

October 20, 2021

**To:** Mayor and Members of City Council

**From:** Paula Boggs Muething, City Manager *uw*

**Subject:** Notwithstanding Ordinance – 4780 Winton Road

202102999

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Transmitted is a Notwithstanding Ordinance captioned:

AUTHORIZING the real property located at 4870 Winton Road in the Spring Grove Village neighborhood to be developed and used as a day care center NOTWITHSTANDING the use limitations contained chapter 1403, “Single-Family,” and Chapter 1405, “Residential Multi-Family,” of the Cincinnati Municipal Code and any other applicable zoning regulations that would restrict the property’s development and use as a day care center.

Summary

The applicant wishes to renovate the property at 4870 Winton Road and change the use from a two-family home to a day care center for 47 children. The site plan includes a two-story day care center, the expansion of the parking lot from four to eight spaces, and an outdoor play area. A day care center is not a permitted use in the SF-6 single-family zoning district or the adjacent RM-2.0 residential multi-family zoning district to the north but is permitted in the adjacent MA (Manufacturing Agricultural) zoning district across Winton Road to the west.

The applicant originally requested a zone change to MA, but the access drive to the property crosses property containing Winton Wood Apartments through an access easement, zoned RM-2.0, which does not allow a day care center use and would require a Use Variance from the Zoning Hearing Examiner. The MA zoning also requires a 35-foot bufferyard along residential property, which would require additional relief for the proposed parking lot. The MA zoning district also allows higher intensity uses beyond a day care center, which was a concern from the Spring Grove Village Community Council (SGVCC) and surrounding property owners.

Based on the relief that would be required to move the project forward in addition to a zone change to MA, along with feedback given by Spring Grove Village neighborhood leaders and surrounding property owners, the applicant amended their request to a Notwithstanding Ordinance (NWO) to allow for the construction and use of a day care center in the SF-6 zoning district, which addresses neighborhood concerns and removes the necessity for variances. The SGVCC supports the proposed Notwithstanding Ordinance.

The NWO is consistent with the criteria of Cincinnati Municipal Code Section 111-5 and is consistent with *Plan Cincinnati* (2012).

The Administration recommends Approval of this Notwithstanding Ordinance.

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