CHAPTER II
Building Zones

The Cincinnati Building Zone Ordinance was passed unanimously by the City Council, April 1, 1924. It was approved by the Mayor and the City Planning Commission on April 3, and went into effect on May 3, 1924.

In addition to the text, which describes in detail the uses of buildings and lands, and heights, setbacks, side yards, rear yards, courts and floor area requirements of buildings, there are 48 maps, which show in detail the results of each of the eight kinds of districts described in the Ordinance.

The Need of Zoning
The field survey showed that there were hundreds of stores, public garages and even industrial plants, that had invaded home neighborhoods. In almost every case they were having a harmful effect on surrounding property, and many of them were obviously located badly for their own economic advantage. Each case was tending to lower neighboring real estate values, with a corresponding loss to the city in ratables.
A number of apartment houses were invading open detached home districts. These invasions took place because it was found to be profitable to appropriate light, air, privacy and outlook over the open lawns of neighboring residences.

Many hundreds of buildings were found to blanket their neighbors by projecting well in front of them, yet each thus projected at the expense of its neighbors. Other buildings were harming neighboring property by projecting far above them, or by filling up the common rear yard open space with buildings.

Private garages and billboards were located anywhere, regardless of their effect on neighboring property.

The Problem

Cincinnati property owners realized that they must have protection against the harmful effect of neighboring property. Of course, the wealthy man could buy up surrounding property to protect himself, or he could pay a fancy price for a plot in a highly restricted private development. However, only a limited few could afford to do these things. Nevertheless, it was felt that every citizen had a right to protection. Zoning offered the only accepted solution of the problem.

Previous Solutions

The City Planning Commission which was created in January, 1918, was given the power under the new Charter to control the character and intensity of use of private property in the interest of the common health, safety, morals and welfare. This power was also sanctioned and defined by a State act. Both the Charter and the Act grant the power to zone under police power, on the presumption that a Comprehensive Zoning Ordinance and Map covering the whole area of the City in detail, would be adopted. However, realizing that the preparation of such a Comprehensive Ordinance required years of study, the Commission proceeded to pass upon applications for building permits, with a view to preventing the unnecessary erection of buildings that did not conform to the character of the surroundings, until such time as the Comprehensive Ordinance could be drafted. In this way the Planning Commission passed upon many hundreds of cases, and in particular pre-
vented the erection of several hundred garages, stores and factories in what have since become residence districts under the Zoning Ordinance. This service was of the greatest value, and helped the citizens to appreciate the possibilities of zoning.

On the other hand, the Planning Commission found that as this control proceeded, it was becoming more and more difficult to preserve a consistent policy, and it was brought strongly to the realization of the need of a Comprehensive Zoning Ordinance and Map, which would state in black and white, definitely, just what could and could not be done on every lot in the whole 72 square miles of the city.

How the Zoning Ordinance Was Prepared

The legislature and the courts say that zoning must be reasonable if it is to be recognized as a legitimate use of the police power, and it must be undertaken "in such a manner as will best promote the health, safety, convenience and welfare of the inhabitants." This means that if the Zoning Ordinance and Map is to be accepted as reasonable by the courts, guesswork must be eliminated and the Ordinance based on a thorough knowledge of the facts as they affect every property throughout the city. Obviously this meant the collection of a large amount of pertinent data and its thorough analysis, with a view to being sure that the best interests of the city in the future, as well as in the present, were being protected. In particular, the proper growth of industry, business and multiple dwellings must not be stifled just because there happens to be a popular prejudice against them.

It was also evident that zoning could not be studied effectively apart from the
rest of the City Plan, for all parts of the plan are inter-related. Thoroughfares determine the location of future business, industrial and apartment house districts. They control the bus lines, present and proposed, and fix the location of business and apartment houses. The type of subdivision layout controls the types of residences. Parkways attract apartment houses, especially near the center of the city. Schools and playgrounds should be surrounded by residence districts, as should also parks and play fields. In general, it was found that unless the zoning plan is studied jointly with the rest of the City Plan, it would be likely to be just a good guess and a continuance of existing conditions, rather than a creative force for the logical and orderly development of the growing city.

It is unnecessary to describe in detail all of the many steps and processes involved in working out a Zoning Ordinance, but it should be known that a detailed survey was made of every property within the 72 square miles of the city, and for a considerable distance out-

A PRIVATE GARAGE SPOILING A HOME STREET.
Doors swing over street and garage masks houses.

