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## **Chapter 1437 - URBAN DESIGN OVERLAY DISTRICT**

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### **§ 1437-01. - Specific Purposes.**

The specific purposes of the Urban Design Overlay District are to:

- (a) Protect and enhance the physical character of selected business districts that have adopted Urban Design Plans;
- (b) Prevent the deterioration of property and blighting conditions;
- (c) Encourage private investment to improve and stimulate the economic vitality and social character of selected business districts; and
- (d) Ensure that infill development does not adversely affect the physical character of the area.

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

### **§ 1437-03. - Applicability and Zoning Map Designator.**

Except as otherwise provided in this chapter, all regulations of the underlying zone districts and other applicable overlay districts, apply to and control property in an Urban Design Overlay District; provided, however, that in the case of conflict between the provisions of an underlying zoning district and the Urban Design Overlay District, the provisions of the Urban Design Overlay District govern.

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

### **§ 1437-05. - Establishment of UD Overlay Districts.**

Council may establish a UD Overlay District whenever both of the following conditions are satisfied:

- (a) *Neighborhood Business Center.* Upon finding that an area comprising a concentration of retail and service-oriented commercial establishments serves as the principal business activity center for a socio-geographic community.
- (b) *Urban Design Plan.* Upon adoption of an urban design plan for the area that includes: A textual and graphic description of the physical and environmental improvements necessary for the coordinated revitalization of the business district. The Urban Design Plan should include but is not limited to: the location of buildings, architectural character of the buildings, signage, pedestrian and vehicular circulations, parking, open space and landscaping.

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

### **§ 1437-07. - Applications Subject to Review.**

- (a) The Director of Buildings and Inspections has the duty to review the following permits in an established Urban Design Overlay District for compliance with the base requirements of the district.
  - (1) *Signs:* Permits for the installation of all signs.
  - (2) *Awnings:* Permits for the installation of all awnings.
  - (3) *Mechanical Equipment and Utilities:* Permits for the installation of all exterior mechanical equipment and utility service connections.

- (4) *Replacement Windows*: Permits for the installation of replacement windows.
- (5) *Exterior Renovation or Alterations of Existing Structures*: Permits for exterior renovations, alterations, or additions.
- (6) *Eating and Drinking Establishments*: Permits for Restaurants, Limited.
- (b) The Zoning Hearing Examiner shall approve, approve with conditions or disapprove an application for development in an established Urban Design Overlay District in accordance with the base requirements of the district.
- (1) *New construction*: Permits for new construction.
- (2) *Demolition*: Permits for demolition.

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

### § 1437-09. - Development Standards in UD Overlay Districts.

Development within individual UD Overlay Districts must comply with the standards prescribed below that the ordinance that establishes the UD Overlay District declares applicable to that district. These standards are intended to implement policies in adopted urban design plans. Whenever the standards conflict with the development regulations of the underlying district, these standards supercede those regulations. The following regulations will apply to some or all of the UD Overlay Districts as determined by the urban design plan prepared and adopted for each district. Refer to Schedule [1437-09](#) for applicability.

#### Urban Design District Standards Schedule [1437-09](#)

	UD #1	UD #2	UD #3	UD #4	UD #5	UD #6	UD #7	UD #8	UD #9	UD #10	UD #11	UD #12	UD #13	UD #14
S1		X		X	X	X	X	X	X	X	X	X	X	X
S2	X	X		X	X	X	X	X	X	X	X	X	X	X
S3	X	X		X	X	X	X	X	X	X	X	X	X	X
S4	X	X		X	X	X	X	X	X	X	X	X	X	X
S5	X	X		X	X	X	X	X	X	X	X	X	X	X
A1	X	X		X	X	X	X	X	X	X	X	X	X	X
M1	X	X		X	X	X	X	X	X	X	X	X	X	X
W1	X	X		X	X	X	X	X	X	X	X	X	X	X
R1	X	X		X	X	X	X	X	X	X	X	X	X	X
R2	X	X		X	X	X	X	X	X	X	X	X	X	X
E1		X		X	X		X				X			
F1		X												
N1	X	X		X	X	X	X	X	X	X	X	X	X	X
N2	X	X	X	X	X	X	X	X	X	X	X	X	X	X
D1	X	X		X	X	X	X	X	X	X	X	X	X	X

UD #1 - College Hill Business District	UD #8 - Mt. Washington Business District
UD #2 - Clifton Business District	UD #9 - Mt. Airy Business District
UD #3 - Hartwell Business District	UD #10 - Columbia-Tusculum Business District
UD #4 - Hyde Park Square Business District	UD #11 - Hyde Park East Business District
UD #5 - Oakley Square Business District	UD #12 - Mt. Lookout Square
UD #6 - University Village Business District	UD #13 - Pleasant Ridge Business District
UD #7 - North Avondale Along Reading Road	

- (a) *Signs and Signage Standards*:
- S1. Prohibited Signs:
- All blinking, flashing, rotating or moving signs, except barber poles and theater marquees;
  - Neon signs;
  - Banners, portable or temporary signs;
  - Rooftop signs, signs or awnings extending above the roofline of the building, or signs or awnings that extend above the window sill line of the second floor of the building;

