

**Honorable City Planning Commission
Cincinnati, Ohio**

**ITEM 6
October 3, 2025**

SUBJECT: A report and recommendation on a proposed Notwithstanding Ordinance for relief from the signage standards in the Downtown Development (DD) zoning district for 101 W. 5th Street in the Central Business District.

GENERAL INFORMATION:

Location: 101 W. 5th Street, Cincinnati, OH 45202

Petitioner/
Petitioner's Address: 3CDC
1203 Walnut Street, 4th Floor, Cincinnati, OH 45202

Property Owner/
Property Owner's Address: 101 West Fifth LLC
1203 Walnut Street, 4th Floor, Cincinnati, OH 45202

ATTACHMENTS:

Provided in addition to this report are the following attachments:

- Exhibit A - Location Map
- Exhibit B - Signage Package
- Exhibit C - Exterior Details (South Plaza)
- Exhibit D - Linear Frontage
- Exhibit E - Zoning Review Letter

BACKGROUND:

On August 17, 2025, the Department of City Planning and Engagement received an application for a Notwithstanding Ordinance (NWO) from 3CDC requesting the installation of permanent signage at the former Saks building at 101 W. 5th Street in the Central Business District. The building will become the home of the Paycor offices—relocating from its current building in Norwood—as well as a restaurant and bar. The building has been vacant since the end of 2022. This location is a key site for development in downtown Cincinnati, because it is located within two blocks of both the Convention Center, currently undergoing major renovations and set to open in January 2026, and Fountain Square.

The subject property is owned by 101 West Fifth LLC, a subsidiary of 3CDC, and is zoned Downtown Development (DD). The purpose of the DD district is to provide a balance of uses and amenities fostering a vital economic and cultural center; encourage quality and variety in building and landscape design; protect and enhance historic and cultural resources; create and enhance pedestrian-oriented streets to preserve retail vitality and improve the quality of life for downtown workers, visitors, and residents; and to establish appropriate standards for the review of proposals for new development and redevelopment.

The applicant is proposing a variety of sign types for Paycor and the other tenants at 101 W. 5th Street including four wall signs, one canopy sign, three projecting signs, two building identification signs, a ground sign, and a digital display (Exhibit B). The proposed location of these signs is as follows:

Location	Type	Quantity	Square Footage
Northwest	Wall Sign	1	43
	Canopy Sign	1	65

	Wall Sign	2	3
North	Projecting Sign	1	3
	Projecting Sign	1	13.5
Northeast	Building Identification Sign	1	126
	Wall Sign	1	6.5
	Wall Sign	1	3
East	Projecting Sign	1	56
Southeast	Building Identification Sign	1	126
	Ground Sign	1	88
	Digital Display	1	40

PROPOSED NOTWITHSTANDING ORDINANCE:

The applicant is seeking a Notwithstanding Ordinance to authorize the construction and operation of the development notwithstanding Section 1411-39 (Signs) of the Cincinnati Zoning Code. The requested Notwithstanding Ordinance addresses the following:

- Section 1411-39(a) *Prohibited Signs* states that flashing signs are prohibited in the DD District, unless it is a marquee sign as provided in Section 1411-39(g). The electronic message center identified on the South Entry Plaza at Race Street qualifies as a flashing sign and does not qualify as a marquee sign because it is not associated with a large-scale recreation or entertainment use.
- Section 1411-39(b) *Projecting Signs* states that projecting signs must have a maximum width of 3.5 feet and maximum height of 8 feet. The proposed internally illuminated projecting sign is 3' 6" wide x 16' 0" tall, which is 8 feet taller than permitted.
- Section 1411-39(e) *Ground Signs* states that ground signs must have a maximum area of 60 square feet or one-half square foot for each front foot of the building. The proposed ground sign at the South Entry Plaza at Race Street is 88 square feet, which is 28 square feet larger than is permitted.
- Section 1411-39(f) *Building Identification Signs* states that the trademark or letters comprising the occupant name must be affixed directly to the building façade. Two building identification signs are proposed at the southeast corner at 5th Street and Race Street and the South Entry Plaza at Race Street. Both proposed signs are comprised of front-lit channel letters, which is permitted, but are not affixed directly to the building.