SIMILAR PRIVATE GARAGE AS CONTROLLED BY ZONING

side, and about 100 questions were checked in the field for each parcel. All of this data was shown on some 1,200 large field maps, and then the facts were recorded in detail on a series of 48 sheets at 400 scale, called the Property Data Map. This was extended also for three miles outside of the city limits. The records of the Commissioner of Buildings were searched for five to ten years back, and the various applications for building permits were segregated into groups according to use and structure, and many analyses made of prevailing conditions and tendencies for each type of use and structure. These were checked in turn for a number of types of districts in various parts of the city. These studies were made so as to avoid guesswork, and so as to base the provisions of the Ordinance on what is considered reasonable in practice.
The following tables entitled: "Analysis of All Buildings in Business 'B' Area," "Analysis of Recent Taller Buildings" and "Capacity of Sidewalks," are typical of this data.

Analysis of Recent Taller Buildings

<table>
<thead>
<tr>
<th>Cumulative</th>
<th>1-Story Buildings</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
<th>12</th>
<th>13</th>
<th>14</th>
<th>15</th>
<th>16</th>
<th>17</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. Petge.</td>
<td>42</td>
<td>122</td>
<td>441</td>
<td>441</td>
<td>265</td>
<td>104</td>
<td>63</td>
<td>29</td>
<td>21</td>
<td>18</td>
<td>13</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>132</td>
</tr>
<tr>
<td>Petge.</td>
<td>3.7</td>
<td>11.6</td>
<td>38.9</td>
<td>54.2</td>
<td>23.4</td>
<td>77.6</td>
<td>9.2</td>
<td>6.0</td>
<td>2.4</td>
<td>1.8</td>
<td>1.1</td>
<td>0.3</td>
<td>0.2</td>
<td>0.2</td>
<td>0.1</td>
<td>0.1</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Analysis of All Buildings in Business "B" Area

<table>
<thead>
<tr>
<th>Cumulative</th>
<th>Percentage</th>
<th>Cumulative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number</td>
<td>Percentage</td>
<td></td>
</tr>
<tr>
<td>1-story buildings</td>
<td>42</td>
<td>3.7</td>
</tr>
<tr>
<td>2</td>
<td>122</td>
<td>11.6</td>
</tr>
<tr>
<td>3</td>
<td>441</td>
<td>38.9</td>
</tr>
<tr>
<td>4</td>
<td>265</td>
<td>23.4</td>
</tr>
<tr>
<td>5</td>
<td>104</td>
<td>77.6</td>
</tr>
<tr>
<td>6</td>
<td>63</td>
<td>9.2</td>
</tr>
<tr>
<td>7</td>
<td>29</td>
<td>6.0</td>
</tr>
<tr>
<td>8</td>
<td>21</td>
<td>2.4</td>
</tr>
<tr>
<td>9</td>
<td>18</td>
<td>1.8</td>
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<tr>
<td>10</td>
<td>13</td>
<td>0.5</td>
</tr>
<tr>
<td>11</td>
<td>4</td>
<td>0.3</td>
</tr>
<tr>
<td>12</td>
<td>5</td>
<td>0.4</td>
</tr>
<tr>
<td>13</td>
<td>2</td>
<td>0.2</td>
</tr>
<tr>
<td>14</td>
<td>2</td>
<td>0.2</td>
</tr>
<tr>
<td>15</td>
<td>1</td>
<td>0.1</td>
</tr>
<tr>
<td>16</td>
<td>1</td>
<td>0.1</td>
</tr>
<tr>
<td>17</td>
<td>1</td>
<td>0.1</td>
</tr>
<tr>
<td>Total</td>
<td>132</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Average height - 3.8 stories

- Buildings greater than 1 1/2 times street width
- Buildings greater than 2 times street width
- Buildings greater than 3 times street width
- Buildings greater than 4 times street width

Capacity of Sidewalks — Height of Buildings

- Average down-town block: 400 ft. x 400 ft.
- Gross area of average down-town block: 160,000 sq. ft.
- Average sidewalk width: 12 ft.
- Walking speed of pedestrians: 200 ft. per minute
- Number of persons per ft. of sidewalk (6 sq. ft. per person): 2 persons
- Capacity of sidewalks: 400 persons per minute
- 400 persons are 3% of 13,333 persons
- Gross floor area per office worker: 1,333,300 sq. ft.

