

**AMENDING** the official zoning map of the City of Cincinnati to rezone certain real property located at 3024 Lavinia Avenue in the Hyde Park neighborhood from the RMX, “Residential Mixed,” zoning district to the CN-M, “Commercial Neighborhood-Mixed,” zoning district to facilitate the construction of a 19-unit apartment building.

WHEREAS, Dial Residential, LLC, an Ohio limited liability company (“Petitioner”), has petitioned to rezone certain real property located at 3024 Lavinia Avenue in the Hyde Park neighborhood (“Property”) from the RMX, “Residential Mixed,” zoning district to the CN-M, “Commercial Neighborhood-Mixed,” zoning district; and

WHEREAS, the Petitioner desires to construct a new four-story apartment building on the Property and an adjoining property to south, which adjoining property is located in the CN-M, “Commercial Neighborhood-Mixed,” zoning district; and

WHEREAS, the apartment building would contain nineteen dwelling units and 25 off-street parking spaces; and

WHEREAS, a zone change is necessary to enable the Petitioner to construct an apartment building containing more than three dwelling units because the current RMX, “Residential Mixed,” zoning district in which the Property is located does not permit the construction of new apartment buildings containing more than three dwelling units; and

WHEREAS, the proposed zone change from the RMX, “Residential Mixed,” zoning district to the CN-M, “Commercial Neighborhood-Mixed,” zoning district would allow for the Property to be developed and operated in a manner that is consistent with the abutting properties located immediately south of the Property in the O’Byronville Neighborhood Business District; and

WHEREAS, the proposed zone change is consistent with Plan Cincinnati (2012), including the goal “to provide a full spectrum of housing options and improve housing quality and affordability” as described on page 164, and the strategy to “[o]ffer housing options of varied sizes and types for residents at all stages of life” as described on page 169; and

WHEREAS, at its regularly scheduled meeting on November 3, 2023, the City Planning Commission determined that the proposed zone change is in the interest of the public’s health, safety, morals, and general welfare, and it recommended rezoning the Property from the RMX, “Residential Mixed,” zoning district to the CN-M, “Commercial Neighborhood-Mixed,” zoning district; and

WHEREAS, a committee of Council held a public hearing on the proposed rezoning of the Property following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved rezoning the Property, finding it in the interest of the public's health, safety, morals, and general welfare; and

WHEREAS, the Council resolves to rezone the Property from the RMX, "Residential Mixed," zoning district to the CN-M, "Commercial Neighborhood-Mixed," zoning district, finding it to be in the interest of 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 the shape and area of the City of Cincinnati's official zoning map in the location of the real property located at 3024 Lavinia Avenue in the Hyde Park neighborhood, shown on the map attached hereto as Attachment A and incorporated by reference, and being more particularly described on the legal description contained in Attachment B attached hereto and incorporated herein by reference, is hereby amended from the RMX, "Residential Mixed," zoning district to the CN-M, "Commercial Neighborhood-Mixed," zoning district.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2024

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk