

**Date:** May 7, 2021

**To:** Councilmember Liz Keating

**From:** Andrew Garth, City Solicitor



**Subject: Ordinance – Removal of Density Restrictions from Zoning Code**

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Transmitted herewith is an emergency ordinance captioned as follows:

**MODIFYING** Title XIV, “Zoning Code of the City of Cincinnati,” of the Cincinnati Municipal Code by AMENDING the provisions of Section 1405-03, “Specific Purposes of Multi-Family Subdistricts,” Section 1405-07, “Development Regulations,” Section 1407-07, “Development Regulations,” Section 1409-09, “Development Regulations,” Section 1410-07, “Development Regulations,” Section 1413-07, “Development Regulations,” and Section 1415-09, “Development Regulations,” to remove density limitations in certain zoning districts and thereby remove a barrier to the creation of housing within the city.

AWG/MEH/(lnk)  
Attachment  
336148



# City of Cincinnati

MEH

AWB

## An Ordinance No. \_\_\_\_\_

- 2021

**MODIFYING** Title XIV, "Zoning Code of the City of Cincinnati," of the Cincinnati Municipal Code by **AMENDING** the provisions of Section 1405-03, "Specific Purposes of Multi-Family Subdistricts," Section 1405-07, "Development Regulations," Section 1407-07, "Development Regulations," Section 1409-09, "Development Regulations," Section 1410-07, "Development Regulations," Section 1413-07, "Development Regulations," and Section 1415-09, "Development Regulations," to remove density limitations in certain zoning districts and thereby remove a barrier to the creation of housing within the city.

WHEREAS, in response to City Council's desire to increase the supply and availability of housing that is affordable across a broad spectrum, the Administration has explored a number of strategies that would facilitate the production of housing in the city, which strategies are more particularly described in a March 16, 2021 report to the Council (item no. 202101105); and

WHEREAS, the Administration's recommendations for increasing the housing supply include a recommendation to legislatively streamline housing production by, among other things, lifting density restrictions in certain targeted areas; and

WHEREAS, the Council hereby resolves to lift density restrictions in certain targeted areas to remove a barrier to the creation of housing in the city, consistent with its desire to increase the supply and availability of housing; and

WHEREAS, at its regularly scheduled meeting on \_\_\_\_\_, the City Planning Commission reviewed the proposed amendments to the zoning code and recommended their approval, finding them to be in the interest of the public's health, safety, morals, and general welfare; and

WHEREAS, a committee of Council held a public hearing on the proposed text amendments following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved the proposed text amendments; and

WHEREAS, the text amendments are consistent with Plan Cincinnati (2012), including the "Live" goal to "provide a full spectrum of housing options, and improve housing quality and affordability" (p. 164); and

WHEREAS, the Council finds the proposed text amendments to be in the best interests of the City and the public's health, safety, morals, and general welfare; now, therefore,

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

Section 1. That Section 1405-03, "Specific Purposes of Multi-Family Subdistricts," of the Cincinnati Municipal Code is hereby amended as follows:

### § 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.
- (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:



Figure 1405-03-A, B





*Figure 1405-03-C, D*

Section 2. That existing Section 1405-03, “Specific Purposes of Multi-Family Subdistricts,” of the Cincinnati Municipal Code is hereby repealed.

Section 3. That Section 1405-07, “Development Regulations,” of the Cincinnati Municipal Code is hereby amended as follows:

**§ 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. Where an overlay district applies, the provisions of that district take precedence if there is conflict with the standards of this Section.

**Schedule 1405-07 Development Regulations - Residential Multi-family Districts**

Building Form and Location	Lot Area (sq. ft.)	Lot Area/Unit (sq. ft.)	Lot width (ft.)	Setbacks (ft.)			Maximum Height (ft.)
				Front Yard	Side Yard Min./Total	Rear Yard	
RMX single-family	2,500	—	25	20	0/5	20	35
RMX rowhouse exterior	2,500	—	—	20	0/5	20	35
RMX rowhouse interior	2,000	—	—	20	0/0	20	35
RMX two-family	5,000	2,500	25	20	3/6	20	35
RMX three-family	7,500	2,500	25	20	3/6	20	35

RMX other			25	20	3/6	20	35
RM 2.0 single-family	2,000	—	25	20	0/5	20	35
RM 2.0 rowhouse exterior	2,500	—	—	20	0/5	20	35
RM 2.0 rowhouse interior	2,000	—	—	20	0/0	20	35
RM 2.0 two-family	4,000	<del>2,000</del>	25	20	3/6	20	35
RM 2.0 multi-family	—	2,000	—	20 <sup>1</sup>	5/17 <sup>3</sup>	35	45
RM 2.0 other			25	20 <sup>1</sup>	5/17 <sup>3</sup>	35	45
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	<del>1,200</del>	25	20	3/6	20	35
RM 1.2 multi-family	—	<del>1,200</del>	—	20 <sup>2</sup>	5/17 <sup>3</sup>	30 <sup>2</sup>	-
RM 1.2 other				20 <sup>2</sup>	5/17 <sup>3</sup>	30 <sup>2</sup>	—
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 <sup>4</sup>	25 <sup>2</sup>	—
RM 0.7 other				5	0/5 <sup>4</sup>	25 <sup>2</sup>	—

“Yes” means additional regulations apply.

Regulations	RMX	RM 2.0	RM 1.2	RM 0.7	Additional Regulations
<b>Vehicle Accommodation Driveways and Parking</b>					
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
<b>Other Regulations</b>					
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				

<sup>1</sup> Additional 1-foot of setback for each 1-foot of building height above 35 feet.

<sup>2</sup> Additional 1-foot of setback for each five feet of building height above 35 feet.

<sup>3</sup> 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.

<sup>4</sup> 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.

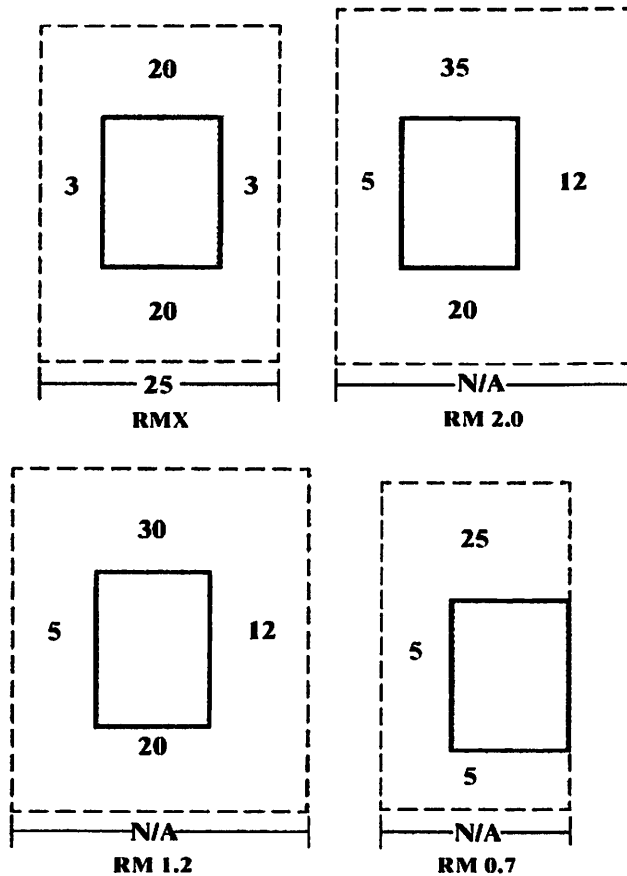


Figure 1405-07 Minimum Setbacks for Multi-Family Buildings 35 ft. in Height

Section 4. That existing Section 1405-07, “Development Regulations,” of the Cincinnati Municipal Code is hereby repealed.

Section 5. That Section 1407-07, “Development Regulations,” of the Cincinnati Municipal Code is hereby amended as follows:

**§ 1407-07. - Development Regulations.**

Schedule 1407-07 prescribes the development regulations for O Office Districts, including ~~minimum lot area~~, maximum floor area ratio (FAR), maximum building height, minimum yards, driveways and parking and other standards that apply. Letter designations in the additional regulations column refer to regulations that follow Schedule 1407-07.

**Schedule 1407-07: Development Regulations - Office Districts**

Regulations	OL	OG	Additional Regulations
<b>Building Scale - Intensity of Use</b>			
<del>Minimum lot area for every dwelling unit</del>	<del>1200</del>	<del>700</del>	
Maximum gross floor area ratio	0.6	1.75	
<b>Building Form and Location</b>			
Maximum building height	45	100	
Minimum yard (ft.)			
Front	20	20	See § 1407-09
Side (minimum/total)	5/10	5/20	See § 1407-11
Side rowhouse (minimum/total)			
Exterior lot	0/5	—	
Interior lot	0/0	—	
Rear	20	20	See § 1407-13
<b>Vehicle Accommodation - Driveways and Parking</b>			
Driveway restrictions	Yes	Yes	See § 1407-15
Location of parking	Yes	Yes	See § 1425-15
Parking lot landscaping	Yes	Yes	See § 1425-29
Truck docks; loading and service areas	Yes	Yes	See § 1407-17
<b>Other Regulations</b>			
Buffering along district boundaries	Yes	Yes	See § 1423-13
Accessory uses and 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		

Section 6. That existing Section 1407-07, “Development Regulations,” of the Cincinnati Municipal Code is hereby repealed.