As a result of these latter calculations in regard to sidewalk capacities, it was found that the widths of the streets would limit the average height of buildings in the downtown district to not over seven stories, and probably not over five stories. At present there are about sixty buildings in the downtown district that exceed this height. The maximum height limit finally adopted in the Zoning Ordinance is much higher than the average for other zoning ordinances throughout the country. In making the height limit four times the street width, it was done on the assumption that there would be very few tall buildings ever erected in Cincinnati, and
that the erection of those few should not be prevented on account of any possible damage to their neighbors. It is firmly believed that as time goes on this will prove to have been a mistake, as it will tend to concentrate in the few exceptionally tall buildings the cream of most of the market for a profitable use of the upper floors of buildings in the central business district, and at the same time these exceptionally tall buildings will be attractive to tenants just in proportion as they are able to steal their light, air and outlook over lower neighboring buildings.

In almost all other features, the Zoning Ordinance as adopted conforms to that which is best in existing tendencies as discovered in the analysis of the facts. These facts include for each type of district the investigation of thousands of instances of typical front yards, side yards, rear yards, courts, heights, lot widths, lot depths, property uses, and aggregate floor areas in relation to the lot areas.

The accompanying table, dealing with Total Floor Areas of Apartment House Buildings in Residential Districts, shows the latter data:

### Apartments in Residence “B” Districts

<table>
<thead>
<tr>
<th>Width of Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>70 x 120</td>
</tr>
<tr>
<td>100 x 120</td>
</tr>
<tr>
<td>100 x 150</td>
</tr>
<tr>
<td>120 x 150</td>
</tr>
<tr>
<td>200 x 150</td>
</tr>
<tr>
<td>250 x 120</td>
</tr>
<tr>
<td>200 x 200</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Depth</th>
<th>Area</th>
<th>Set-Back</th>
<th>Side</th>
<th>Rear</th>
<th>Total</th>
<th>% of Lot Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>8,000</td>
<td>20</td>
<td>30.1</td>
<td>34.2</td>
<td>7,900</td>
<td>94 %</td>
<td></td>
</tr>
<tr>
<td>12,000</td>
<td>20</td>
<td>36.2</td>
<td>36.2</td>
<td>12,250</td>
<td>102 %</td>
<td></td>
</tr>
<tr>
<td>15,000</td>
<td>20</td>
<td>39.2</td>
<td>38.6</td>
<td>15,000</td>
<td>105 %</td>
<td></td>
</tr>
<tr>
<td>19,200</td>
<td>20</td>
<td>48.4</td>
<td>38.6</td>
<td>19,400</td>
<td>106 %</td>
<td></td>
</tr>
<tr>
<td>21,600</td>
<td>20</td>
<td>46.7</td>
<td>35.8</td>
<td>23,150</td>
<td>107 %</td>
<td></td>
</tr>
<tr>
<td>24,000</td>
<td>20</td>
<td>56.5</td>
<td>42</td>
<td>25,000</td>
<td>106 %</td>
<td></td>
</tr>
<tr>
<td>30,000</td>
<td>20</td>
<td>62.5</td>
<td>50</td>
<td>32,000</td>
<td>104 %</td>
<td></td>
</tr>
<tr>
<td>30,000</td>
<td>20</td>
<td>66.7</td>
<td>45</td>
<td>32,000</td>
<td>104 %</td>
<td></td>
</tr>
<tr>
<td>40,000</td>
<td>20</td>
<td>72.6</td>
<td>63.4</td>
<td>43,000</td>
<td>109 %</td>
<td></td>
</tr>
</tbody>
</table>

### Apartments in Residence “C” Districts

<table>
<thead>
<tr>
<th>Width of Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>70 x 120</td>
</tr>
<tr>
<td>100 x 120</td>
</tr>
<tr>
<td>100 x 150</td>
</tr>
<tr>
<td>150 x 120</td>
</tr>
<tr>
<td>200 x 200</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Depth</th>
<th>Area</th>
<th>Set-Back</th>
<th>Side</th>
<th>Rear</th>
<th>Total</th>
<th>% of Lot Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>8,300</td>
<td>10</td>
<td>17.8</td>
<td>25.5</td>
<td>13,200</td>
<td>157 %</td>
<td></td>
</tr>
<tr>
<td>12,000</td>
<td>10</td>
<td>21.2</td>
<td>25.5</td>
<td>19,800</td>
<td>165 %</td>
<td></td>
</tr>
<tr>
<td>15,000</td>
<td>10</td>
<td>21.9</td>
<td>31.9</td>
<td>25,000</td>
<td>170 %</td>
<td></td>
</tr>
<tr>
<td>18,000</td>
<td>10</td>
<td>26.8</td>
<td>27.3</td>
<td>30,000</td>
<td>170 %</td>
<td></td>
</tr>
<tr>
<td>40,000</td>
<td>10</td>
<td>36.5</td>
<td>43.8</td>
<td>71,600</td>
<td>179 %</td>
<td></td>
</tr>
</tbody>
</table>
BUILDING ZONES

While this work was going on, the future growth of the city was calculated from many angles, with due regard to its character, intensity, rate and direction of growth, and for each part of the city a detailed prognostication was made of what would be the normal expected growth for fifty years to come.

The preliminary drafts of an ordinance and map specially designed to meet Cincinnati conditions and tendencies were being tried out while the data was being analyzed. These studies were carefully checked in the field and in numerous conferences with those competent to pass on Cincinnati conditions, so as to make sure that no contributory factor had been overlooked or misjudged, all of which resulted in constant amendments to the preliminary drafts.

Furthermore, at every stage the zoning map was compared with the studies going on simultaneously on every feature of the City Plan, so as to avoid "surprises" and the necessity of undoing the Zoning Plan later to conform with the rest of the City Plan.

Calculations were made from field studies of the amount of business space which would probably be needed for the next fifty years in each part of the city to take care of local needs, and similar calculations were made on the amount of industrial space needed in proportion to the growing population. Studies were also made of the space that would be needed in apartment houses to take care of the normal apartment house demands.

In making the Zoning Maps, the future business, industrial and apartment house needs were constantly in mind, and the accompanying table, entitled "Areas of Zones in Zoning Ordinance" shows that ample provision for growth has been made in each type of district. For example, it is seen that the business districts provide for the needs of nearly five times the present population, the apartment house districts for at least double the present population plus the possibility
of erecting an open type of apartment house almost anywhere in the city, and the industrial districts provide for expanding the present industrial holdings at least ten times, or leaving out land subject to flood and otherwise unavailable, fully five times the present industrial use.

With regard to the expansion of housing in general, the table shows that well over three-quarters of the area of the city is as yet undeveloped.

Area of Zones in Zoning Ordinance
Cincinnati, Ohio

<table>
<thead>
<tr>
<th></th>
<th>Residence</th>
<th>Business</th>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A 90,200,000 sq. ft.</td>
<td>A 123,345,000 sq. ft.</td>
<td>A 28,730,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>B 1,458,231,800</td>
<td>B 10,570,000</td>
<td>B 24,770,000</td>
</tr>
<tr>
<td></td>
<td>C 39,220,000</td>
<td>C 1,410,000</td>
<td>C 14,910,000</td>
</tr>
</tbody>
</table>

Total 2,007,244,800

Comparative Area of Zones Expressed in Percentage of the Total Area of the City

<table>
<thead>
<tr>
<th></th>
<th>Under Zoning</th>
<th>Existing in 1924</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residence A</td>
<td>4.5%</td>
<td>2.5%</td>
</tr>
<tr>
<td>&quot; B</td>
<td>72.7</td>
<td></td>
</tr>
<tr>
<td>&quot; C</td>
<td>2.0</td>
<td></td>
</tr>
<tr>
<td>Business A</td>
<td>5.9%</td>
<td>1.4%</td>
</tr>
<tr>
<td>&quot; B</td>
<td>0.5%</td>
<td></td>
</tr>
<tr>
<td>Industrial A</td>
<td>1.4%</td>
<td></td>
</tr>
<tr>
<td>&quot; B</td>
<td>12.3%</td>
<td>1.6%</td>
</tr>
<tr>
<td>&quot; C</td>
<td>0.7%</td>
<td></td>
</tr>
</tbody>
</table>

100.0%

The many conferences with Cincinnati organizations and groups of public-spirited citizens were productive of a great many good suggestions and brought out many facts which constantly tended to improve and render more practical the text of the Ordinance and the limits of the various zones.

