



EMERGENCY

City of Cincinnati

DBS

AWB

An Ordinance No. _____

- 2021

AUTHORIZING the existing building located at 2215 Fulton Avenue in the Walnut Hills neighborhood to be renovated and used as an office NOTWITHSTANDING the provisions of Section 1405-05, "Land Use Regulations," of Chapter 1405, "Residential Multi-Family," and Section 1425-19-A, "Off-Street Parking and Loading Requirements," of Chapter 1425, "Parking and Loading Regulations," of the Cincinnati Zoning Code and any other applicable provisions of the Cincinnati Zoning Code and the Cincinnati Municipal Code.

WHEREAS, First Step Home ("Petitioner") owns the real property located at 2215 Fulton Avenue in the Walnut Hills neighborhood ("Property"), which property is presently zoned RMX, "Residential Mixed," and consists of one parcel containing an existing residential structure; and

WHEREAS, the Petitioner has operated the First Step Home on the nearby property at 2203 Fulton Avenue for over 20 years as a non-profit organization that helps women break the cycle of addiction and abuse and become self-sufficient by providing individual and group counseling, access to medical services, mental health assessments, life skills training, financial assistance, on-site childcare, and connections to job readiness programs; and

WHEREAS, the Petitioner now wishes to renovate the existing building on the Property for use as an office that will house the administrative personnel, group treatment facilities, and admissions staff that are necessary to accommodate its growth and to facilitate the creation of additional treatment programs and jobs ("Project"); and

WHEREAS, the Petitioner has requested authorization to complete the Project notwithstanding certain zoning code provisions that would otherwise prevent the Property's use as an office; and

WHEREAS, reasonable deviations from zoning code provisions that would otherwise prevent the Property's use as an office will provide substantial public benefits in the form of expanded treatment services for women seeking to break the cycles of addiction and abuse as well as additional enhanced services for those participants; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on June 4, 2021, upon considering the factors set forth in Cincinnati Municipal Code ("CMC") Section 111-5, recommended the adoption of a notwithstanding ordinance authorizing the Project subject to certain conditions; and

WHEREAS, a committee of Council held a public hearing on this ordinance following due and proper notice pursuant to CMC Section 111-5, and upon considering the factors in CMC Section 111-5 and the recommendation of the City Planning Commission, the committee approved the ordinance, finding that authorizing the Project notwithstanding the zoning code provisions that

would otherwise restrict it will not have an adverse effect on the character of the area or the public health, safety, and welfare, and further finding that permitting the Project to proceed is consistent with the purposes of the CMC and the zoning district in which it is located; and

WHEREAS, a legislative variance authorizing the Project is consistent with the *Walnut Hills Reinvestment Plan (2017)* and the Action Item to “[i]nvest in people, places, and homes” (page 42); and

WHEREAS, a legislative variance authorizing the Project is further consistent with *Plan Cincinnati (2012)* in the Sustain Initiative Area, specifically the goal to “[b]ecome a healthier Cincinnati” (page 81); and

WHEREAS, the Council finds that the Project will preserve the quality and character of the neighborhood by improving and rehabilitating an existing building that will fit within the context of Fulton Avenue and the Walnut Hills community; and

WHEREAS, the Council additionally finds that permitting the Project will not have an adverse effect on the character of the area or the public health, safety, and welfare because, among other things, it provides for a reasonable expansion of treatment services that have long operated on the street, the program expansion will facilitate the delivery of enhanced services and programming to program participants that further serves to mitigate any potential negative impacts associated with the program, if any; and

WHEREAS, the Council additionally finds that a legislative variance from applicable zoning code provisions related to use and parking to authorize the Project will not have an adverse effect on the character of the area or the public health, safety, and welfare, and it is in the best interests of the City and the public's health, safety, morals, and general welfare; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That, after its own independent review and consideration, the City Council incorporates the foregoing recitals as if fully rewritten herein, and it hereby confirms that the legislative variance criteria set forth in Section 111-5 of the Cincinnati Municipal Code are satisfied in all respects.

Section 2. That the Council specifically finds that a legislative variance authorizing the renovation of the existing building located at 2215 Fulton Avenue in the Walnut Hills neighborhood for use as an office (“Project”), which property is depicted on the map attached hereto as Exhibit A and incorporated herein by reference, will not have an adverse effect on the

character of the surrounding area or the public's health, safety, and general welfare and that it is consistent with the purposes of the Cincinnati Municipal Code and the zoning district within which the property is located.

Section 3. That the Council authorizes the construction of the Project and its use as an office, subject to the terms and conditions set forth in this ordinance. This authorization is granted notwithstanding (i) the use limitations contained in Chapter 1405, "Residential Multi-Family," of the Cincinnati Municipal Code; and (ii) the parking limitations contained in Chapter 1425, "Parking and Loading Regulations," of the Cincinnati Municipal Code, and any other applicable zoning regulations that would restrict the construction of the Project and its use as an office.

