

## CHAPTER 1436 – NEIGHBORHOOD CONSERVATION DISTRICTS

### Sec. 1436-01. - Purpose.

The purpose of Neighborhood Conservation Districts is to:

- (a) Preserve, protect, and strengthen the unique and distinctive natural physical features and design characteristics of certain areas of neighborhoods that define and contribute to the city's unique character, charm, and identity.
- (b) Promote and enhance the public health, safety, convenience, comfort, prosperity, and general welfare.
- (c) Prevent the deterioration of property and blighting conditions caused by incompatible development.
- (d) Provide the residents and property owners with a planning tool for future development.
- (e) Promote new compatible development to avoid adverse effects to the identifiable defining physical characteristics of the city.
- (f) Promote and preserve property values in the city's neighborhoods.

### Sec. 1436-03. – Definitions.

#### Sec. 1436-03-D. – Demolition.

For the purposes of this Chapter, “demolition” means the full or substantial destruction, demolition, removal, dismantling, or defacing of two or more walls or a street-facing façade of an existing principal structure.

#### Sec. 1436-05. – Applicability.

No lot or structure may be developed, demolished, or excavated within a Neighborhood Conservation District without the submission of building design and site plans and the issuance of zoning approval as provided under Section 1436-15.

#### Sec. 1436-07. – Applications to Designate Neighborhood Conservation Districts.

- (a) All applications shall be on forms and submitted in the manner prescribed by the Department of City Planning.
- (b) No lot or structure may be developed, demolished, or excavated during the pendency of a designation application, which commences upon the filing of a complete designation application.

**Sec. 1436-09. Designation Procedure.**

- (a) *Approval.* The Council may approve a designation application following an affirmative recommendation from the City Planning Commission, finding:
- (1) The proposed designation area contains a collection of one or more distinct residential areas that are improved with purpose-built residential structures and possess one or more of the following distinctive features contributing to a discernible association, setting, or character containing:
    - (i) Shared residential setting or character;
    - (ii) Distinctive or atypical spatial orientation;
    - (iii) Uniquely platted lots, streetscapes, sidewalks, tree lawns, or alleys; or
    - (iv) Distinctive topographic natural resources, including viewsheds, greenbelts, or mature tree canopies.
  - (2) The proposed district conforms to the City's comprehensive plans and the community plan applicable to the proposed designation area; and
  - (3) The proposed district's effect on the proposed designation on the surrounding areas and City economic development plans; and
  - (4) Such other planning considerations that may be relevant to the proposed designation.
- (b) *Zoning District Overlay; Zone Map Amendment.* Neighborhood Conservation Districts shall be designated as a zoning overlay district over base zoning districts or otherwise deemed coextensive with the Hillside Overlay District. All Neighborhood Conservation Districts shall be shown on the city's official zone map under the designation "NC."

**Sec. 1436-11. - Adoption of Neighborhood Conservation District Overlay Plan and Development Standards.**

- (a) *Conservation District Overlay Plan and Development Standards.* The Council shall adopt a neighborhood conservation overlay plan and development standards contemporaneous with the designation of a Neighborhood Conservation District. Such neighborhood conservation overlay plan and development standards may include a textual or graphic description of the physical and environmental improvements that are compatible and sympathetic for the continued conservation of the designated area's unique physical features and design characteristics.
- (b) *Minimum Development Standards.* All neighborhood conservation overlay plans and development standards shall include one or more of the following minimum elements governing the physical characteristics and development criteria for property in the district:

- (1) Demolition;
- (2) Building massing, bulk, size, and height; or,
- (3) Lot configuration, including building placement, frontage, and orientation.

(c) *Additional Development Standards.* Any proposed Neighborhood Conservation District may elect to include one or more of the following additional design elements in its neighborhood conservation overlay plan and development standards:

- (1) Lot density;
- (2) Floor area ratio, maximum lot coverage and maximum impervious surface area;
- (3) Architectural style and details;
- (4) Wrecking permits for existing accessory structures;
- (5) Building materials;
- (6) Roofline and pitch;
- (7) Front window, dormer size and location;
- (8) Garage entrance location;
- (9) Off-street parking location and loading requirements;
- (10) Vegetative landscaping;
- (11) Accessory structures and landscape fixtures and features;
- (12) Fences and walls;
- (13) Entrance lighting;
- (14) Pavement and other hardscape features like driveways and sidewalks;
- (15) Satellite dishes, utility boxes;
- (16) Street furniture;
- (17) Public art; and
- (18) Signage.

(d) *Amendment of Neighborhood Conservation Overlay Plan and Development Standards.* Proposed amendments to neighborhood conservation and overlay plans shall proceed by the process under which a Neighborhood Conservation District is enacted under Section. 1436-07.

