ORDINANCE NO. 11 , 2008

AN ORDINANCE DEFINING THE PROCEDURE TO ESTABLISH A COMMUNITY ENTERTAINMENT DISTRICT

WHEREAS, Ohio Revised Code § 4301.80 permits the City to establish a Community Entertainment District within which can be issued limited D-5j liquor permits to hotels, motels, restaurants and other defined uses to obtain a limited license for the sale of alcoholic beverages on premises or for the carryout sale of beer and wine pursuant to the rules established by the State of Ohio; and

WHEREAS, an inquiry has been made by a developer to establish such a district within the City of Montgomery to provide adequate licenses for restaurants and similar approved uses within the proposed development; and

WHEREAS, in addition to the procedures set forth in Chapter 4301 of the Ohio Revised Code, Council does desire to establish procedures within the City to receive such application and to publish notice to hold a public hearing upon such application.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. At the time the application for establishment of the Community Entertainment District is received by the Mayor as required by § 4301.80, the applicant shall pay to the City a handling and processing fee of $2,500.00 and an additional deposit of $500.00, which additional deposit shall cover all publication and mailing costs for notice as required in Section 2 herein. Such application, in addition to other statutory requirements, shall include a certification from the developer that the

proposed improvements and construction in the area in question will equal or exceed $70,000,000.00. Such application shall be accompanied by a list of the names and addresses of all property owners within the proposed Community Entertainment District as such owners appear on the City Auditor's current tax list. If the address appearing on the tax list is that of a lending institution or other person or entity clearly recognizable as not being the owner, then such list shall include the name and mailing address of such institution and the name and street address of the property in question.

SECTION 2. The publication procedures required by ORC § 4301.80 to acknowledge the receipt of an application to establish a Community Entertainment District shall be supplemented to require that upon receipt of a recommendation from the Mayor, the Clerk of Council shall set a public hearing to review such application, which public hearing shall be held by City Council within the thirty (30) days of receipt of the Mayor's recommendation for action on the application. Prior to such public hearing, the Clerk of Council shall publish the notice as required by ORC § 4301.80(C) and include the time, date and place for such hearing. Such notice shall be publicized in a newspaper in general circulation within the City, with the first such notice being publicized no less than fourteen (14) days prior to the date of such hearing. In addition to the newspaper publication, the Clerk shall send a written notice by regular mail to all property owners within the boundaries of such proposed Community Entertainment District, no less than fourteen (14) days prior to the date of the proposed public hearing. Such notification shall be sent to the names and addresses of such owners appearing on the County Auditor's current tax list. If the address appearing on the tax list is that of a lending institution or other person or entity clearly recognizable as not being the owner

of such property, then written notice shall be mailed to such institution, person or entity at the listed address and to the named owners at the street address of the property. Such mailed notice shall contain a copy of the application as submitted to the Mayor, and list the time, date and place for such public hearing.

SECTION 3. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: September 3, 2008

ATTEST: Susan J. Hamm
Susan J. Hamm, Clerk of Council

Gerri Harbison
Gerri Harbison, Mayor

APPROVED AS TO FORM:
Terrence M. Donnellon
Terrence M. Donnellon, Law Director