


August 2, 2023

**To:** Mayor and Members of City Council  
**From:** Sheryl M. M. Long, City Manager  202301833  
**Subject:** Emergency Ordinance for the Extending the Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District," for an additional six months

Transmitted is an Emergency Ordinance captioned:

**EXTENDING** Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District" as an overlay district for a period of SIX months, pursuant to Chapter 1431, "Interim Development Control Overlay District Regulations," of the Cincinnati Municipal Code.

The City Planning Commission recommended approval of the extension of IDC 88, Surface Parking in the Downtown Development Zoning District, for six additional months at its July 21, 2023 meeting.


**Summary:**

In September 2022, Council Member Mark Jeffreys introduced legislation to amend certain zoning code provisions governing development in the DD, "Downtown Development," to prohibit new surface parking. On September 15, 2022, City Manager Sheryl M. M. Long directed the Department of City Planning and Engagement (DCPE) to conduct a zoning study and propose an Interim Development Control (IDC) Overlay District over the Downtown Development zoning district for the duration of the study. City Council established IDC No. 88 on September 21, 2022 and extended it nine months on October 26, 2022. Since IDC No. 88 establishment, DCPE staff has been analyzing existing conditions, reviewing surface parking permits, and meeting with internal department stakeholders. In initial public meeting has been scheduled for August 2, 2023. DCPE staff will incorporate feedback and questions into the study and continue analyzing and engaging stakeholders, as needed. The study and recommendations will not be complete and implemented before IDC No. 88 expires on September 22, 2023. Staff is seeking one six-month extension to complete the study and approve legislation.

The City Planning Commission recommended the following on July 21, 2023, to City Council:


**ADOPT** the Department of City Planning and Engagement's staff findings that the proposed extension of IDC No. 88 meets the criteria set forth in Cincinnati Zoning Code Section 1431-13, *Extension of IDC Overlay Districts*, as discussed on pages 1 – 4 of this report; and,

**RECOMMEND** that City Council extend Interim Development Control (IDC) Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District," for a period of six additional months, or until the Department of City Planning and Engagement's zoning study is complete and implemented.

cc: Katherine Keough-Jurs, FAICP, Director, Department of City Planning and Engagement 

August 2, 2023

To: Office of the Clerk of Council

From: Katherine Keough-Jurs, FAICP, Director, Department of City Planning and Engagement 

Copies to: Maria Dienger, City Planner, Department of City Planning and Engagement

Subject: Emergency Ordinance – Extending the Interim Development Control Overlay District No. 88, “Surface Parking in the Downtown Development Zoning District,” for an additional six months.

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The above referenced Emergency Ordinance is ready to be included on a City Council Committee agenda. This item requires a public hearing following a 7-day notification period by mail and in the City Bulletin, Cincinnati Enquirer, and affected Community Councils and Community Development Corporations.

Included in this submission are the following items:

- 1) The transmittal letter to the Mayor and City Council;
- 2) A copy of the City Planning Commission staff report dated July 21, 2023;
- 3) The Emergency Ordinance (transmitted by Law);
- 4) The mailing labels for notification of all property owners within IDC 88;
- 5) A copy of the mailing labels for your records.

August 2, 2023

Cincinnati City Council  
Council Chambers, City Hall  
Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith an Emergency Ordinance captioned as follows:

**EXTENDING** Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District" as an overlay district for a period of SIX months, pursuant to Chapter 1431, "Interim Development Control Overlay District Regulations," of the Cincinnati Municipal Code.

**Summary:**

In September 2022, Council Member Mark Jeffreys introduced legislation to amend certain zoning code provisions governing development in the DD, "Downtown Development," to prohibit new surface parking. On September 15, 2022, City Manager Sheryl M. M. Long directed the Department of City Planning and Engagement (DCPE) to conduct a zoning study and propose an Interim Development Control (IDC) Overlay District over the Downtown Development zoning district for the duration of the study. City Council established IDC No. 88 on September 21, 2022 and extended it nine months on October 26, 2022. Since IDC No. 88 establishment, DCPE staff has been analyzing existing conditions, reviewing surface parking permits, and meeting with internal department stakeholders. In initial public meeting has been scheduled for August 2, 2023. DCPE staff will incorporate feedback and questions into the study and continue analyzing and engaging stakeholders, as needed. The study and recommendations will not be complete and implemented before IDC No. 88 expires on September 22, 2023. Staff is seeking one six-month extension to complete the study and approve legislation.

The City Planning Commission recommended the following on July 21, 2023, to City Council:

**ADOPT** the Department of City Planning and Engagement's staff findings that the proposed extension of IDC No. 88 meets the criteria set forth in Cincinnati Zoning Code Section 1431-13, *Extension of IDC Overlay Districts*, as discussed on pages 1 – 4 of this report; and,

**RECOMMEND** that City Council extend Interim Development Control (IDC) Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District," for a period of six additional months, or until the Department of City Planning and Engagement's zoning study is complete and implemented.

Motion to Approve: Ms. Beltran

Seconded: Ms. Sesler

Ayes: Vice Mayor Kearney

Mr. Samad

Mr. Stallworth

Ms. Sesler

Mr. Eby

Ms. Beltran

THE CITY PLANNING COMMISSION

Katherine Keough-Jurs, FAICP, Director, Department of City Planning and Engagement

**SUBJECT:** A report and recommendation on a proposed six-month extension of Interim Development Control (IDC) Overlay District No. 88, “Surface Parking in the Downtown Development Zoning District” in the Central Business District.

**ATTACHMENTS:**

Provided in addition to this report are:

- Exhibit A – Location Map
- Exhibit B – IDC Review Criteria
- Exhibit C – Existing Conditions

**BACKGROUND:**

In September 2022, Council Member Mark Jeffreys introduced legislation to amend certain zoning code provisions governing the development of surface parking lots in the DD, “Downtown Development,” zoning district. On September 15, 2022, City Manager Sheryl M. M. Long directed the Department of City Planning and Engagement (DCPE) to conduct a zoning study of the proposed legislation, make recommendations for modifying the legislation, if any, and pursue an Interim Development Control (IDC) Overlay District over the DD, “Downtown Development,” zoning district for the duration of the study.

The City Planning Commission recommended approval of an emergency three-month IDC to Cincinnati City Council on September 16, 2022, and Cincinnati City Council approved the establishment of IDC No. 88 on September 21, 2022. The approved IDC No. 88 provides that the following permits and approvals are subject to review by the Department of City Planning and Engagement and the City Planning Commission while the zoning study is underway:

- building permits, certificates of compliance, and certificates of appropriateness for new construction, alterations, modification, or expansion of existing surface parking facilities
- changes in use to a surface parking facility
- site improvements associated with surface parking facilities

IDC No. 88 is coextensive with the DD zoning district, encompassing most of Downtown and small portions of the East End, Mount Adams, Mount Auburn, Pendleton, Over-the-Rhine, and West End neighborhoods. This area currently contains around 150 surface parking lots.

There are four Parking Subdistricts within the DD zoning district that regulate accessory surface parking, public surface parking, and parking garages to varying degrees. Public surface parking is prohibited in subdistricts W and X, which encompass nearly half of the DD zoning district, and those districts contain 114 surface parking lots. Accessory surface parking is allowed in all but subdistrict X.

Since the establishment of IDC 88, DCPE staff has been working to set up an initial community engagement meeting and doing existing conditions analysis. The existing surface parking lots and a map of parking subdistricts and their surface parking permissions are mapped in Exhibit C. A community engagement meeting will be held on August 2, 2023.

