Chapter 17
EFFECTUATION

Throughout the chapters of this book devoted to the individual elements of the Master Plan frequent references have been made to ways and means of effectuating projects. It is not intended to repeat or even to summarize these remarks specifically in this chapter, but rather to consider in a general way the legal status of planning, the present powers of the planning commissions, the available instrumentalities for effectuation and desirable additional tools.

Adoption of the Plan

In Cincinnati the Master Plan took effect upon adoption by the City Planning Commission and it requires no further legislative approval. In other parts of the Metropolitan Area similar adoption of their component parts of the Plan by the planning commissions of the various governmental units is necessary to give it effect within their own jurisdictions.

Policy for Plan Effectuation

The Master Plan is not an end in itself. It will be of value only to the extent that it is used for directing public and private improvements and developments to bring into reality the desirable future community which it envisions. However thoroughly prepared and sound, it will not have all the influence it should and cannot be of maximum value unless it is constantly applied to all proposed projects and developments.

It is a long range program and is not intended as a static device. It must be kept constantly attuned to changing conditions so that in general it will at all times contain the features most conducive to the improvement of the Area and its sound future growth and development.

The Master Plan is not merely a compilation of desirable projects but an organic whole of closely related elements. The achievement of these elements must be systematic, not haphazard, or serious unbalances will be created.

This implies that the various local governmental units, boards and departments use the Master Plan as a guide to their own long-term programs and annual budgetings. Procedures for capital budgetting and public works programming must have "built-in" provisions for application of Master Plan programs. Moreover, the public must be educated to what the Plan is and can do. The relation of the periodic bond issue submissions or extra levies to the total pattern and promise of the Plan must be made clear at all times.

Enlargement of Commission Activities

These considerations have in turn special implications for wider activities on the part of the City Planning Commission, charged as it is by the state statutes and the City Charter with the making and constant improvement and refinement of the Plan and the general administration of community planning as an arm of the local government.

As the author of the Plan the Commission is best fitted to appraise physical progress under it. It is best fitted to chart Plan effectuation in relation to the time element and to modify Plan features in the light of changing conditions, actual experience, and deficiencies in past accomplishment.

It is accordingly necessary that the Commission maintain continuous contacts with all the political subdivisions, boards and departments to the end that they may be kept informed with respect to the Plan and alive to their responsibilities under it, and to assure its maximum assistance to them in the formulation of their own long-range programs and other activities.

Because the tools of effectuation and all steps in that direction are of continuing character, planning labors are not completed with the adoption of the Plan. The Commission should follow through with more detailed studies of the various Plan elements precisining them as new data appear and research and design studies proceed.

Reports on special Plan topics for public distribution and special reports on pertinent subjects for the information and guidance of City Council and other legislative bodies and officials should be prepared and published occasionally by the Commission.
Moreover, the Commission should participate actively in the regular procedure for drafting Public Improvement Programs and Capital Budgets. The rules of City Council should provide clearly for the details of this participation.

Powers of the Planning Commission

Under the Ohio State Enabling Act and the Cincinnati City Charter the City Planning Commission is the official planning agency for the City. Chief among its powers and duties is "making a plan of the whole or any portion of the City or of any land outside the City which in the opinion of the Commission, bears a relation to the planning of the City, and to make changes in such plans from time to time when it deems same advisable." The power and duty to zone the City are also specifically granted.

Whenever the Commission shall have made a plan of the City or any portion thereof, no public building or improvement or publicly or privately-owned utility may be constructed until and unless its location is approved by the Commission. No amendment of the zoning ordinance may be made without the approval of the Commission.

The Commission is also the platting commission of the City and has control of platting within the City and within three miles thereof. All plats must be submitted to the Commission and approved before they can be offered for record or accepted by the City. The same applies to acceptance by the city of streets, alleys, ways, or other public ground.

The Commission has the power to control the marking of historical landmarks; to control, in the manner provided by ordinance of Council, the location of statuary and other works of art which are or may become the property of the City, and the removal or relocation of any such works belonging to the City.

