

Chapter 1405 RESIDENTIAL MULTI-FAMILY DISTRICTS

§ 1405-01. Purposes.

§ 1405-03. Specific Purposes of the Multi-Family Subdistricts.

§ 1405-05. Land Use Regulations.

§ 1405-07. Development Regulations.

§ 1405-09. Truck Docks; Loading and Service Areas.

§ 1405-01. Purposes.

The general purposes of multi-family districts are to:

- (a) Maintain and enhance the multi-family neighborhoods.
- (b) Encourage quality and variety in building and landscape design as well as compatibility in use and form.
- (c) Allow semi-public and non-residential uses, where appropriate.
- (d) Establish appropriate standards for reviewing proposals for new development and redevelopment.
- (e) Ensure the provision of services and facilities needed to accommodate planned population densities.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1405-03. Specific Purposes of the Multi-Family Subdistricts.

The specific purposes of the RM Residential Multi-family subdistricts are to create, maintain and enhance neighborhood residential areas with multi-family housing that are typically located near the city's major arterials and characterized by a mix of attached housing, small and large multi-unit buildings and community facilities, where appropriate. Future development will be primarily residential in character, although some small-scale public and non-residential uses on the ground floor in a mixed use building on an arterial street may be allowed with specific limitations. Four RM District subdistricts are established:

- (a) *RMX Residential Mixed*. This subdistrict is intended to create, maintain and enhance areas of the city that have a mix of lot sizes and house types at moderate intensities (one to three dwelling units). Existing multi-family buildings of four or more units are acknowledged but new construction is not permitted. The minimum land area for every dwelling unit is 2,000 square feet.
- (b) *RM-2.0 Multi-family*. This subdistrict is intended to provide for a medium density mix of residential housing predominantly duplexes and multi-family on lots that have already been platted. The scale of buildings is generally similar to a large single-family home on a small lot. Where land is assembled, the same scale should be maintained. The minimum land area for every dwelling unit is 2,000 square feet.
- (c) *RM-1.2 Multi-family*. This subdistrict is intended to provide for mixed residential uses at moderately high densities. This is an intense district with an urban character. The minimum land area for every dwelling unit is 1,200 square feet.
- (d) *RM-0.7 Multi-family*. This subdistrict is the most intense residential district and it will normally consist of tall multi-family or condominium structures. The character is intended to be urban and should be used where high intensity

residential is needed to provide a residential base for important commercial areas. The minimum land area for every dwelling unit is 700 square feet.

FIGURES 1405-03-A-D The following illustrations represent examples of the multi-family districts in this chapter:

GRAPHIC LINK: [Figure 1405-03-A, B](#)

GRAPHIC LINK: [Figure 1405-03-C, D](#)

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1405-05. Land Use Regulations.

Schedule 1405-05 below prescribes the land use regulations for RM Districts. 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.

(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

TABLE INSET:

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
Child day care home	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	P	P	P	P	See § 1403-11
Rowhouse, single-family dwelling	P	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	--	L7	L7	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
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	
Rooming unit	L10	L10	L10	L10	
Transitional housing	L13	L13	L13	L13	
Commercial services	P	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
Nonconforming Uses					See Chapter 1447

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TABLE INSET:

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 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 conditional use approval	L8 Accessory uses determined by the Director of Buildings and Inspections 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

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1405-07. Development Regulations.

Schedule 1405-07 below prescribes the development regulations for the RM Districts, including lot area for every unit, minimum lot width, setbacks and maximum height. Figure 1405-07 illustrates the setbacks for the RM Districts.

RM 1.2 single-family	2,000	--	25	20	0/5	20	35
RM 1.2 rowhouse exterior	2,000	--	--	20	0/5	20	35
RM 1.2 rowhouse interior	1,500	--	--	20	0/0	20	35
RM 1.2 two-family	2,400	1,200	25	20	3/6	20	35
RM 1.2 multi-family	--	1,200	--	20 2	5/17 3	30 2	--
RM 1.2 other				20 2	5/17 3	30 2	--
RM 0.7 single-family	2,000	--	25	5	0/5	20	35
RM 0.7 rowhouse exterior	2,000	--	--	5	0/5	20	35
RM 0.7 rowhouse interior	1,500	--	--	5	0/0	20	35
RM 0.7 two-family	2,000	700	25	5	0/5	20	35
RM 0.7 multi-family	--	700	--	5	0/5 4	25 2	--
RM 0.7 other				5	0/5 4	25 2	--

"Yes" means additional regulations apply.

TABLE INSET:

Regulations	RMX	RM 2.0	RM 1.2	RM 0.7	Additional Regulations
Vehicle Accommodation Driveways and Parking					
Location of parking	Yes	Yes	Yes	Yes	See § 1425-17
Parking lot landscaping	Yes	Yes	Yes	Yes	See § 1425-31

Parking lot screening	Yes	Yes	Yes	Yes	See § 1425-29
Truck docks; loading and service areas	Yes	Yes	Yes	Yes	See § 1405-09
Other Regulations					
Buffering along district boundaries	Yes	Yes	Yes	Yes	See § 1423-13
Accessory structures	See Chapter 1421				
General site standards	See Chapter 1421				
Landscaping and buffer yards	See Chapter 1423				
Nonconforming uses and structures	See Chapter 1447				
Off-street parking and loading	See Chapter 1425				
Signs	See Chapter 1427				
Additional development regulations	See Chapter 1419				

- 1 Additional 1-foot of setback for each 1-foot of building height above 35 feet.
- 2 Additional 1-foot of setback for each five feet of building height above 35 feet.
- 3 Addition 0.5-foot of minimum side yard and 1-foot sum of side yard setback for each 1-foot of building height above 35 feet.

4 Additional 1-foot of minimum side yard and 2-foot sum of side yard setback for each five feet of building height above 35 feet.

GRAPHIC LINK: [Figure 1405-07 Minimum Setbacks for Multi-Family Buildings 35 ft. in Height](#)

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1405-09. Truck Docks; Loading and Service Areas.

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

Chapter 1429 PLANNED DEVELOPMENT DISTRICTS

[§ 1429-01. Specific Purposes.](#)

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§ 1429-01. Specific Purposes.

In addition to the general purposes listed in Chapter 1400, General Provisions and Rules of Measurement, the specific purposes of the PD Planned Development District are to:

- (a) Establish a procedure for the development of land in order to allow for a more efficient and economic development of property than ordinarily permitted by conventional zoning and subdivision regulations.
- (b) Ensure orderly and thorough planning and review procedures that lead to quality design and development.
- (c) Encourage creativity in developments by allowing greater flexibility in access, light, open space and amenities.
- (d) Encourage common open space and provide for its maintenance.
- (e) Encourage the coordinated development of properties that might otherwise be developed individually, which may be a detriment to the surrounding neighborhoods and the developer.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1429-03. Land Use Regulations.

