



EMERGENCY

City of Cincinnati

MEH

ECSW

An Ordinance No. _____

- 2022

ESTABLISHING Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District" as an overlay district for a period of three months, pursuant to Chapter 1431, "Interim Development Control Overlay Districts," of the Cincinnati Municipal Code.

WHEREAS, Councilmember Mark Jeffreys has introduced legislation to amend certain zoning code provisions governing development in the DD, "Downtown Development," zoning district in order to restrict the development of surface parking lots within the district ("Proposed Legislation"); and

WHEREAS, in response to the introduction of the Proposed Legislation, the City Manager directed the Department of City Planning and Engagement to undertake a zoning study within the DD, "Downtown Development," zoning district to investigate the potential impacts of the Proposed Legislation, to make recommendations on the adoption or modification of the Proposed Legislation, and to commence the process for establishing an interim development control overlay district ("IDC") over the district during the pendency of the zoning study; and

WHEREAS, the City Planning Commission at its regularly scheduled meeting on _____, 2022, and pursuant to Cincinnati Municipal Code Section 1431-05, affirmatively recommended that the Council establish an IDC over the DD, "Downtown Development," zoning district to ensure that any development during the pendency of the City's zoning study is appropriate and will not detrimentally or adversely impact the implementation of the Proposed Legislation and any potential modifications that may result from the City's zoning study; and

WHEREAS, a committee of Council considered the establishment of an IDC to regulate the DD, "Downtown Development," zoning district during the pendency of the City's study and further considered the City Planning Commission's affirmative recommendation of the proposed IDC; and

WHEREAS, the Council finds that placing interim development controls over the DD, "Downtown Development," zoning district during the pendency of the Department of City Planning and Engagement's study and review is consistent with *Plan Cincinnati* (2012) and its "Compete" Initiative goals to "[t]arget investment to geographic areas where there is already economic activity" and "[c]ontinue development of Existing Growth Opportunity Areas," which specifically include the Central Business District (page 115); its "Connect" Initiative goals to "[d]evelop an efficient multi-modal transportation system that supports neighborhood livability" and "[e]xpand options for non-automotive travel" (page 129); and its "Live" Initiative goal to "[b]ecome more walkable" (page 157); and

WHEREAS, the Council further finds that the proposed IDC is in the interest of the public's health, safety, and general welfare; now, therefore,

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

Section 1. That Council makes the following findings:

- A. The City Manager has directed the Department of City Planning and Engagement to undertake a zoning study within the DD, "Downtown Development," zoning district ("Study Area") to investigate the potential impacts of proposed zoning code text amendments concerning the development of surface parking lots within the area, and to make recommendations on the adoption or modification of those proposed zoning code text amendments.
- B. At its regularly scheduled meeting on _____, 2022, the City Planning Commission affirmatively recommended that the Council establish an interim development control overlay district ("IDC") over the Study Area, set forth on the map as shown in Exhibit "A," attached hereto and incorporated herein, to remain in effect while the Department of City Planning and Engagement conducts its zoning study of the proposed zoning code text amendments concerning the development of surface parking lots within the Study Area.
- C. The proposed zoning code text amendments concerning the development of surface parking lots will substantially affect permitted uses in the Study Area as parking availability and access can be an important component of development. Accordingly, the impact of the proposed zoning code text amendments requires study and review by the Council, City Administration, and City Planning Commission prior to their adoption.
- D. The establishment of an IDC over the Study Area for a three-month period is necessary to protect the public interest and ensure that the substance and purposes of the proposed zoning code text amendments are not adversely impacted during the pendency of the City's study and review of the area.

Section 2. That, pursuant to Cincinnati Municipal Code Section 1431-05, the official City zone map is amended to superimpose Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District" ("IDC District No. 88"), over the Study Area.

Section 3. That, pursuant to Cincinnati Municipal Code Sections 1431-07 and 1431-15, the Council adopts the Application Review Guidelines for IDC District No. 88, attached hereto as

Exhibit “B” and incorporated herein by reference, which shall be used by the City Planning Commission in its review of permit applications subject to the guidelines.

Section 4. That, when reviewing permit applications pursuant to Section 3 herein, the City Planning Commission shall be authorized to exercise the same authority granted to the Zoning Hearing Examiner and the Historic Conservation Board, as applicable, to hear and decide applications for variances, special exceptions, conditional uses, certificates of appropriateness, and other development permissions governed by the zoning code.

Section 5. That IDC District No. 88 shall remain in effect for three months following the effective date of this ordinance.

Section 6. 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 impose interim development controls over the Study Area to ensure that the substance and purpose of proposed zoning code text amendments concerning the development of surface parking lots within the Study Area and the planning, land use, and zoning solutions that may result from the Department of City Planning and Engagement’s study and review of those amendments are not prematurely destroyed or impaired.

Passed: _____, 2022

Aftab Pureval, Mayor

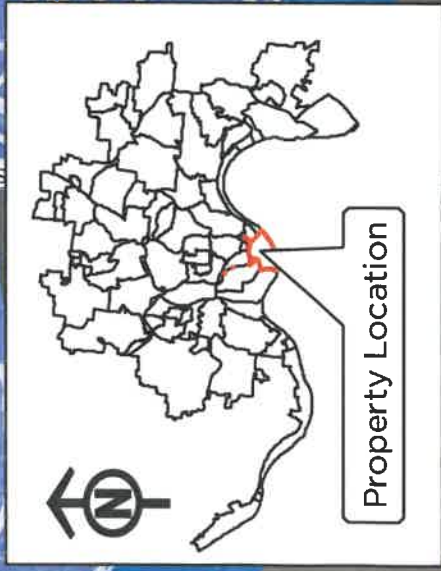
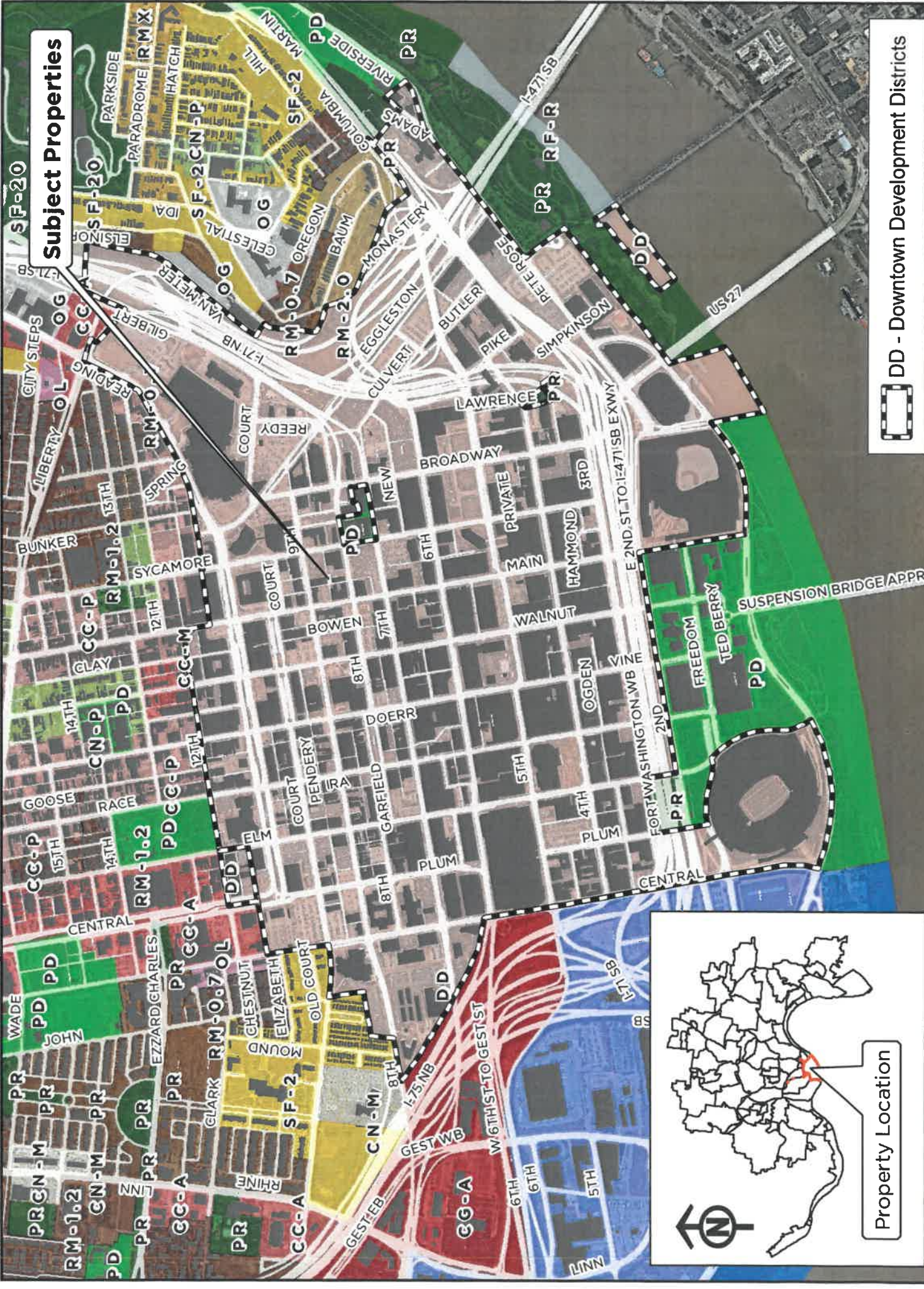
Attest: _____
Clerk