Section 4. That the Council authorizes the construction of the Project and its use as an office subject to the following conditions:

- a. That the renovations at 2215 Fulton Avenue must substantially conform to the project specifications outlined in the Department of City Planning staff report, and the property owner must provide all required items for building permit review.
- b. That this ordinance does not provide a variance from any other laws of the City of Cincinnati, and the property shall remain subject to all other provisions of the Cincinnati Municipal Code and the RMX, "Residential Mixed," zoning district.
- c. That the use of the property shall not be considered a nonconforming use of land by virtue of this ordinance.

Section 5. That the City Manager and the appropriate City officials are authorized to take all necessary and proper actions to implement this ordinance, including by issuing building permits and related approvals, provided they conform to applicable building codes, housing codes, accessibility laws, or other laws, rules, or regulations.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is

the immediate need for the property owner to obtain building permits to complete the Project so the City may benefit from the Project at the earliest possible time.

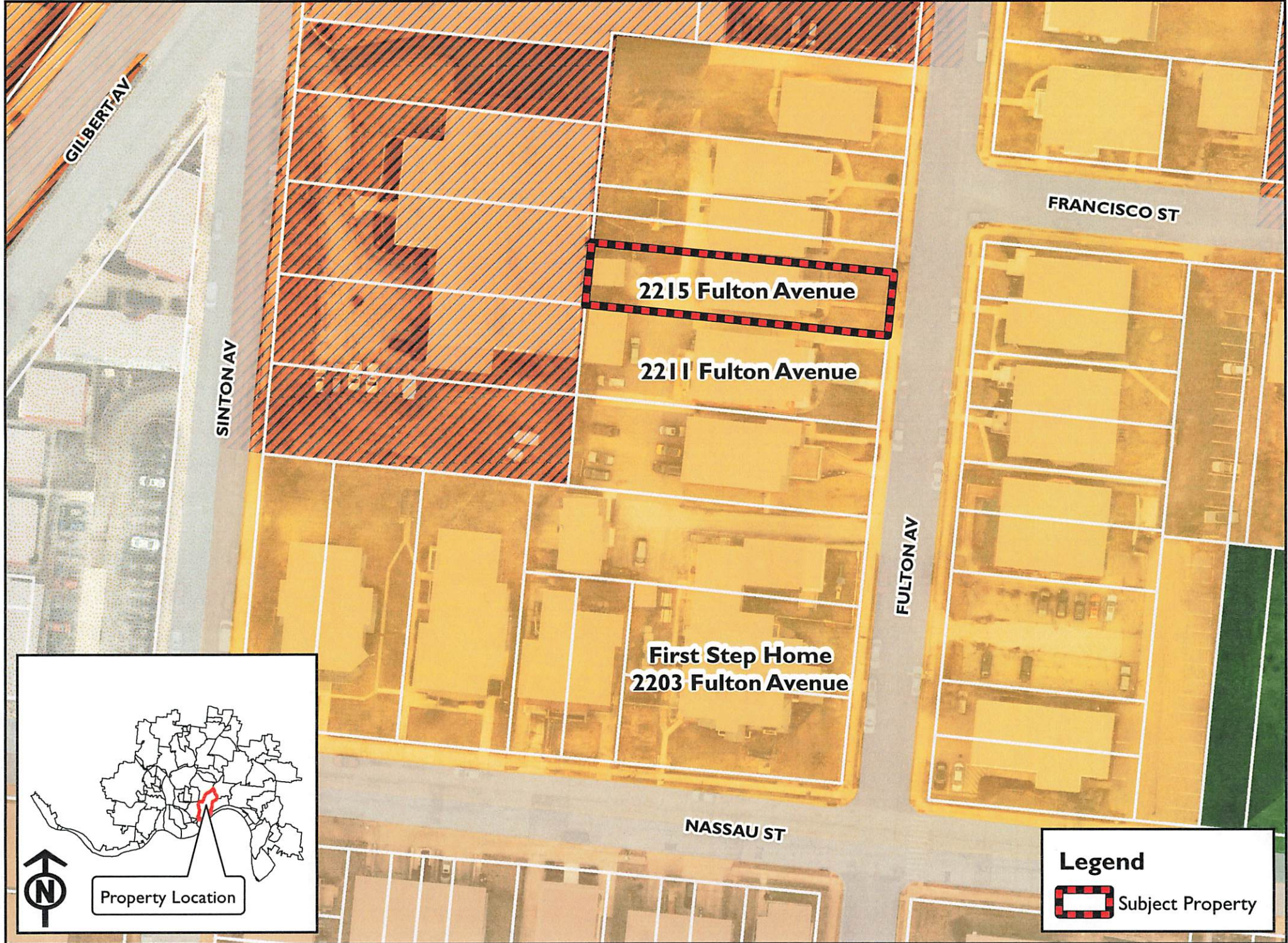
Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

EXHIBIT A

Proposed Notwithstanding Ordinance at 2215 Fulton Avenue in Walnut Hills



GILBERT AV

SINTONA AV

2215 Fulton Avenue

2211 Fulton Avenue

First Step Home
2203 Fulton Avenue

FRANCISCO ST

FULTON AV

NASSAU ST

Legend



Subject Property



Property Location