Any use authorized by this Cincinnati Zoning Code may be permitted in any specific PD District and located and conducted in accordance with the applicable regulations adopted pursuant to this Chapter to govern each specific PD District. (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1429-05. Basic Requirements.

PD Districts and development within PD Districts must comply with the following:

- (a) *Minimum Area.* The minimum area of a PD District is two contiguous acres. Council may approve a PD District that contains less than the minimum acreage required for an area on an affirmative recommendation of the City Planning Commission, finding that special site characteristics exist and the proposed land uses justify development of the property as a PD.
- (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) *Multiple Buildings on a Lot.* More than one building is permitted on a lot.
- (d) *Historic Landmarks and Districts.* Whenever a Planned Development application is filed for a property wholly or partially located within a historic landmark, historic district or involving a historic structure, the Historic Conservation Board shall advise the City Planning Commission relating to approval of the Final Development Plan.
- (e) *Hillside Overlay Districts.* Whenever a Planned Development application is filed for a property wholly or partially located within a Hillside Overlay District, the City Planning Commission shall approve the Final Development Plan.
- (f) *Urban Design Overlay Districts.* Whenever a Planned Development Urban Design Overlay application is filed for a property wholly or partially located within an Urban Design Overlay District, the City Planning Commission shall approve the Final Development Plan.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1429-07. Establishment of Districts.

PD districts may be established, modified or removed from the zoning map and the regulations applicable to any specific PD District may be established, modified or deleted as an amendment to the zoning map. A PD District is identified on the zoning map with the letter coding "PD" followed by a specific reference number identifying each separate district. All use regulations, Planned Development Plans, development schedules and other regulatory provisions adopted pursuant to this chapter that apply to any specific PD District, are part of the Cincinnati Zoning Code as if fully set forth in the Cincinnati Zoning Code and identified by reference to the corresponding designation of each specific PD District on the zoning map.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 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 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 Community Development and Planning or the City Planning Commission.
- (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1429-11. City Planning Commission and Council Action.

The City Planning Commission has the duty to consider an application for reclassification to a PD District as an amendment to the zoning map and to consider at the same time the proposed concept plan and development program statement. A Commission recommendation to reclassify to a PD District must be accompanied by an approval or a conditional approval of a concept plan and a development program statement.

- (a) *City Planning Commission Action.* The City Planning Commission may recommend approval or conditional approval, with restrictions on the establishment of a PD District as the Commission deems necessary for the protection of the public interest and to secure compliance with the development program statement, on finding that all of the following circumstances apply:

- (1) The PD concept plan and development program statement are consistent with applicable plans and policies and is compatible with surrounding development;
 - (2) The PD concept plan and development program statement enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved;
 - (3) Deviations from the base district regulations applicable to the property at the time of the PD application are justified by compensating benefits of the PD concept plan and development program statement; and
 - (4) The PD concept plan and development program statement includes adequate provisions for utility services, refuse collection, open space, landscaping, buffering, pedestrian circulation, traffic circulation, building design and building location.
- (b) *Council Action.* Council has the duty to consider the recommendation of the City Planning Commission in the same manner as a proposal to amend the zone map.
- (c) *Lapse of Approvals.* Approval of a concept plan and development program statement lapses two years from its effective date unless:
- (1) A final development plan has been approved, or
 - (2) The City Planning Commission has approved an extension of time that may not exceed one year.

If an approval of a concept plan and development program lapses, the PD District designation is to be removed from the zoning map and the zoning of the PD District reverts to the zoning district designation in effect immediately before the PD designation.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 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 Community Development and Planning Director or the City Planning Commission as deemed necessary.
- (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 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 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 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.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1429-17. Appeals.

The City Planning Commission's denial of a request for renewal or revision of a final development plan or approval of a final development plan is subject to appeal to Council pursuant to § 111-3 of the Municipal Code.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 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 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.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 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 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 Community Development and Planning Director may also authorize structural dimensional changes provided that they do not increase building heights by more than 15 feet, 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.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1429-23. Delegation of Duties.

The Director of 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.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

Chapter 1403 SINGLE-FAMILY DISTRICTS

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§ 1403-01. Purposes.

The general purposes of single-family districts are to:

- (a) Maintain and enhance existing residential housing areas.
- (b) Encourage quality and variety in building and landscape design as well as compatibility in use and form.
- (c) Allow semi-public and non-residential uses, where appropriate.
- (d) Establish appropriate standards for reviewing proposals for new development and redevelopment.

(e) Ensure the provision of public services and facilities needed to accommodate planned population densities.
 Maintain and enhance the availability and quality of life for owner-occupied housing units.
 (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1403-03. Specific Purposes of the Single-Family Subdistricts.

The specific purposes of the SF single-family districts are to create, maintain and enhance neighborhood residential areas that are characterized by detached, single-unit structures with typical lot sizes ranging from 2,000 square feet to one-half acre or more in size. Future development must remain single-family residential in character, although some public and non-residential uses may be permitted in certain districts. Five subdistricts are established:

- (a) *SF-20 Single-family*. This subdistrict allows large-lot single-family housing at very low densities found in suburban residential districts. The minimum lot size is 20,000 square feet.
- (b) *SF-10 Single-family*. This subdistrict allows single-family housing at low densities. The minimum lot size is 10,000 square feet.
- (c) *SF-6 Single-family*. This subdistrict allows medium-density, single-family housing. The minimum lot size is 6,000 square feet.
- (d) *SF-4 Single-family*. This subdistrict allows moderately high density single-family housing. The minimum lot size is 4,000 square feet.
- (e) *SF-2 Single-family*. This district allows high-density, small lot, single-family developments. The minimum lot size is 2,000 square feet.

GRAPHIC LINK: [Figures 1403-03-A, B](#)

GRAPHIC LINK: [Figures 1403-03-C, D](#)

GRAPHIC LINK: [Figure 1403-03-E](#)

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1403-05. Land Use Regulations.

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- (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.
- (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

TABLE INSET:

Use Classifications	SF-20	SF-10	SF-6	SF-4	SF-2	Additional Regulations
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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						
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	
Nonconforming Uses						See Chapter 1447

TABLE INSET:

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 be attached to an 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 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.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1403-07. Development Regulations.

Schedule 1403-07 below prescribes the development regulations for the SF Districts, including lot area, width, setback and height. Where a special review district applies, the provisions of that district take precedence if there is conflict with the provisions of this Section. Additional standards are included in Chapter 1419.

Schedule 1403-07: Development Regulations - Single-family Districts

TABLE INSET:

Building Form and Location			Setbacks (ft.)			
	Lot Area (sq. ft.)	Lot Width* (ft.)	Front Yard	Side Yard Min./Total	Rear Yard	Maximum Height (ft.)
Single-family (SF-20)	20,000	70	30	10/20	35	35
Single-family (SF-10)	10,000	60	30	10/20	35	35
Single-family (SF-6)	6,000	50	25	7/16	35	35
Single-family (SF-4)	4,000	40	20	3/12	25	35
Attached Single-family (SF-4)	3,500	35	20	0/6	25	35
Single-family (SF-2)	2,000	25	5	0/5	20	35

*This does not apply to panhandle lots.

TABLE INSET:

Regulations	SF-20	SF-10	SF-6	SF-4	SF-2	Additional Regulations

Vehicle Accommodation - Driveways and Parking						
Location of Parking	Yes	Yes	Yes	Yes	Yes	See § 1425-17
Parking Lot Landscaping	Yes	Yes	Yes	Yes	Yes	See § 1425-31
Parking Lot Screening	Yes	Yes	Yes	Yes	Yes	See § 1425-29
Truck Docks; Loading and Service Areas	Yes	Yes	Yes	Yes	Yes	See § 1403-09
Other Regulations						
Buffering along District Boundaries	No	No	No	No	No	
Accessory Structures	See Chapter 1421					
General Site Standards	See Chapter 1421					
Landscaping and Buffer Yards	See Chapter 1423					
Nonconforming Uses and Structures	See Chapter 1447					
Off-Street Parking and Loading	See Chapter 1425					
Signs	See Chapter 1427					
Additional Development Regulations	See Chapter 1419					

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(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1403-09. Truck Docks, Loading and Service Areas.

Truck Docks, Loading and Service Areas. Truck docks, loading and service areas are not permitted within 50 feet of an adjoining property line and are not permitted to be used between 10 PM and 7 AM on weekdays and between 11 PM and 7 AM on weekends. The facilities must be located at the side of buildings or in the rear of the site and screened so as not to be visible from public streets. The preferred location of these facilities is the side furthest away from an adjoining property line.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1403-11. Purpose of Cluster Housing.

The purpose of Cluster Housing is to provide for efficient and economical development of a specific property while protecting natural open space, ecological, topographical and historic features that may exist on the site from damage that might occur from traditional zoning and subdivision regulations. These regulations are intended to permit property to be developed in a more flexible manner without detriment to neighboring properties by including minimum buffer yard requirements.

GRAPHIC LINK: [Figure 1403-11-A Cluster Housing](#)

GRAPHIC LINK: [Figure 1403-11-B Conventional Subdivision VS Cluster Housing](#)

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1403-13. Cluster Housing General Regulations.

Cluster housing developments are permitted in all SF and RM Districts subject to the following regulations:

- (a) *Uses*. The only permitted uses are attached and detached single-family dwellings.
- (b) *Ownership*. At the time of application, a cluster housing site may consist of more than one parcel, but all parcels must be contiguous and under single ownership.
- (c) *Division of Parcels*. The site may be further subdivided after approval of the cluster housing development, including the provision of interior streets.
- (d) *Buffer Yard*. A 25-foot-wide buffer yard is required along the perimeter of the development site. Structures, detention or retention areas, parking, driveways or accessory uses are not permitted within the buffer yard, except site access and a perimeter fence or wall. The buffer area may not be subdivided and must be under common ownership
- (e) *Site Density*. The site density equals the underlying minimum lot area for each dwelling unit of the district in which the development is located. At the time of application, if the development is divided by a pre-existing public street or right-of-way, the density must be divided proportionally on each side of the street.

- (f) *Minimum Setback.* The minimum required setbacks of the zoning district do not apply to cluster housing development sites or individual buildings or structures on the development site.
- (g) *Maximum Height.* The maximum height requirements are the same as those set forth by the district in which the development is located.
- (h) *Frontage.* The cluster housing development site must have a minimum of 25 feet of frontage on a street. Individual lots within the development are not required to front on a street.
- (i) *Minimum Open Space.* Each cluster housing development must have a minimum of ten percent of the total development site as required open space, in addition to the required buffer yards. Open space excludes impervious surface areas such as buildings, paved areas and detention/retention areas.
- (j) *Parking and Loading.* As specified in Chapter 1425, Parking and Loading Regulations.
- (k) *Signs.* One non-illuminated or indirectly illuminated subdivision real estate sign, not exceeding 12 square feet, erected as a ground sign is permitted for each development site. This identification sign may be installed within the buffer yard. Other signs may be installed as permitted by the zoning district regulations.
- (l) *Streets.* Streets, sidewalks and common ways must be constructed in accordance with the requirements of Chapter 721. Streets and Sidewalks, Establishment and Maintenance of the Municipal Code.
- (m) *Separate Lots Not Required.* Buildings erected on a cluster housing development site are not required to be on a separate lot.
(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1403-15. Covenants.

Prior to the issuance of a certificate of occupancy for any building within a cluster housing development, the owner of the cluster housing development must provide a covenant in a form acceptable to the City Solicitor to be recorded promising that the buffer yard, walks, drives and open space as shown on the plan will not be used for any other purpose. The owner must further covenant that all streets, buffer yards, common areas, common utilities and other common facilities will remain in common ownership by all owners of any interest in the land or buildings in the cluster housing development site. See § 1441-07.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1403-17. Site Divided by Zoning Line.

Where a cluster housing development site is divided by a zoning district boundary line, the maximum number of dwelling units is the sum of the number of dwelling units permitted in each district by the applicable lot area for every dwelling unit requirements; provided, however, the units may be located in either district.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1403-19. Application Procedures and Requirements.

The cluster housing development plan is submitted to the Director of 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 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.)
- (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1431-05. Establishment of IDC Overlay Districts.

After receiving an affirmative recommendation from the City Planning Commission, Council may establish an IDC Overlay District on finding that:

- (a) *Proposed Amendments.* Map amendments to the Cincinnati Zoning Code have been proposed in a comprehensive plan, urban design or urban renewal plan or community plan approved by the City Planning Commission or zoning text amendments are being considered by the City Planning Commission.
 - (b) *Study and Review.* The proposed amendments may substantially affect permitted uses in the area of consideration and will require the study and review by the City Planning Commission, city administration and Council prior to adoption.
 - (c) *Public Interest.* The protection of the public interest requires that interim development controls be imposed during the period of study and review by the City Planning Commission.
- (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1431-07. IDC Application Review Guidelines.