- Any advertising sign on or about an unoccupied building, except those related to the sale or rental of that building;
  - All signs, handbills, or flyers on utility poles, except those installed by the city and state.
- S2.** Projecting Signs
- Projecting signs shall not be used except for small identification or trademark signs symbolic of the business identified.
  - The copy of all signs should identify the predominant business on the premises or its principal product or service.
  - Advertising signs are prohibited.
  - Projecting signs shall not exceed six square feet per sign face and shall not exceed 12 square feet for all faces.
  - Projecting signs should be located over entry doors or building columns or piers and shall be limited to one projecting sign per business.
  - All sign supports shall be simple in nature, have no visible guy wires and be made less obtrusive with camouflaging color in harmony with the surrounding environment.
- S3.** In the case where buildings have multiple storefronts occupied by different tenants, the allowable signage area for each tenant will be calculated based upon the storefront street frontage in order to maintain a proportional distribution of signage area.
- S4.** For businesses located within an interior portion of a building, or on the second floor or higher story of a building and lacking an exterior wall or window area, a sign identifying the business no larger than six square feet may be affixed to the exterior of the building. This sign area shall be included in the maximum allowable area for all signs on the property.
- S5.** Ground signs: where permitted, ground signs shall meet the following standards:
- Ground signs shall be a maximum sign area of not more than one square foot of sign area per linear foot of street frontage per sign face, up to a maximum sign area of 30 square feet per face, or 60 square feet for all sign faces.
  - Ground signs shall be limited to two sign faces and shall not exceed six feet in height.
  - Ground signs shall be located at or near the primary street frontage.
  - Ground signs shall be compatible with the design of the building in proportion, shape, scale, materials, colors, and lighting.
- (b)** *Awning Standards:*
- A1.** Awnings shall meet the following standards:
- Awnings shall project no more than two-thirds the width of the sidewalk or six feet, whichever is less.
  - Awnings shall run parallel to the face of the building.
  - Awnings shall be located within the existing building framework - between columns and below spandrel panels. Awning colors and design shall be compatible with the colors and design of the building.
  - Structural supports for all awnings shall be contained within the awning covering.
  - Each storefront bay shall have a similar awning to the other storefront bays on the same building.
  - Awnings shall be designed to be harmonious with the architecture of the building that they are to be placed on. They shall relate in shape and proportion to the building's architectural elements such as window and opening shapes, facade articulation and general character of the building.
- (c)** *Mechanical Equipment and Utility Standards:*
- M1.** Mechanical equipment, including air conditioning, piping, ducts, and conduits external to the building shall be concealed from view from adjacent buildings or street level by grills, screens or other enclosures. Electric and other utility service connections shall be underground for new construction and encouraged for all other changes.
- (d)** *Replacement Window Standards:*
- W1.** Replacement windows shall meet the following standards:
- Replacement windows shall fit the size and style of the original openings.
  - Original window and door openings shall not be enclosed or bricked-in on the street elevation. Where openings on the sides or rear of the building are to be closed, the infill materials shall match that of the wall and be recessed a maximum of three inches within the opening.
- (e)** *Exterior Renovation or Alterations of Existing Structures:*
- R1.** Renovations, alterations or additions shall be designed and executed in a manner that is sympathetic to the particular architectural character of the structure being worked on. Architectural elements shall be sensitively designed to reflect the detailing and materials associated with the particular style of the building.
- R2.** Renovations and restorations of older buildings shall respect the original building design, including structure, use of materials and details. New materials or signs shall not cover original materials and

detailing. Natural materials (brick, slate, glass, stone, etc.) shall be retained in their natural state and not covered with any other contemporary materials. Materials that are out of keeping with the historic character of the building shall be removed from the facade upon significant exterior renovation or restoration of the existing structure.

**(f) Eating and Drinking Establishments:**

**E1.** Restaurants, Limited shall meet the following standards:

- No more than 45 percent of their gross floor area may be devoted to food preparation, related activities and other space not accessible to the public;
- No more than 35 percent of the restaurant's sales by dollar volume are carry-out and the patrons are served with other than single-use utensils, plates and beverage containers.
- The consumption of food or beverage in automobiles parked upon the premises is prohibited.

**(g) Franchise Establishments:**

**F1.** New businesses should contribute to the desired mix of commercial activities; franchise type establishments are acceptable provided that they are primarily pedestrian and not automobile oriented.

**(h) New Construction:**

**N1.** New buildings shall be compatible with their surroundings. Architectural style, bulk, shape, massing, scale and form of new buildings and the space between and around buildings shall be consistent with the area, and should be in harmony with neighboring buildings.

- New buildings shall respond to the pattern of window placement in the district. The designs of new buildings shall avoid long unrelieved expanses of wall along the street by maintaining the rhythm of windows and structural bays in the district. The preferred pattern of ground floor windows is open show windows, with inset or recessed entryways; and landscaping, lighting and other amenities equivalent to those existing in the district.
- Buildings shall de-emphasize secondary rear or side door entrances to commercial space, unless the entrances are associated with public parking areas.

**N2.** The Zoning Hearing Examiner shall review and consider applicable Community Plans approved by City Council when making decisions for projects in an Urban Design District.

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

**(i) Demolition:**

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

- 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;
- Demolition has been ordered to remove blight.

*(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004; a. Ord. No. 268-2008, § 1, eff. Sept. 6, 2008; a. Ord. No. 298-2009, § 1, eff. Dec. 12, 2009)*

### § 1437-11. - Approval.

- (a)** If the Director of Buildings and Inspections determines that an application conforms to the requirements of [§ 1437-09](#) and all other requirements of this Code, the Director has the duty to issue a building permit for the proposed work. The Director of Buildings and Inspections has the duty to notify all owners of property abutting the subject property and the community organization recognized by the Council as representing the area that includes the subject property.
- (b)** If the Director of Buildings and Inspections determines the application does not conform to the requirements of [§ 1437-09](#), a hearing and decision by the Zoning Hearing Examiner is required, pursuant to [Chapter 1443](#), Zoning Hearing Examiner Procedures, prior to the issuance of a building permit.

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

### § 1437-13. - Appeal.

Any party with standing may, pursuant to [Chapter 1449](#), Zoning Board of Appeals, appeal to the Zoning Board of Appeals within 30 days after the decision of the Zoning Hearing Examiner.

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