Section 7. That Section 1409-09, “Development Regulations,” of the Cincinnati Municipal

Code is hereby amended as follows:

**§ 1409-09. - Development Regulations.**

Schedule 1409-09 prescribes the development regulations for Commercial Districts, maximum building height, minimum setbacks, driveways and parking and other standards that apply. Yes means regulations apply.

**Schedule 1409-09: Development Regulations - Commercial Districts**

Regulations	CN-P	CN-M	CC-P	CC-M	CC-A	CG-A	Additional Regulations
<b>Building Scale-Intensity of Use</b>							
Minimum Lot Area	0	0	0	0	0	0	
<b>Building Form and Location</b>							
Maximum building height (ft.)	50	50	85	85	85	85	
Minimum building height (ft.)	15	15	15	15	15	15	
Minimum front yard setbacks (ft.)	0	0	0	0	0	0	
Maximum front yard setbacks (ft.)	0	12	0	12	—	—	See § 1409-19
Building placement requirements	Yes	Yes	Yes	Yes	No	No	See § 1409-17 and § 1409-21
Ground floor transparency standards	Yes	Yes	Yes	Yes	No	No	See § 1409-23
<b>Vehicle Accommodation - Driveways and Parking</b>							
Driveway restrictions	Yes	Yes	Yes	Yes	Yes	Yes	See § 1409-11
Drive-through facilities	Yes	Yes	Yes	Yes	Yes	Yes	See § 1409-13 and 1419-13
Location of parking	Yes	Yes	Yes	Yes	No	No	See § 1409-25
Parking lot landscaping	Yes	Yes	Yes	Yes	Yes	Yes	See § 1425-29
Truck docks; loading and service areas	Yes	Yes	Yes	Yes	Yes	Yes	See § 1409-15
<b>Other Regulations</b>							
Buffering along district boundaries	Yes	Yes	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 structures	See Chapter 1447						
Parking and loading	See Chapter 1425						
Signs	See Chapter 1427						
Additional development regulations	See Chapter 1419						
<b>Residential Regulations</b>							
New residential only							
<del>Lot area/unit (sq. ft.)</del>	700	700	700	700	700	700	
Front yard setback	0	0	0	0	0	0	
Interior side yard setback	0	0	0	0	0	0	
Corner side yard setback	0	0	0	0	0	0	
Rear yard setback	25	25	25	25	25	25	
<b>Residential development in existing buildings</b>							
<del>Lot area/unit (sq./ft.)</del>	500	500	500	500	500	500	

Section 8. That existing Section 1409-09, "Development Regulations," of the Cincinnati Municipal Code is hereby repealed.

Section 9. That Section 1410-07, "Development Regulations," of the Cincinnati Municipal Code is hereby amended as follows:

**§ 1410-07. - Development Regulations.**

Schedule 1410-07 below prescribes the development regulations for the UM district, including ~~lot area for every unit~~, minimum lot width, setbacks and maximum height. Where an overlay district applies, the provisions of that district take precedence if there is conflict with the standards of this Section.

**Schedule 1410-07 Development Regulations—Urban Mix District**

Building Form and Location				Setbacks (ft.)			
	Lot Area (sq. ft.)	Lot Area/Unit (sq. ft.)	Lot width (ft.)	Front Yard (Min./Max.)	Side Yard Min./Total	Rear Yard (Min.)	Maximum Height (ft.)
UM Residential	2,000	700	25	0/10	0/0	10	45

UM Non-residential	2,000	0	25	0/0	0/0	10	45
UM Rowhouse							
Interior	1,500	700	25	0/10	0/0	10	45
Exterior	1,500	700	25	0/10	0/0	10	45
UM Other Use	2,000	2,000	25	0/0	0/0	10	45
Regulations			UM	Additional Regulations			

Vehicle Accommodation—Driveways and Parking		
Driveway Restrictions	NO	
Drive-Through Facilities	NO	
Required Parking	YES	See 1410-09
Location of Parking	YES	See 1425-15
Parking Lot Landscaping	NO	
Parking Lot Screening	YES	See 1425-27
Truck Dock; Loading; Service Areas	YES	See 1403-09
Other Regulations		
Buffering along District Boundaries	YES	See 1423-14
Accessory Structures	YES	See Chapter 1421
General Site Standards	YES	See Chapter 1421
Landscaping and Buffer Yards	YES	See Chapter 1423
Nonconforming Structures	YES	See Chapter 1447
Off Street Parking & Loading	YES	See Chapter 1425
Signs	YES	See Chapter 1427
Additional Development Regulations	YES	See Chapter 1419

“Yes” means additional regulations apply.

