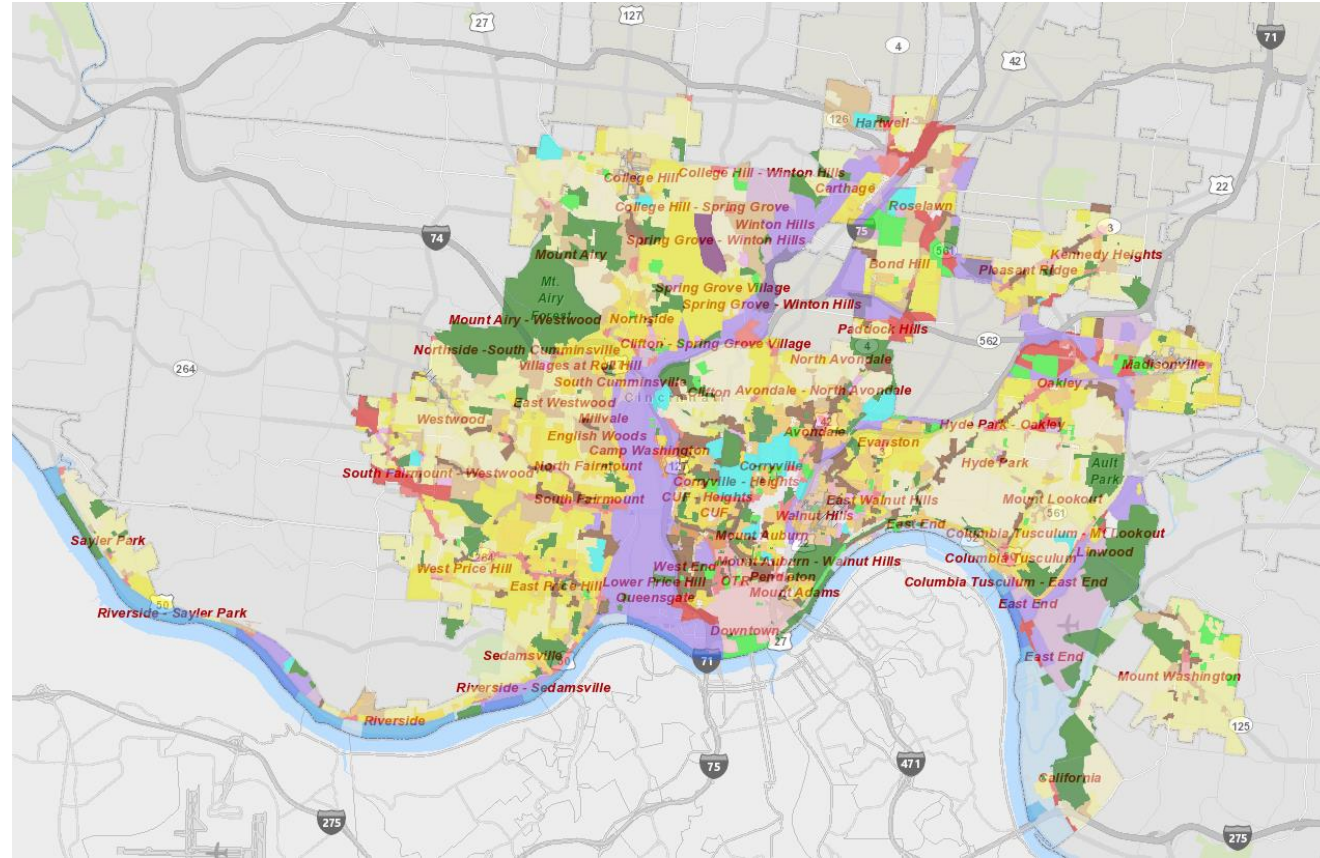


ZONING IN CINCINNATI



Sean S. Suder, Esq.

Presenter, Sean S. Suder, Esq.