Five of the proposed exterior signs need Zoning Code Relief. The following relief is sought:

Location	Type	Relief Requested
Northeast	Building Identification Sign	1411-39(f)(2): Letters must be affixed directly to the building façade Relief: Locational variance for letters not affixed directly to the building façade
East	Projecting Sign	1411-39(b)(3): Limited to a maximum height of 8 feet Relief: Dimensional variance of 8 feet
Southeast	Building Identification Sign	1411-39(f)(2): Letters must be affixed directly to the building façade Relief: Locational variance for letters not affixed directly to the building façade
	Ground Sign	1411-39(e)(3): Maximum sign area is 60 square feet Relief: Dimensional variance of 29 square feet

	Digital Display	1411-39(g): Electronic Message Centers are not permitted Relief: Use variance
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The applicant is requesting relief from the use, dimensional limitations, and locational limitations contained in Section 1411-39 of the Code to allow for the installation of the proposed signage (Exhibit B). Relief from the use limitation would allow for the installation of the digital display; relief from the dimensional limitations would allow for the ground sign and projecting sign; and relief from the location limitations would allow for the building identification signs to not be directly affixed to the building façade.

ANALYSIS:

The Department of City Planning and Engagement has consistently taken a position to not support Notwithstanding Ordinances because they do not comply with the Cincinnati Zoning Code that the Department is charged with developing and enforcing. The Cincinnati Municipal Code Section 111-5 establishes certain factors for evaluation by the City Council committee that considers a Notwithstanding Ordinance application, and the Department will therefore provide input on the following factors.

The City Planning Commission shall consider the following when making a recommendation on NWOs to City Council:

- 1) Whether the proposed application will not have an adverse effect on the character of the area or the public health, safety and welfare;

Most of the proposed signage will have no negative impacts on the character of the proposed location area, or the public health, safety, and welfare. However, there are concerns about the impacts the digital display sign may have on the character and safety of the area, given it is proposed for the exterior of a building with frontage on a street with heavy vehicle and pedestrian traffic.

- 2) Whether the proposed application is consistent with the purposes of this code and the zoning district where the subject property is located including but not limited to:

- (a) Providing a guide for the physical development of the city.

Not applicable to this application.

- (b) Preserving the character and quality of residential neighborhoods.

Not applicable to this application.

- (c) Fostering convenient, harmonious and workable relationships among land uses.

The proposed building identification signs and ground sign are situated harmoniously within the urban, human-scale context of the site and its surroundings.

The proposed 3'-6" x 16' projecting sign is twice as tall as permitted. The proposed sign is harmonious to the surrounding land uses including a hotel, convention center, and office headquarters and multiple projecting signs on surrounding blocks are similarly larger than 8' tall. However, the majority of projecting signs within the DD district are in compliance with the Cincinnati Zoning Code while still effectively identifying the building's tenants.

The proposed digital display sign would foster convenient communication

regarding the building's tenants and potential activities. However, it is inharmonious with a pedestrian-scale environment due to its size and illumination.

- (d) Achieving the arrangement of land uses described in the comprehensive plan for the development of the city as may have been adopted by council.

Various elements of the proposed Notwithstanding Ordinance—the building identification signs and ground sign—are consistent with Plan Cincinnati (2012) and other elements—the projecting sign and digital display sign—are inconsistent (see “Consistency with Plan Cincinnati” for further information in this staff report).

- (e) Promoting the economic stability of existing land uses and protecting them from intrusions by inharmonious or harmful land uses.

Not applicable to this application.

- (f) Providing opportunities for economic development and new housing for all segments of the community.

The proposed signage will promote the building's new tenants, which will benefit the economic health of this corridor including the Convention Center and Fountain Square.

- (g) Creating pedestrian-friendly environments to reduce reliance on the automobile for travel.

The proposed building identification signs, ground sign, and projecting sign will not present any traffic or safety concerns. They are designed in a way that will not interfere with roadway travel or affect the pedestrian environment. While the projecting sign will not interfere with the pedestrian environment, the proposed scale is more suitable for wayfinding from automobiles rather than the pedestrian-oriented scale the Cincinnati Zoning Code permits.

The proposed large, flashing, illuminated digital display sign may have negative consequences on pedestrian comfort in the space. Additionally, there is the potential for traffic collisions as Southbound drivers along Race Street may be distracted by the sign as they enter or exit the parking garage at 400 Race Street or approach the intersection of 4th Street and Race Street.

- (h) Preventing excessive population densities and overcrowding of land or buildings.

Not applicable to this application.

- (i) Ensuring the provision of adequate open space for light, air and fire safety.

Not applicable to this application.

- (j) Ensuring that development is compatible with the environment, particularly on the hillsides and along the riverfront.

The proposed signage is compatible with the surrounding urban environment, particularly given its proximity to the Convention Center and other large-scale uses.

- (k) Promoting the conservation, protection, restoration and enhancement of the historic resources of the city.

Not applicable to this application.

- (l) Lessening congestion in the public streets by providing for off-street parking and loading areas for commercial vehicles.