In addition to the enumerated powers, the Charter gives the Commission advisory powers upon all matters relating to the planning and development of the City.

The Mapped Street Line power of the Commission was conferred by City Ordinance passed July 3, 1929.

Any approval or disapproval of the Commission may be overruled by City Council by a vote of not less than two-thirds of its members.

These powers are sufficient to secure a considerable conformity with long-range plans.

Planning Administration

Planning administration consists of giving effect to the Plan by several and varied means continually brought to bear on all proposals looking to the Area's development and redevelopment. A brief discussion of the more important methods, procedures and practices which can facilitate the carrying out of the Plan is in order.

The principal instruments and processes employed fall in two major categories: those concerned with public properties, facilities and improvements, and those applied to the development and use of private property.

Public Improvements

The mandatory referral to the Planning Commission of proposed plans for public projects is in Ohio the immediate means by which the recommendations of the Plan in regard to public improvements are currently given effect.

Experience has shown that carrying out major public improvements can be accomplished soundly and consistently only through long-range programming of capital improvements. Such programming bridges the gap between a master plan and the actual construction of the physical improvements recommended by it.

Capital improvements are the physical plant and equipment required by the City to render its services to its people. Streets, playgrounds, schools, libraries, parks, fire and police stations, water and sewerage plants, street lighting systems, etc., are known as "public works" or capital improvements. The funds expended for these facilities are referred to as "capital expenditures," a term properly applied regardless of the manner in which the facilities are obtained or financed.

A capital improvement program is a list of carefully chosen and co-ordinated capital improvements needed by the governmental unit during the time period covered by the program and which can be afforded during that period, commonly five or six years. The projects are arranged in order of priority with estimates of costs, method of financing and related data.

The section of the program covering projects allotted to the first ensuing year, developed with precise plans and close estimates of costs, becomes a part of the current budget when it is adopted by the legislative body.

Function of the Long-Range Program

The broad purpose of a long-range capital improvement program has already been implied: to further and facilitate the systematic and economical provision of needed public improvements in accord with the Master Plan and in scale with the City's ability to pay for them. Programming is thus one of the major instruments for carrying out the Plan.
Advance programming of capital improvements enables the citizens and all public officials and agencies to take a long-range view of their future activities and responsibilities. Intelligent long-range policies can be adopted and the tax rate stabilized.

Investors, management of business and industry and home owners alike are enabled to gage the future more accurately in respect to both the physical development of the City and the financial obligations entailed by such development. Nearly all municipal departments are placed in better position to program their construction activities and operations. Greater efficiency at reduced cost can be attained in that their work can be more evenly distributed and their personnel stabilized and better trained. Co-ordination of the construction activities of adjacent and overlapping governmental units can be more easily accomplished.

The wastes resulting from undertaking physical improvements before they are needed or in the wrong order, and in the undue lag in providing an improvement needed earlier, are largely avoided by intelligent programming.

The City is protected against the possible influence of pressure groups seeking to advance projects of special interests ahead of more pressing or more meritorious improvements, to the detriment of the best interest of the whole city. The Master Plan and the capital improvement program will help furnish proof in cases where demands of this kind are actually unreasonable, unwise or unfair.

Programs prepared in advance enable the City to take better advantage of grants-in-aid from higher levels of government. When the need is seen and made known long in advance, land needed for proposed public improvements can usually be obtained at more advantageous prices.

Local Long-Range Programming

The long-range programming procedure in Hamilton County, established in 1926, provides joint programming of capital improvements by the three principal local taxing units — the City of Cincinnati, Hamilton County and the Cincinnati School District. The co-operative aspect of the procedure is unofficial but preparation of the City's program and participation by the City government in the tri-unit arrangement have been formalized by a city ordinance.

Simplified by the omission of detail, the operation is substantially as follows: The city manager, as agent for the City Council, assembles lists of the projects proposed by the various administrative departments.

These lists are then referred to Council by a City Joint Improvement Program Committee composed of the city manager, a member of Council and a member of the Planning Commission. The city auditor acts as secretary.

Thus the planning, operating, financial and legislative points of view are brought to bear upon the program. The financial analysis is prepared by the Bureau of Governmental Research as a part of an analysis which includes also the County and the School District.