- Lead Principal, ZoneCo
- Managing Principal, Suder, LLC
- Urban Planning and Law Degrees, 17 years in practice
- Former Chief Counsel, Land Use and Planning, City of Cincinnati
- Zoning code consultant for communities in 15 states
- Former adjunct professor of land use, University of Cincinnati College of Law



ZONECO⁺⁺

The ZoneCo law and planning professionals craft custom-tailored, clear, consistent, user-friendly, defensible zoning codes that advance the community's land use and development vision.

- Law + Planning
- Extensive code experience
- County zoning/subdivision experience
- Corridors and nodes - coding for vibrancy, growth, and preservation
- All staff members have administered a zoning code from public sector
- Subdivision regulations experience

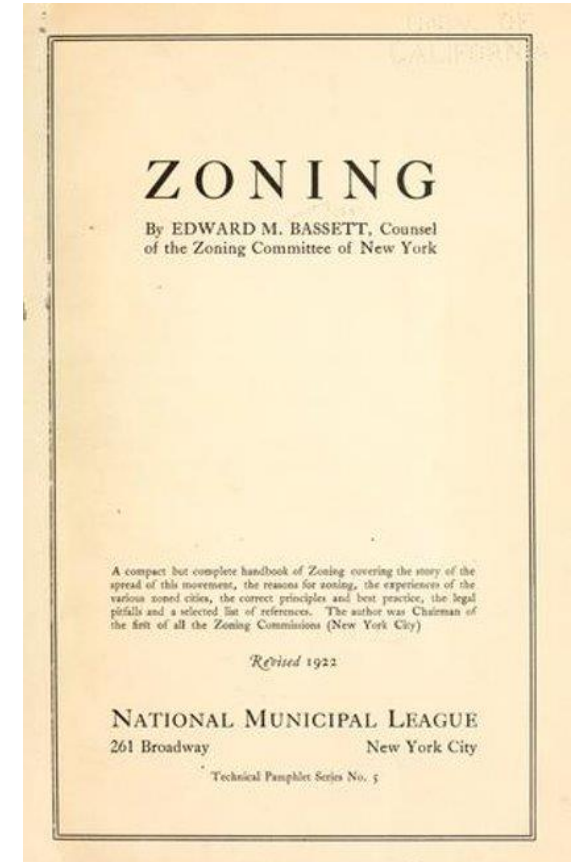


- Code projects in 15 states
- Midwest
- Mid-Atlantic
- South
- Northeast
- West

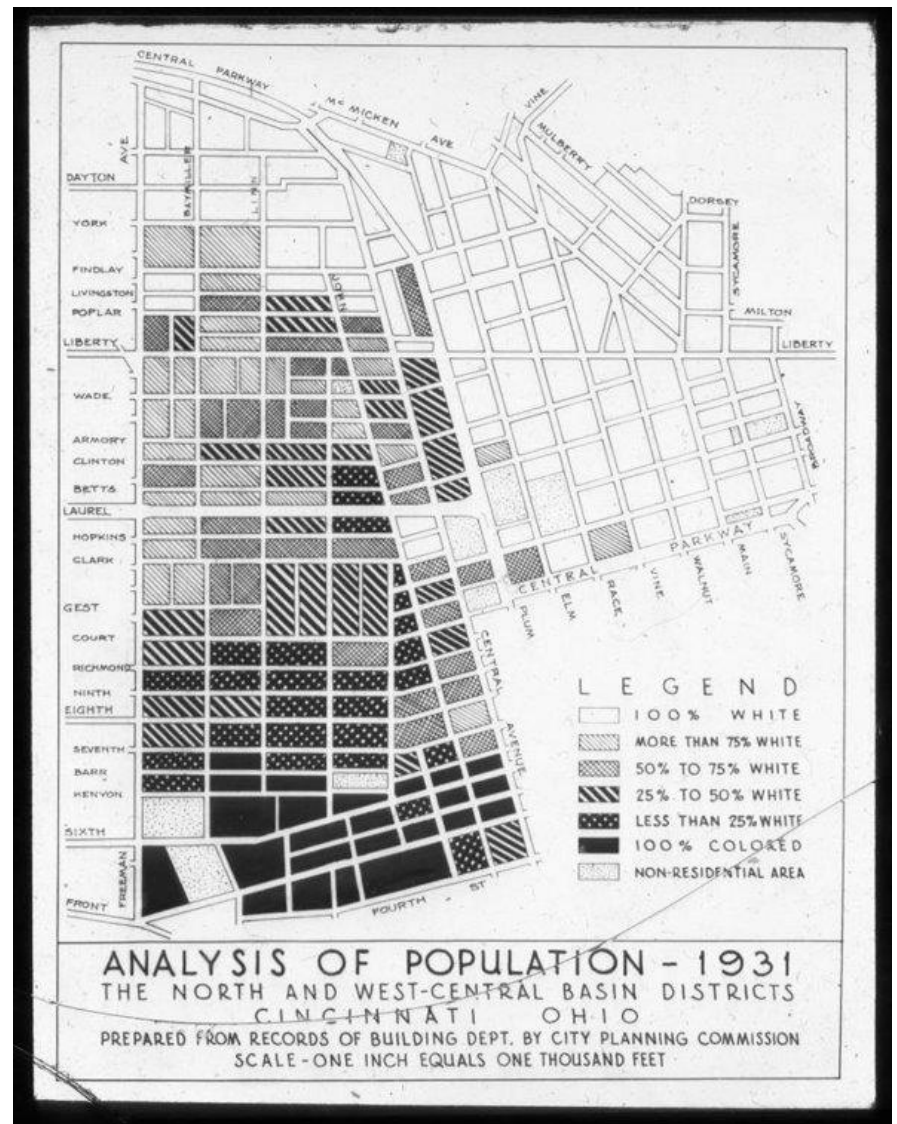
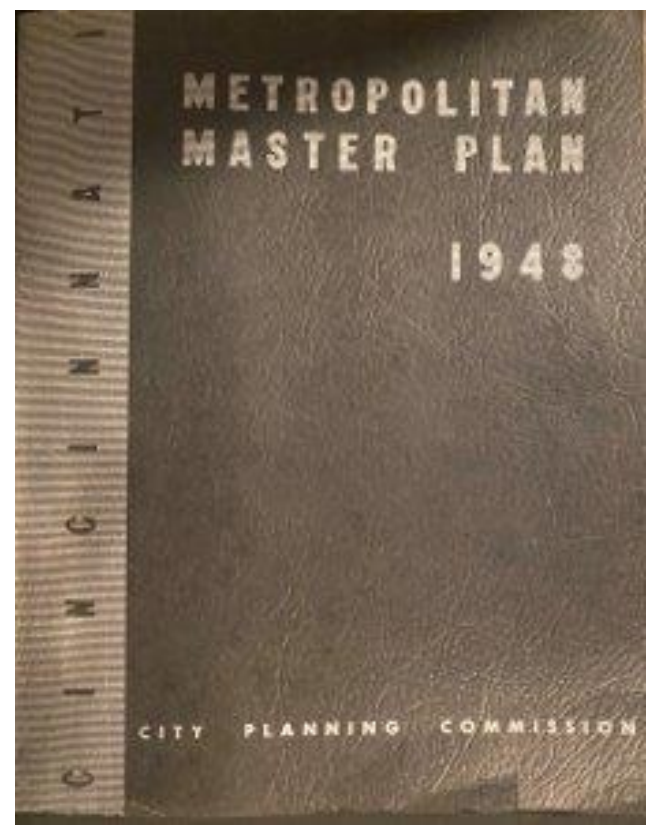
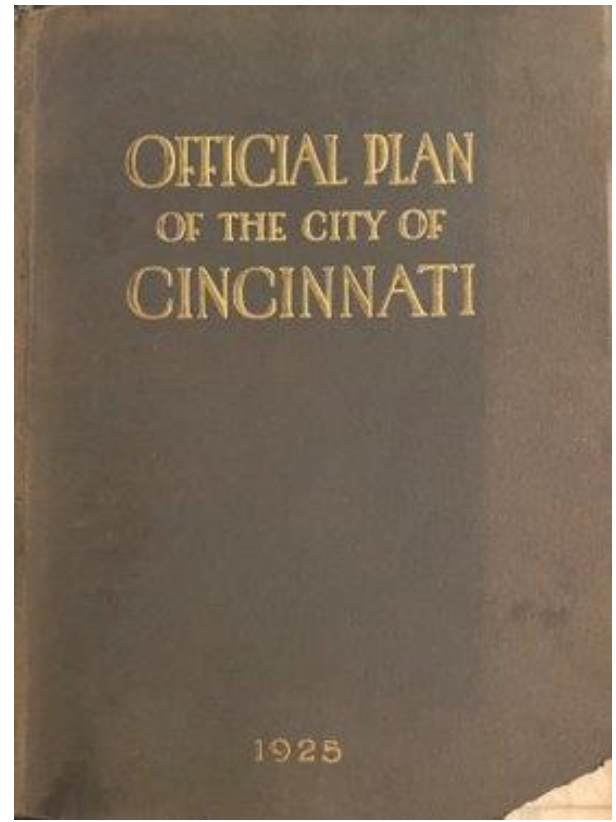
- Active Members and Supporters of:
- American Planning Association (APA)
 - Congress for the New Urbanism (CNU)
 - International City County Managers Association (ICMA)
-

