot(s). Notwithstanding the foregoing, the Director, in his or her discretion, may accept a petition from the owner(s) of a group of lots collectively greater than ten acres in total area and under common ownership if the lots are part of an assemblage of less than twenty acres in total area.

2. **How is a petition filed?** The petition shall be made on a form and in accordance with instructions prescribed by the Director.

3. **Is there a fee for filing a petition?** No.

4. **What happens once a petition is filed?** Upon receipt of a petition, the Director shall determine whether the petition is complete. A petition shall not be deemed complete until the Director has received the following:

   a. A petition form completed in strict accordance with the form instructions;

   b. Written evidence that the petitioner has notified the applicable active community council(s) and either the neighborhood business association or community development corporation representing the area to be rezoned as a transect zone or group of transect zones of the petition;

c. A map showing the lot(s) proposed to be rezoned as a transect zone or group of transect zones and the proposed transect zones; and

d. A site plan depicting and written statement describing the proposed conceptual development program.

5. **What if the petition is not complete?** If the Director determines a petition is not complete, the petition will be rejected and a written list of items that make it deficient will be provided to the petitioner. The Director shall take no action on a rejected petition until all items that make the application deficient have been corrected by the petitioner.

6. **In what order are petitions processed?** All completed petitions shall be time-stamped with the date the petition is deemed to be complete and shall be processed on a first-come, first-served basis.

C. **Pre-Development Process**

1. **What happens next?** Within thirty days after the Director determines that a petition is complete, the petitioner and a Department of City Planning ~~and Buildings~~ staff member shall attend a pre-development conference.

2. **What is a pre-development conference?** The purpose of a pre-development conference is for the petitioner and staff member to develop a regulating plan in accordance with the traditional neighborhood design standards set forth in Section 1703-6 (Specific to Creating a Walkable Neighborhood).

D. **Process for the Establishment of Transect Zone(s)**

1. **What is the process for amending the zone map and establishing transect zones?** The process is the same as the rezoning process set forth in Cincinnati Municipal Code Section 111-1.

2. **Is there an applicable administrative appeals process?** No. A rezoning is a legislative act that is subject only to referendum. No administrative tribunal has jurisdiction or authority over the rezoning of property.

E. **Process for Amending a Transect Zone**

1. **Can a transect zone be amended in the future?** Transect zones established under this Subsection may be amended by following the process for establishing transect zones in this Subsection.

1703-8.30 Varying the Form: Administrative Variations

A. The Form-Based Code is intended to result in by-right development where development is in conformance with the form of the applicable transect zone. In some instances, it may be practical to vary the prescribed form in a transect zone. In instances of certain minor variations, an applicant may apply for administrative review and approval by the Zoning Administrator. Those allowable instances are set forth in the Table A (Allowable Administrative Variations).

B. Table A (Allowable Administrative Variations) sets forth all variations that are permitted in all transect zones. No other variations to the prescribed form shall be permitted. Failure to conform to the prescribed form shall result in the denial of a building permit. Administrative Variations shall run with the land and be binding on the property owner and its/their successor and assigns. Application for an Administrative Variation shall be made on the forms ~~and in accordance with the fee schedule as determined~~ prescribed by the ~~Director~~ Zoning Administrator.

Table 1703-8.30.A: Allowable Variations			
Administrative Relief Type	**Required Findings**	**Allowed Administrative Relief**	**Reference to Standard**
Administrative Relief Due to Topographic Constraints			
Block Face and Perimeter Length	Topographic constraints limit the ability to create an interconnected network of streets and blocks.	20% max.	Table 1703-6.30.B (Block Size)
Lot Dimensions			
Depth. A lot may be shallower the minimum lot depth.	An existing parcel can be developed following the intent of the zone and meet all other applicable standards of the zone.	30% max.	Section 1703-2 (Specific to Transect Zones)
Width. A lot may be wider than the maximum lot width.	An existing parcel can be developed following the intent of the zone and meet all other applicable standards of the zone.	20% max.	Section 1703-2 (Specific to Transect Zones)
Building Form			
Building Height. Building height may increase.	Lot is a down slope lot; and The portion of the building requiring the additional floor is located within 80 feet of the front property line and is at least 40 feet from the rear lot line.	1 additional floor in height on downslope side of lot.	Section 1703-2 (Specific to Transect Zones)
Site Grading			
Site Grading: Grading of a site to require retaining walls taler than 4' in height.	Existing topography makes the placement of retaining walls not practicable else where on the lot.	Allows placement of retaining walls taller than 4' in height.	Section 1703-5 (Supplemental to Transect Zones)
Site Grading: Grading of a site to require retaining walls on rear and side property lines.	Existing topography makes the placement of retaining walls not practicable else where on the lot.	Allows placement of retaining wall on rear or side property line.	Section 1703-5 (Supplemental to Transect Zones)
Parking Location			
Front Setback. On steeply sloped lots wider than 35 feet, parking spaces may be located under the main building if the following findings are true.	Parking under the main building shall be enclosed and side loaded; and Enclosed parking shall not be visible from the front lot line.	Reduction in the Parking location Front Setback to equal the Main Building Front setback.	Section 1703-2 (Specific to Transect Zones)
Front Setback. On steeply sloped lots less than 35 feet wide, parking spaces may be located under the main building if the following findings are true.	Parking under the main building shall be enclosed; and Only single car parking garage doors no greater than 9 feet in width shall be allowed.	Reduction in the Parking location Front Setback to equal the Main Building Front setback.	Section 1703-2 (Specific to Transect Zones)

