



Cincinnati-Hamilton, OH-KY-IN CMSA

Regulatory Order/Family: Traditional/Middle America

Summary

Metropolitan Cincinnati is rapidly decentralizing within a fragmented jurisdictional framework. Township governments vie with cities for growth—and the townships are winning. Cincinnati lost 9 percent of its population in the 1990s, while the region as a whole grew by 9 percent. Much of that growth spread through the north central part of the metropolitan area in suburban townships that permit moderate-density residential development, but other areas east of Cincinnati—west into Indiana, and south in Kentucky—also saw substantial land conversion thanks in part to permissive planning and zoning. Impact fees and adequate public facilities ordinances have become more common in some of the faster growing cities, but only about a quarter of the land area is in jurisdictions with such measures. Several counties, including the three in northernmost Kentucky have adopted urban containment policies.

Governance Framework and Growth Trends

The Cincinnati-Hamilton CMSA is a complex, polarized, and highly fragmented region.¹ It has nearly 2 million residents who live in three states, about 1.6 million in Ohio, 370,000 in Kentucky, and 50,000 in Indiana. The metro area's population grew by about 160,000 (9 percent) in the 1990s, with growth rates running twice as fast in Kentucky and Indiana but most of the new growth (100,000 new residents) occurring on the Ohio side. Between 1982 and 1997, the metro area added about 157,000 acres of developed land, with density declining 21 percent, from 4.4 to 3.5 persons per urbanized acre. Sprawl has been most severe in the Kentucky portion of the region, where density declined 32 percent over this period.

The metro area has 139 municipalities and 13 counties. Over 800,000 people, 42 percent of the total, live outside incorporated units. Cincinnati is the largest jurisdiction in the region, with 331,285 residents in 2000; its population declined by about 9 percent (33,000 residents) in the 1990s, even as the metropolitan area grew by 9 percent (160,000 residents). The four next most populous areas are unincorporated counties: Hamilton, with nearly 290,000 residents in 2000; Clermont and Butler counties, with over 100,000 each; and Warren, with 80,000. Apart from Cincinnati, only two cities—Hamilton and Middletown, both north of Cincinnati in Butler County—have over 50,000 residents. None of the cities in Indiana have more than 5,000 residents, but six of the Kentucky cities have between 10,000 and 50,000 residents. The average city in the Ohio part of the region has about 10,300 residents, that in Kentucky 5,500, and in Indiana just 2,300. About seven percent of the land in the CMSA is publicly owned with roughly equal shares in state, local, and county hands.

Ohio counties share responsibility with townships for development regulation in unincorporated areas. There are 66 townships in the five Ohio counties of the Cincinnati metro area. The counties

¹ Myron Orfield and Thomas Luce, "Cincinnati Metropatterns: A Regional Agenda for Community and Stability in Cincinnati" (Minneapolis: Metropolitan Area Research Corporation, 2001).



can adopt plans and zoning; they also regulate and approve all subdivisions. Townships are also free to adopt their own zoning resolutions that are either more permissive or more restrictive than the county's, or to reject zoning altogether. Zoning is not subordinate to comprehensive plans in any of the three states, yet such plans are mandatory in Indiana and Kentucky but not in Ohio.

Given the large share of the population living outside city and village limits, it should come as no surprise that many townships are both large and rapidly growing. Three townships have over 50,000 residents, and 14 others have over 10,000. Two townships in Butler County—Liberty and Union—each added over 10,000 residents in the 1990s, as did Deerfield Township in Warren County. The only other jurisdiction that added as many residents was the city of Mason.

Regulatory Environment

We received 19 responses from cities in Ohio, 10 from cities in Kentucky, and one from an Indiana city. Unfortunately, Cincinnati was not among our respondents.² Seventeen townships in Ohio responded, as did four counties each in Ohio and Kentucky and one in Indiana.

The survey results suggest that 92 percent of the Ohio municipalities, 88 percent of those in Kentucky, and all those in Indiana have zoning. Low-density-only zoning is quite common in the Ohio cities, with 54 percent maintaining maximum residential densities below 8 dwellings per acre. A third would not allow our hypothetical apartment development under any condition. Neither Indiana nor Kentucky has municipalities as strict, with only 30 percent and 12 percent of municipalities respectively employing low-density-only zoning. No Indiana municipality and only 14 percent in Kentucky bar the hypothetical apartment development. Ohio's cities are also more sparing at the upper end of the density scale. Only 13 percent have a zoning ordinance whose maximum residential density exceeds 15 dwellings per acre, compared with about 20 percent of the cities in Indiana and half those in Kentucky. But since the small share of cities allowing higher-density development is assumed to include Cincinnati, we estimate that about 60 percent of city residents in the Ohio part of the metro area live in such cities, with a similar share in Kentucky. About 40 percent of the land area in the region's Ohio cities is in higher-density municipalities, with over a quarter in low-density-only cities. In short, exclusionary zoning is widespread in the cities in this region, mainly in its Ohio counties.

Given the layered responsibility for zoning in unincorporated areas in Ohio, it is difficult to determine based on a survey the extent to which rural areas are zoned and how densely they allow development to occur. Two of the counties—Brown and Clermont—do not have zoning but all the townships that responded to our survey do. In the other three counties only one township rejects zoning. We estimate that fewer than five townships, and perhaps as few as two, have neither county nor township zoning. In other townships, zoning is unusually accommodating to growth as may be evident from the high population figures in unincorporated areas. We estimate that only about a quarter of the unincorporated land is in townships where county or township zoning would prohibit development at fewer than 8 dwellings per acre. About 30 percent of the land and 23 percent of the

² The city of Cincinnati did overhaul its zoning code in 2004. See: Gregory Korte, "Council Votes Today on a Sweeping New Zoning Code" *Cincinnati Enquirer*, January 14, 2004; p. 3C.



population in the Ohio townships are in jurisdictions whose zoning ordinances allow more than 15 dwellings per acre.

Zoning administration in unincorporated areas of the Kentucky and Indiana portions of metropolitan Cincinnati is less complex, with counties in control in both cases.³ All the counties have zoning, but here again the attitude toward growth in unincorporated areas tends to vary. Kentucky's Boone and Kenton Counties and Dearborn County, Indiana (which are close-in) all of which have zones in which development could attain at least 30 dwellings per acre by right. Further out in Ohio County, Indiana, on the other hand, the maximum density is less than four units per acre.

Other tools to manage and control growth are not common in metropolitan Cincinnati. Only a few cities reported having impact fees, and two reported an APFO. Most of these cities and villages are fast growing municipalities in the northern two counties of the region. The counties that surround these cities have urban containment measures of some sort (Warren County's is an urban service boundary that is "merely a 'guideline,'" according to the County Planning Commission's executive director.) Counties and townships are not permitted by Ohio law to adopt impact fees or APFOs. Two or three municipalities on the Ohio side also report a containment program—including Greenhills, one of the three original greenbelt communities founded by the Resettlement Administration in the 1930s.⁴ The three Kentucky counties closest to Cincinnati also have urban containment and one of these has an APFO. In Kenton County most of the cities also reported the presence of an urban containment program of some kind.

Only about 10 percent of the cities and villages in the metro area have an incentive based affordable housing program. One of the counties in Kentucky also reported having such a program, but they were not reported by any other unincorporated governing unit. There are no inclusionary or density bonus programs.

³ We did not find information on whether Pendleton County, a rural Kentucky county at the southern edge of the region, has zoning.

⁴ See: Barry M. Horstman, "More than 50 Years Later, Greenhills is Still Green," *Cincinnati Post*, October 11, 2000.