What is zoning and where did it come from?

- Zoning was not created in Ohio, but it was made legal because of a case from Ohio (*Euclid v. Ambler*).
- Zoning became mainstream due to 1916 NYC Building Standards (Edward Bassett and Alfred Bettman)
- Feds tried to get involved in early 1920's with standard zoning laws – rejected by the states
- Cities copied and pasted NYC's zoning all over American until it was finally determined to be the law of the land in 1926
- Planning became a profession, planning commissions proliferated, zoning boards of appeals, etc.
- Historic preservation laws began in 1930's – 1978 Penn Central case made it widespread
- Zoning proliferated in suburbia in 1950's forward
- Cities tried to compete with the suburbs by emulating the suburban development pattern – wreaked havoc on cities



History of Zoning in Cincinnati



Types of Zoning

- Euclidean (use based) zoning
- Form-based zoning
- Hybrid zoning (use and form-based zoning)





USE-BASED CODES

Euclidean codes still reign supreme

Still used to stop mixed uses

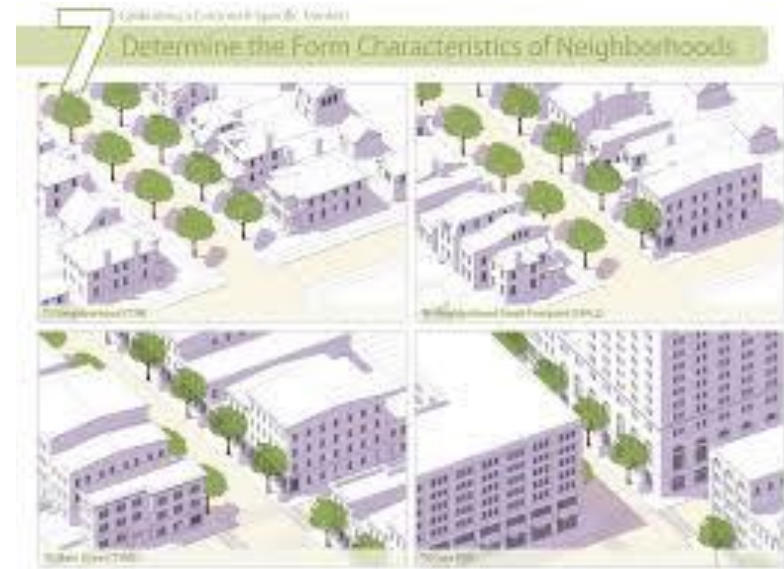
Still used to control lot sizes

LAND USE PROVISIONS | Permitted Uses

Sec. 3.1.2. Allowed Use Table

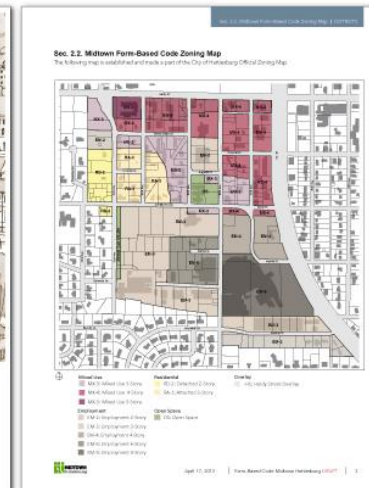
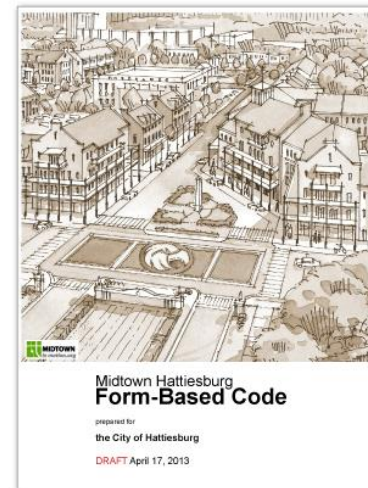
	BU- RA-	BU- RX-	BU- CX-	BU- SH-	BU- IX-	BU- CV	Supplemental Use Standards
Residential Uses							
Household Living							
One-family detached dwelling	P	—	—	—	—	—	
One-family detached dwelling with secondary dwelling unit	P*	—	—	—	—	—	Sec. 3.2.3
Two-family detached	P	—	—	—	—	—	
Duplex/two-family attached dwelling	P	—	—	—	—	—	
One-family attached (townhouse, rowhouse)	P	P	P	—	P	—	
Multifamily dwelling (up to 8 units)	P	P	P	P	P	—	
Multifamily dwelling (9+ units)	—	P	P	P	P	—	
One dwelling unit (when part of a business or civic use)	—	—	P	P	P	P	
Group Living							