[1] Requirement for a private frontage shall still apply, and any variation shall not preclude the use of a private frontage.

Table 1703-8.30.A: Allowable Variations (continued)

Administrative Relief Type	Required Findings	Allowed Administrative Relief	Reference to Standard
Administrative Relief Due to Existing Adjacent Developments			
Setbacks/Build-to Line			
Front, Side Street, Side or Rear. An increase or decrease of the minimum required setback areas (e.g., front, side street, side, and rear) for main structures.	Existing development on adjacent parcels on the same block face is greater or less than the required setback; and The variation will allow the proposed development to blend in with the adjacent development.	5' or 40%, whichever is greater max.[1]	Section 1703-2 (Specific to Transect Zones)
Front or Side. A relaxation of the specified build-to-line.	Existing development on adjacent parcels on the same block face is setback greater than the required build-to-line; and The variation will allow the proposed development to blend in with the adjacent development.	2' max.	Section 1703-2 (Specific to Transect Zones)
Defined by a Building. A relaxation of the specified build-to-line, defined by the building façade, for sites located within Transect Zones.	The variation will allow the proposed development to blend in with the adjacent development.	10% max.	Section 1703-2 (Specific to Transect Zones)
Facade within Façade Zone in Transect Zones. A relaxation of the specified front façade requirements for sites located within Transect Zones.	The variation will allow the proposed development to blend in with the adjacent development. May not be combined with administrative variations due to existing site constraints.	10% max.	Section 1703-2 (Specific to Transect Zones)
Administrative Relief Due to Existing Site Constraints			
Setbacks			
Additions to Existing Non-Conforming Structure. Allow an addition to an existing structure to be located up to the furthest point of setback encroachment, subject to Fire Code regulations.	New addition does not increase the non-conformity; and Addition to or new garage is not within 15 feet of a public right of way.	Up to existing encroachment. [1]	Section 1703-2 (Specific to Transect Zones)
Existing Site Features. Allow buildings to be placed closer or further from a parcel line due to existing site features, such as: Trees		10% max.	Section 1703-2 (Specific to Transect Zones)

[1] Requirement for a private frontage shall still apply, and any variation shall not preclude the use of a private frontage.

Table 1703-8.30.A: Allowable Variations (continued)

Administrative Relief Type	Required Findings	Allowed Administrative Relief	Reference to Standard
Building Placement			
Facade within Facade Zone in Transect Zones. A relaxation in the amount of the street facing facade that is located within the facade zone,	May not be combined with administrative variations due to existing adjacent development.	10% max.	Section 1703-2 (Specific to Transect Zones)
Build-to Line defined by Facades in Transect Zones. A relaxation in the amount of the street facing facade that is located at the Build-to Line.	May not be combined with administrative variations due to existing adjacent development.	10% max.	Section 1703-2 (Specific to Transect Zones)
Lot Size			
Lot Dimensions. A decrease in the minimum required parcel area, parcel depth, or parcel width.	An existing parcel can be developed following the intent of the zone and meet all other applicable standards of the zone.	10%	Section 1703-2 (Specific to Transect Zones)
Lot Dimensions. An increase in the maximum parcel area, parcel depth, or parcel width.	An existing parcel can be developed following the intent of the zone and meet all other applicable standards of the zone.	10%	Section 1703-2 (Specific to Transect Zones)
Parking			
Minimum Parking Requirement. No off-street parking shall be required for renovations or new construction on lots 30' wide or less.	On existing lot 30' wide or less. Adding parking would require the demolition of a portion or all of a building to accommodate off street parking spaces.	No off-street parking required.	Section 1703-2 (Specific to Transect Zones)
Administrative Relief for Visitability			
Building Height. Ground floor finish level above street centerline may decrease.	A zero-step entrance cannot be constructed from a driveway and must be constructed from a public sidewalk.	Finished floor level may be reduced to be even with the finished grade.	Section 1703-2 (Specific to Transect Zones)

[1] Requirement for a private frontage shall still apply, and any variation shall not preclude the use of a private frontage.

1703-8.40 Non-Conformities

In certain instances, the establishment of a transect zone may create situations where existing structures are not in conformance with the prescribed form and where existing uses may not be permitted in the transect zone. In those instances, the provisions of Cincinnati Municipal Code Chapter 1447 shall apply.

1703-8.50 Relationship To Overlay Districts

A. Transect zones may be established in certain overlay districts. The 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 1437).** The provisions of the Form-Based Code shall apply and govern and the provisions of Chapter 1433 shall be inoperative and of no effect.
2. **Hillside Overlay District (Cincinnati Municipal Code Chapter 1433).** The provisions of 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.
4. **Interim Development Control Overlay District ("IDC") (Cincinnati Municipal Code Chapter 1431).** The terms of the IDC shall remain in effect and shall govern until the IDC expires or is repealed.

1703-8.60 Obtaining a Use Permit or Minor Use Permit

A. Use Permit. An application for a use permit shall be made to the Zoning Hearing Examiner in accordance with Cincinnati Municipal Code Chapter 1443. The Zoning Hearing Examiner shall consider the requested use permit under the general standards and standards for conditional uses set forth in Cincinnati Municipal Code Chapter 1445.

B. Minor Use Permit. A petition for a minor use permit shall be made to the ~~Director~~ Zoning Administrator on a form prescribed by the ~~Director~~ Zoning Administrator and in strict accordance with the form directions and any applicable fees. The ~~Director~~ Zoning Administrator may grant, deny, or conditionally grant a minor use permit in his or her reasonable discretion.

1703-8.70 Appeals

Appeals of any decision, order or permit made pursuant to the Form-Based Code shall be made to the Zoning Board of Appeals pursuant to Cincinnati Municipal Code Chapter 1449. The Zoning Board of Appeals shall not have any authority to grant a variation not specifically allowed in Table 1703-8.30.A (Allowable Variations) above.

Exhibit D to Ordinance

Section 1703-9: Form-Based Code Glossary
of Title XVII, Land Development Code

SEE ATTACHED

Section 1703-9: Form-Based Code Glossary

Subsections:

1703-10.10 Glossary of General Terms and Phrases
1703-10.20 Glossary of Land Use Terms

1703-9.10 Glossary of General Terms and Phrases

A. Definitions

Accessory Dwelling Unit. See "Dwelling, Accessory" in Subsection 1703-10.20 (Glossary of Land Use Terms).

Accessory Building/Structure. See "Accessory Building/Structure" in Subsection 1703-10.20 (Glossary of Land Use Terms).

Addition. The enlargement of an improvement accomplished by appending a new improvement.

Adjacent. Sharing a common lot line, or having lot lines separated only by an alley.

Adjacent Buildings. Two or more buildings located upon adjacent lots.

Alley. See Subsection 1703-7.30 (Alley).

Allowed Use. Uses that are allowed by right and are not subject to the conditions of approval, mandatory review periods, or expiration periods as required for use permits or minor use permits.

Alteration. A change in the dimensions or configuration of an existing improvement's structural support system.

Ancillary Structure/Ancillary Building. See "Accessory Building/Structure" in Subsection 1703-10.20 (Glossary of Land Use Terms).

Architectural Features. Exterior building elements intended to provide ornamentation to the building massing including, but not limited to: eaves, cornices, bay windows, window and door surrounds, and balconies.

Awning. A roof or cover that projects from the wall of a building and extends over a window or door; is made of canvas, aluminum or similar material; and may be fixed in place or be retractable.

B. Definitions

Block Face. Perimeter edge of a street block.

Building. A structure consisting of one or more foundations, floors, walls and roofs that completely surround an interior space, and may include exterior appurtenant structures such as porches and decks.

Buildable Area. The area in which a building may be constructed.

Building Entrance. A point of pedestrian ingress and egress to a building.

Building Form. The overall shape and dimensions of a building.

Building Signs. Any sign that is fastened, attached, connected, or supported in whole or in part by a building or architectural feature.

Building Type. A building defined by its combination of configuration, disposition and function. A list of building types is set forth in Subsection 1703-3

Build-to Line (BTL). A line parallel to a lot line or right-of-way line where a building facade must be placed.

C. Definitions

Ceiling Height, Ground Floor. Height from finished floor to finished ceiling of primary rooms on the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms and storage spaces.

Ceiling Height. Height from finished floor to finished ceiling of primary rooms on afloor above the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms and storage spaces.

Chamfered Corner. The intersection of three walls that creates a beveled edge rather than a 90 degree corner.

Changeable Copy Sign. A variable message sign composed of individual letters panel-mounted in or on a track system.

Charrette. A multi-day collaborative design and planning workshop that includes all affected stakeholders with an interest in the matter at hand.

Civic. A term defining not-for-profit organizations that are dedicated to arts, culture, education, religious activities, recreation, government, transit, and public parking facilities.

Civic Building. A structure operated by governmental organizations and limited to civic and related uses.

Civic Space. An outdoor area dedicated to civic activities.

CMC. Cincinnati Municipal Code.

Code. Cincinnati Municipal Code Chapter 1703, Cincinnati Form-Based Code.

Commercial. A term defining service and retail uses collectively.

Common Courtyard. An entry court, forecourt or courtyard shared by multiple residential units or commercial spaces.

Common Area. A portion of a residential development reserved for the exclusive use of the persons who reside in a dwelling unit within the development, and their guests.

Construction. The addition or removal, whether in whole or in part, of making an improvement to a lot, building or structure.

Corner Entry. An entrance located on the corner of a building.

Courtyard. An uncovered area that is completely or partially enclosed by walls or buildings.

Crawl Space. A shallow unfinished uninhabitable space beneath the floor or directly under the roof of a building that provides access to utility, structural and other building components not readily accessible from the habitable portions of the building.

D. Definitions

Depth, Ground-Floor Space. The distance from the street-facing facade to the rear interior wall of the ground-floor space available for an allowed use.

Depth-to-Height Ratio. The relationship of the depth of a space divided by the average height of the surrounding buildings.

Detached. Separate or unconnected.

Detached House(s). Separate or disconnected building.

Director. Director of City Planning ~~and Buildings~~ or his or her duly appointed representative.

Disposition, Formal. Composed in a formal arrangement, in a regular, classical, and typically symmetrical manner.

Disposition, Informal. Civic spaces with an informal character have a mix of formal and natural characteristics.

Disposition, Naturally. A preservation of the existing natural condition or a composition of elements arranged as they would appear in nature, with irregular shapes and asymmetry.

Distance Between Entries. The horizontal distance between entrances on the main facade of a building or buildings.

Dooryard. See Subsection 1703-4.90 (Dooryard).

Driveway. A vehicular lane within a lot, or shared between two lots, usually leading to a garage, other parking or loading area.

Duplex. See Subsection 1703-3.80 (Duplex).

Dwelling Unit. An enclosed space used or intended to be used for living, sleeping, cooking, and eating.

Dwelling Unit, Stacked. A dwelling unit situated immediately above or below another dwelling unit.

E. Definitions

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

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.

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 short-term 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.

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.

G. Definitions

Gable. A vertical wall in the shape of a triangle formed between the cornice or eave and the ridge of the roof.

Garage. A structure, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

Glazing. Openings in a building in which glass is installed.

Gross Floor Area. The total floor area inside the building envelope, including the external walls, but not including the roof.

Ground Floor. The floor of a building located nearest to the level of the ground around the building.

H. Definitions

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

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.

I. Definitions

Identification Sign. A sign for the purpose of identifying the name of a business.

Improvement. The product of any modification to a lot, structure or building.

Infill. The development of a lot that is largely surrounded by developed lots.

J. Definitions

No specialized terms beginning with the letter J are defined at this time.

K. Definitions

No specialized terms beginning with the letter K are defined at this time.

L. Definitions

Landing. A level area at the top or bottom of a staircase or between one flight of stairs and another.

Landscaping. Flowers, shrubs, trees or other decorative material of natural origin.

Loading Dock(s). A platform where cargo from vehicles or trains can be loaded or unloaded.

Lot. A unit of real property having boundaries established by the official county tax map.

1. **Lot, Corner.** A lot with two or more frontage lines that intersect.
2. **Lot, Flag.** A lot not meeting minimum lot frontage requirements and where access to a public or private street is provided by means of a long, narrow driveway between abutting lots.
3. **Lot, Through.** A lot with two or more frontage lines that do not intersect.

Lot Area. The total square footage or acreage of horizontal area included within the lot lines.

Lot Coverage. The portion of a lot, expressed as a percentage, that is covered in buildings or other structures.

Lot Depth. The horizontal distance between the front lot line and rear lot line of a lot measured from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot Line. The legal perimeter and geometry of a parcel of property demarcating one lot from another.

1. **Lot Line, Front.** One of the following:
   a. The frontage line in the case of a lot having a single frontage line;
   b. The shortest frontage line in the case of a corner lot with two frontage lines, neither of which are adjacent to a thoroughfare or a parcel with Independent Frontage;
   c. The frontage line generally perceived to be the front lot line in the case of a corner lot with three or more frontage lines, none of which are adjacent to a thoroughfare or a parcel with Independent Frontage;
   d. The frontage line adjacent to a thoroughfare in the case of a corner lot with two or more frontage lines, one of which is adjacent to a thoroughfare;
   e. The frontage line adjacent to a parcel with Independent Frontage in the case of a corner lot with two or more frontage lines, one of which is adjacent to a parcel with Independent Frontage; or
   f. The frontage line adjacent to the front lot line of an adjacent lot in the case of a through lot.
2. **Lot Line, Near.** Nearest lot line to a given point on a parcel.
3. **Lot Line, Rear.** The lot line opposite the front lot line.
4. **Lot Line, Side.** Lot lines connecting the front and rear lot lines.

Lot Width. The horizontal distance between the side lot lines as measured from the midpoint of one side lot line to the midpoint of the other side lot line.