The ordinance to adopt an IDC Overlay District must:

- (a) *Applications Subject to Review.* Specify which of the following permit applications are to be reviewed by the City Planning Commission. The applications may include:
 - (1) Building permits for new construction, demolition of existing structures, exterior or interior alterations or additions to existing structures and changes in use.
 - (2) Building permits for signs.
 - (3) Building permits for site improvements.
 - (4) Permits for the construction or reconstruction of streets or sidewalks.
 - (5) Subdivision improvement plans.
 - (6) Excavation and fill permits.

(7) Certificate of Compliance.

(b) *Application Review Guidelines.* Adopt application review guidelines for each application subject to review specified in § 1431-15 for the purposes of providing the City Planning Commission with criteria for the exercise of its authority, as granted in this chapter.

[c] *Administrative Review.* Designate the city department, division, or official responsible for conducting the administrative review of these applications.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 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 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.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1431-11. One-Year IDC Overlay Districts.

Council may establish IDC Overlay Districts to remain in effect for one year, or extend IDC Overlay Districts established pursuant to § 1431-09 for nine additional months if notice has been given and a public hearing held in accordance with § 111-1, Hearings on Zoning Amendments, of the Municipal Code and on finding that:

(a) *Ongoing Study.* The City Planning Commission is studying proposed Cincinnati Zoning Code or map amendments that would affect the area within the IDC District;

(b) *Study Completion.* The study is not yet completed, but may reasonably be expected to be completed and Cincinnati Zoning Code amendments enacted within the year; and

(c) *Inconsistent Uses.* There is a prospect of changes in use, construction of new structures or alteration or demolition of existing structures that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1431-13. Extension of IDC Overlay Districts.

Council may extend the duration of an IDC Overlay District by an additional six months, provided that an IDC Overlay District may not remain in effect for more than two years from the date it was first established. Notice is to be given and a public hearing held in accordance with § 111-1, Hearings on Zoning Amendments, of the Municipal Code prior to the adoption of any IDC Overlay District extension. Council may only adopt an IDC Overlay District extension

after receiving an affirmative recommendation from the City Planning Commission and finding that:

- (a) *Complex Study*. The study of the proposed amendment to the Cincinnati Zoning Code or map that would affect the allowable land uses within the IDC Overlay District has proven to be extraordinarily complex by reason of unusual geographic, physical or social conditions in the district;
- (b) *Study Incomplete*. The City Planning Commission has not yet completed the consideration of the proposed Cincinnati Zoning Code map amendments that would affect the allowable land uses within the IDC Overlay District; and
- (c) *Inconsistent Uses*. There is a prospect of change in use, construction of new structures or alteration or demolition of existing structures that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1431-15. Applications Subject to Review.

The City Planning Commission has the duty to review applications in an established IDC Overlay District as specified in the ordinance that enacted the IDC Overlay District.

A permit made subject to review pursuant to the ordinance establishing the IDC District may not be issued unless approved by the City Planning Commission.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1431-17. Standards for Review.

The administrative reviewer appointed pursuant to subparagraph 1431-7(c) has the duty to prepare an advisory report that evaluates whether the proposed work is in compliance with the application review guidelines adopted. The administrative reviewer has the duty to file the report with the City Planning Commission within 15 business days of the date of application.

The City Planning Commission may approve applications in an established IDC Overlay District if the proposed work is in compliance with the application review guidelines adopted pursuant to subparagraph 1431-7(b), on finding that:

- (a) *Proposed Work Permitted by Current and Proposed Zoning*. The proposed work is permitted or conditionally permitted in the base district, conforms to all standards and performance criteria of the Cincinnati Zoning Code and does not conflict with any proposed amendment to the Cincinnati Zoning Code then under consideration by the City Planning Commission or Council.
- (b) *Proposed Work Compatibility*. The proposed work is compatible with the predominant or prevailing land use, building and structure patterns in the surrounding neighborhood and community.
- (c) *No Detrimental Effect to the Public*. The proposed work is not detrimental to the public peace, health, safety or general welfare.
- (d) *No Adverse Effect on Adjoining Properties*. The proposed work has no adverse effect on the access to the property for fire and police protection and adequate public facilities and services, access to light and air from adjoining

properties, traffic conditions, transportation requirements and facilities or development and use of adjacent land, structures and buildings.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1431-19. Review of Permit Applications.

After receiving an advisory report from the administrative reviewer, the City Planning Commission has the duty to consider applications for permits as follows:

(a) *Public Hearing.* The City Planning Commission has the duty to hold a public hearing on the application within 30 days of receiving the advisory report prepared pursuant to § 1431-17. Notice of the hearing must be sent to the applicant, owners of record of adjoining properties and any person requesting notice. Notice must be published in the City Bulletin in advance of the hearing. Testimony at the hearing will be taken under oath and recorded and the reviewer responsible for preparing the advisory report must appear. The applicant is permitted to be heard in person or through an attorney and may present evidence and cross-examine opposing witnesses.

(b) *Exceptions From Underlying Zone District Regulations.* The City Planning Commission may grant exceptions from the underlying zone district regulations other than those relating to use, maximum number of dwelling units and maximum floor area ratio, when the exceptions are consistent with the application review guidelines adopted pursuant to § 1431-07 and the standards for review set forth in § 1431-17.

(c) *Decision of The City Planning Commission.* The City Planning Commission has the duty to make a decision on the application within 14 days of the close of the public hearing. The application may be approved, subject to conditions necessary to ensure that the development plan is lawful and in the public interest. If the application is disapproved, the reasons must be stated in writing as findings of fact and conclusions of law. The failure of the proposed work to conform with any single factor is not necessarily a sufficient basis for denial. The City Planning Commission has the duty to approve an application that maximizes both the public interest and private benefits generally. The City Planning Commission has the duty to send its conclusions to the applicant, appropriate city officials and others who request a copy.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1431-21. Appeals.

Any adversely affected person may appeal a decision of the City Planning Commission made pursuant to this chapter to Council pursuant to the provisions of § 111-3, Appeals to Council, of the Municipal Code. The notice of appeal must be filed with the Clerk of Council within 30 days of the mailing of the City Planning Commission's decision to the applicant. Those "adversely affected" include the applicant or any other person, organization or association, who appeared before the City Planning Commission personally, by representative or in writing and expressed a position contrary to the decision of the City Planning Commission.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

Chapter 1425 PARKING AND LOADING REGULATIONS

§ 1425-01. Purposes.

§ 1425-03. Requirements for Off-Street Parking and Loading.

§ 1425-05. Noncomplying Parking or Loading Facilities.

§ 1425-07. Spaces Required for Multiple Uses.

§ 1425-09. Existing Parking and Loading to be Maintained.

§ 1425-11. Calculation Rules.

§ 1425-13. Dual Usage Prohibited.

§ 1425-15. Location of Parking.

§ 1425-17. Units of Measurement.

§ 1425-19. Off-Street Parking and Loading Requirements.

§ 1425-21. Shopping Center Requirements.

§ 1425-23. Reduced Parking.

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

§ 1425-27. Parking Lot Screening.

§ 1425-29. Parking Lot Landscaping.

§ 1425-31. Parking Lot Markings.

§ 1425-33. Additional Parking Lot Standards.

§ 1425-35. Access Drive and Maneuvering Aisles.

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

§ 1425-01. Purposes.

The purposes of the parking and loading regulations are to:

- (a) Require adequate off-street parking and loading, thereby reducing traffic congestion.
- (b) Allow for more efficient use of on-street parking.
- (c) Promote more efficient loading operations, reducing the use of public streets for loading purposes.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1425-03. Requirements for Off-Street Parking and Loading.

New off-street parking and loading must be provided for uses that are established, enlarged, extended or moved onto a new lot after the effective date of these zoning regulations, or of a subsequent rezoning or other amendment establishing or increasing parking or loading requirements for the uses. When an expanded use results in an increase of more than ten percent in the number of currently required parking spaces, additional parking must be provided for the additional space based on the standards of this chapter.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1425-05. Noncomplying Parking or Loading Facilities.

An existing use of land or structure is not considered nonconforming solely because of the lack of off-street parking or loading facilities required by this

chapter. The existing number of off-street parking and loading spaces as of the effective date of these zoning regulations may not be reduced in number.
(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1425-07. Spaces Required for Multiple Uses.

If more than one use is located on a site, the number of off-street parking and loading spaces to be provided must be equal to the sum of the requirements prescribed for each use. If the gross floor area of individual uses on the same site is less than that for which a loading space would be required in Schedule 1425-21-B, but the aggregate gross floor area of all uses is greater than the minimum for which loading spaces would be required, then the aggregate gross floor area must be used in determining the required number of loading spaces according to the loading user group. If individual uses are in different loading user groups, the standards for the user group with the lowest number applies. See also provisions of § 1425-21 and § 1425-25.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1425-09. Existing Parking and Loading to be Maintained.

Existing parking or loading serving any facility may not be reduced in amount or changed in size to less than required by this Chapter.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1425-11. Calculation Rules.

When the units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half is rounded down to the next whole number and fractions of over one-half are rounded up to the next whole number.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1425-13. Dual Usage Prohibited.

An area may not be used and counted both as a required parking space and a required loading space.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 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, required parking spaces must be located in interior side or rear yards and be at least ten feet from the street lot line.

(c) *Parking on Nearby Lots.* Parking lots or spaces may be on a lot within 600 feet of the principal lot except when that lot is in an SF or RMX District. A covenant is required if parking is located on a lot other than the lot on which the building or use requiring the parking is located. The covenant must be acceptable to the City Solicitor and covenant that the lot on which the parking is located will be used and maintained solely for parking so long as the use with which it is associated exists. The Director of Buildings 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 the covenant are no longer applicable. See § 1441-07.

Vehicles may not be parked in spaces, lots or access drives so as to obstruct access across or extend over a required public sidewalk, unless the sidewalk has been temporarily or permanently closed.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1425-17. Units of Measurement.

The following rules apply to the determination of required parking:

(a) *Floor Area.* In the case of uses where floor area is the unit for determining the required number of parking spaces, the floor area includes all areas employed by the use, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, penthouses housing ventilators and heating systems and similar uses.

(b) *Hospital Bassinets.* In hospitals, bassinets are not counted as beds.

(c) *Places of Public Assembly.* In places of public assembly that provide benches, fixed or movable seating and assembly areas the requirements are as follows:

(1) In stadiums, sports arenas and other places of assembly in which those in attendance occupy benches or other similar seating facilities, each 18 inches of such seating facilities will be counted as one seat for the purpose of determining the parking requirements of the Cincinnati Zoning Code.

(2) In cases where a place of assembly has both fixed seats and open assembly area, parking requirements will be computed separately for each type of seating area and added together.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 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 Director of Buildings and Inspections must determine the probable use and number of spaces required.

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

TABLE INSET:

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, 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, 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		
Under 2,000 square feet of floor area	No spaces required	
2,000 square feet of floor area or more	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 first floor area, plus 1 for every 250 sq. ft. of other floor area	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.	
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

TABLE INSET:

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

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1425-21. Shopping Center Requirements.

In lieu of calculating the number of parking spaces for individual uses in a shopping center, an overall requirement of four spaces for every 1,000 square feet of gross leasable floor area may be used. The same floor area may be used to calculate the loading spaces using the provisions of Loading User Group 1.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1425-23. Reduced Parking.

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

- (a) *Proximity to Public Parking Facilities.* In the O, C 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 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 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.
- (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 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 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.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1425-27. Parking Lot Screening.

In Residential Districts, a screen fence or solid wall is required for parking areas for four or more vehicles which adjoin or face any other premises, either abutting

or directly opposite across-the-street, situated in any Residential District. The fence or wall must be at least four feet and a maximum of six feet in height and must be maintained in good condition. A combination of a four-foot high berm with three-foot high continuous evergreen hedgerow or four-foot high continuous evergreen hedgerow may be substituted for screen fencing and walls. The fence is not required along that side of the property where one of the following conditions exist:

- (a) *Abutting Parking Lot.* The abutting property is developed with a parking lot within 25 feet of the common property line for four or more vehicles.
- (b) *Grade Differential.* The abutting property has an average elevation of four feet or more above the parking area surface, within an average horizontal distance of eight feet from the parking area.
- (c) *Buffer Yard.* The requirements of § 1423-13, Required Buffer Yards are satisfied.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1425-29. Parking Lot Landscaping.

One tree, two inches or more in caliper, must be planted for every ten parking spaces.

- (a) *Perimeter Landscaping.* Parking lots must provide a perimeter landscape area of at least three feet in width.
- (b) *Ground Cover.* Ground cover must be installed appropriate to the surface conditions of the area. Grass is the default landscaping material.
- (c) *Lighting and Walkways.* Lighting fixtures and walkways are permitted within all islands and perimeter areas.
- (d) *Maintenance.* All required planting must be permanently maintained in good growing condition and replaced with new plant materials when necessary to ensure continued compliance with applicable landscaping requirements.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1425-31. Parking Lot Markings.