Boarding House	—	—	—	—	—	—	
Community Home	P*	P*	P*	P*	P*	—	§ 319 (Zoning code)
Group Home I	P*	P*	P*	P*	—	—	§ 315 (Zoning code)
Group Home II	—	P*	P*	P*	—	—	§ 315 (Zoning code)
Halfway House	—	—	—	—	—	—	
Shelter	—	—	—	—	—	—	
Public and Civic Uses							
Education							
College or University	—	—	—	—	P	—	
Day Care Center (Child or Adult)	SE*	SE*	P	P	P	P	§ 311 (Zoning Code)
School, Elementary or Secondary (Public)	P	P	P	—	P	P	
School, Elementary or Secondary (Private)	—	—	P	—	P	P	
Business College or Commercial School	—	—	P	P	P	—	
Government							
Animal Shelter	—	—	—	—	—	—	
Correctional Facility	—	—	—	—	—	—	
Government Maintenance Facility	—	—	—	—	—	—	

P = Permitted, P* = Permitted w/ Special Standards, SE = Special Exception, SE* = Special Exception w/ Special Standards, — = Not Permitted



FORM-BASED CODES

- Form-Based Codes foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle, with a lesser focus on land use, through municipal regulations. A FBC is a regulation, not a mere guideline, adopted into city, town, or county law and offers a powerful alternative to conventional zoning regulation



HYBRID PLACE-BASED/CHARACTER-BASED CODES

- Building Placement
- Building Attributes
- Public Attributes
- Responsibilities

Responsibilities in the Private Realm

Buildings are aligned parallel to the street, built close to the sidewalk and configured to minimize gaps between buildings in order to physically shape the street as an outdoor room.

Location of all off-street parking, both surface and structured, screened from street view.

Building facade height minimum to create a sense of enclosure and a maximum to avoid sunlight from the outdoor room.

Sidewalks are shaded with awnings and galleries.

Shopfronts maximize transparency with clear windows.

Main building entries face the sidewalk to increase activity on the street.

A sufficient number of openings face the street, such as windows and doors, create a sense of enclosure and enhance street activity.

Elements of Downtown Character

Responsibilities of the Public Realm

Thoroughfares designed for vehicle speeds below 25 mph for a sense of comfort and safety.

Encourage outdoor dining so long as an adequate walkway width is maintained.

Defined "Furnishing Zone" allowing placement of trees, bicycle parking, parking meters, street lights, and other streetscape elements.

Sidewalks with street furniture where awnings and galleries are present.

On-street parking serves as a buffer for people walking and dining, helps reduce vehicle speeds, and provides convenient parking for shoppers and guests.

Walkways are wide enough to accommodate at least two people to walk side comfortably.

Source: Development + Design Center, Downtown Development Authority, Lafayette LA - June 2014

Character Districts

LOT STANDARDS

MINIMUMS

Front Setback	50 ft min, 95 ft max	1
Side Setback	100 ft min	2

SPRINKLER BUILDING PLACEMENT

Primary Front Setback	18 ft min, 21 ft max	1
Secondary Front Setback	12 ft min, 21 ft max	2
Primary Side Setback	8 ft min	3
Secondary Side Setback	8 ft min	4
Front Setback	30 ft min	5

NON-SPRINKLER BUILDING PLACEMENT

Primary Front Setback	20 ft min setback from primary building facade	1
Secondary Front Setback	12 ft min	2
Side Setback	3 ft min	3
Front Setback	3 ft min	4

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HIGGINS BEACH CHARACTER-BASED CODE

The Origins of the Cincinnati Form-Base Code

- 2008 in response to erosion of neighborhood business districts
- 56 neighborhoods, 42 with neighborhood business districts developed between late 1800's through 1930's
- Streetcar neighborhoods without the streetcar
- Offensive and defensive tactic




Form-Based Code

- Main Street zoning
- Mixed-Use as it was originally developed
- Walkable as it was originally developed
- Repairing the built form

1703-2.T5 Main Street (TSMS) Specific to Transect Zones

T5 Main Street (T5MS)
1703-2.80 T5 Main Street (T5MS)



A. Intent

To provide a focal point for neighborhoods that accommodates neighborhood serving retail, service, and residential uses in compact, walkable urban form. The following are generally appropriate form elements in this zone:

- Attached
- Small-to-Medium Footprint
- Simple Wall Plane along Street
- Building at the ROW
- Small to No Side Setbacks
- Up to 5 Stories
- Diverse Mix of Frontages

B. Sub-Zone(s)


TSMS-Open Zone (TSMS-O)

The open sub-zone provides the same building form but allows for a more diverse mix of uses on the ground floor, including residential, thus enabling the retail and service area to mature over time.


General note: The drawing above is intended to provide a brief overview of this transect zone and is illustrative only.

1703-3.140 Specific to Building Types

1703-3.140 Main Street Mixed-Use



Attached Main Street buildings form a unified streetscape along a vibrant commercial street.



Main Street building with bay windows and bright shopfronts


A. Description

The Main Street Mixed-Use building type is a small- to medium-sized structure, typically attached, intended to provide a vertical mix of uses with ground-floor retail, or service uses and upper-floor service, or residential uses. This type makes up the primary component of a neighborhood main street and portions of a downtown main street, therefore being a key component to providing walkability.

T3E	T3N
T4N.MP	T4N.SP
T5MS	T5N.LB
	T5N.SS
	T5P

Key

Allowed Not Allowed



Main Street building with a variety of shopfront sizes.

General Note: Photos on this page are illustrative, not regulatory.