ONE OF 48 OFFICIAL BUILDING ZONE MAPS
Shows district limits in detail.
On November 20, 1923, the Technical Advisory Corporation presented to the City Planning Commission for certification to the City Council, a full statement with regard to the principles on which the Zoning Ordinance was based, the method of study used in arriving at the form of the Ordinance and Map as drawn, the reasons why it was felt that the Zoning Ordinance and Map as drawn was a reasonable application of the police power, and a list of data of all sorts and kinds which substantiated the Zoning Ordinance.

On that date, the City Planning Commission adopted the following resolution:

"RESOLVED That the plan for the districting or zoning of the City of Cincinnati incorporated in the map of such zone plan and draft of ordinance identified by the signatures of ...................... be approved and be and the same are hereby certified to the City Council of the City of Cincinnati, and that the Executive Secretary of this Commission be and he is hereby directed to transmit said plan, including said map and ordinance, duly certified by this Commission to the City Council of Cincinnati, and that accompanying it there shall be transmitted to the Council the following report this day made to this Commission by the Technical Advisory Corporation, showing the principles and data on which this zone plan has been based. The maps, charts, tables and other data referred to in this report are on file and can be consulted at any time at the office of this Commission, and that this Commission is ready at any time, on the request of the City Council, to submit to it any of the aforesaid data."

The City Council Committee on the Building Zone Ordinance then held a long series of conferences and hearings, and after various further revisions, the zoning ordinance was adopted by unanimous vote of the City Council, on April 1, 1924, and it took effect May 3, 1924.

The Zoning Ordinance Since Enactment

Up to January 1, 1925, there have been no amendments to the text of the Zoning Ordinance, but various possible improvements brought out in the handling of nearly 5,000 building permits since the Zoning Ordinance went into effect are now being considered. Most of these amendments are matters of detail which come up in daily practice, and if adopted as amendments to the Zoning Ordinance, will save the Building Commissioner considerable trouble in explaining the application of the Zoning Ordinance to many specific cases. These changes do not affect the general policy of the Ordinance.

Various changes in the map are under consideration, and while but few have been adopted up to January 1, 1925, various of the proposed amendments to the map should be adopted, in view of changing conditions, and of new facts which were not available at the time the original map was drafted.

The official Building Code of the City of Cincinnati was amended at the same time the Zoning Ordinance was passed, so as to eliminate all inconsistencies and duplication between the two ordinances. All provisions in the Building Ordinance which had to do with the use of buildings, structures or land, except where a matter of fire protection and safety, and all provisions with regard to the height of buildings, and the sizes of their yards and courts, except where a matter of fire protection or strength of construction, were taken out of the Building Code and put into the Zoning Ordinance, with different restrictions in different parts of the city.

The Board of Zoning Appeals was appointed immediately after the Zoning Ordinance was enacted, and was ready to function as soon as the Zoning Ordinance was in effect. Meanwhile, the Commissioner of Buildings had published several bulletins, informing those who were submitting applications for building permits, as to just what they would have to do to comply with the regulations of the Zoning Ordinance.
At an early meeting, the Zoning Board of Appeals adopted rules of procedure and various typical blank forms for the use of applicants. These follow in detail, as they have been found in practice to work most satisfactorily:

Rules of Procedure of the Zoning Board of Appeals

(Cincinnati, O.)

ARTICLE I.

Meetings

1. Regular meetings of the Zoning Board of Appeals shall be held at 11 A.M. on the first and third Tuesday of each month.

2. Special meetings may be called by the President, or at the request of three members, provided that notice of same has been mailed to each member at least 24 hours before the time set, except that the announcement of a special meeting at any meeting at which all the members are present, shall be sufficient notice of such meeting.

3. A quorum of the Board shall consist of four members.

ARTICLE II.

Cases Before the Board

1. Every appeal shall be made to the Zoning Board of Appeals on Form No. 101, prepared by said Board, and which can be secured at the office of the Commissioner of Buildings. The procedure of appeal shall be as follows:

   A written appeal shall be filed with the Secretary of the Board by the party aggrieved by any order or decision of the Commissioner of Buildings, upon the forms prepared and supplied by this Board. Said petition shall contain, in addition to filling out the blanks of said form, the following:

   An explicit typewritten statement setting forth
   (a) The principal points upon which this appeal is made.
   (b) Same shall be based upon the application for which the Commissioner of Buildings issued a refusal, order or decision.
   (c) A clear and accurate description of proposed work or use.
   (d) Specific reference to that section of the Zoning Ordinance under which it is claimed permit should be issued.
   (e) Names and addresses of owners of ALL abutting lots or property.