Driveways and parking areas must include markings consistent with the following standards:

- (a) *Markings.* Each parking space and parking facility must be identified by surface markings at all times. The markings must be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles. Markings required to be maintained in a highly visible condition include striping, directional arrows and signs for handicapped-designated areas.
- (b) *Directional Arrows.* One-way and two-way access ways into required parking facilities must be identified by directional arrows. Any two-way access located at any angle other than 90 degrees to a street must be marked with a traffic separation stripe throughout the length of the access; this requirement does not extend to aisles.
- (c) *Exit Signs.* Where the exit may not be clearly recognizable, directional signage must be provided.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 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, curb or walkway unless this requirement is waived by the Director of Buildings and Inspections.

GRAPHIC LINK: [Figure 1425-33 Landscape Island WITHOUT Wheel Stops \(Bumpers\)](#)

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1425-35. Access Drive and Maneuvering Aisles.

Access drives for parking purposes are permitted only in connection with uses permitted, except for access drives to restricted parking lots allowed by the Director of Buildings and Inspections 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 premises as the principal building or in the form of a recorded easement. Where provided on the same premises as the principal building, the access drives must have a minimum width of eight feet and a maximum aggregate width of 20 feet. Where provided in the form of a recorded easement, 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.

GRAPHIC LINK: [Figure 1425-35 Driveway Visibility](#)

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 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) *Maintenance*. Parking areas, maneuvering aisles and loading spaces must be maintained in good condition and 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 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.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

Chapter 1419 ADDITIONAL DEVELOPMENT REGULATIONS

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[§ 1419-03. Amateur Radio and Satellite Antennas.](#)

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[§ 1419-19. Intensive High-Impact Industrial Uses.](#)

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[§ 1419-27. Vehicle Repairs.](#)

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[§ 1419-31. Waste Collection and Waste Transfer.](#)

[§ 1419-33. Wireless Communications Facilities.](#)

[§ 1419-35. Commercial Services for Multi-Family Developments.](#)

[§ 1419-37. Commercial Services for Multi-Family Buildings.](#)

§ 1419-01. Applicability.

Uses that are permitted, permitted with limitations, or require approval of a conditional use in individual zoning districts must comply with the regulations of this chapter.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1419-03. Amateur Radio and Satellite Antennas.

The intent of these regulations is only to locate such antennas and equipment where they are least visible from public rights-of-way in the vicinity, while not burdening adjacent property owners with adverse visual impacts. The intent is not to discriminate against dish antennas in favor of other communications facilities. Installation of this equipment and antennas is governed by the following:

(a) *Amateur Radio Antennas.* An amateur radio antenna may only be installed on a lot in any district if it complies with the following criteria:

(1) Location: Only allowed in the rear yard.

(2) Maximum Height: 15 feet above the district height limit, provided that additional height may be authorized with a conditional use approval.

- (3) Surface Materials and Finishes: Highly reflective surfaces are not permitted.
 - (b) *Parabolic Antennas.* A parabolic or satellite antenna less than two feet in diameter may be installed in any district. An antenna greater than two feet in diameter may be installed if it complies with the following criteria:
 - (1) Setbacks. Parabolic antennas must be located in a rear yard a minimum distance from all property lines equivalent to two times the height of the antenna. The distance is determined from the base support of the antenna to the nearest point on a property line.
 - (2) Maximum Height: 12 feet
- (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 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 rules that the Department of Buildings and Inspections may apply.
- (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1419-07. Automated Teller Machines.

Automated teller machines (ATM) must be located, developed and operated in compliance with the following standards:

- (a) Drive-Through Facilities. See § 1419-13, Drive-in and Drive-through facilities.
 - (b) 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.
 - (c) Security. ATM facilities must have adequate lighting for security purposes.
 - (d) Litter. ATM facilities must include at least one trash receptacle.
- (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1419-09. Bed and Breakfast Homes and Inns.

Bed and breakfast homes and bed and breakfast inns must be located, developed and operated in compliance with the following:

- (a) *Number of Rooms.* No more than three rooms for rent may be allowed in a bed and breakfast home and no more than five rooms for rent in a bed and breakfast inn.
- (b) *Appearance.* In all residential districts, the exterior appearance of a structure housing a bed and breakfast home may not be altered from its residential character.
- (c) *Business License Required.* A current business license must be obtained and posted in compliance with Chapter 855, Rooming Houses, of the Municipal Code.
- (d) *Limitation on Services Provided.* Meals and rental of bedrooms are limited to registered guests. Separate or additional kitchens for guests are prohibited.
- (e) *Parking.* One parking space for every guest room, in addition to the requirements for the dwelling itself, as prescribed in Chapter 1425, Parking and Loading.
- (f) *Signs.* The requirements of Chapter 1427, Signs, apply.
(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1419-11. Car Wash.

Car washes must be located, developed and operated in compliance with the following:

- (a) *Location.* Permitted on arterial streets only.
- (b) *Setbacks.* No building or structure may be located within 20 feet of any street lot line.
- (c) *Queue Area.* Each facility must provide sufficient queue area in advance of the car wash area to accommodate two vehicles in advance of a self-service bay and six vehicles in advance of an automatic service bay.
- (d) *Litter.* One permanent trash receptacle per wash bay is required.
- (e) *Noise.* Sound baffles to absorb noise must be installed at all facilities creating noise levels above 70 decibels at the property line.
(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1419-13. Drive-In and Drive-Through Service Facilities.

Drive-in and drive-through service facilities must be located, developed and operated in compliance with the following:

- (a) *Queue Area.* Each facility must provide sufficient queue area of at least 20 feet per vehicle in advance of the service point to accommodate at least three vehicles per service point or at least six vehicles per establishment, whichever is greater. The queue area may not interfere with other on-site circulation and parking facilities.
- (b) *Litter.* At least one permanent trash receptacle must be installed.
- (c) *Menu Boards.* Menu boards must be located at least 50 feet from any residential district boundary. Speaker noise levels may not be audible on any abutting residential property.

(d) *Pedestrian Walkways.* Pedestrian walkways must have clear visibility and be emphasized by enhanced paving or markings when they intersect the drive-in or drive-through aisles.

(e) *Screening.* All service areas, trash storage areas and ground- or roof-mounted mechanical equipment must be screened from ground-level view and from adjacent properties or public rights-of-way, as prescribed in § 1421-35, Refuse Storage Areas.

GRAPHIC LINK: [Figure 1419-13 Drive-In and Drive-Through Example](#)

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1419-15. Fuel Sales.

Fuel sales must be located, developed and operated in compliance with the following:

(a) *Fuel Dispensing Units.* Fuel dispensing units must be located at least 15 feet from any property line.

(b) *Canopy.* A canopy covering the fuel dispensing area must be located at least five feet from all property lines.

