



Chapter 4: Form-Based Code
Town Core (TC) Standards

Key
 --- Property Line --- Setback Line
 --- Build-to Line (BTL) ■ Building Area

Building Placement	Use
Build-to Line (Distance from Property Line)	Ground Floor
Front	Services, Retail, or Recreation, Education & Public Assembly
Side Street	Residential or Service
Setback (Distance from Property Line)	Upper Floor(s)
Side	*See Table 4.3 for specific uses. Ground floors that face the sidewalk shall be commercial and shall not include parking, garages, or similar uses.
Rear	
Adjacent to NC Zone	
Adjacent to any other Zone	
Building Form	Height
Primary Street Facade built to BTL	Building Min.
Side Street Facade built to BTL	Building Max.
Lot Width	Max. in East/Tip of Parcel
Lot Depth	Auxiliary Building Max.
Street Facades must be built to BTL along first 30' from every corner.	Finish Ground Floor Level
	First Floor Ceiling Height
	Upper Floor(s) Ceiling Height
Notes	Notes
All floors must have a primary ground-floor entrance that faces the primary or side street.	Manured roof forms are not allowed.
Loading docks, overhead doors, and other service entries are prohibited on street-facing facades.	Any variation along the BTL must be defined by a building mass defined by a 2' 9" to 4' 6" high fence or screen or masonry wall.
Any building over 25' wide must be broken down to read as a series of buildings no wider than 50' each.	

4-6 Downtown Mixed Use Master Plan
 Opticos Design, Inc.

City of Cincinnati, Ohio Existing Regulatory Obstacles for Form-Based Code Application

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Existing Regulatory Obstacles for Form-Based Code Application

Prepared for the City of Cincinnati

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The primary objective of the following report is to summarize obstacles to Form-Based Code application currently in place within the City's adopted regulations. The documents that were assessed were the Zoning Code, Rules and Regulations of the Cincinnati City Planning Commission for the Subdivision of Land, and the Rules and Regulations for Engineering Design of Streets for Private Subdivisions or Developments and Procedure for Obtaining Approval and Acceptance Thereof. In addition, a preliminary meeting was held with both the Steering Committee and the Working Group to document other potential obstacles outside of these documents. The intent of the report is to ensure that when a Form-Based Code is created for the City, these obstacles are specifically addressed, modified, and/or overridden.

Some items listed are not specifically obstacles to FBC application but are highlighted to provide recommendations that will improve the clarity and usability of the Code. For the zoning code portion of the analysis the report also gives a brief explanation of why the current regulation is an obstacle and recommendations on how to remove the obstacle. At this point, the recommendations are general but provide insight into what a potential solution would look like and, in some instances, provide an example of a solution. The recommendations will be developed further over the next several months.

Some general terminology should be clarified to ensure clarity in the reading of this document. The term *walkable urbanism* is used to refer to areas that are pedestrian oriented in nature such as the historic neighborhoods. The term *drivable suburban* is used to refer to areas that are more auto-dependent in nature. This classification builds upon the pedestrian, mixed, and auto-oriented classifications used in your zoning code for existing commercial areas. The source of these terms is Chris Leinberger's "The Option of Urbanism," if more information is desired on this subject. Also, neighborhood business districts are referred to as *neighborhood main streets* to reinforce the walkable, mixed use nature of these areas.

General Comments:

