

EMERGENCY

MEH

- 2022

AUTHORIZING the installation of certain signage on the stadium located at 1 Paul Brown Stadium in the Central Business District NOTWITHSTANDING the provisions of Section 1411-39, “Signs,” of Chapter 1411, “Downtown Development Districts,” of the Cincinnati Municipal Code.

WHEREAS, the Hamilton County Board of Commissioners (“County”) owns the real property located at 1 Paul Brown Stadium in the Central Business District (“Property”) on which the County has constructed a stadium (“Stadium”), which real property and improvements the County has leased to Cincinnati Bengals, Inc. (“Team”), for the performance of American football games and similar stadium uses as permitted under the terms of the Team’s lease with the County and applicable laws and regulations; and

WHEREAS, the Property consists of a single consolidated parcel (Ham. Co. PID 082-0A02-0001) that is located within the DD, “Downtown Development,” zoning district; and

WHEREAS, following the ongoing success of its American football team, which recently won the AFC Championship and capped its exhilarating postseason with an appearance in Super Bowl LVI, the Team is revising the sign program for the Stadium to improve the visibility of the Team and the Stadium, build excitement within the riverfront entertainment district, and foster a sense of community within the City and the larger region; and

WHEREAS, the revisions to the Stadium’s sign program include the installation of certain signage to reflect a change in the Stadium’s name and the Team’s recognition of its naming rights sponsor (“Signage”); and

WHEREAS, the Team requires legislative variances from the zoning code to install the Signage, particularly variances from provisions of Cincinnati Municipal Code (“CMC”) Section 1411-39, “Signs,” that impose maximum display area and maximum height limitations upon building identification and wall signage within the DD, “Downtown Development,” zoning district; and

WHEREAS, the requested deviations from zoning regulations will permit the Team to install signage that is consistent with similar sports facilities found within the City and across the country, and they will contribute to greater awareness and name recognition for Cincinnati on a national and global scale; and

WHEREAS, authorizing the installation of the Signage will not impose adverse effects on the neighboring area, as the Signage complements the scale, proportion, and design of the Stadium, and the Signage will be designed and positioned in a manner that will not present undue distractions to passing vehicular traffic; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on August 19, 2022, upon considering the factors set forth in CMC Section 111-5, recommended the adoption of a notwithstanding ordinance authorizing the Signage, subject to certain conditions; and

WHEREAS, a committee of Council held a public hearing to consider the passage of 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 Signage notwithstanding the zoning code provisions that would otherwise restrict them 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 installation of the Signage is consistent with the purposes of the CMC and the zoning district in which the Property is located; and

WHEREAS, legislative variances authorizing the Signage are consistent with *Plan Cincinnati* (2012), specifically within the Compete Initiative Area goals to “[f]oster a climate conducive to growth, investment, stability and opportunity,” (page 103); “[g]row our own’ by focusing on retention, expansion and relocation of existing businesses,” (page 104); “[b]ecome nationally and internationally recognized as a vibrant and unique city,” (page 121); and “[p]rovide support to businesses that focus on our City’s historic heritage of...sports.” (page 123); and

WHEREAS, the Council finds that the Signage will contribute to the City’s energy, economic vitality, and job growth; facilitate the development of a local professional sports franchise, a major economic and employment generator for the region; and ensure that the development and use of the Property do not pose threats to public safety; and

WHEREAS, the Council additionally finds that permitting the Signage will not have an adverse effect on the character of the area or the public health, safety, and welfare, and that the Signage 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, following its own independent review and consideration, the City Council incorporates the foregoing recitals as if fully rewritten herein, and it hereby confirms that the Cincinnati Bengals, Inc.’s (“Team”) request for legislative variances to authorize its installation of certain signage (“Signage”) on the stadium (“Stadium”) located at 1 Paul Brown Stadium (Ham. Co. PID 082-0A02-0001) (“Property”) in the Central Business District satisfies the criteria set forth in Cincinnati Municipal Code (“CMC”) Section 111-5 in all respects. The Property is depicted on the map attached hereto as Exhibit A and incorporated herein by reference, and the

approved dimensions and placement of the Signage is depicted on the plans attached hereto as Exhibit B and incorporated herein by reference (“Plans”).

Section 2. That the Council additionally finds that a legislative variance authorizing the Team to install the Signage 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 CMC and the zoning district within which the Property is located, taking into account the factors listed in CMC Section 111-5.

Section 3. That, particularly, the Council finds that legislative variances authorizing the installation of the Signage on the Stadium is the minimum necessary to relieve the Team from the hardship posed by zoning regulations generally crafted to regulate vertically oriented downtown office, residential, and mixed-use buildings and storefronts rather than large-scale, horizontally oriented sports and entertainment venues, and that granting the variances will maintain and enhance the design aesthetic of the Property, will not endanger public safety, including vehicular traffic and the pedestrian public, and will not otherwise conflict with other existing local laws or ordinances.

Section 4. That the Council authorizes the Team’s installation of the Signage, subject to the terms and conditions set forth in this ordinance. This authorization is granted notwithstanding the signage restrictions contained in CMC Section 1411-39, “Signs,” and any other applicable zoning regulation that would prevent the installation of the Signage, including, but not limited to, regulations governing sign size, height, maximum number, and placement.

Section 5. That the Council’s authorization of the Team’s installation of the Signage on the Stadium is subject to the following conditions:

- a. That the Signage must be placed and dimensioned substantially consistent within the locations and dimensions identified on the Plans; and

- b. That no more than one sign may be installed within each of the locations identified on the Plans; and
- c. That the Signage must be static and may not incorporate screens or other elements used to flash or display video, animations, or other moving images; and
- d. That the illumination of the Signage must consistent with industry safety standards and be designed to avoid adverse impacts on adjacent properties.

Section 6. 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 CMC provisions, including CMC Chapter 1411, "Downtown Development Districts."

Section 7. 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, and other applicable laws, rules, and regulations.

Section 8. 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 to allow the installation of the Signage in time for the Team's upcoming season so that the corresponding benefits to the City and the Central Business District may be realized at the earliest possible time.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk