

**RESOLUTION NO. 13 , 2016**

**A RESOLUTION EXTENDING AN INTERIM DEVELOPMENT CONTROL OVERLAY DISTRICT WITHIN ALL BUSINESS DISTRICTS**

**WHEREAS**, on February 17, 2016, Council did adopt a Resolution establishing an Interim Development Control Overlay District in all Business Districts within the City while Staff undertakes a study to determine how to define and what controls can be put in place concerning Sexual Encounter Establishments; and

**WHEREAS**, consistent with Chapter 150.13 of the Code of Ordinances, the Planning Commission did review the current Overlay District and has made a recommendation to extend such district for up to an additional period of nine months with an additional recommendation to continue such control in place to include Sexually Oriented Businesses as a related or similar use; and

**WHEREAS**, Council did hold a public hearing on May 18, 2016 to consider the recommendation of the Planning Commission and Council did accept such recommendation; and

**WHEREAS**, while such businesses may be incompatible with the community's standards, because they may hold certain constitutional protections, the regulation of such businesses is a complex issue requiring careful study and until such study can be completed, interim development controls are appropriate to protect existing uses within the City.

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

**SECTION 1.** The previously enacted establishment of an Interim Development Control Overlay District throughout all Business Districts within the City to limit the establishment of Sexual Encounter Establishments is hereby extended until January 31, 2017.

This Overlay District and the limitations enacted herein also is extended to include the establishment of any Sexually Oriented Business which are a similar use. During such extension, the Staff is asked to continue to study the potential negative impact of these uses upon the community, the compatibility of such uses with the Land Usage Code, and what regulations, if any, can be imposed upon such uses under law. During the period this Overlay District is in effect, the issuance of any permit or other license for such uses is stayed until such application is appropriately reviewed consistent with the procedures of Chapter 150.13 of the Code of Ordinances.

**SECTION 2.** Staff and the Planning Commission are hereby directed to continue to study such uses and the potential regulations concerning such uses within the City.

**SECTION 3.** All sections, subsections, parts and provisions of this Resolution 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 reason shall not affect or render invalid any other section, subsection, part or provision of this Resolution.

**SECTION 4.** This Resolution shall be in full force and effect from and after its passage.

PASSED: June 1, 2016

ATTEST: Connie M. Gaylor  
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi  
Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon  
Terrence M. Donnellon, Law Director