

Date: 4.5.2024

Location: Elm Street Plaza (East side of Elm Street between W 5th and W 6th Street)

Request: Zoning Relief Analysis, Adjudication Letter

Zoning District: Downtown Development District (DD)

Applicant Name: Katie Westbrook, 3CDC

Dear Applicant:

The City of Cincinnati appreciates receiving information regarding your proposed project. The purpose of this letter is to inform you that your request does not comply with the City of Cincinnati Zoning Code for the following reason:

- **1411-15** - The property at the east side of Elm Street, between W 5th and W 6th Streets, is within the Zero Setback Overlay on all 3 sides abutting right-of-way. Per Zoning Code Section 1411-15, every building must be built with a facade at least 40 feet in height and abut the public right-of-way along the indicated locations.
 - ***A Variance is required to permit the Pavilion structure and any accessory structures that do not have a façade of at least 40 ft. in height.***
 - ***A Variance is required for the Pavilion structure and any accessory structures to not abut the public right-of-way.***
- **1411-17** - The property at the east side of Elm Street, between W 5th and W 6th Streets, is within the Commercial Continuity Overlay on all 3 sides abutting right-of-way. Per Zoning Code Section 1411-17, “at least 60 percent of first-floor building frontage shall be devoted to commercial uses. Further, floor areas closest in elevation to and within 12 feet of adjoining walkway or atrium frontages must be devoted to lobbies.” The proposed plaza serving the Duke Energy Convention Center is classified as a Commercial Meeting Facility. The Land Use Regulations of Zoning Code Section 1411-05, Limitation #4, stipulate that a Commercial Meeting Facility is “Not permitted as a principal ground floor use in locations indicated on Map 1411-17: Commercial Continuity Overlay.”
 - ***A Locational Variance is required to locate a Commercial Meeting Facility use on the ground floor.***

If you choose to move forward with your project as planned, you will need to obtain zoning relief from the Zoning Hearing Examiner. If you have any questions regarding the submission of your Zoning Hearing Application and the required documents, please contact Kasandra Maynes at 513-352-1559 or visit <https://www.cincinnati-oh.gov/buildings/hearings-appeals/zoning-hearing-examiner/>.

You may also contact me at the information listed below with zoning questions, concerns or to make an appointment.

Please include a copy of this letter with your zoning application.

Sincerely,



Emily Ahouse
Zoning Administrator
(p): 513-352-4793
(e): emily.ahouse@cincinnati-oh.gov