EXHIBIT A

No. 88 Interim Development Control in Downtown Development Districts in Downtown.

Subject Properties

DD - Downtown Development Districts



Property Location

EXHIBIT B

EXHIBIT B

Regulations and Application Review Guidelines for Interim Development Control Overlay District No. 88, “Surface Parking in the Downtown Development Zoning District,” and Designation of Administrative Reviewer

Section I. Applications Subject to Review:

The following applications shall be reviewed by the City Planning Commission during the pendency of Interim Development Control Overlay District No. 88, “Surface Parking in the Downtown Development Zoning District”:

(a) Building permits for:

- i. new construction of surface parking facilities;
- ii. alteration, modification, or expansion of surface parking facilities;
- iii. changes in use to a surface parking facility use; and
- iv. site improvements associated with surface parking facilities.

(b) Certificates of compliance for:

- i. new construction of surface parking facilities;
- ii. alteration, modification, or expansion of surface parking facilities;
- iii. changes in use to a surface parking facility use; and
- iv. site improvements associated with surface parking facilities.

(c) Certificates of appropriateness for:

- i. new construction of surface parking facilities;
- ii. alteration, modification, or expansion of surface parking facilities;
- iii. changes in use to a surface parking facility use; and
- iv. site improvements associated with surface parking facilities.

Notwithstanding the foregoing subsections (a), (b), and (c), applications for building permits, certificates of compliance, and certificates of appropriateness to make the following alterations, modifications, or improvements to existing surface parking facilities shall not be subject to review by the City Planning Commission:

- i. Resurfacing that does not increase or expand the existing surface area;
- ii. Restriping;
- iii. New lighting;
- iv. New fencing; and
- v. New landscaping.

Section II. Designated Administrative Reviewer:

Council designates the Department of City Planning and Engagement as the staff reviewing authority for Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District."

Section III. Application Review Guidelines:

In addition to any other necessary reviews and approvals as required by the Cincinnati Municipal Code and any other applicable laws, any application subject to review in Section I above shall be reviewed by the City Planning Commission to determine whether the application conforms to all applicable laws, ordinances, and regulations and is in the public interest.

In determining whether the application is in the public interest, the City Planning Commission shall consider those factors listed below that are relevant to the application. The application's failure to conform to any single factor is not necessarily a sufficient basis for denial.

- a) *Community Character.* The proposal has a density, scale, size, location, programmatic configuration or function, and use that is compatible with, and designed to activate and enhance, the downtown streetscape.
- b) *Placement.* The proposed siting, setbacks, and orientation is designed to maximize multi-modal mobility that emphasizes pedestrian safety, participation, circulation, and connectivity.
- c) *Integration.* The proposal is designed to provide seamless transitions and connections, promoting interconnectivity between adjoining and abutting land uses to avoid disharmonious development patterns.
- d) *Accessibility.* The proposal is designed to promote public and private interactions and accessibility through multi-modal connections to existing or planned street grids or pedestrian-oriented pathways.
- e) *Stormwater Management.* The proposal is designed to address and minimize potential adverse effects relating to off-site stormwater runoff owing to any relative increase in impervious surface area or decrease in vegetative land cover related to the proposed development.
- f) *Zoning.* The proposal conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the zoning code.
- g) *Guidelines.* The proposal conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.

- h) *Plans*. The proposal conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.
- i) *Proposed Zoning Amendments*. The proposal is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.
- j) *Adverse Effects*. Whether the proposal is likely to impose any adverse effect on the access to the property by fire, police, or other public services; traffic conditions; or the development, usefulness or value of neighboring land and buildings.