2. Every appeal shall be taken within 30 days from the date of any refusal of a permit by the Commissioner of Buildings, or the date of any order, ruling, decision or determination of such Commissioner, from which an appeal is taken.

3. Any communications purporting to be an appeal shall be regarded as mere notice to seek relief, until it is made in the form required.

ARTICLE III.

The Calendar

1. Each appeal, filed in proper form, with the required data, shall be numbered serially, and shall be placed upon the Calendar of the Board by the Secretary thereof. The calendar numbers shall begin anew on January 1st of each year, and shall be hyphenated with the number of the year in which said appeal is filed.

2. Appeals will be assigned for hearing in the order in which they appear on the calendar, except that an appeal may be advanced for hearing by order of the Board, upon good cause being shown.

3. Three days' notice of the hearing of an appeal shall be given the appellant by mailing notice thereof by registered mail to the address stated in the appeal. A brief notice of all hearings shall be published in a newspaper of general circulation in the City of Cincinnati, at least two days before such hearing.

ARTICLE IV.

Hearings

1. Hearings by the Zoning Board of Appeals shall be held on Wednesday of each week, at 10 A.M.

2. A quorum for hearing by the Board shall consist of four members, but a lesser number may meet and adjourn a meeting.

3. The appellant shall appear in his own behalf, or be represented by counsel or agent at said hearing. At such hearing, the appellant's side of the case shall be first heard, the first hearing by the representative of the Commissioner, or the Commissioner next, and the appellant shall then be given an opportunity to reply thereto. No further argument shall be allowed unless by the unanimous consent of the Board.

ARTICLE V.

Final Disposition of Appeal

1. The final disposition of any appeal to the Zoning Board of Appeals shall be in the form of a resolution, which shall affirm, modify or reverse the refusal of a permit by, or any order or decision of, the Commissioner of Buildings.

   The Board may set out in said resolution the condition or conditions upon which the permit may be issued in order to carry out the purpose and intent of the Ordinance. The concurring vote of three members shall be necessary to a decision. If a resolution presented at any meeting fails to receive three concurring votes, it shall be presented...
again at the next meeting. In cases where no serious conditions exist and where there are no objections, the Secretary is authorized to notify the appellant verbally of the action of the Board prior to the mailing of the final resolution.

2. Any appellant may withdraw his appeal at any time prior to decision by the Zoning Board of Appeals thereon.

3. Unless an appeal be perfected within forty (40) days of the date of filing of same, the Board of Appeals, by a concurring vote of three members, may dismiss said appeal for want of prosecution.

ARTICLE VI.
Rehearings

1. No rehearing of the decision by the Zoning Board of Appeals shall be had except

(a) On a motion to reconsider the vote or

(b) On a written request for a rehearing.

2. If the motion to reconsider receives three affirmative votes, the Zoning Board of Appeals may vote on the motion to grant said request for a rehearing, subject to such conditions as said Board may, by resolution, in each case, stipulate.

3. No request to grant a rehearing will be entertained unless new evidence is submitted, which could not reasonably have been presented at the previous hearing. If the request for a rehearing is granted, the case shall be put on the Calendar for a rehearing. In all cases, the request for a rehearing shall be in writing, reciting the reasons for the request, and shall be duly verified, and accompanied by the necessary data and diagrams. The person requesting the rehearing shall be notified to appear before the Board on a date to be set by said Board, of which he shall be notified.

ARTICLE VII.
Officers

1. The President shall preside at all meetings and hearings of the Board. In the event of the absence or disability of the President, the Vice-President shall preside.

2. The President, subject to these rules, shall decide all points of order or procedure, unless otherwise directed by a majority of the Board in session at that time.

3. The President shall designate the members of the Zoning Board of Appeals to make an inspection, and unless otherwise directed by a majority of the Board, shall appoint any committee that may be found necessary.

4. The President shall report at each meeting on all official transactions that do not otherwise come to the attention of the Board.

5. The President shall, subject to these rules and further instructions from the Board, transact all official business of said Board, engage the necessary employees, direct their work, and exercise general disciplinary powers.

6. Subject to these rules and the direction of the Board, the Secretary shall conduct all official correspondence; send out all notices required by these rules and the order of the Board; attend all meetings and hearings; keep the minutes of the Board's proceedings; compile the required records; maintain the necessary files and indexes, and generally supervise all the clerical work of the Board.