Not applicable to this application.

- (m) Providing effective signage that is compatible with the surrounding urban environment.

The applicant is proposing signage that effectively communicates to pedestrians and drivers the tenants within the building. The building identification signs would be harder to see from the sidewalk if directly affixed to the building, so the proposed locations make these two signs more effective. The ground sign is a unique, sculptural way to identify the building and is compatible with the proposed plaza layout. The projecting sign is compatible with the context and similar to nearby projecting signs.

The proposed digital display sign is incompatible with the surrounding urban environment and does not have precedent in the surrounding area. The only similar display signs are the interactive kiosks around Downtown Cincinnati that help residents and visitors learn more about the city. However, these signs have smaller screens than the proposed 40-square-foot digital display, are in high-volume public spaces like Findlay Market and Fountain Square, and provide information from the City of Cincinnati to benefit the public.

- (n) Setting standards by which a nonconforming use may continue to function and to provide for the adaptive reuse of nonconforming buildings.

Not applicable to this application.

PUBLIC COMMENT AND NOTIFICATION:

Notice for the October 3, 2025 City Planning Commission meeting was sent to property owners within 400 feet of the proposal and the Downtown Residents Council. No comments have been received to date.

CONSISTENCY WITH PLAN CINCINNATI (2012):

The proposed Notwithstanding Ordinance is consistent with *Plan Cincinnati* (2012), specifically within the Compete Initiative Area. This proposed signage contributes to the goal to “Foster a climate conducive to growth, investment, stability and opportunity” (p. 103) through the Strategy to “Grow our own” by focusing on retention, expansion and relocation of existing businesses” (p. 104).

The proposed digital display sign is inconsistent with the Connect Initiative Area’s action steps to “Provide for the safety of the infrastructure for the public” and “Maintain a connected street network that accommodates the needs of all land uses and users,” because it increases the potential for distracted driving along Race Street, putting both drivers and pedestrians at risk. Both the proposed digital display sign and the proposed projecting sign are inconsistent with the pedestrian-oriented scale encouraged for signage within the DD district by the Cincinnati Zoning Code.

CONCLUSIONS:

This request for a Notwithstanding Ordinance would allow 3CDC to have the proposed signage installed and provide relief from the Cincinnati Zoning Code. The requested relief through the Notwithstanding Ordinance regarding the building identification signs and ground sign has been found to be reasonable since the proposed Notwithstanding Ordinance:

- Is consistent with the surrounding land uses;
- Permits the usage of additional wayfinding in the Downtown Development (DD) zoning district;
- Grants compatible relief from the Cincinnati Zoning Code;
- Is consistent with *Plan Cincinnati* (2012).

The requested relief through the Notwithstanding Ordinance regarding the projecting sign and digital display sign has not been found to be reasonable since the proposed Notwithstanding Ordinance:

- Is inconsistent with the pedestrian-scale environment.
- Is inconsistent with *Plan Cincinnati* (2012).

The Department of City Planning and Engagement has generally consistently taken the position to not support Notwithstanding Ordinances for land use decisions because they do not comply with the zoning laws that the department is charged with developing and enforcing.

RECOMMENDATION:

The Department of City Planning and Engagement recommends that the City Planning Commission take the following action:

DENY the Notwithstanding Ordinance for relief from the signage standards in the Downtown Development (DD) zoning district for the building located at 101 W. 5th Street in the Central Business District.

- 1) The Department of City Planning and Engagement typically does not support Notwithstanding Ordinances for land use decisions because the ordinances do not comply with the zoning laws that the Department of City Planning and Engagement is charged with developing and enforcing.

If the City Planning Commission decides to recommend **APPROVAL** of the Notwithstanding Ordinance, the City Planning Commission should consider the following conditions:

- 1) The building identification signs and ground sign should be placed and dimensioned consistent with the locations and dimensions identified on the plans proposed in Exhibit B – Signage Package.
- 2) The projecting sign should be reconfigured to be consistent with the square footage and height permitted by the Cincinnati Zoning Code.
- 3) The digital display screen should be moved to the interior of the building.
- 4) Aside from the variances necessary to permit the installation of signs, the development should remain subject to all other provisions of the Cincinnati Municipal Code, DD “Downtown Development” zoning district.

Respectfully submitted:

A handwritten signature in cursive script that reads "Sophia Ferries-Rowe".

Sophia Ferries-Rowe, Senior City Planner
Department of City Planning and Engagement

Approved:

A handwritten signature in cursive script that reads "Stacey Hoffman".

Stacey Hoffman, City Planning Division Manager
Department of City Planning and Engagement