

ORDINANCE NO. 5 , 2011

AN ORDINANCE AMENDING SECTIONS 151.1209 AND 151.3015 GOVERNING REGULATIONS FOR TEMPORARY OR SEASONAL OUTDOOR SALES AND DISPLAYS AND RELATED TEMPORARY SIGNS

WHEREAS, Section 151.1209 of the Code of Ordinances currently regulates temporary outdoor sales and displays; and

WHEREAS, the Administration has recommended merging into such section rules and regulations which would govern community markets and other similar events; and

WHEREAS, the Planning Commission has extensively reviewed modifications to these regulations consistent with the referral from City Council and has recommended adoption of this modified Section 151.1209; and

WHEREAS, Council held a public hearing on February 16, 2011, consistent with the requirements of the Land Usage Code and desires to adopt such recommendations by the Planning Commission.

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

SECTION 1. Section 151.1209 shall be amended to read as follows:

Section 151.1209 REGULATIONS FOR TEMPORARY OR SEASONAL OUTDOOR SALES AND DISPLAYS

Temporary outdoor sales and displays associated with an established commercial/retail use or community markets, community events, programs and festivals, shall be permitted in compliance with the following regulations:

(A) Temporary outdoor sales and displays of for-profit merchandise offered by or through an existing business use approved in the community are permitted as a use in the district where located so long as such temporary outdoor sale or display is approved as provided herein.

(1) Such sales associated with a commercial/retail use which do not exceed three (3) consecutive days and which are held no more frequently than four (4) times per calendar year may be approved by the Zoning Administrator upon application. All other applications for approval require review and approval by the Planning Commission.

(2) All applications for outdoor sales must demonstrate that the principal use on the lot will continue to meet all parking requirements during the periods for such sales, there will be no impact upon interior traffic circulation and there will be no significant increase in lighting and noise.

(3) Such outdoor display areas must maintain setbacks equivalent to setbacks for the parking areas of that district.

(4) The area of the lot devoted to outdoor display shall not exceed twenty percent (20%) of the ground floor area of the principal building.

(5) No additional signage is permitted for such sale and/or display with the exception that temporary signage may be erected consistent with Section 151.3015(e), Special Event Signs.

(B) Community Markets are defined as the temporary outdoor sale and display of goods operated by a not-for-profit or service organization supporting the Montgomery community. Community Markets are such sales or displays operated by

such organization which exceed more than three (3) consecutive days or which are held more frequently than four (4) times per year.

(1) Such Community Markets may be located in a residential district so long as they are sited on a conditionally permitted use site, and maybe located in Business Districts consistent with these regulations.

(2) The location and operation of such Community Markets must be approved in advance by the Planning Commission and application approval shall demonstrate that there is adequate parking available to accommodate the event and the approved use of the site. Agreements with adjoining property owners for additional parking may be permitted for limited periods of time.

(3) The area of the lot devoted to the Community Market shall not exceed twenty percent (20%) of the ground floor area of the principal building, or if such Community Market is operated on a vacant lot, no more than fifty percent (50%) of the lot may be used for the sale or display of merchandise.

(4) The application shall set forth the hours of operation and provide sufficient additional detail concerning required licensing, location and installation of utilities, property maintenance, on-site signage, traffic circulation and safety, and such other information as is required by the Zoning Administrator to determine the effect and impact of the proposed market on the community and surrounding properties.

(5) Signage shall be permitted for a Community Market consistent with Section 151.3015(e), Special Event Signs.

(C) Community Events such as festivals, concerts, arts and craft shows, and similar events which are operated by a public entity or not-for-profit

organization supporting the Montgomery community, are events which do not exceed three (3) consecutive days nor occur more than four (4) times per year. Such Community Events may be approved by the Zoning Administrator on appropriate application. The area of the lot devoted to the Community Event is not limited provided there is adequate parking available to accommodate the event and the approved use of the site. Agreements of the adjoining property owners for additional parking may be permitted for limited periods of time. The Zoning Administrator may require such additional information in an application as is necessary to determine what impact, if any, the event will have on surrounding property owners and the community including information concerning the duration of the event, hours of operation, licensing security and property maintenance, parking and traffic circulation, access for emergency vehicles, noise, light and signage. Off-site signage for a Community Event is permitted consistent with Section 151.3015(i) of the Code.

SECTION 2. Section 151.3015(E) entitled *Special Event Signs* shall be amended to read as follows:

(E) *Special Event Signs.* Property owners in the business or office district, or institutions such as churches and schools in a residential district, may erect one temporary yard sign or banner attached to the building on the property, for the purpose of announcing special events, the opening of a business, community events, community markets, programs or festivals up to sixty (60) days per year, but no more than fourteen (14) days for each event, business opening, program or festival. Such sign shall be removed within two (2) days of the completion of the event, program, business opening or festival. Such special event sign shall not exceed twenty-five (25)

square feet per side for double-sided signs or fifty (50) square feet for banners with one side. Such temporary signs require a permit from the City.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 4. The sections and subsections of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective, for any cause, shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

SECTION 5. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: April 6, 2011

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