M. Definitions

Main Body. The primary massing of a building.

Main Building. The building that serves as the focal point for all activities related to the principal use of the lot.

Main Facade. The front façade of a main building.

Major. Having a greater size, scope, effect, characteristic or quality relative to the other corresponding sizes, scopes, effects, characteristics or qualities; or being the greater of two or more.

Massing. The overall shape or arrangement of the bulk or volume of buildings and structures.

Minor. Having a lesser size, scope, effect, characteristic or quality relative to the average size, scope, effect, characteristic or qualities; or being the lesser of two or more.

Mixed-Use. A building of defined area in which multiple uses may be established.

N. Definitions

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

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.

O. Definitions

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.

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.

Q. Definitions

No specialized terms beginning with the letter Q are defined at this time.

R. Definitions

Rear. Opposite of front. See "lot line, rear."

Recessed Entryway. An entrance to a building setback from the facade of the building.

Recreation, Active. Recreational pursuits, usually performed with others and often requiring equipment, that require physical alteration to the area in which they are performed. Such areas are intensively used and include, but are not limited to, playgrounds, sport courts, baseball/softball and other field sports, and swimming pools.

Recreation, Passive. Recreational pursuits involving existing natural resources that can be carried out with little alteration or disruption to the area in which they are performed. This includes, but is not limited to, such activities as walking, hiking, bicycling, bird and animal watching, and picnicking.

Residential. Premises used primarily for human habitation.

Right-of-Way. (R.O.W.) Land, property, or an interest therein, dedicated to transportation purposes.

1. **Right-of-Way, Public.** A right-of-way dedicated to use by the general public.

S. Definitions

Satellite Dish Antenna. Parabolic or spherical antenna whose purpose is to receive and transmit radio communication signals to and from satellites.

Secondary Wings. A structure physically attached to, and secondary and incidental to, the main body of a main building.

Semi-Public Use. A use owned or operated by a non-profit organization, private institution or foundation.

Semi-Public Utility Building. A building owned or operated by a non-profit organization, private institution or foundation, and used to provide utility services to its members or those persons it serves.

Setback. The mandatory clear distance between a lot line and a structure.

Shared Parking. Parking spaces assigned to two or more users, who are unlikely to need the spaces at the same time of day.

Shopfront. See Subsection 1703-4.110 (Shopfront).

Sidewalk. A paved right-of-way exclusively for pedestrian use and often installed between a street and lot frontages.

Sign. A structure, device, figure, display, message placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended or used to advertise, or to provide information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. A list of sign types is set forth in Subsection 1703-5.80

Site. One or more adjacent lots under common ownership.

Street, Front. Street located along the front lot line of a parcel.

Street, Side. Street located along a lot line of a parcel that is not along the front lot line.

Storefront. The portion of a building frontage comprised of the display window or entrance and its components, including windows, doors, transoms and sill pane, that accommodates retail uses.

Story. A habitable floor level within a building that is above grade.

Structure. An improvement permanently attached to real property.

T. Definitions

Tandem Parking. A parking space deep enough to allow two cars to park one behind the other.

Thoroughfares. A way for use by vehicular, pedestrian, and bicycle traffic that provides access to lots and open spaces, and incorporates vehicular lanes and public frontages.

Transect. A cross-section of the environment showing a range of different habitats. The Rural-to-Urban Transect of the human environment is divided into multiple transect zones that describe the physical form and character of a place according to the intensity of its land use and urbanism. See Subsection 1703-P.20 (The Rural-to-Urban Transect: The Framework for the FBC).

Transect Zone. A designated area governed by the regulations set forth in this Chapter. See Section 1703-2 (Specific to Transect Zones).

Transit Station. A lot or structure used for the purpose of parking, loading and unloading freight and passengers from train or bus transportation. May include parking facilities and other commercial amenities to service transit passengers.

Transit Stop. A location where public transportation vehicles stop to load and unload passengers. A transit stop may or may not include a shelter or a pullout.

U. Definitions

Unit. A discrete portion of a building.

Use Permit, Minor. See Subsection 1703-8.60 (Minor Use Permit).

Use Permit. See Subsection 1703-8.60 (Use Permit).

Utilities. Facilities used to furnish electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control to the public. Utilities may also refer to such persons, firms, corporations, departments, or boards that own such a facility.

Utility Line. Facility used for the transmission of one or more utility services.

V. Definitions

Visitability. A very basic level of accessibility that enables persons with disabilities to visit friends, relatives, and neighbors in their homes by providing at least one accessible means of egress/ingress for each residential unit.

W. Definitions

Walkable Neighborhood Plan (WNP). A strategy for creating and reinforcing walkable urban environments with a mix of housing, civic, retail and service choices within a compact, walkable, and transit-ready environment.

Walkway. A private paved pedestrian way located on one or more lots.

Wall Plane. A vertical surface defined by the facades of buildings.