From the list of needed projects the City Joint Improvement Program Committee makes up a tentative five-year program. The city ordinance requires that the program then be submitted to a wider-based Joint Improvement Program Committee made up of a representative of the City, the County and the School District, with the director of the Bureau of Governmental Research sitting as a non-voting member. The proposed programs of the County and the School District are also submitted simultaneously to the Committee for co-ordination.

The Committee reviews the three suggested programs and capital budgets in the light of the financial analysis and makes any necessary adjustments in accordance with the indicated relative importance of the needs of the several taxing units and the financial situation of the combined governmental units as a whole. The adjusted programs are then reported back to the separate legislative bodies for final adoption.

The procedure is repeated each year, an additional year being added for the one completed. Some revisions may be found desirable each year, one year closer to the time of execution of the projects listed in the original program.

While City Council acts only on projects to be included in the annual budget it benefits by having before it the longer-term plans and programs. Among other advantages to be cited presently, this procedure guards against ill-considered actions.

A revision and strengthening of this procedure, initiated by the Planning Commission, is now under consideration by the officials and bodies involved. The preparation of actual programs of projects is, of course, proceeding without interruption, all as planned segments of the co-ordinated and integrated Master Plan.

Money for Master Plan Effectuation

The governmental unit must know how much money is available from normal sources for capital improvements. If this money is inadequate to secure the improvements at a satisfactory rate, new sources must be found.

The capital budgeting procedure just described requires an accurate evaluation of money available during
the period covered by the capital budget. An appropriate financial agency should maintain continuous data on all fiscal matters and the best possible forecasts on valuations, receipts, operating expenditures, tax rates and similar data.

The speed with which projects can be realized depends on borrowing and revenues. The basic policy with respect to borrowing and taxing must be set by City Council and the other legislative bodies concerned. These bodies must responsibly determine such component matters as the desired relation of borrowing to “pay-as-you-go”; the amount of legal borrowing capacity to be used; the desired trend in the tax rate, whether in the direction of an increase or a decrease or the maintenance of a steady rate. They must canvass all other possible sources of revenue through taxation such as an income or payroll tax, as well as the use of such devices as special assessments.

In addition, operating budgets must be properly coordinated with capital budgets; bond issues must be determined upon and submitted with intelligent strategy; Federal and state grants-in-aid must be applied to appropriate projects.

The capital improvement program should also include some projects “recommended but not scheduled.” These are then ready in case of a sudden depression and potential unemployment.

The Council and other legislative bodies must be kept informed as to the long-term capital improvement programs and must participate in their formulation. Only then can they make the above-named and other basic determinations of financial policy on a realistic and responsible basis.

Private Improvements

The most important tools of planning administration in connection with private developments are zoning, subdivision control, and mapped street lines.

Zoning

Zoning consists of dividing the whole area of the governmental units into zones and regulating within those zones the use of land, and the use, height, and area of buildings for the purpose of conserving and promoting the general welfare. An area must be so divided because a single set of regulations would not be appropriate for neighborhoods which differ in character and function. Zoning is not so much a plan as an instrument for carrying the Master Plan into effect — a means to the end of furthering and bringing about the desirable development of the area.

Zoning is a legislative enactment growing out of the police power. Court decisions indicate that the factor of reasonableness which the law requires is strongly supported by a comprehensive, expertly-prepared master plan such as the Cincinnati Metropolitan Master Plan.

The purpose of zoning is positive and constructive rather than negative. While many of the regulations appear as prohibitions or restrictions, their purpose is affirmatively toward promoting more healthful, convenient, orderly and attractive communities. Like other tools of planning and the Plan itself, zoning has social and economic objectives which it seeks to further by the continuous improvement of the physical environment.

The first zoning ordinance in Cincinnati was passed in 1924 and it has served the City well. Other municipalities in Hamilton County have adopted zoning at later periods and the unincorporated areas of the County are only now in process of adopting it.