1. *MuniCode*. One of the biggest technical obstacles in place for Form-Based Code application is the location of the current zoning code within MuniCode. Because of MuniCode's inability to successfully deal with graphics, no Form-Based Code (FBC) has successfully been integrated into a MuniCode document. The solution would be for the City to simply leave a reference to the zoning code document within the Municipal Code and MuniCode document and pull the document out of the Municipal Code, letting it reside outside the document. This will also give much more flexibility to the formatting options of the final FBC. The City Clerk, or whoever manages the Municipal Code document, should be consulted on this topic.
2. *Neighborhood Main Streets*.
 - a. *Never compromise walkability*. This is the primary advantage these areas have over strip malls in competing for customers. The fact that the on-street parking goes away during rush hours in these areas is an enormous detriment to the economic vitality of these areas.
 - b. *The concept of the business districts (neighborhood main streets) being too big*. We have heard from several people that feel the neighborhood main streets are too big. The potential size of these main streets should be seen as an advantage not a disadvantage, and the City should take steps to reinforce these main street areas. Neighborhood main streets are an invaluable asset to these neighborhoods and help to define the community while reducing automobile trips. For example, during the FBC process, changes to zoning should be made to require commercial uses at primary nodes and allow more flexibility in uses outside of these nodes within the same physical form and type of building. The bigger question that needs to be asked about these areas is what planning decisions are being made that compromise the viability of these neighborhood main streets. Two examples include allowing big box stores in proximity to neighborhood main streets, which puts these places at a

- disadvantage, and giving through traffic the priority by removing on-street parking during rush hour, which compromises the quality and viability of these areas.
- c. *Creating a viable and vibrant program mix*: The City may also want to consider hiring an economic consultant who works in neighborhood main street environments. An economic consultant can help create a strategy to attract the right type and mix of businesses to these areas that will enable them to compete with larger stores.
3. *Education on the Use of the Form-Based Code*. In initial meetings there was some concern about users needing to be educated on how to use a new FBC. This issue can be addressed when the FBC is created. It should be very graphic and include a clear diagram on how to use the code at the beginning of the document. In addition, efforts should be made on the part of the City to reach out to primary potential users as the code is being created. This will educate them on the new terminology and aspects of the FBC to ensure they are familiar with the code elements once they are drafted.
 4. *Streamlining the Review Process*. Streamlining the review process was discussed as one of the necessary incentives to encourage the desired form of development. This may mean that the review boards, Planning Commission, and City Council will need to be comfortable giving up some review authority for projects that meet the intent of the FBC application.
 5. *Review of Projects*. The City should take steps to ensure that the staff with urban design/architectural design backgrounds is integrated into the review process for the FBC application areas.
 6. *The "Notwithstanding Ordinance."* This process for approving projects that may not conform to desired and regulated forms could quickly compromise the intent of FBC application. Limitations to applying this to designated FBC areas should be considered to prevent such compromises.
 7. *The EPA-Federal lawsuit/moratorium on sanitary flows that contribute to sewer overflow*. Consideration needs to be given to this topic to determine whether or not it is an obstacle for development in the right locations. It may create more of a problem for particular uses, like restaurants that are critical to the function of neighborhood main streets, then with residential due to credits needed.
 8. *Neighborhood Schools*. Ensure that schools in proximity to neighborhood main streets remain in that location. This activity is important for the viability of these commercial areas.
 9. *Parking covenants that tie parking to buildings*. This process should be further reviewed to determine how it might cause obstacles, particularly to the turnover of uses within main street areas.
 10. *Traffic Studies*. If traffic studies are currently required for all projects in neighborhood main street areas, this provides yet another obstacle for the right kind of infill and redevelopment projects.

I: City of Cincinnati Zoning Code

General Comments:

1. *Organizing Principle (include image of the transect and Cincinnati Transect)*. The Organizing Principle (framework) of the existing zoning code is use. Therefore the FBC will need to introduce a place-based organizing principle such as the urban-to-rural transect or a similar tool for the new form-based zones.
2. *Zoning Text Amendments and Variances*. Once the FBC is drafted there must be an assurance to stakeholders that text amendments and variances, which currently appear to be happening frequently, will not compromise the intent of the FBC.
3. *Mapping of zones*.
 - a. Ideally like uses should face like uses as much as is possible on a street. Therefore, as land uses are reviewed in the Comprehensive Plan Update and zone boundaries created during visioning processes, the zone selection, specific boundaries, and transition between form-based zones should be carefully considered.
 - b. FBC application should allow for auto-oriented commercial zones to transform into pedestrian-oriented places in selected locations. This could be done with optional overlays of form-based zones.
 - c. Currently the public right-of-way (ROW) is mapped within the zones. This makes it hard to read and reinforce the important element of the street and block network. Consider removing

the zone designation from the public ROW in order to reinforce the importance of the public realm in defining the character of these places/neighborhoods.