ARTICLE VIII.
Amendments

1. These rules may be amended or modified provided that such amendment be presented in writing at the regular meeting and action taken thereon at a subsequent regular meeting.

ARTICLE X.
Resolutions

1. Every resolution not otherwise provided for, shall require three affirmative votes of the Board.

ARTICLE XI.
Records

1. The records of appeals to the Zoning Board of Appeals shall be kept in the office of said Board, in such manner as to be accessible to the public at all reasonable hours.

ARTICLE XII.
Order of Business at Regular Meetings

1. The order of business at all regular meetings of the Board shall be as follows:

- Roll Call.
- Reading of the Minutes of the previous meeting and action thereon.
- Communications.
- Report of Committees.
- Unfinished business.
- New business.
- Miscellaneous business.

Form No. 104-24

Board of Appeals

Case No. .

Filed .

Form No. 104-24

Zone Case No. .

APPEAL UNDER THE ZONING ORDINANCE

ZONING BOARD OF APPEALS

CITY OF CINCINNATI, OHIO

CITY HALL.

NOTE:—This appeal must be typewritten and filed within thirty days after the date of the decision or refusal of the Commissioner of Buildings, from which this appeal is taken.
The appellant must file herewith an explicit type-written statement setting forth:

(a) The principal points upon which this appeal is made. In any case, the principal points set forth in the appeal shall be the same as those under which the Commissioner of Buildings issued a refusal, order or decision.
(b) A clear and accurate description of proposed work or use.
(c) Specific reference to that section of the Zoning Ordinance under which it is claimed permit should be issued.
(d) Names and addresses of owners of all abutting lots or property.

Names and Addresses
Appellant: __________________________ Address: __________________________
Owner: __________________________ Address: __________________________
Lessee: __________________________ Address: __________________________

To the Board of Appeals,
Cincinnati, Ohio:
The undersigned, __________________________ hereby appeals from the decision of the Commissioner of Buildings.
Zone Case No. __________________________, wherein a
Building Permit is Refused For: __________________________
Certificate of Occupancy is Refused For: __________________________

Order or Decision

in accordance with plans, application and all data heretofore filed with said Commissioner of Buildings, all of which are hereto attached and made a part of this appeal.

No previous application or appeal under the Zoning Ordinance has been made by me affecting these premises.

I hereby depose and say that all the above statements and the statements contained in all of the exhibits transmitted herewith are true.

____________________________________
Appellant

Sworn and subscribed before me this ______ day of ____________, 19__

____________________________________
Notary Public

My commission expires __________________________

Form No. 105-24

NOTICE OF HEARING OF APPEAL

ZONING BOARD OF APPEALS
CITY OF CINCINNATI, OHIO
CITY HALL

Address all communications to
Secretary, Zoning Board of Appeals,
City Hall,
Cincinnati, O. ____________, 19__

Sir:

Your appeal, under the Zoning Ordinance, relative to premises __________________________ has been given Board of Appeals Case No. __________________________.

All inquiries and references should always be made to that Board of Appeals Case number.

Further, you are notified to appear before the Board of Appeals, either in person or by agent or attorney, for a hearing of your case on __________________________ at ____________ A.M., in the Zoning Board of Appeals Room, Second Floor, City Hall, Cincinnati, Ohio.

You must publish the publication enclosed herewith, in accordance with the instructions given thereon.

Respectfully,

ZONING BOARD OF APPEALS,

__________________________
Secretary

Form No. 111-24

NOTICE TO ADJOINING PROPERTY OWNERS

CITY OF CINCINNATI
ZONING BOARD OF APPEALS
Cincinnati, O. ____________, 19__

An appeal has been filed by __________________________

(Address) __________________________, on behalf of __________________________

(Address) __________________________, as provided by the Zoning Ordinance

on the premises located at __________________________

This appeal has been given Board of Appeals Case No. __________________________, and a hearing will be held by
the Board of Appeals on __________________________ at ____________ A.M., in the Zoning Board of Appeals Room, Second Floor, City Hall, at which time you may appear, if you so desire, either in person or by agent or attorney.

By order of the Zoning Board of Appeals.

