



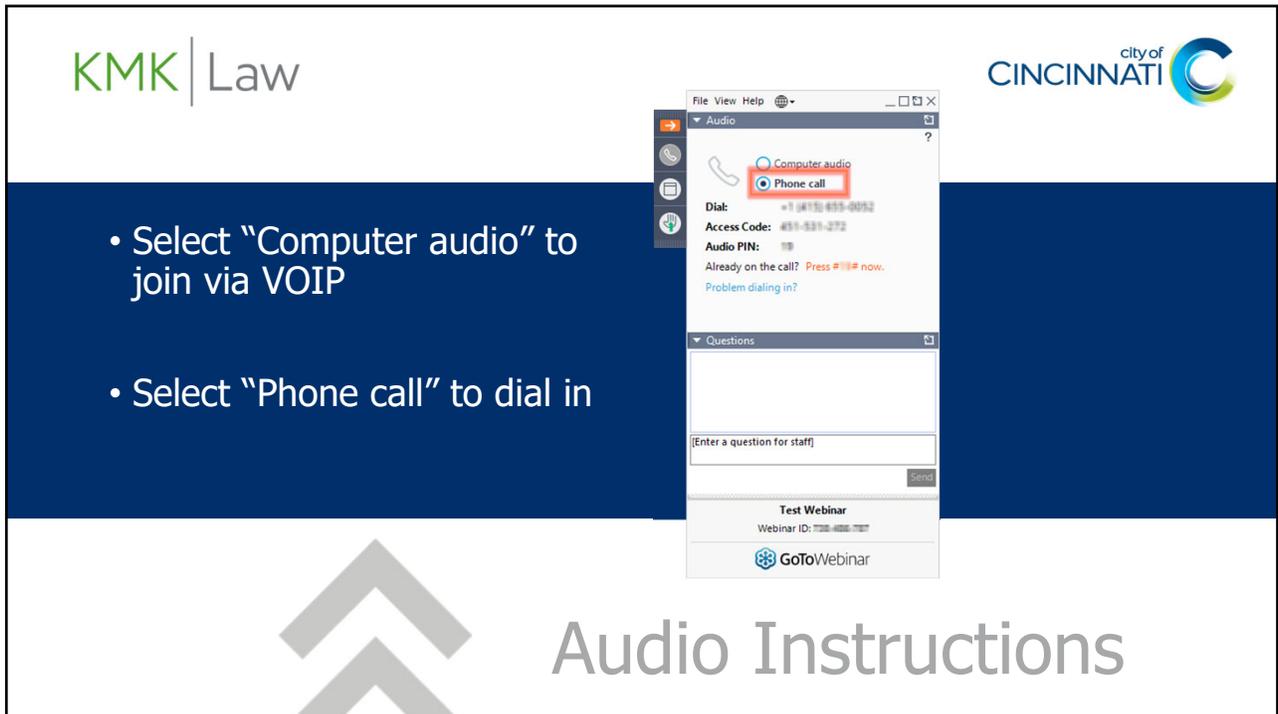
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Webinar: Cincinnati Zoning Update – Changes to Chapter 1437 and the Urban Design Overlay Districts

Thursday, April 28, 2022 | 12:00 – 1:00 p.m. EDT

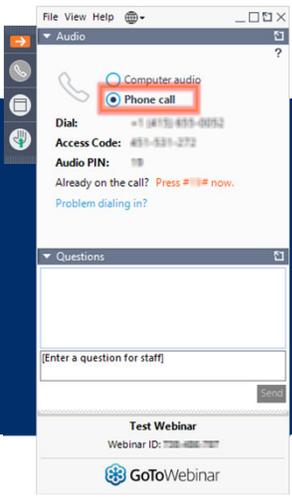
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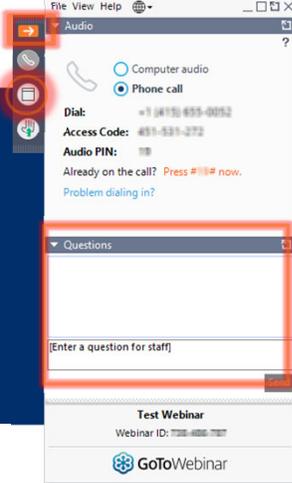
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Objectives

- Overview of the changes to Chapter 1437 of the Code
- Discussion of “contributing” and “non-contributing” buildings
- Tips for a successful application, and where an application might not be successful



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Sophia Holley
Partner
KMK Law



Emily Ahouse
Zoning Administrator
City of Cincinnati



David Sturkey
Zoning Hearing Examiner
City of Cincinnati



Meet the Speakers

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Changes to Chapter 1437



Introduction of “Contributing” and “Noncontributing” Buildings (§ 1437-05).

- Can now be part of the Urban Design Plan for an Urban Design Overlay District (i.e., contributing and noncontributing structures can be identified within the business district).
- Definitions for “contributing” and “noncontributing” structures.



Review and approval of the Zoning Board of Appeals (and appeal to the Hamilton County Court of Common Pleas) (§§ 1437-07; 1437-09).

- Approvals, approvals with conditions, and disapprovals to be done by the Zoning Board of Appeals.
- Two-part review process by the Zoning Board of Appeals for new construction.
- Appeals of the final decision of the ZBA is directly to the Hamilton County Court of Common Pleas.



Introduction of standards for the approval of the demolition of an existing building (§ 1437-09).

- One of two standards must be met:
 - The building does not contribute to the physical character and economic vitality of the district, determined by weighing specific factors; **OR**
 - The demolition of the building will facilitate the construction of a new building or establishment of a use that will contribute to the physical character and economic vitality of the district, demonstrated by specific evidence.

Processes & Procedures for Development in the Urban Design Overlay Districts



Urban Design Overlay Districts

- **Neighborhood Business Centers**
- **Urban Design Plan**



Urban Design Plans

-  Location and architectural character of buildings
-  Signage
-  Pedestrian and vehicular circulations
-  Parking
-  Open space
-  Landscaping
-  NEW – contributing and non-contributing buildings
-  Community driven

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Applications Subject to Review -1437-07

- Zoning Department will review changes/permits for:
 - Signs
 - Awnings
 - Mechanical Equipment and Utilities
 - Replacement Windows
 - Exterior Renovations and Alterations
 - Permits for Eating and Drinking Establishments
- New Construction
- Demolition

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Changes to Approval Process – 1437-11

Effective May 15, 2022

Zoning Board of Appeals Approval

- Optional 2-part review
 - Initial review of schematic plans
 - Final plans, materials, and designs

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Zoning Board of Appeals - Hearing Process

- Rules of Procedure – City of Cincinnati Zoning Board of Appeals
 - Apply with Law Department. Submit all documentation, letters, final plans, community correspondence.
 - ZBA composition
 - Presentation to ZBA
 - Regulations
 - Appropriate Design
 - Opposition
 - Attorneys
- ZBA Decisions

New Processes & Procedures for Demolition and New Construction



Previous Regulations - 1437-09(i) Demolition

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

- The structure does not contribute to the architectural quality of the district;
- The demolition is necessary to accomplish the construction of a building which would meet the guidelines contained in the urban design plan;
- The demolition is necessary to provide parking and/or other uses in a manner specified in the urban design plan;
- The owner has endeavored in good faith to find a use for the structure and is unable to obtain a reasonable rate of return on the property; or
- Demolition has been ordered to remove blight.



Contributing Building 1437-05(b)(1)

- *One that has unique or distinguishable physical attributes that add to the cohesive character and setting of the business district, including its siting and location, architectural characteristics, and massing, and further are consistent with the applicable urban design plan or other applicable community plans approved by City Council.*

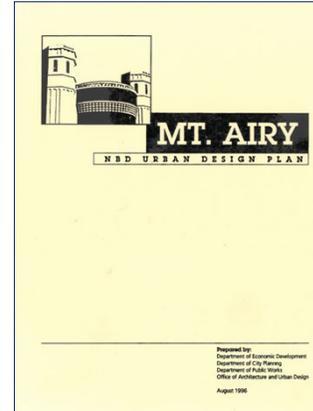
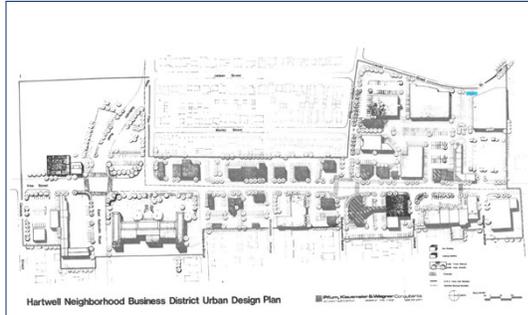
Non-Contributing Building 1437-05(b)(2)

- *One that detracts from the established physical character and setting of the business district because the building's architectural style, bulk, shape, massing, scale, form, or setbacks are inconsistent with the predominant characteristics of the district, or the building is obsolete, damaged, in a state of disrepair, dilapidated, or unsanitary.*



Non-Contributing - 1437-09(i) Demolition

- Whether the building is identified as a contributing building or noncontributing building by the applicable urban design plan or other applicable community plans approved by City Council.



Non-Contributing - 1437-09(i) Demolition

- Whether the building is recommended for demolition by the applicable urban design plan or other applicable community plans approved by City Council;



Non-Contributing - 1437-09(i) Demolition

- Whether the building's architectural style, bulk, shape, massing, scale, form, and setbacks are consistent with the predominant characteristics of the district;



Non-Contributing - 1437-09(i) Demolition

- Whether the building is iconic or specially associated with the district.



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Non-Contributing - 1437-09(i) Demolition

5. Whether the demolition of the building will negatively impact the district streetscape;



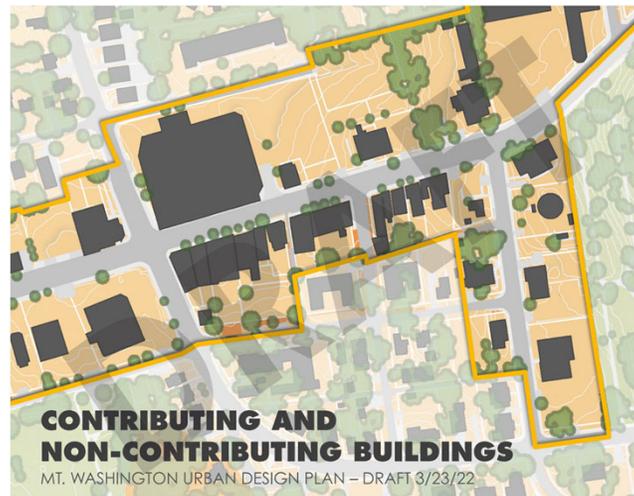
Non-Contributing - 1437-09(i) Demolition

6. Whether the building is obsolete, damaged, in a state of disrepair, dilapidated, or unsanitary, and whether its condition was caused by the owner or his or her predecessors through deliberate action or willful neglect.

