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Ohio city throws out rules on downtown

By Tom Eblen
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Lexington, like most American cities, created a complex system of zoning regulations a generation or two ago to make its bustling downtown more neat and orderly.

In recent years, like most American cities, Lexington has been trying to figure out how to make its dull and dying downtown bustle again.

That's because people are attracted to vibrant downtowns — especially the young, creative people who are the engines of the 21st-century economy.

The issues are complex, but one thing many planners, developers and citizens have come to agree upon is that those strict rules — and the bureaucratic systems and adversarial cultures that have grown up around them — can be a big part of the problem.

It's a Catch 22: The rules, regulations and government processes designed to improve a city as it grows can sometimes have the opposite effect. That's because developers and regulators sometimes don't have enough flexibility to use common sense or foster excellence.

"There's certainly a feeling that we can do better," said Chris King, Lexington's chief planner.

Lexington simplified downtown zoning three decades ago, and that has helped. The city's Infill and Redevelopment Task Force and several public and private organizations continue to study the issues, look at what other cities are doing and recommend changes.

Last week, the Downtown Lexington Corp. hosted a delegation from Columbus, Ohio, whose members talked about what happened when that city tore up the downtown rule book and took a different approach. The result, they said, has been a more vibrant, attractive downtown with more than \$1 billion in new private investment and a steady increase in residents.

It all began in 1996, when Columbus formed a 22-member committee to study downtown development issues. The group, which represented the various stakeholders and interest groups, wrote an ordinance that scrapped many of the city center's old zoning rules.

The ordinance set out a vision for downtown as "every one's neighborhood" — a mixed-use, pedestrian-friendly place where people would want to live, work and play. And it created the Downtown Commission, a nine-member board appointed by the mayor with enormous power and flexibility.

By law, the commission must be made up of people who live or work downtown and include a variety of interests — a developer or Realtor, an architect, a landscape architect or urban planner, a historic-preservation professional and a land-use lawyer.

The commission was charged with finding ways to make new development work — and to make it well-designed and compatible with its surroundings. "It's totally subjective," said Harrison Smith, an 80-something real estate lawyer who has headed the commission since its creation.

Developers like the system because they can go one place for approval — rather than a host of city agencies with narrow interests — and get decisions quickly. Rather than rejecting developers' plans, the commission and its staff work with them to improve plans and make them acceptable. It shifts the conversation from, "You can't do this, because ..." to, "You can do this, if ..."

Commission meetings are open to the public, and anyone can speak — no time limits. Decisions can be appealed to the City Council. But in more than 10 years, only two developers' applications have been rejected and none has been appealed, Smith said.

"We do in 60 days what it would typically take a year to do," said Kenneth Cookson, a Columbus attorney and downtown activist. "And, boy, have we spawned competition in the design community. They have had to take it up

a notch or two."

Want to tear down an old building to make a parking lot? It won't be approved. Want to do a big, creative sign on your building that some people might consider public art? It will be approved — if the commission thinks it makes downtown look better and not worse.

"The key — and it's a risk — are the people (on the commission)," Smith said. "It doesn't work unless you get pros."

King, the Lexington planner, was intrigued by Columbus' approach and thought some elements of it might work in Lexington. "It would take a lot of vetting," he said.

Vice Mayor Jim Gray was impressed and said he might appoint a task force to "examine it and see what makes sense here." But he echoed Smith's caution that such a powerful, flexible commission is only as good as its members and their mandate.

"They seem to have created a framework that encourages good, sympathetic and compatible development, and it's market-driven," Gray said. "It's good for the developers and good for the city."

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