In addition, to understand the state of surface parking in the DD zoning district, staff has:

- Mapped and compiled pictures of existing surface parking lots
- Conducted initial research on appropriate surface parking regulations
- Reviewed two proposed parking lot permits
- Worked with the Zoning Divisions and Law Department to identify existing and future regulation considerations

Currently, DCPE staff is in the process of:

- Understanding key features and characteristics of surface parking lots and their potential effects on the social, economic, and environmental factors in the DD zoning district
- Reaching out to internal stakeholders to support and inform the study, including the Office of Environment and Sustainability and the Parking Facilities Division
- Continuing research on appropriate surface parking regulations and look at case studies of peer cities

Over the next few months, DCPE staff plan to:

- Analyze the potential social, economic, and environmental impacts related to surface parking
- Research additional questions from the public engagement meeting(s)
- Continue working with internal and external stakeholders to inform the study and recommendations

### **CRITERIA FOR EXTENDING AN IDC OVERLAY DISTRICT**

Pursuant to Section 1431-13 of the Cincinnati Zoning Code, and provided that an IDC Overlay District may not remain in effect for more than two years from the date it was first established, Council may extend the duration of an IDC Overlay District by an additional six months if notice has been given, a public hearing has been held in accordance with Section 111-1, Hearings on Zoning Amendments, of the Municipal Code, and it is determined that:

- (a) **Complex Study.** The study of the proposed amendment to the Cincinnati Zoning Code or map that would affect the allowable land uses within the IDC Overlay District has proven to be extraordinarily complex by reason of unusual geographic, physical or social conditions in the district;
- (b) **Study Incomplete.** The City Planning Commission has not yet completed the consideration of the proposed Cincinnati Zoning Code map amendments that would affect the allowable land uses within the IDC Overlay District; and
- (c) **Inconsistent Uses.** There is a prospect of change in use, construction of new structures or alteration or demolition of existing structures that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission.

**ANALYSIS:**

IDC Overlay District No. 88 is currently set to expire on September 21, 2022, unless City Council approves a six-month extension. City Council must receive an affirmative recommendation from the City Planning Commission to approve this extension. An additional six months would leave IDC Overlay District No. 88 in effect until March 21, 2024 (if approved by City Council), with the potential to sunset earlier if the DCPE staff's zoning study is complete and potential recommended text amendments are approved by City Council.

As described above, City Council may extend IDC No. 88 for a period of six months if the City Planning Commission gives them an affirmative recommendation on the finding that:

- a) **Complex Study.** The study of the proposed amendment to the Cincinnati Zoning Code or map that would affect the allowable land uses within the IDC Overlay District has proven to be extraordinarily complex by reason of unusual geographic, physical or social conditions in the district;

*Staff analysis: The Zoning Code text amendments proposed by Council Member Jeffreys would prohibit the creation of new surface parking lots in the study area. Since the DD zoning district is in one of the City's densest commercial and residential areas, the proposed legislation could affect how a large number of users access and traverse the Central Business District. Additionally, prohibiting new surface parking facilities could impact City services and commercial activity in and around the study area. Therefore, the Department of City Planning and Engagement staff believe these impacts require more study before making recommendations on the proposed text amendments.*

- b) **Study Incomplete.** The City Planning Commission has not yet completed the consideration of the proposed Cincinnati Zoning Code map amendments that would affect the allowable land uses within the IDC Overlay District; and

*Staff analysis: As indicated above, the Department of City Planning and Engagement staff has been cataloging the existing conditions of surface parking in the DD zoning district and has conducted internal review of two surface parking lot permits with additional considerations of potential impacts. Staff is in the process of fiscal, social, and environmental analysis related to surface parking uses, which will be synthesized and presented at the upcoming community engagement meeting. After the initial community engagement meeting, staff will take any additional questions or concerns and incorporate them into the study. With the community engagement meeting in early August, staff will not have sufficient time to do the additional research and develop recommendations before the IDC expires on September 21<sup>st</sup>, 2023. If approved, the six-month extension would allow for more time to investigate any additional questions and considerations raised at the community engagement meeting before finalizing recommendations.*

- c) **Inconsistent Uses.** There is a prospect of change in use, construction of new structures or alteration or demolition of existing structures that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission.

*Staff analysis: IDC No. 88 was established to study the impacts and appropriateness of surface parking in the study area. In the five-day period between the City Planning Commission's affirmative recommendation and City Council's establishment of IDC No. 88, the Department of Buildings and Inspections received two permits for new surface parking lots. Since the IDC has been in place, staff have reviewed two permits. One was for minor alterations to an existing surface parking lot, and another was for accessory parking for a new business. If IDC No. 88 is dissolved before the study is complete and potential amendments are approved, staff will likely receive more permits to build or expand surface parking lots. The Department of City Planning and Engagement staff believe new and expanded surface parking lots would be inconsistent with the preliminary objectives for IDC No. 88 and that its extension is needed to protect against this likely outcome.*

IDC No. 88 helps to ensure the compatibility of any proposed surface parking facilities in the DD zoning district while the Department of City Planning and Engagement studies the effect of surface parking in that area. The proposed extension of IDC No. 88 for six additional months will give the Administration enough time to complete its zoning study, engage the community, and take any proposal(s) through the approval process of City Planning Commission and City Council.

**PUBLIC COMMENT:**

Department of City Planning and Engagement staff mailed notice of the establishment of the district and the time and place of a public hearing on the extension of the district for an additional six-month period to all property owners within the study area 14 days in advance of the City Planning Commission meeting. Staff has received no public inquiry to-date. Additionally, staff has scheduled a community engagement meeting for the zoning study on to be held on August 2, 2023.

**CONSISTENCY WITH PLANS:**

*Plan Cincinnati (2012)*

*Plan Cincinnati* does not specifically address the concerns related to the establishment of IDC No. 88, however conducting a zoning study in this scenario is consistent with three Initiatives Areas; Compete, Live, and Connect. It is consistent with the Compete Initiative Area in the Strategy to “target investment to geographic areas where there is already economic activity” (page 115) and the Action Step to “continue development of existing growth opportunity areas” (page 116), which specifically identifies the “Central Business District (CBD), Over-the-Rhine (OTR), and the Uptown neighborhoods as the primary sources of City tax revenue”, which surface parking lots do little to support. Secondly, there is consistency with the Live Initiative Area to “become more walkable” (page 157) because large expanses of surface parking along street fronting properties discourage human-scale activity and movability. Lastly, this is consistent with the Connect Initiative Area Goal to “Develop an efficient multi-modal transportation system that supports neighborhood livability” (page 129) and more specifically with the Strategy to “expand options for non-automotive travel” (page 130) in that it could encourage people to walk instead of use cars to access and move around Downtown.

*Cincinnati 2000 Comprehensive Development Plan for Downtown (1986)*

The proposal is also consistent with *Cincinnati 2000 Comprehensive Development Plan for Downtown (1986)* which calls for “preservation of the City’s historic and architecturally significant buildings” (p. 2). Extending IDC 88 for an additional six months will continue to allow staff monitor potential demolitions of architecturally significant buildings while the zoning study is in progress.

**RECOMMENDATION**

The staff of the Department of City Planning and Engagement recommends that the City Planning Commission take the following actions:

- 1) **ADOPT** the Department of City Planning and Engagement's staff findings that the proposed extension of IDC No. 88 meets the criteria set forth in Cincinnati Zoning Code Section 1431-13, *Extension of IDC Overlay Districts*, as discussed on pages 1 – 4 of this report; and,
- 2) **RECOMMEND** that City Council extend Interim Development Control (IDC) Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District," for a period of six additional months, or until the Department of City Planning and Engagement's zoning study is complete and implemented.

Respectfully submitted:



Maria Dienger, City Planner  
Department of City Planning and Engagement

Approved:



Katherine Keough-Jurs, FAICP, Director  
Department of City Planning and Engagement