- d. Transition from Main Streets into Neighborhoods (RMX, OL, RM-1.2 zones). These are the most important and complex areas within the neighborhoods; therefore these transitions should be carefully studied in the visioning process.

Location	Obstacle	Why is it an obstacle?	Recommendation on how to fix the obstacle
Chapter 1400. General Provisions and Rules for Measurement.			
§ 1400-03. Purposes.	Purposes are not specific to creating walkable urban places or reinforcing the character of existing neighborhoods.	Since a majority of zoning codes default to drivable suburbanism it is important to establish up front that there will be designated areas for walkable urbanism and other for drivable suburbanism and that they are regulated differently.	<ul style="list-style-type: none"> 1) Make purposes specific to intent of walkable urbanism and reinforce the transect, New Urbanism, smart growth, etc. 2) Remove purposes that may be contrary to intent. <ul style="list-style-type: none"> a) Ex. 1400-03 (I) Lessen congestion in the public streets by providing for off-street parking and loading areas for commercial uses. 3) Tie these purposes to the Comprehensive Plan purposes.
§ 1400-07. Zoning Designation System.	b) Residential Density Designator. Square footage of lot required per unit.	Regulating density in this way produces unpredictable physical form and is potentially limiting to desired character/urban form. What does 700 square feet of lot per unit look like?	Use desired building types tied to minimum lot sizes within the Form-Based Code to create predictable built results that reinforce the specific community character of a neighborhood.
§ 1400-11. Establishment of Zoning Districts. 1) Schedule 1400-11: Establishment of Zoning Districts.	Organizing Principle (framework) of the code is use.	The Euclidean zoning system was created to separate uses. Therefore it is very difficult to use this system to create mixed-use environments under these use-based regulations.	<ul style="list-style-type: none"> a) Establish non-use based zones to reinforce walkable urban areas. b) Use the transect or a modified transect as the organizing principle for this. c) Replace the term multi-family with a more "marketable" term.

Location	Obstacle	Why is it an obstacle?	Recommendation on how to fix the obstacle
§ 1400-27-H. Height.	Measuring to top of parapet or mid point of slope discourages tall floors which are more typical of historic buildings and is often a driving factor behind poorly-designed buildings with inappropriate roof forms in relation to their context.	It creates unpredictable built results and encourages flat-roofed and or low-sloping roof forms that may not be appropriate for building upon community character.	Regulate heights primarily by number of floors. If more regulation is needed, measure height to the eave rather than the mid point of the slope for more predictable built results.
§ 1400-27-S1. Setback Averaging.	Potentially overly restrictive setbacks in an urban context.	Depending on the existing urban form, it may make sense for a building to be allowed to have the least restrictive setback to reinforce a certain form or intended place.	When applying FBC to focus areas, be sure the average setback for corner lots is not overly restrictive.
Chapter 1401. Definitions.			
			Be sure to clearly define new terminology that is included in the FBC and include it here.
Chapter 1403. Single-family Districts.			
	Combining all areas with detached housing as “single family” despite them being dramatically different in character and form is confusing and falsely assumes regulations should be similar.	This combining of zones makes it hard to understand the intent in terms of intensity, form , etc., especially for more walkable urban contexts.	Break down these zones further by intended form, character of place, and building types. 1) Form-Based Zones/Transect: T2 Neighborhood, T3 Neighborhood, T4 Neighborhood, T5 Neighborhood 2) Building Types: Rowhouse-detached, Mansion Apartment, Duplex, Fourplex, Sixplex, etc.
§ 1403-05. Land Use Regulations (for Single Family Zones).			Continue to reinforce the three-tiered permitting process (P, L,C). 1) In walkable urban areas use size to determine level of permitting required.