Width-to-Height Ratio. The ratio of the horizontal size of a space measured perpendicularly to the vertical height of a building.

Work/Live Unit. An integrated housing unit and working space in a structure that has been designed or structurally modified to accommodate joint residential occupancy

and work activity with a substantial commercial component that may accommodate employees and walk-in trade.

X. Definitions

No specialized terms beginning with the letter X are defined at this time.

Y. Definitions

Yard. The area between the buildable area on a lot and a lot line.

1. **Yard, Front.** The area between the buildable area on a lot and the front lot line.
2. **Yard, Side.** The area bounded by the building area on a lot, a side lot line, the front lot line and the rear lot line.
3. **Yard, Rear.** The area between the buildable area on a lot and the rear lot line.

Z. Definitions

No specialized terms beginning with the letter Z are defined at this time.

1703-9.20 Glossary of Land Use Terms

A. Definitions

Accessory Structure. A structure physically detached from, secondary and incidental to, and commonly associated with a primary structure and/or use on the same site. Accessory structures normally associated with a residential use include, but are not limited to: garages (unenclosed or enclosed) for the storage of automobiles (including incidental restoration and repair); personal recreational vehicles and other personal property; studios; workshops; greenhouses (noncommercial); enclosed cabanas and pool houses; and storage sheds.

Accessory structures normally associated with a non-residential use include, but are not limited to: garages (unenclosed or enclosed) for the storage of automobiles and work related vehicles and equipment (including incidental restoration and repair); storage structures; workshops; and studios.

Accessory Uses. A use subordinate, customarily incidental and exclusive to the principal use of a building or lot and located on the same lot as the principal building or use, except as otherwise specified.

Alcoholic Beverage Sales. The retail sale of beer, wine and/or spirits for on-site or off-site consumption, either as part of another retail use or as a primary business activity.

Animal Services. An establishment where animals are treated.

1. **Animal Services, Boarding.** A commercial facility for the grooming, keeping, boarding or maintaining of five or more animals (four months of age or older), except for dogs or cats for sale in pet shops or in animal hospitals., but includes pet day care.

Artisan Production. See "Production, Artisan."

Automatic Teller Machine (ATM). A type of banking and financial services with automated or self-service banking features with no staff or personnel provided.

B. Definitions

Bank/Financial Services. Financial institutions, including, but not limited to: banks and trust companies; credit agencies; holding (but not primarily operating) companies; lending and thrift institutions; other investment companies; securities/commodity contract brokers and dealers; security and commodity exchanges; and vehicle finance (equity) leasing agencies. Does not include check-cashing stores.

C. Definitions

Cemetery. A burial ground for the interment of the human dead, including columbaria and mausoleums, but excluding crematories or mortuaries classified as undertaking, funeral and interment services.

Community Garden. A site used for growing plants for food, fiber, herbs, and flowers and shared and maintained by community residents.

Cultural Institution. A nonprofit institution engaged primarily in the performing arts or in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, dance and events, museums, historical sites, art galleries, libraries, aquariums and observatories.

D. Definitions

Day Care Center. An establishment, other than a Day Care Home, licensed by the State of Ohio when required and providing care and supervision for seven or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, day care centers for children or adults and any other day care facility licensed by the State of Ohio.

Day Care Home.

1. **Day Care Home, Adult.** A day care facility located in a permanent residence where an occupant of the residence provides care and supervision for three or fewer adults at one time with no outside employees.
2. **Day Care Home, Type A.** A child care facility located in a permanent residence where an occupant of the residence provides care and supervision for seven to twelve children at one time, including children under the age of 6 related to the provider. The provider must be licensed by the State of Ohio Department of Human Services and can have no more than one employee assisting.
3. **Day Care Home, Type B.** A child care facility located in a permanent residence where an occupant of the residence provides care and supervision for six or fewer children at one time, including children under the age of 6 related to the provider. No employees are permitted.

Drive-Through Services. Facilities where food or other products may be purchased or services may be obtained by motorists without leaving their vehicles. Examples of drive-through sales facilities include fast-food restaurants, drive-through coffee, photo stores, pharmacies, bank teller windows and ATMs, dry cleaners, etc., but do not include gas station or other vehicle services.

Dwelling. A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

1. **Dwelling, Accessory.** An auxiliary dwelling unit located within an accessory structure of a primary dwelling unit on the lot. Includes, but is not limited to, dwelling units in guest houses, pool houses and carriage houses, above or beside a garage.

E. Definitions

Eating or Drinking Establishment. A business selling ready to eat food and/or beverages for on or off-premise consumption.

F. Definitions

Furniture and Fixture Manufacturing. A business that manufactures wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes furniture re-upholstering businesses, and wood and cabinet shops, but not sawmills or planning mills.