Contributing - 1437-09(i) Demolition

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

Adding Contributing and Non-Contributing to UDO Plan



Adding Contributing and Non-Contributing to UDO Plan

IDEAL URBAN DESIGN STANDARDS

PRIMARY ATTRIBUTES OF EXISTING BUILDINGS		<p>NOTE ON DETERMINATIONS The Contributing and Non-contributing status will be determined to be consistent with the purpose of Urban Design Overlay Districts section 1437-01 of the Cincinnati Municipal Code.</p> <p>§ 1437-01 - Specific Purposes. The specific purposes of the Urban Design Overlay District are to:</p> <p>(a) Protect and enhance the physical character of selected business districts that have adopted Urban Design Plans;</p> <p>(b) Prevent the deterioration of property and blighting conditions;</p> <p>(c) Encourage private investment to improve and stimulate the economic vitality and social character of selected business districts; and</p> <p>(d) Ensure that infill development does not adversely affect the physical character of the area.</p>
A	FRONT SETBACK	
B	Frontage ratio	<p>1-2</p> <p>The district has mostly 1 story and some 2-story buildings. The whole district is zoned CC-F, in which buildings between 15 and 50 feet are allowed. The zoning allows for the district to maintain a cozy feeling for pedestrians and can allow for a critical mass of residents/walkers, adds to the economic stability of the business district.</p>
C	# STORIES	<p>district coverages (minus coverage)</p> <p>1' 3'</p> <p>Generally, you want to have the space between buildings to be smaller and consistent with each other. If possible, you don't want to have space between buildings that are wider than 5.7 feet. Also, parking lots should not front the streets, and instead are best located behind buildings with access to the lot from side streets, or small walkways to the street.</p>
D	SIDE SETBACKS	<p>left right</p> <p>Buildings that are generally parallel to the street provide a cozy pedestrian experience and help to shape the public right-of-way.</p> <p>Having mostly glass first floor shops provide eyes on the street and allow pedestrians to see business products and people walking throughout the district or shopping in the businesses. Also, mostly glass frontages allow for light to spill out and provide additional light onto the sidewalks at night, which adds to a feeling of safety.</p> <p>Regularly spaced windows add balance and symmetry to the building creating a pleasant pedestrian experience.</p> <p>There is generally symmetry within the building facade. No part of the building feels "heavier" or "lighter" than another. Brick and glazed tile are high quality materials that age well over time and resist deterioration. They are preferred to plaster, clapboard, and paneled wood.</p>
SECONDARY ATTRIBUTES OF EXISTING BUILDINGS		
E	SMALL STOREFRONT(S)	<p>1</p> <p>parallel to street</p>
F	recessed entryways	<p>yes</p> <p>mostly glass</p>
G	BLANK WALL LENGTH	<p>none</p>
H	WINDOWS	<p>regularly spaced</p> <p>show windows (1st fl.)</p> <p>punched style (2nd fl.)</p>
I	RHYTHM OF BAYS	<p>yes</p>
J	BUILDING MATERIALS	<p>brick, painted brick, or glazed tile</p>

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Adding Contributing and Non-Contributing to UDO Plan



Adding Contributing and Non-Contributing to UDO Plan

#3 | 2238 BEECHMONT AVENUE

NON-CONTRIBUTING



PRIMARY ATTRIBUTES	
A FRONT SETBACK	32
B	frontage ratio: 29% (34' facade - 116' front property line)
C # STORIES	1
D SIDE SETBACKS	left right: 30' 30'
SECONDARY ATTRIBUTES	
E SMALL STOREFRONT(S)	0
F	parallel to street: yes
G	recessed entryway(s): no
H	mostly glass: no
I BLANK WALL LENGTH	none
J WINDOWS	regularly spaced: yes
K	show windows (1st fl.): no
L	punched style (2nd fl.): n/a
M RHYTHM OF BAYS	no
N BUILDING MATERIALS	brick, metal panels





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Adding Contributing and Non-Contributing to UDO Plan



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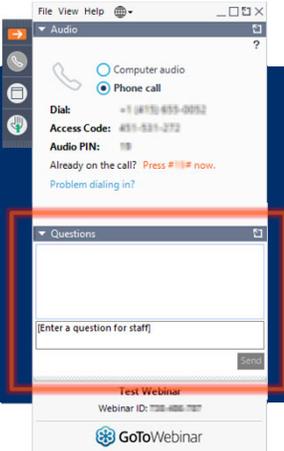
Tips for a Successful Application, and Where an Application May Not be Successful





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 Questions

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LIVE Webinar: Cincinnati Zoning Update - Changes to Chapter 1437 and the Urban Design Overlay Districts

4.28.2022 | 12:00 - 1:00 EST

The City of Cincinnati has recently amended Chapter 1437 of the Zoning Code of the City of Cincinnati, with the changes going into effect on May 15, 2022. Join Emily Ahouse, Zoning Administrator with the City of Cincinnati, David Sturkey, Zoning Hearing Examiner with the City of Cincinnati, and Sophia Holley, Real Estate & Litigation Partner at Keating Muething & Klekamp PLL, to learn about the procedural changes to the Chapter, and the impact on permits for new construction and demolition in the Urban Design Overlay Districts. Specifically, we will review the following:

- Introduction of "contributing" and "noncontributing" buildings
- Review and approval by the Zoning Board of Appeals
- Standards for approval of the demolition of an existing building.

For more information or to register click here.

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