3-26 Approved by City Council 5/8/13 City of Cincinnati Form-Based Code

The Origins of the Cincinnati Form-Based Code

- Four neighborhoods wanted form-based code in their business districts and the ¼ mile walkshed around them
- A market in waiting in some neighborhoods
- No market yet in others
- Empty lots in some, demolitions in others
- Setting the table for the what the community wants



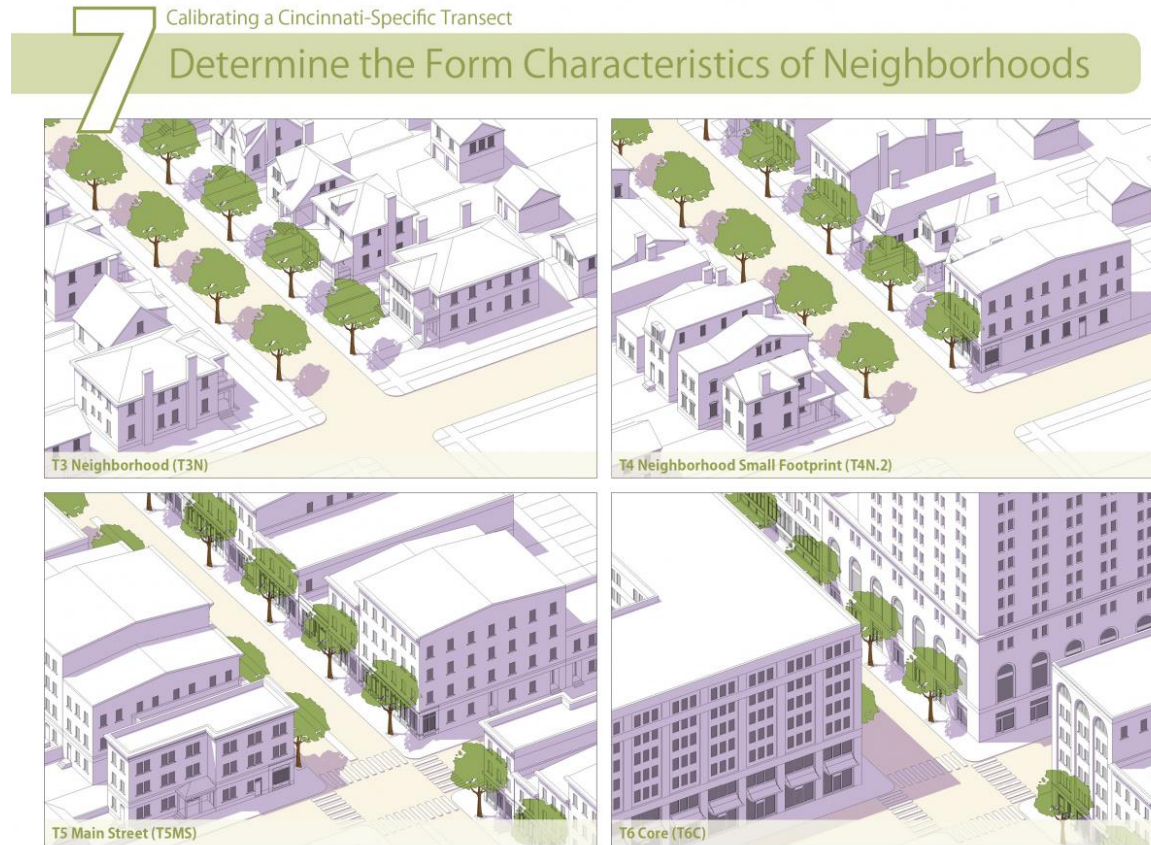
The Origins of the Cincinnati Form-Base Code

- Each pilot neighborhood raised \$10,000 to participate
- Multi-year study undertaken
- Four neighborhood charrettes and one multi-day city-wide charrette with over 700 people
- Setting the table for the what the community wants
- Engaging with developers to predict the market



The Origins of the Cincinnati Form-Base Code

- Adopted 2013
- Madisonville, Walnut Hills, Westwood, College Hill opted in in 2013 and 2014
- Each transect zone specifically calibrated to the city's development patterns
- Regulating plans mapped for each neighborhood



Madisonville

- One of the first four neighborhoods
- Spearheaded by the Madisonville CURC at the request of the Community Council
- Plenty of missing teeth in long business district including key corners
- Suburban style shopping centers mixed with urban form
- First project: 104 units, 24,000 s.f. retail



Madisonville



Chapter 1703 Form-Based Code

Time for more neighborhoods to adopt the form-based code?