G. Definitions

General Retail. Stores and shops intended to serve the city as destination retail rather than convenience shopping. Examples of these stores and lines of merchandise include:

Art galleries; retail; art supplies, including framing services; books, magazines, and newspapers; cameras and photographic supplies; clothing, shoes, and accessories; collectibles (cards, coins, comics, stamps, etc.); drug stores and pharmacies; dry goods; fabrics and sewing supplies; furniture and appliance stores; hobby materials; home and office electronics; jewelry; luggage and leather goods; musical instruments; parts; accessories; small wares; specialty grocery store; specialty shops; sporting goods and equipment; stationery; toys and games; variety stores; videos, DVD's, records, and CD's, including rental stores. Does not include Sexually Oriented Businesses.

H. Definitions

Home Occupation. Residential premises used for the transaction of business or the supply of professional services. Home occupation shall be limited to the following: agent; architect; artist; broker; consultant; draftsman; dressmaker; engineer; interior decorator; lawyer; notary public; teacher; and other similar occupations, as determined by the ~~Director~~ Zoning Administrator. No external employees are allowed.

Home Office. Residential premises used for the transaction of business or the supply of professional services which employ up to three external employees. Home office shall be limited to the following: agent; architect; artist; broker; consultant; draftsman; dressmaker; engineer; interior decorator; lawyer; notary public; teacher; and other similar occupations, as determined by the ~~Director~~ Zoning Administrator.

I. Definitions

No specialized terms beginning with the letter I are defined at this time.

J. Definitions

No specialized terms beginning with the letter J are defined at this time.

K. Definitions

No specialized terms beginning with the letter K are defined at this time.

L. Definitions

Lodging.

1. **Lodging, Bed & Breakfast.** The use of a single residential structure for commercial lodging purposes, with up to five bedrooms used for the purpose of lodging transient guests and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests.
2. **Lodging, Hotel.** A lodging establishment of 25 or more rooms in a building or group of buildings offering transient lodging accommodations on a daily rate to the general public. Additional services may include a restaurant, meeting rooms, and recreational facilities.
3. **Lodging, Inn.** A building or group of buildings used as a lodging establishment having 6 to 24 guest rooms providing overnight accommodations and breakfast to transient guests.

M. Definitions

Media Production. Facilities for motion picture, television, video, sound, computer, and other communications media production.

Medical Services.

1. **Medical Services, Clinic.** A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: medical offices with five or more licensed practitioners and/or medical specialties; outpatient care facilities; urgent care facilities; and other allied health services. These facilities may also include incidental medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional/Administrative."
2. **Medical Services, Doctor Office.** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis and that accommodates no more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five or more licensed practitioners is instead classified under "Medical Services – Clinic, Urgent Care." Counseling services by other than medical doctors or psychiatrists are included under "Office – Professional/Administrative."

Meeting Facilities. A facility for public or private meetings, including, but not limited to: community centers; civic and private auditoriums; grange halls; union halls; meeting halls for clubs and other membership organizations, etc. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms and storage. Does not include conference and meeting rooms accessory and incidental to another primary use and which are typically used only by on-site employees and clients and occupy less floor area on the site than the offices they support. Does not include: cinemas; performing arts theaters; indoor commercial sports assembly or other commercial entertainment facilities. Related on-site facilities such as day care centers and schools are separately defined and regulated.

N. Definitions

No specialized terms beginning with the letter N are defined at this time.

O. Definitions

Office: Professional. Office-type facilities occupied by businesses that provide professional services or are engaged in the production of intellectual property. Examples of these uses include, but are not limited to: accounting; auditing and bookkeeping services; advertising agencies; attorneys; business associations; chambers of commerce; commercial art and design services; construction contractors (office facilities only); counseling services; court reporting services; design services including architecture; engineering; landscape architecture; urban planning; detective agencies and similar services; doctors; educational; scientific and research organizations; financial management and investment counseling; literary and talent agencies; management and public relations services; media postproduction services; news services; photographers and photography studios; political campaign headquarters; psychologists; secretarial; stenographic; word processing; and temporary clerical employee services; security and commodity brokers; and writers' and artists' offices.

Outdoor Entertainment. The provision of television or musical, theatrical, dance, cabaret, or comedy act performed by one or more persons either electronically amplified or not and/or any form of dancing by patrons and guests outside of the principal building on a deck or patio.

P. Definitions

Park, Open Space, Playground. Facilities which include community centers, playing fields, courts, gymnasiums, swimming pools, wave pools, spraygrounds, picnic facilities, golf courses and country clubs, zoos and botanical gardens, as well as related food concessions.

Parking Facility, Public or Private. Parking lots or structures operated by the City or a private entity providing parking either for free or for a fee. Does not include towing, impound and storage facilities.

Personal Services. Establishments that provide non-medical services to individuals as a primary use. Examples of these uses include, but are not limited to: barber and beauty shops; clothing rental; dry cleaning pick-up stores with limited equipment; home electronics and small appliance repair; laundromats (self-service laundries); locksmiths; massage (licensed, therapeutic, non-sexual); nail salons; pet grooming with no boarding; shoe repair shops; tailors; and tanning salons. These uses may also include accessory retail sales of products related to the services provided.

Primary Structure. The main structure on a lot, containing a residential, commercial, office or industrial use.

Production.

1. **Production, Artisan.** On-site production of goods by hand manufacturing which involve the use of hand tools and small-scale equipment.
2. **Production, General.** Manufacturing of products from extracted or raw materials, recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes, but is not limited to: food, beverage and tobacco product manufacturing; textile mills; textile product mills; apparel manufacturing; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; transportation equipment manufacturing; primary metal manufacturing; and fabricated metal product manufacturing.
3. **Production, Intensive High Impact.** Manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This group also includes smelting, animal slaughtering and oil refining.
4. **Production, Limited.** Manufacturing of finished parts or products, primarily from previously prepared materials. This classification includes, but is not limited to: machinery manufacturing; food manufacturing; computer and electronic product manufacturing; electrical equipment; appliance; component manufacturing; and other uses as determined by the ~~Director~~ Zoning Administrator.

Printing and Publishing. Printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals and establishments manufacturing business forms and binding devices. “quick printing” services are included in the definition of “Business Support Services.”

Public Safety Facility. A facility operated by a public agency including fire stations, other fire preventive and fire-fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities. May include ambulance dispatch on the same site.

Q. Definitions

No specialized terms beginning with the letter Q are defined at this time.

R. Definitions

Recreational Facility

1. **Recreational Facility, Indoor.** An establishment providing indoor amusement and entertainment services for a fee or admission charge, including:

   Bowling alleys; coin-operated amusement arcades; electronic game arcades (video games, pinball, etc.); ice skating and roller skating; and pool and billiard rooms as primary uses.

   Any establishment with four or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) or a premises where 50 percent or more of the floor area is occupied by electronic games or amusement devices is considered a commercial recreation facility. Three or fewer machines or devices are not considered a use separate from the primary use of the site. Does not include Sexually Oriented Businesses.

2. **Recreational Facility, Outdoor.** A facility for outdoor recreational activities where a fee is charged for use. Examples include, but are not limited to: amusement and theme parks; camping and picnicking areas; go-cart tracks; golf driving ranges; miniature golf courses; and water slides. May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, and video game arcades. Does not include golf courses and country clubs.

Religious Assembly. An establishment for religious worship and other religious ceremonies including religious education, rectories and parsonages, offices, social services, columbaria and community programs.

Research and Development. An establishment primarily engaged in the research, development and controlled production of high technology electronic, industrial or scientific products or commodities for sale. This classification includes biotechnology firms and manufacturers of nontoxic computer components.

S. Definitions

Sexually Oriented Business. Sexually oriented business means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel or adult entertainment out-call service in the form of semi-nude dancing or exhibition, adult motion picture theater, adult theater, semi-nude model studio or sexual establishment as further defined in Chapter 899 of the Municipal Code.

Storage

1. **Storage, Outdoor.** The storage of various materials outside of a structure other than fencing, either as an accessory or primary use.

2. **Storage, Personal Storage Facility.** Structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Studio: Art, Music, Dance. Small-scale facilities, typically accommodating no more than two groups of students at a time in no more than two instructional spaces. Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

T. Definitions

No specialized terms beginning with the letter T are defined at this time.

U. Definitions

Utility. Installations or facilities or means for furnishing to the public, electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, irrespective of whether such facilities or means are underground or above ground; utilities may be owned and operated by any person, firm, corporation, municipal department or board, duly appointed by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments, or boards.

V. Definitions

Vehicle Services

1. **Vehicle Services, Minor Maintenance and Repair.** Incidental minor repairs to include replacement of parts and service to passenger cars, but not including any operation defined as "automobile repair, major," or any other operation similar thereto.

2. **Vehicle Services, Major Maintenance and Repair.** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body or frame, straightening or repair, overall painting, or paint shop.

3. **Vehicle Services, Service Station.** A building and/or lot or use having pumps and storage tanks where motor vehicle fuels or lubricating oil or grease or accessories for motor vehicles are dispensed, sold, or offered for sale at retail only; where deliveries are made directly into motor vehicles, including greasing and oiling on the premises and car washing; and where repair services is incidental to the use. Incidental

W. Definitions

Wholesaling and Distribution. An establishment engaged in selling merchandise to retailers, to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include, but are not limited to: agents; merchandise or commodity brokers; and commission merchants; assemblers; buyers and associations engaged in the cooperative marketing of farm products, merchant wholesalers, stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

Wireless Telecommunications Facility. Public, commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio,

television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

X. Definitions

No specialized terms beginning with the letter X are defined at this time.

Y. Definitions

No specialized terms beginning with the letter Y are defined at this time.

Z. Definitions

~~No specialized terms beginning with the letter Z are defined at this time.~~
Zoning Administrator . The Zoning Administrator or his or her duly appointed representative.

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