Section 10. That existing Section 1410-07, “Development Regulations,” of the Cincinnati Municipal Code is hereby repealed.

Section 11. That Section 1413-07, “Development Regulations,” of the Cincinnati Municipal Code is hereby amended as follows:

## § 1413-07. - Development Regulations.

Schedule 1413-07 below prescribes the development regulations for M Manufacturing Districts, including minimum lot area, maximum height, minimum yards and other standards. Additional standards are included in Chapter 1419.

### Schedule 1413-07: Development Regulations - Manufacturing Districts

Regulations	MA	ML	MG	ME	Additional Regulations
<b>Building Scale - Intensity of Use</b>					
Minimum Lot Area (sq. ft.)					
Residential Uses	20,000	4,000	—	—	
Non-residential Uses	20,000	0	0	0	
<del>Land area for every dwelling unit</del>	—	2,000	—	—	
<b>Building Form and Location</b>					
Maximum Building Height (ft.)	35	45	85	85	
Minimum Yard (ft.)					
Front Residential	40	20	0	0	
Front Non-Residential	25	20	0	0	
Side Residential (minimum/total)	10/20	3/12	0	0	
Side Non-Residential (minimum/total)	10/20	10/20	0	0	
Rear Residential	35	25	0	0	
Rear Non-Residential	20	10	0	0	
<b>Vehicle Accommodation - Driveways and Parking</b>					
Driveway Restrictions	Yes	Yes	Yes	Yes	See § 1413-09
Parking Lot Landscaping	Yes	Yes	Yes	Yes	See § 1425-29
Truck Docks; Loading and Service Areas	Yes	Yes	Yes	Yes	See § 1413-11
<b>Other Regulations</b>					
Buffering Along District Boundaries	Yes	Yes	Yes	Yes	See § 1423-13
Accessory Uses and 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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Section 12. That existing Section 1413-07, “Development Regulations,” of the Cincinnati Municipal Code is hereby repealed.

Section 13. That Section 1415-09, “Development Regulations,” of the Cincinnati Municipal Code is hereby amended as follows:

**§ 1415-09. - Development Regulations.**

Schedule 1415-09 below prescribes the property development regulations for RF Riverfront Districts, including minimum lot area, maximum height, setback, parking and driveways and other standards. Additional standards are included in Chapter 1419, Additional Development Regulations.

**Schedule 1415-09: Development Regulations - Riverfront Districts**

Regulations	RF-R	RF-C	RF-M	Additional Regulations
<b>Building Scale - Intensity of Use</b>				
Minimum lot area (sq. ft.)	4,000	—	—	
Minimum lot area (sq. ft.) rowhouse	2,000	—	—	
<del>Minimum area for every dwelling unit</del>	<del>2,000</del>	<del>—</del>	<del>—</del>	
<b>Building Form and Location</b>				
Maximum building height (ft.)	35	100	—	See § 1415-11
Minimum yard (ft.)				
Front	10	25	20	
Side least width/sum	3/6	10/20	5/10	
Side rowhouse exterior, least width/sum	0/3	—	—	
Side rowhouse interior, least width/sum	0/0	—	—	
Rear	30	10	5	
Maximum building coverage (%)	60	70	80	See § 1415-13
<b>Vehicle Accommodation - Driveways and Parking</b>				
Parking lot landscaping	Yes	Yes	Yes	See § 1425-29
Truck docks; loading and service areas	Yes	Yes	Yes	See § 1415-15
<b>Other Standards</b>				
Buffering along district boundaries	Yes	Yes	Yes	See § 1415-17

Ohio River bank area	Yes	Yes	Yes	See § 1415-19
Little Miami Riverfront area	Yes	Yes	Yes	See § 1415-21
Accessory uses and 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

Section 14. That existing Section 1415-09, “Development Regulations,” of the Cincinnati Municipal Code is hereby repealed.

Section 15. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Clerk

\_\_\_\_\_  
New language underscored. Deleted language indicated by strike through.