Location	Obstacle	Why is it an obstacle?	Recommendation on how to fix the obstacle
Schedule 1403-05: Use Regulations - Single-family Districts. 1) Specific Limitations.			Consider moving these to another section of the code to improve clarity and usability.
Schedule 1403-07: Development Regulations - Single-family Districts.			<ol style="list-style-type: none"> 1) Verify these numbers through micro scale documentation of typical conditions within a neighborhood. <ol style="list-style-type: none"> a) Example: 35' min lot width for SF-4 is too small, except where it already exists. b) Lot widths should be tied to building types in form-based regulations. 2) Study obstacles of minimum lot widths for walkable urban development during the neighborhood planning process.
§ 1403-13. Cluster Housing General Regulations.			This section should not apply to Form-Based Code areas except where topography exists.
Chapter 1405. Residential Multi-Family Districts.			
§ 1405-03. Specific Purposes of the Multi-Family Sub-Districts.			<ol style="list-style-type: none"> 1) Differentiate (create separate zones) suburban multi-family and walkable urban multi-family. 2) Consider replacing the term multi-family because it has negative connotations. 3) Translate all MF zones (in walkable urban contexts) into transect zones or other Form-Based Zones/Transect zones based on intended form and appropriate building types.

Location	Obstacle	Why is it an obstacle?	Recommendation on how to fix the obstacle
§ 1405-03. Specific Purposes of the Multi-family Subdistricts. a) RMX Residential Mixed.	Regulating intended built form with numeric parameters (2,000 sf of lot size required per unit) that are impossible to directly translate into intended form or result.		Use building types tied to specific lot sizes to replace the 2,000 sf currently required for each unit to create more predictable built results.
§ 1405-05. Land Use Regulations (For Multi-Family).			Specific Limitations: 1) Remove the “specific limitations” from the land use tables because they overcomplicate them. Some of them are additional development standards that do not belong in the land use table.
§ 1405-07. Development Regulations (For Multi-Family).	Increasing setbacks based on number of units in a building.	Increasing the required setbacks for buildings with more than 2 units discourage these types of units from being built, thus decreasing the variety of urban housing options. This is a very suburban way to regulate for multi-unit buildings.	1) Make setbacks the same for all unit types. 2) Use building types standards to ensure a compatible scale 3) Add maximum building width to regulations to ensure a compatible scale of building. 4) Reducing rear setbacks.

Location	Obstacle	Why is it an obstacle?	Recommendation on how to fix the obstacle
Chapter 1407. Office Districts.			
<p>§ 1407-03. Specific Purposes of the Office Subdistricts.</p> <p>a) Office Limited (OL) District:</p>	<p>Not necessarily an obstacle, but a good application for Form-Based Coding. The purpose of the OL district needs to be clarified. The purpose states "To provide sites for offices, research and development facilities and limited commercial uses in a low intensity manner. Mixed-use developments with residential uses are also allowed," yet the land use tables allow a wider range of uses including single-family residential.</p>	<p>These areas typically provide an important transition from neighborhood main streets into the residential neighborhoods and if not regulated appropriately can cause conflicts in form and uses that compromise the quality and character of the neighborhood.</p>	<ol style="list-style-type: none"> 1) Study these carefully in the neighborhood plans! (a very important part of neighborhood plans) 2) Determine if a residential form or commercial shopfront form is more appropriate and regulate that form. <ol style="list-style-type: none"> a) Ex. If a residential form is more appropriate for the transition, regulate the residential form, but allow uses to be flexible within this form. 3) Allow the uses to be flexible: Regulate uses such that it allows these areas to evolve into uses that support the main street area, whether it is medium density residential building types, commercial, or retail. Let the market determine what the best use is for these areas. 4) Be sure to use low parking requirements too so that large parking lots do not dominate the new or renovated buildings.
<p>§ 1407-07. Development Regulations</p>			<ol style="list-style-type: none"> 1) Find a more predictable way to regulate urban form to replace FAR and minimum lot area for every dwelling unit. Design the intended built form and create regulations to support it. 2) Do not increase setbacks with taller buildings except when adjacent to or backing to residential lots.

Location	Obstacle	Why is it an obstacle?	Recommendation on how to fix the obstacle
Chapter 1409. Commercial Districts.			
	It is hard to regulate walkable, mixed-use environments with conventional, use-based zoning.	Conventional zoning was established to separate uses and therefore was not set up to create complex mixed-use environments.	Regulate walkable urban commercial districts with Form-Based Codes. 1) Consider translating these zones into transect zones or other form-based zones: a) CN-P b) CN-M (study intent first) c) CC-P d) CC-M (study intent first) e) CC-A: Optional overlay for future transformation in designated areas only f) CG-A Optional overlay for future transformation in designated areas only
	Not an obstacle for FBC application, but an obstacle to the long-term viability of these neighborhood centers is having a concentrated, continuous groupings of ground floor retail, commercial, and service uses at designated nodes, but at the same time not requiring ground floor commercial uses above and beyond what there is a market demand for.	As soon as the pattern of ground floor commercial uses are broken, the viability of the commercial area is compromised.	1) Study these neighborhood main street areas carefully in the neighborhood plans! (A very important part of neighborhood plans) 2) Designate areas within these zones that require ground floor commercial uses and shopfront forms. 3) Create a flex or open zone at the peripheries or transition areas to allow commercial or residential uses in a compatible form to support the evolution of the main street areas. 4) Utilize an economist in the neighborhood planning that specializes in the function of neighborhood main streets.

Location	Obstacle	Why is it an obstacle?	Recommendation on how to fix the obstacle
Schedule 1409-07: Use Regulations - Commercial Subdistricts			1) Further simplify use tables. 2) Simplify the regulation of retail uses by size, hours of operation, etc. (See Grass Valley, CA Development Code use table for Form-Based Zones). 3) Permit and incentivize a wide variety of uses of a small size, but discourage larger footprint uses in neighborhood main streets, especially CN-P. a) Ex: P for uses less than 10,000 sf, L for uses 10,00-15,00,C for uses greater than 15,000 sf
§1409-09. Development Regulations.			Study how to add additional regulations to 50' tall height allowance to ensure compatibility to adjacent (side and rear) smaller buildings without increasing the setback.
Chapter 1410. Urban Mix District.			
			Need to be careful where this zone is located so as not to discourage investment in residential properties.
§ 1410-01. Purpose			Clarify the purpose of this district and consider making a form-based district.
Schedule 1410-05: Use Regulations – Urban Mix District			Simplify the land use tables (currently 3 plus pages) 1) The L2 through L7 designations a) Overcomplicate the tables b) Generally, place these as standards elsewhere

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§ 1410-09. Off-Street Parking and Loading Requirements.			<p>Consider not having off-street parking requirements at all (let the market determine parking requirement) or lowering one space per unit in walkable neighborhoods or sites proximate to transit.</p> <p>If parking requirements are kept:</p> <ol style="list-style-type: none"> 1) Count on-street parking adjacent to lot toward requirement. 2) Consider requirements by bedroom. <ol style="list-style-type: none"> a) Studio units or unit less than 700 sf: .5 spaces (rounded down for 1 unit). b) 1 bedroom or greater: 1 space/unit.
Chapter 1419. Additional Development Regulations.			
§ 1419-09. Bed and Breakfast Homes and Inns.	One parking space for every guest room.	Most Bed and Breakfasts in traditional neighborhoods rely on on-street parking to meet the parking demand. The added complication of finding off-street parking nearby or the cost of having to buy more land to park on usually prohibits these types of uses from happening.	Consider removing or reducing off-street parking requirements for B&Bs in walkable urban areas (ex. T3, T4, T5).
§ 1419-17. Home Occupations.	Strict limitations on home occupations.	Often this is the way small businesses are incubated in walkable neighborhoods. Allowing more flexibility in regulations can reduce driving.	<ol style="list-style-type: none"> 1) Consider allowing home occupations with up to 3 employees in walkable urban neighborhoods (T3, T4, T5), especially if ancillary units are present or there is a potential for them to be built. 2) Allow office uses (and potentially other art studio related uses) up to a maximum size (ex. 650 sf) in ancillary structures in walkable urban neighborhoods (T3, T4, T5).