(c) *Lighting.* All exterior light sources, including canopy, perimeter and flood, must be stationary and shielded or recessed within the roof canopy to ensure that all light is directed away from adjacent properties and public rights-of-way. Lighting may not be of a high intensity so as to cause a traffic hazard or adversely affect adjacent properties. All lighting must comply with the requirements of § 1421-39, Exterior Lighting.

(d) *Litter.* At least one permanent trash receptacle must be installed at each pump island.

GRAPHIC LINK: [Figure 1419-15 Fuel Sales Example](#)

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 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 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 floor area exclusively devoted to the home occupation including accessory storage may not exceed twenty-five percent of the gross habitable 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.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1419-19. Intensive High-Impact Industrial Uses.

Any intensive high-impact industrial use required to obtain a permit from the Ohio Environmental Protection Agency (OEPA) or any local agency operating under the delegated authority of the OEPA must obtain the permit prior to obtaining zoning approval.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1419-21. Limited or Full Service Restaurant.

Outdoor eating areas of limited or full service restaurants must be located, developed and operated in compliance with the following:

- (a) *Location.* Outdoor eating areas on any public sidewalk or alley requires a revocable street privilege.
- (b) *Maximum Size.* The outdoor eating area may not exceed 25 percent of the indoor eating area, excluding other space not accessible to the public. Additional area requires conditional use approval pursuant to the procedures and criteria of Chapter 1445, Variances, Special Exceptions and Conditional Uses.

- (c) *Barriers.* Decorative walls or fencing must enclose an outdoor eating area.
- (d) *Alcoholic Beverages.* The provision of alcoholic beverages must be secondary and accessory to the provision of food.
- (e) *Cooking Facilities.* Cooking facilities may not be located in outdoor eating areas.
- (f) *Live Entertainment.* Live entertainment may not be presented in outdoor eating areas.
- (g) *Fixtures.* Furniture and fixtures provided for use in an outdoor eating area may consist only of movable tables, chairs, umbrellas, planters, lights and heaters. Lighting fixtures may be permanently affixed onto the exterior front of the building. All movable furniture and fixtures must be removed during the off-season.
- (h) *Hours of Operation.* The use of outdoor eating areas is prohibited between 11 PM and 7 AM on weekends and 10 PM and 7 AM on weekdays.
- (i) *Breweries and Wineries.* Beer and wine production accessory to a limited or full service restaurant is limited to an area that may not exceed 10,000 sq. ft and may not produce any objectionable odor, dust or fumes.

GRAPHIC LINK: [Figure 1419-19\(h\) Outdoor Eating Area Example](#)

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1419-23. Loft Dwelling Units.

In commercial and manufacturing districts the owner of the loft dwelling unit has the duty to provide a statement of disclosure to all buyers and tenants acknowledging the commercial and manufacturing character of the district and acceptance of the potential for uses in the area to result in certain off-site impacts at higher levels than would be expected in residential areas. Occupancy of these units is at the risk of the owner/occupant. Loft dwelling units must be located, developed and operated in compliance with the following:

- (a) A loft dwelling unit may only be established on a floor other than the first floor or basement.
- (b) One loft dwelling unit may be permitted for each 1,000 square feet of interior floor area excluding the first floor or basement. No unit may be less than 500 square feet in floor area.
- (c) A loft dwelling unit may contain a studio, gallery, office, business or other use as permitted by the applicable zoning district regulations.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 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 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 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.
(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 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 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.
(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1419-29. Vending Machines and Pay Telephones.

- (a) *Location of Vending Machines and Pay Telephones in Residential Districts.* Vending machines or pay telephones may not be located outside any building or accessory building used for residential purposes in a Residential District.

(b) *Location of Vending Machines in O, C, DD, M, RF and IR Districts.*

Vending machines may not be located:

- (1) Within any required landscaping or bufferyard.
 - (2) So as to obstruct or interfere with pedestrian travel.
 - (3) Within five feet from a crosswalk, display window, building entrance, fire hydrant or other emergency facility.
 - (4) With more than three machines at any location.
 - (5) Closer than 100 feet to another group of vending machines.
- (c) *Appearance:* Vending machines must be maintained in good operating condition and be free from rust and adornments such as graffiti, stickers and posters.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1419-31. Waste Collection and Waste Transfer.

All storage, separation and processing activities for waste collection and waste transfer uses must comply with the following:

- (a) *Location, Waste Collection.* Waste collection uses must be at least 100 feet from a residential district.
- (b) *Location, Waste Transfer.* Waste transfer uses must be at least 250 feet from a residential district.
- (c) *Enclosures or Screening.* All waste collection and waste transfer uses must be conducted within an enclosed building or enclosed by a screen fence. The enclosures must be located outside any required front yard, street side yard, required parking or landscape areas or any other area required by the Cincinnati Zoning Code to be maintained unencumbered according to any other applicable public safety laws.
- (d) *Hours of Operation.* The site must be staffed during all hours of operation and a sign be posted indicating the hours of operation and warning of the penalties for illegal dumping.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1419-33. Wireless Communications Facilities.

Wireless communication towers and antennas greater than 20 feet in height must conform to the following:

- (a) *Conditional Use Approval Required.* Approval of a conditional use is required, pursuant to Chapter 1445, Variances, Special Exceptions and Conditional Uses. In determining whether approval of an application for a wireless communication tower or antenna greater than 20 feet in height as a conditional use is in the public interest, the Zoning Hearing Examiner has the duty to evaluate whether technically suitable space is available on commercially reasonable terms on an existing tower or structure within the geographic area to be served. To enable this determination, the applicant is required to submit with the permit application a list of the location of every tower, building or structure that could support the proposed antenna so as to allow it to serve its intended function. The applicant must demonstrate that a technically suitable location is not available on commercially reasonable terms on an existing tower, building or

structure. If another communication tower is technically suitable, the applicant must show that it has offered to allow the owner to co-locate an antenna on another tower within the city owned by the applicant on reciprocal terms and the offer was not accepted or that other tower is presumed to be reasonably available. Consideration of these factors is in addition to the standards enumerated in Chapter 1445, Variances, Special Exceptions and Conditional Uses, and in this section. The failure of an applicant to offer to other wireless communication service providers on reciprocal term rights to install wireless communication antennas on wireless communication towers within the city controlled by the applicant is cause to deny approval of an application for a wireless communication tower as a conditional use.

(b) *Wireless Communication Network Plan Required.* Any person licensed by the Federal Communications Commission to provide wireless communication services within the City of Cincinnati who has installed or intends to install a wireless communication antenna within the city is required to file its wireless communication network plan with the Director of Buildings and Inspections. A provider must file an amended plan with the director any time there is a change in company name, ownership, location of facilities or operations. The director must send a copy of each amended plan to every person who has filed a plan and to every community organization affected by the amendments to the plan.

(c) *Minimum Site Area.* Monopole towers in an SF or RF-R district must be located on a site larger than three acres.

(d) *Required Setbacks.* Poles, towers, equipment structures and antennas placement must meet the minimum yard standards for all setbacks as set forth in the applicable district regulations of the Cincinnati Zoning Code. Further, a wireless communication tower should be at least 110 percent of its height distant from any existing residential structure in any residential district.

(e) *Design Compatibility.* Apart from the tower or monopole structure, the facility appurtenances must be aesthetically and architecturally compatible with the architecture of the surrounding environment.

(f) *Screening Required.* Screen fencing must be provided for aesthetic and public safety reasons and a fence at least six feet in height must be erected completely around any communication tower and any related support facilities. Barbed and razor wire fencing is prohibited in residential districts.

(g) *Landscaping.* A Type B planted buffer yard is required along residential district boundaries and adjacent to residential uses, as prescribed in Schedule 1423-13-B. Buffer yards must meet the standards of Chapter 1423, Landscaping and Buffer Yards. Buffer yard planting may be located in a required setback area.

(h) *Obsolete Facility.* The owner or operator must agree to remove an obsolete facility within 12 months of ceasing its active use for wireless communications.

(i) *Outdoor Storage.* Outdoor storage of any supplies, vehicles or equipment related to the use of the facility is prohibited in a residential district.

(j) *Lighting.* An antenna or a tower may not be illuminated and lighting fixtures or signs may not be attached to the antenna or tower, except as required by law or to protect the safety of the general public.

(k) *Certification.* The applicant must provide written certification from a registered engineer that the antenna and tower are to be constructed in compliance with all applicable federal, state and local regulations pertaining to the construction.

(l) *Tower Height.* A tower must be a monopole unless the tower is more than 200 feet high.

(m) *Limitations on Authority to Deny.* The Zoning Hearing Examiner may not deny an application for a wireless communication antenna as a conditional use if the denial would unreasonably discriminate among providers of functionally equivalent services or prohibit or have the effect of prohibiting the provision of personal wireless services. Further, the Zoning Hearing Examiner may not deny an application for a wireless communication antenna as a conditional use on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1419-35. Commercial Services for Multi-Family Developments.

Eating and drinking establishments, commissaries, residential concierge services, self-service laundries and automated teller machines are permitted as accessory uses to multi-family developments with 200 or more dwelling units in two or more buildings, provided that:

(a) *Floor Area.* The total floor area of such uses is not more than 5,000 square feet;

(b) *Location.* The building or buildings containing such uses and the associated parking and loading areas may be no less than 300 feet from the property line of any abutting property.

(c) *Displays and Signs.* The display of goods or services outside of the building in which such uses are located is prohibited and advertising pertaining to such uses may not be visible from the exterior of the building, except for one non-illuminated or indirectly-illuminated identification sign erected as a ground or wall sign not exceeding eight square feet.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1419-37. Commercial Services for Multi-Family Buildings.

Eating and drinking establishments, commissaries, residential concierge services, self-service laundries, automated teller machines and barber and beauty shops are permitted as accessory uses to multi-family developments in a single building with 100 or more dwelling units, provided that:

(a) *Floor Area.* The accessory uses may not exceed in the aggregate, five percent of the total floor area of the building.

(b) *Commissaries.* Commissaries may not exceed a maximum floor area of 500 square feet for the first 100 dwelling units and an additional five square feet for each dwelling unit over 100 up to a maximum floor area of 750 square feet.

(c) *Interior Access.* Access to the accessory uses is from the interior of the building.

(d) *Loading.* The loading and unloading of trucks and service vehicles is conducted inside a building or, if outside a building, any loading or unloading of trucks and any area used or designed to be used primarily by trucks and service vehicles may be no less than 50 feet from the nearest lot line located in or abutting an SF, RMX or RM-2.0 District.

(e) *Displays and Signs.* The display of goods or services outside of the building is prohibited and advertising pertaining to such uses may not be visible from the exterior of the building, except that:

- (1) One identification sign as a non-illuminated or indirect illuminated wall sign is permitted not exceeding eight square feet in area, but there may only be one such wall sign, irrespective of the number of accessory uses in the building.
- (2) One non-illuminated or indirectly illuminated identification sign erected as a ground sign is permitted for each street frontage. Each sign face may not exceed 12 square feet.

Chapter 1441 APPLICATION PROCEDURES, PERMITS AND CERTIFICATES

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

Applications 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. The director has the duty to determine whether the application is complete within five working days of receipt of an application. If the director determines that the application is not complete, the 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 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 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.

(e) *Hearing Fees.* Fees for applications shall be at a cost basis as determined by the Director of Buildings and Inspections.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1441-03. Director of Buildings and Inspections Procedures.

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

(a) *Applications Decided by the Director of Buildings and Inspections.* Every application submitted to the director for a decision by the director must be on forms specified by the director and must be accompanied by the information specified on the application form or the director's rules and regulations and 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 Director.* The 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 director may require, at the applicant's expense, additional studies, acquire additional data, or provide the applicant an opportunity to submit plan revisions.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1441-05. Covenants.

The 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 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.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1441-07. Certificate of Compliance.

A person may apply to the Director of Buildings and Inspections, on forms prepared by the Director, for a Certificate of Compliance for the zoning of any building or premises. The applicant must furnish any additional information the director may require to determine compliance with the Cincinnati Zoning Code. The 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 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.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 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 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 determine compliance with the provisions of this Code. Applications for building permits must also be accompanied by those items the director 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.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1441-11. Certificates of Occupancy and Use.

The Director of Buildings and Inspections has the duty to determine compliance of proposed work 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 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, now or hereafter located, constructed, reconstructed, enlarged or structurally altered, except for single-family dwelling purposes, without a 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 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.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1441-13. Temporary Parking Uses in Urban Renewal Areas.

In the case of properties located in an urban renewal area as approved by the Council of the City of Cincinnati, or in the case of properties designated to be used for public improvement programs and where resolutions of intent to acquire the property have been approved by Council, or where mapped street line plats have been adopted by the Council, the Director of Buildings and Inspections may grant temporary and conditional permits for parking lots to terminate at a date

specified in the permit, not to exceed two years from the date of such permit, provided that such parking lots are uses clearly interim to the future re-use plans of the area involved. On request, the director may renew these permits.
(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1441-15. Certificates of Occupancy for Seasonal Events.

The Director of Buildings and Inspections may grant temporary and conditional permits for the use of buildings and land for seasonal events to terminate at a date specified in the permit, not to exceed 30 days from the date of such permit.
(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1441-17. Effect of Administrative Interpretations.

The 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 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.
(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)