The Cincinnati Zoning Ordinance (as well as others within the Area) is in a degree out of step with present-day requirements, and modernization is needed. The greatest need is their rationalization in some respects, co-ordination with other features of the Master Plan and commitment to proper scale with actual needs and those realistically anticipated.

The ordinances should be brought up to modern standards in respect to height, bulk, area and density regulations based where possible on available scientific and engineering data, contemporary health and social standards, etc. In view of experience now gained there should be a refinement of earlier wording of the regulations.

The use regulations should be brought up to date by a careful modernization of the use categories. Somewhat too rigid definitions of the kind of residential districts tend to encourage even greater densities than those now existing which appear unjustifiable and unrealistic in the face of a prospective stabilized population. The regulations should also be so drafted as to encourage and invite urban development along more modern lines such as large-scale residential projects and industrial satellite communities.

There should be a further separation of conflicting uses. The present ordinance, for example, permits all other kinds of uses in industrial areas. It thus fails to protect the definitely limited acreage primarily suitable for industrial use from encroachment by residential developments or other uses which could as well seek locations not suitable for industry.

The present ordinance makes no provision for the zoning of areas subject to periodic flooding where only such uses should be permitted as are not necessarily
damaged appreciably by flooding, such as agriculture, recreation and certain kinds of industry.

There should be extension of zoning power to such new fields as off-street vehicular parking and loading, and airport approaches.

Legislation to solve the problem of elimination of certain existing non-conforming uses should be given consideration, as well as the matter of co-ordination of the zoning regulations of the various political subdivisions of the Area into a harmonious pattern.

Subdivision Control

Like zoning, subdivision rules are a means for putting parts of the Plan into effect. In connection with new subdivisions they provide for securing portions of right-of-ways for thoroughfares and expressways, and other public ways and open areas. Through these regulations is largely determined the start the quality of new residential developments which form component parts of new neighborhoods.

In subdivision control the planning commissions of the Area exercise their power to withhold the privilege of public record from plats which have been poorly or inappropriately designed, or which are not properly adjusted to the development or layout of adjoining areas or to the Master Plan.

The denial of the privilege of record to a plat may not of itself deter a developer from selling his land in small parcels by metes and bounds. Legislation granting authority for the control of subdivisions therefore empowers the municipality to prohibit the paving of a street and the laying of water mains and sewers in a street the location and design of which have not been approved by the planning commission. The issuance of a permit for the erection of a building on a lot abutting such a street may also be prohibited.

The planning commissions endeavor through subdivision control to improve the quality of new development by encouraging sound principles of design and by enforcing minimum standards. Lots must be adequate in size for the type of building development intended in order to afford sufficient open spaces for light, air, fire, safety and privacy. The street system must be designed to fit the character or type of subdivision contemplated. In large residential subdivisions sufficient land should be set aside for recreation uses. The planning commissions also require that a minimum of surface and subsurface service facilities, to an extent reasonably necessary to render the lots suitable as home sites, be installed by the developer at his own expense prior to the approval of the plat.

Platting control by the commissions makes possible the adjustment of proposed subdivisions to the Master Plan. The commissions may require that existing or proposed major streets bounding or crossing the tract proposed for subdivision be provided for in the subdivision layout. The commissions may also obtain through dedication by the subdivider open spaces such as recreation areas, school or public building sites shown in the Master Plan as desirable. When cession cannot be obtained the municipality can often purchase these sites at the price of raw land by taking the necessary steps before the land is developed.

For the past several years Regional and City Planning Commission staffs have been co-operating in studying desirable revisions of their subdivision rules to make them applicable as widely as possible throughout Hamilton County.

Mapped Street Plats

The mapped street plat is a legal device by which City Council declares its intention to acquire within a reasonable length of time right-of-ways for widening or extending an important street. No remuneration will be made for any improvements made during the interim period within the right-of-way as specified. The Cincinnati ordinance authorizes the City Solicitor to seek injunctions against threatened violations and provides heavy fines for violators.

Through this ordinance the municipality is enabled to preserve the integrity of the Master Plan, especially of the Motorways Plan, by regulations under the police power rather than by the costlier method of acquisition under eminent domain. By preventing the erection of buildings within the needed right-of-ways the City will not be compelled to abandon or greatly modify the plans of proposed major street improvements because of new construction erected contrary to those plans.

An intermediate step between adoption of the Master Plan and the actual acquisition of right-of-ways and the making of the improvement is taken. It involves the preparation and adoption of official or precise maps showing the exact lines of the future streets or other improvements. The required field surveys and the maps are usually made by the staffs of the planning commissions.

The mapped street lines in effect become police power building lines and prevent the construction of expensive structures which would, if permitted, jeopardize and often defeat the purposes the Master Plan is intended to serve. The procedure has proved a much needed practical method of protecting the integrity of plans and minimizing the cost of public improvements.
Needed Legislation

Throughout the textual presentation of the Master Plan attention has been directed, at appropriate places, to the need for further legislation at practically all levels from local to national, to assist in the full effectuation and administration of the Master Plan. While no effort is made here to present an exhaustive list of such legislation some of the most urgently needed powers may be briefly alluded to:

State legislation of the type referred to as “urban redevelopment legislation” is essential to make possible the clearance and redevelopment of slums and blighted areas, both residential and industrial. This legislation is probably required also for the most effective redevelopment of the Central Riverfront and some other features of the Plan.

Broadening of the authority of Ohio cities in connection with the acquisition of land for parking facilities is important and pressing.

Additional legal authority is needed for assistance in dealing effectively with non-conforming uses and other vexatious zoning problems.

Steps should be taken to promote passage in Ohio of legislation similar to the Michigan law which broadens the scope of mapped street lines beyond provision merely for streets, to assure preservation of future sites for other Master Plan features such as playgrounds, parks, schools, hospitals and other public buildings.

Revision of the zoning ordinances and building codes, and introduction of a separate housing code, are indispensable aids to the restoration of neighborhoods in various stages of deterioration.

Co-operation With and By Governmental Agencies

As stated earlier, while the Master Plan was prepared primarily by the City Planning Commission, active participation by other agencies contributed to the effort. An adequate and satisfactory plan could not be arrived at without complete collaboration and co-operation by a multitude of agencies, particularly those of the municipal, county, state and national governments in the Area.

In addition to working closely with the officials and administrative departments of the City of Cincinnati, officials of all municipalities were given the opportunity to participate in order that the planning program might have a broad base and official status. The governing bodies, the chief executives, and the various departments of all the local governments were made to feel that participating in and contributing to the Plan are an important part of their responsibility.

The City Planning Commission welcomes and requests the further and continued co-operation of all other interested agencies in the determination of fundamental policies to be reflected in the Plan as time goes on. The function of the Commission in having developed the Plan is to serve as a co-ordinating agency in the collection and analysis of the pertinent facts and in the translation of combined conclusions of all relevant thought into the Plan.

Public Education

In the long run planning cannot be successful without wide public support. The Master Plan is probably more dependent for its success on public understanding and interest than on any other factor.

Each positive action of government and each proposed change or improvement may seem arbitrary and harmful to groups whose interests are directly affected. The majority of the people should at all times understand what is being done or proposed well enough to judge whether or not it is in the public interest.

Every citizen has special personal or private interests. It may be to the special interest of an individual that a factory does not go near his home. In the case of another, it may be to his interest that his business go where, from the standpoint of the welfare of all, a recreational area is more appropriate.

Of course, the net aggregate of the special interests of each will, in the long run, coincide with the public interest. Nevertheless, some degree of conflict between the public interest and any individual’s special interest at any given moment is inevitable.

The Planning Commission, representing the public interest in co-ordinated planning, must explain itself and its point of view to the public. It is important that it use every medium and method at its command to familiarize the public with the Master Plan and its specific proposals and projects.

As stated before, the public must be educated also to the relation of the periodic bond submissions to the total pattern of the Master Plan and the relation of the Plan to the future development of the Area.

The wider the knowledge and the greater the understanding and appreciation of the necessity for translating the Master Plan into streets, homes and other buildings of brick and steel and concrete, the better will be the chances that the Plan will be carried largely into effect.