Location	Obstacle	Why is it an obstacle?	Recommendation on how to fix the obstacle
§ 1419-21. Limited or Full Service Restaurants and Drinking Establishments. (i) Required Buffer Yards.			This should not apply in pedestrian commercial areas.
Chapter 1421. General Site Standards.			
§ 1423-11. Applicability of Buffer Yard Standards.			Buffer yards should not apply in form-based application areas.
Chapter 1425. Parking and Loading Regulations.			
			<ol style="list-style-type: none"> 1) Parking needs to be calibrated to walkable urban areas. 2) On-street parking adjacent to lots should be counted toward parking requirements.
§ 1425-01. Purposes.	Purposes do not coincide with the goals of creating walkable urban environments in targeted locations. 1) Ex “(a) Require adequate off-street parking and loading, thereby reducing traffic congestion” is a current purpose statement that does not apply to walkable urban areas.	Requiring adequate off-street parking and loading is not a tool for reducing traffic congestion in urban areas and will compromise the community character. On-street parking is an important aspect of the function of these walkable urban areas.	Write new purposes that apply to walkable urban areas independent of those for drivable suburban areas.

Location	Obstacle	Why is it an obstacle?	Recommendation on how to fix the obstacle
§ 1425-15. Location of Parking.	Shared parking is required to be too close. 1) (c) Parking on Nearby Lots. Parking lots or spaces may be on a lot within 600 feet of the principal lot except when that lot is in an SF or RMX District.	It is often very difficult to find shared parking opportunities within 600 feet of an already developed neighborhood.	This distance should be at least 1/4 mile (approx. 1,300 feet) to make this a truly viable option for walkable urban areas, especially commercial areas.
§ 1425-17. Units of Measurement.	Gross Floor Area calculation includes outdoor eating and drinking areas.	This discourages these outdoor eating and drinking areas that are typically found in a vibrant, walkable, urban environment.	The FBC should not include outdoor areas in these calculations.
§ 1425-19. Off-Street Parking and Loading Requirements.	Required parking is not terribly high, but could be lower or removed in urban areas to encourage the right character of development.	Parking requirements are often the biggest obstacle to the adaptive reuse of building or construction of infill projects that can serve as a catalyst to an area due to limited space available and cost of building structured parking. Also parking demand for uses in walkable urban environments is lower than drivable suburban environments.	<ol style="list-style-type: none"> 1) General: Differentiate parking in walkable urban areas (lower is necessary) from that in drivable suburban areas (higher requirements ok). 2) Residential uses. <ul style="list-style-type: none"> In walkable urban areas, consider not having off-street parking requirements at all (let the market determine parking requirements) or lowering one space per unit in walkable neighborhoods of sites proximate to transit (form-based zones). a) If parking requirements are kept: <ol style="list-style-type: none"> i) Count on-street parking adjacent to lot toward requirement; ii) Consider requirements by bedroom so as not to discourage smaller units:

Location	Obstacle	Why is it an obstacle?	Recommendation on how to fix the obstacle
			<ul style="list-style-type: none"> (1) Studio units or units less than 700 sf: .5 spaces (rounded down for 1 unit); iii) 1 bedroom or greater: 1 space/unit. 3) Commercial uses. <ul style="list-style-type: none"> a) Keep existing requirement: "Under 2,000 square feet of gross floor area: No spaces required". b) Make sure that when existing uses in walkable urban areas turnover new parking requirements are not prohibitive to a new use filling the space. c) Simplify requirements so that all retail and commercial uses in a walkable urban environment have the same requirements.
§ 1425-25. Off-Street Parking and Loading Dimensions.			Consider adding a percentage of smaller, economy-sized spaces allowed in each parking lot (ex. 20%) in walkable urban areas.
Chapter 1427. Sign Regulations.			
			<ul style="list-style-type: none"> 1) General usability note: move all definitions to rear of document. 2) Include graphic-based signage standards in the FBC.

