

ORDINANCE NO. 4 , 2013

**AN ORDINANCE AMENDING ORDINANCE NO. 11, 2008 DEFINING THE
PROCEDURE TO ESTABLISH A COMMUNITY ENTERTAINMENT DISTRICT**

WHEREAS, Council did enact Ordinance No. 11, 2008 on September 3, 2008 setting forth the procedure to create Community Entertainment Districts within the City consistent with ORC §§ 4301.80 and 4303.181; and

WHEREAS, staff believes it may be appropriate to support economic growth and development in the community by incorporating the growth areas in the north and the south end of the community into the entire business corridor as a Community Entertainment District allowing an applicant to come forward to create a single district throughout the City; and

WHEREAS, to allow a single district to be created throughout the community, it may be more appropriate to amend the procedures established by Ordinance No. 11, 2008 to mirror the procedural requirements as mandated by the State of Ohio.

NOW THEREFORE, with this intent in mind, **BE IT ORDAINED** by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Section 1 of Ordinance No. 11, 2008 is hereby repealed and in its place the following is to be substituted:

At the time the application for establishment of a Community Entertainment District is received by the Mayor as required by ORC § 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 deposit shall cover all publication costs as required by Section 2 of the Ordinance.

Such application, in addition to other statutory requirements, shall include a certification from the developer that the proposed improvements and construction in the area to be designated as a Community Entertainment District will equal or exceed \$70,000,000.00. Such application shall identify the properties in question to be located within the district identifying such properties by the County Auditor's parcel numbers or with an accompanying survey.

On request of the applicant to the office of the City Manager, and with the concurrence of the Community Development Director, the processing fee and/or publication costs may be waived if it is determined that creating the district will support economic development within the community and such application is for the benefit of the greater Montgomery community, and such benefit is not confined to the proposed developments. Under such circumstances the City Manager may waive the processing fee and the requirement of any additional deposit for publication of notice.

SECTION 2. Section 2 of Ordinance No. 11, 2008 is hereby repealed and in its place the following is to be substituted:

Within thirty (30) days after the City Manager receives the application to create a Community Entertainment District, and the Mayor's recommendations related to the application, City Council, by notice

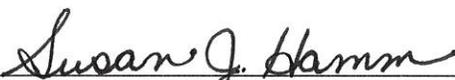
published once a week for two consecutive weeks in at least one newspaper of general circulation within the City, the City shall notify the public that the application is on file at the office of the Clerk of Council, and such application is available for inspection by the public during regular business hours. The notice shall also indicate the date and time of any public hearing, before City Council, required by Ohio law to review the application.

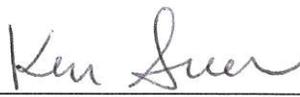
SECTION 3. As required by Ohio law, within seventy (70) days after the date the application is filed with the Mayor, City Council by Resolution shall approve or disapprove the application based upon whether the proposed Community Entertainment District does or will substantially contribute to the development of entertainment, retail, educational, sporting, social, cultural, or arts opportunities within the City. The approval of such application shall be by an affirmative vote of the majority of City Council.

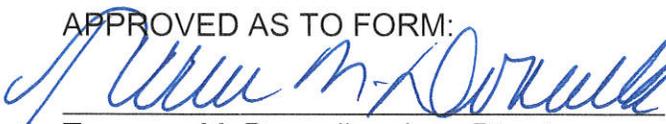
SECTION 4. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

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

PASSED: February 6, 2013

ATTEST: 
Susan J. Hamm, Clerk of Council


Ken Suer, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon, Law Director