__________________________
Secretary

Form No. 106-24

PUBLICATION OF APPEAL
CITY OF CINCINNATI
ZONING BOARD OF APPEALS

Instructions: The appellant must publish the publication given below in a newspaper of general circulation in Cincinnati, Ohio, seven days in advance of hearing.
The publication is all wording below heavy ruled line.
The newspaper in which this notice is published must issue a certificate setting forth a true and complete copy of said publication and the exact date on which same was published. Such certificate must be filed by the appellant with the Zoning Board of Appeals, not less than five days before the date of hearing referred to in said publication.

Between May 3, 1923, and January 1, 1925, about 5,000 applications for building permits have come before the Commissioner of Buildings, and except in about 300 cases, the plans as filed confirmed, or without difficulty were made to conform to the Zoning Ordinance.

About 125 cases have come before the Zoning Board of Appeals, and almost all of these cases have been disposed of; about one-half in favor of and one-half against the applicant. The Zoning Board of Appeals has met at least once a week, and often twice a week since the beginning. With the constant recurrence of similar cases before the Board, it has been found possible to build up a sort of jurisprudence, or consistent policy, which when supplemented by the proposed amendments to the Zoning Ordinance should considerably reduce the work of the Zoning Board of Appeals.

There is no question in the minds of those who are acquainted with the facts that the conscientious fairness of the Zoning Board of Appeals is largely responsible for the general satisfaction that the Zoning Ordinance has given.

Their use of their power to modify the application of the Zoning Ordinance in specific cases of unnecessary hardship has resulted in keeping out of the courts most of the cases that otherwise would have gone there.

Up to the time that the Zoning Ordinance went into effect, the following was a summary of the situation of the judicial decisions in Ohio on constitutionality of zoning:

Two Nisi Prius courts, which means courts of first instance, namely the common pleas courts of Cuyahoga and Mahoning Counties, in four distinct cases involving the zoning ordinances of East Cleveland, Lakewood, Euclid Village and Youngstown, have upheld the constitutionality of zoning, namely: People ex rel Morris v. Osborn, 22 Ohio N. P. (N. S.) 549; State ex rel Dantzig v. Durant, Lakewood; State ex rel Cormiea v. Stein, Euclid Village; Parrish v. City of Youngstown, Youngstown.

On the other hand, but one Nisi Prius court, namely, the United States District Court for the Northern District of Ohio, in a case involving the Euclid Village Ordinance, decided against the constitutionality of zoning. The case is Ambler Realty Co. v. Euclid Village, 21 Ohio Law Bulletin, 607.

This shows a strong balance of favorable decisions in courts of first instance.

There was one appellate court decision upholding the constitutionality of zoning, involving the Lakewood ordinance. The case is State ex rel Dantzig v. Durant, 21 Ohio Law Bulletin 395, a decision of the Court of Appeals, sitting in Cuyahoga County. Consequently, the decision of the highest court which has passed on the question is in favor of constitutionality.

In general throughout the country there have been over 200 zoning cases, over 90 per cent of which have been fully favorable to zoning, and the other 10 per cent largely depending on local conditions which do not affect cities in the State of Ohio.

The upholding of the Duttenhoffer ordinance by the Supreme Court of Ohio in December, 1924, made it possible for the applicants for building permits who had filed their applications before May 3, 1924, but whose application had been refused because of non-compliance with the strict letter of the building code, to go ahead with their plans as filed, even though contrary to the Zoning Ordinance. This sanction did not apply, however, to the
Hyde Park case, where the applicant wished to erect a group of seven stores at the corner of Observatory Road and Edwards Road in a residence district. This case, together with the Youngstown case above referred to, went before the Supreme Court of the State of Ohio on January 26, 1925.

In general it can be said that the passage of the Zoning Ordinance and its successful operation, is the most important single step in the carrying out of the City Plan. However, it is obvious that the full enjoyment of the benefits that should be derived from zoning is dependent on the carrying out of the rest of the Plan, as presented in this Report.

Fire Limits

The City of Cincinnati, according to the building code, has several large districts and a number of small districts called "blocked squares," within which buildings can not have a combustible exterior. In the interest of consistency it is most desirable that the fire limits and the "blocked squares" should be modified, so as to conform with the Business and Industrial Districts of the Building Zone Map.

HOMES ON THE HILLTOPS NORTH OF THE "BASIN"

Why Cincinnati delights the artist

PRAAGUE TOWARD THE HAHADCANY

How a "Jewel in the Crown" of Cincinnati hills might look and Mount Adams does look