Location	Obstacle	Why is it an obstacle?	Recommendation on how to fix the obstacle
Chapter 1429. Planned Development Districts.			
			<ol style="list-style-type: none"> 1) For ease of administration, the use of PDs should be limited. 2) In order to encourage the creation of new, walkable neighborhoods, Planned Development District regulations should be created for Traditional Neighborhood Development (TND) potentially in a TND Ordinance. 3) See City of Flagstaff, AZ and Birmingham, AL SmartCode-based TND Ordinances.
Chapter 1431. Interim Development Control Overlay Districts			
			None.
Chapter 1435. Historic Landmarks and Districts.			
			<ol style="list-style-type: none"> 1) Be sure that the process for receiving a Certificate of Appropriateness is as objective as possible. 2) In the review process established by the FBC, reinforce the role of the Urban Conservator as a means to streamline approval in historic districts for conforming projects. Clearly define submittal requirements, processes, and goals.
Chapter 1437. Urban Design Overlay District.			
			Change terminology of Neighborhood Business Center to Neighborhood Main Street to reinforce the mixed-use nature of these areas and their role as social centers as well as commercial centers.

Location	Obstacle	Why is it an obstacle?	Recommendation on how to fix the obstacle
	Permits limited for eating and drinking establishments.	Eating and drinking establishments serve as anchors for neighborhood main streets and are the primary draw of customers. Therefore limiting these uses is detrimental to the viability of these areas. If these areas become so active that they have a "parking problem" it would mean they are revitalizing.	Do not limit these types of uses.
	Additional review necessary to renovate and build in these areas.	Developing in these areas is high risk due to the complexity of mixed-use development. The additional layer of regulation and review only add to this risk, thus disincentivizing development in these areas vs. large undeveloped sites.	Ensure the vision plan and FBC provide a clear, streamlined process for the right projects in these areas.

Administration & Procedures in Cincinnati

General Obstacles and Observations:

In FBC zones, procedures could be streamlined to allow for more ministerial/administrative approvals and would reduce the requirements for conditional use permits. Consider establishing a zoning administrator role that could make administrative decisions such as zoning clearance or site plan review.

Location	Obstacle	Why is it an obstacle?	Recommendation on how to fix the obstacle
Chapter 1439. Decision Making Bodies and Officials			
General	<p>The City does not have a Design Review body or Architectural Review Commission to promote high quality design.</p> <p>Consider adding the position of Town Architect to assist with the design review of projects regulated by the FBC.</p>		

Location	Obstacle	Why is it an obstacle?	Recommendation on how to fix the obstacle
§ 1439 -07. Zoning Hearing Examiner	Zoning Hearing Examiner conducts public hearings and can apply conditions to new development and demolitions in the Urban Overlay Districts.	Hearings and conditions of approval can delay projects and add time to processing. Projects are reviewed on a case-by-case basis and may lead to unpredictable results.	The FBC code provides more prescriptive standards, reduces the need for discretionary review and can allow more uses "as of right". Consider establishing a zoning clearance procedure (over-the-counter) for FBC zones that can be ministerially approved.
Chapter 1441. Application Procedures, Permits and Certificates			
General	Consider establishing a system for fast-tracking approvals in FBC areas and concurrent processing through Departments.		
Chapter 1443. Zoning Hearing Examiner Procedures			
General	See comments above on § 1439 -07- Zoning Hearing Examiner.		
Chapter 1445. Variances, Special Exceptions and Conditional Uses			
None noted.			
Chapter 1447. Nonconformities			
General	<p>The manner in which the city treats nonconformities is an indicator of the extent and speed of the changes it hopes to achieve by updating the zoning code.</p> <p>What is the City's perception of the demand for private redevelopment in the neighborhood in relation to the extent of change anticipated by the planning and coding effort in the area?</p> <p>Decisions makers need to determine the degree of flexibility that they wish to provide physical nonconformities and for the new code to reflect their determination.</p> <p>The FBC could eliminate or reduce nonconforming uses and structures in the neighborhoods through analysis and fine grade zoning.</p> <p>Expansions and alterations of nonconforming uses and structures should be carefully considered in FBC zones.</p>		
§ 1447-09(b). Expansion of Nonconforming Use	Except provided for two-family structures in single-family residential zone.	Nonconforming uses face obstacles for improvements.	These nonconforming structures could be reviewed on a neighborhood and block basis in the FBC. If they are appropriate residential types, they could be permitted as conforming.
Chapter 1449. Zoning Appeals			
None noted.			
Chapter 1451. Enforcement			
None noted.			

Rules and Regulations for Engineering Design of Streets for Private Subdivisions or Developments

- 1) General:
 - a) Most work on thoroughfares in the City is being done on existing streets, so these standards are less important than in other places where a lot of new streets are being built.
 - b) The current DOTE staff seems fairly progressive and are for the most part making context-sensitive decisions outside of formal City standards.
 - c) That being said, it would be good to establish new standards so that when and if the progressive staff members go away that the policy is to implement context-sensitive solutions.
- 2) Did not spend a lot of time reviewing this knowing that the Complete Streets Manual had been drafted.
- 3) IV. Subdivision Improvement Plan-Street Designs and Highway Details
 - a) IV.B.4: All intersecting streets shall have a minimum cur radius of 25 feet.
 - (1) This is too large of a radius for a walkable urban context.
 - (2) Required radii should be calibrated to context along the transect.
 - b) IV.B.8: Minimum radius of curvature.
 - (1) This could prevent well-designed infill projects on larger sites.
 - c) IV.C.1b: Min. pavement width.
 - (1) Should be lane width based instead.
 - (2) Unclear if on-street parking is allowed or included.
 - (3) Should be context-based.
 - d) IV.C.c: Min. pavement width by size of project.
 - (1) Required widths are too large for walkable urban environment.
 - (2) Does not make sense to require wider widths for more dwelling units.
 - (a) More dwelling units should translate into more urban context and less wide streets.
 - e) IV.H.: Design of utilities-General
 - (1) Utilities need to be encouraged, or at least allowed in alleys, especially dry utilities.
- 4) VIII.C.2.i: Stormwater Detention
 - a) Be sure that in walkable urban areas stormwater requirements are addressed by watershed, not on a lot-by-lot basis and that BMPs are calibrated along the transect.

Rules and Regulations of the Cincinnati City Planning Commission for the Subdivision of Land

- 1) General:
 - a) Should write separate standards for walkable urban development projects/Traditional Neighborhood Design (TND).
- 2) SEC 400.6. Circulation:
 - a) Existing: Minor residential streets should be planned to discourage their use by non-local traffic
 - i) Be sure this does not discourage an interconnected street network, which is desirable in walkable urban environments.
 - ii) Require an interconnected network.
- 3) SEC 400.9. Alleys
 - a) Alleys are not currently allowed in residential districts. This should be changed.
- 4) SEC. 410.1. Minimum right of way widths
 - i) This section is unclear and should be modified to clearly reinforce context-sensitive thoroughfare design.
- 5) SEC 410.4. Block Standards
 - i) These standards are way too large and should be reduced.
 - ii) Orientation onto thoroughfares: Be sure not to discourage an interconnected street network with small blocks by encouraging "as few intersections as possible."