It is on the books and ready to go.

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ZONED IN

Economic Benefits & Shared Prosperity
with Form-Based Codes



Zoning reform is recognition:

- That this 100-year American experiment has had negative effects on the way we live
- That zoning has been misused to create and perpetuate racial and economic discrimination and disparity
- That single-family land uses have dominated cities and have contributed to lack of supply and housing affordability issues
- That not all voices have been welcomed or heard – that agency is lacking for minority groups
- That single-use zoning is an unnatural way to live and is unhealthy.



Zoning is a powerful tool:

Zoning is a powerful tool, if used to implement the plan's policies and promote desired outcomes.

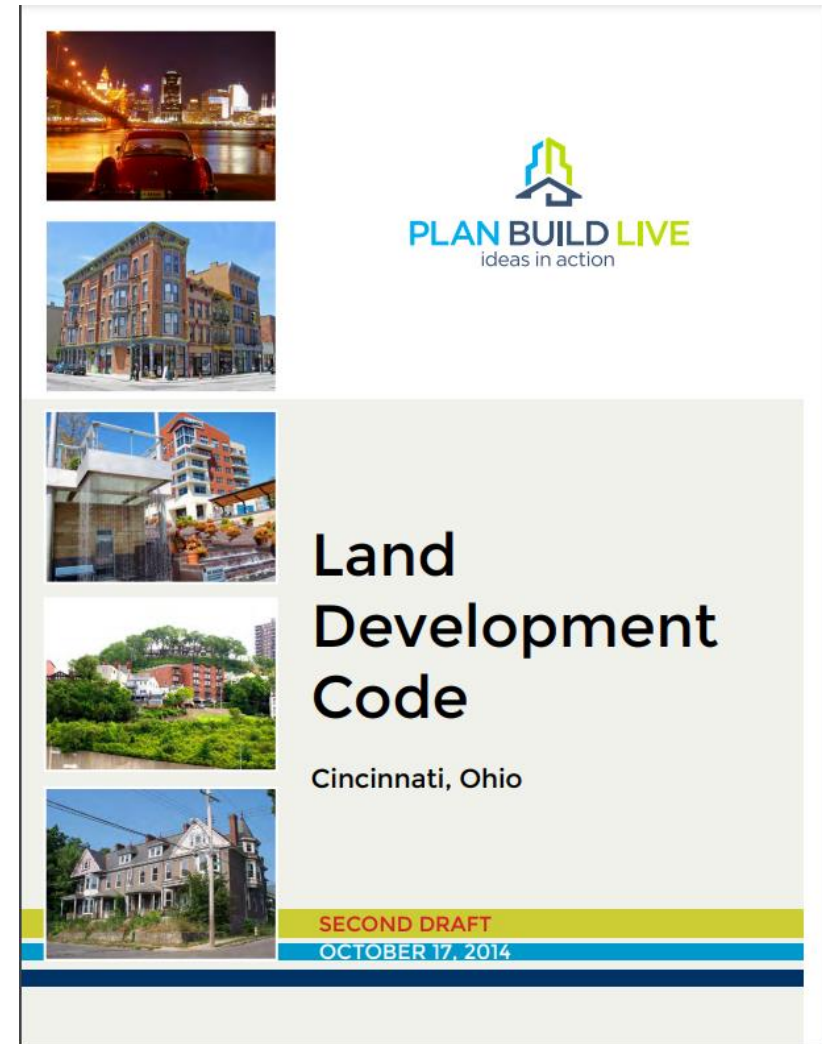
But how do we know unless we do a checkup regularly – a diagnosis of how the zoning is or isn't promoting the city's values:

- Affordable housing
- Diversity of housing options
- Transportation equity
- Environmental justice
- Racial and economic equity



Consider the following actions:

- Equity audit of the current zoning code
- Take a fresh look at form-based code with lessons learned over past decade
- Dust off Land Development Code
- Update the comprehensive plan



THANK YOU



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