**Sec. 1436-13. – Development Standards in Neighborhood Conservation Districts**

**Schedule 1436-13**

Neighborhood Conservation District		
	NC #1	NC #2
<b>Minimum Development Standards</b>		
Demolition	Y	Y
Massing, size, bulk, and height	–	–
Lot configuration	–	–
<b>Additional Development Standards</b>		
Lot density	–	–
Floor area ratio, maximum lot coverage and maximum impervious surface area	–	–
Architectural style and details	–	–
Wrecking permits for existing accessory structures	–	–
Building materials	–	–
Roofline and pitch	–	–
Front window, dormer size and location	–	–
Garage entrance location	–	–
Off-street parking location and loading requirements	–	–
Vegetative landscaping	–	–
Accessory structures and landscape fixtures and features	–	–
Fences and walls	–	–
Entrance lighting	–	–
Pavement and other hardscape features like driveways and sidewalks	–	–
Satellite dishes, utility boxes	–	–
Street furniture;	–	–
Public art	–	–
Signage	–	–

NC #1 – Hyde Park	NC # 2 – Mt. Lookout
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**Sec. 1436-15. – Administration.**

- (a) *Applications.* Persons seeking plan approval for any type of development subject to review under this chapter shall apply on forms and in the manner prescribed by the Zoning Administrator or his or her designee.
- (b) *Plan Review.* The Zoning Administrator or his or her designee shall review design plans to determine compliance with applicable zoning code and applicable neighborhood conservation district plans and development standards.
- (c) *Approval.* If the Zoning Administrator or his or her designee determines that design plans conform to applicable neighborhood conservation plan and development standards, he or she shall issue a zoning Certificate of Overlay Compliance and the Department of Building Inspections may issue a building permit.
- (d) *Public Hearings.* If the Zoning Administrator or his or her designee determines that design plans do not conform to applicable neighborhood conservation plan and development standards or that any project requires zoning relief from the Zoning Code, a public hearing and decision by the Zoning Hearing Examiner is required, pursuant to Chapter 1443.
- (e) *Public Notice of Approval.* The Zoning Administrator or his or her designee shall mail notice to all real property owners of record located within a 100-foot radius of the property that is the subject of an application a notice of final determination within 14 calendar days of issuing the zoning Certificate of Overlay Compliance. The notice of final determination shall provide a general summary of the application. The community organization representing the designated area shall also receive notice of final determination.

**Sec. 1436-17. – Demolition Without Specific Development Plans.**

The Zoning Hearing Examiner may approve plans proposing a demolition without impending or future development plans where he or she determines that the structure does not contribute to the predominant or prevailing land use and development patterns within the Neighborhood Conservation District and its demolition will not have an adverse impact on the neighborhood.

**Sec. 1436-19. —Deviations from Neighborhood Conservation Overlay Development Standards.**

The Zoning Hearing Examiner may approve plans seeking to deviate from Neighborhood Conservation Overlay Development Standards where he or she determines that those plans are not contrary to the intent and purpose of the applicable Neighborhood Conservation District based on one or more of the following criteria:

- (a) The proposed massing, scale, size, height, or programmatic configuration or assembly is consistent and compatible with existing adjacent and abutting structures and is appropriate within the proposed setting.
- (b) The proposed siting, setbacks, and orientation are consistent to the siting, setbacks, and orientation of adjacent and abutting structures.

- (c) The plan is consistent with the prevailing site development patterns of adjacent and abutting properties and will not adversely impact the continuity of distinctive and identifiable topographical features shared among properties in the immediate area.

**Sec. 1436-21. – Appeals.**

Persons adversely affected by the Zoning Hearing Examiner or Zoning Administrator’s final written determination may appeal the decision to the Zoning Board of Appeals under Chapter 1449 of the Cincinnati Zoning Code.

**Sec. 1436-23. – Application Exceptions.**

Nothing in this chapter is to be construed to prevent or regulate:

- (a) Ordinary and routine maintenance or repair to any existing structure.
- (b) Emergency demolition, when the Chief Building Official and the Fire Chief certify in writing that demolition is required for the immediate preservation of public safety because of an unsafe or dangerous condition that constitutes an emergency.
- (c) A Public Infrastructure improvement that Council has expressly approved or that is required to be installed or maintained by law. For the purposes of this Section, "Public Infrastructure" means any public right-of-way improvement, including any street, roadway, walkway, bikeway, streetscape or mass transit or recreation improvement or facility, including signalization, directional or safety signage, or other public safety improvement, or public utility line and shall not be deemed to include public buildings, parks, paver alleys, granite curbs, or plazas..

**Sec. 1436-25. - Relationship to Other Special Districts.**

- (a) *Prohibited Overlay Zones.* Neighborhood Conservation Districts shall not be located within or overlap an Urban Design Overlay District, a local Historic District, a local Historic Landmark or Historic Site, or a Downtown Development District.
- (b) *Hillside Overlay.* Whenever the Neighborhood Conservation District is located within or overlaps a Hillside Overlay District, whichever provisions in conflict that are more restrictive shall apply.
- (c) *Other Special Districts.*
  - (i) *Interim Development Control District.* Whenever an Interim Development Control District is located within or overlaps a Neighborhood Conservation District, the provisions of the Interim Development Control District controls over any conflicting provisions of this chapter.

- (ii) *Planned Development Districts.* Whenever a Planned Development District is located within or overlaps a Neighborhood Conservation District, the provisions of the Planned Development District control over any conflicting provisions of this chapter. However, the Zoning Administrator, or his or her designee, shall review a concept plan to identify whether that concept plan conflicts with the applicable Neighborhood Conservation District plan and development standards and submit a report to the City Planning Commission detailing any such conflicts.

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