

April 1, 2022

TO: Mayor and City Council Members

FROM: Brian K. Riblet, City Manager *BKR*

SUBJECT: City Council Business Session of Wednesday, April 6, 2022

As a reminder, City Council is scheduled to meet in Business Session on Wednesday, April 6, 2022 immediately following the conclusion of a CIC meeting scheduled at 6:45 p.m.

Business Session

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Guest and Residents
5. Legislation for Consideration this Evening

Legislation to be added

- a. An Ordinance Amending The Land Usage Code To Enact New Regulations For The Sign Code And The Old Montgomery Gateway District—Please see that attached correspondence from Tracy Henao, Assistant City Manager requesting that City Council consider the adoption of this Ordinance that will amend the Land Usage Code Chapter 151.30 and 151.15 . The proposed amendments were presented at the March 2, 2022 Public Hearing and approved by City Council. Since the Public Hearing minor revisions have been made and are explained in the attached memo.

Make a motion to add to the agenda

Voice Vote

Assign to a Council Member for Reading

Move to read the Ordinance by title only

Voice Vote

Read title and move to suspend the second and third reading of the Ordinance.

Roll Call Vote

Explain Ordinance

Roll Call Vote

Pending Legislation

- a. An Ordinance Establishing an Excise Lodging Tax—(Mr. Suer, 3rd Reading)
Information has been previously supplied on this Ordinance that, if approved, will establish an excise tax within the City of Montgomery. The Ohio Revised Code (O.R.C.) § 5739.08 allows a municipal corporation to levy an excise tax of up to 3% on transactions by which the hotel provides lodging to transient guests.

Move to read the Ordinance by title only

Voice Vote

Move for passage of the Ordinance

Explain the Ordinance

Roll Call Vote

New Legislation

- a. An Ordinance Establishing Schedules of Municipal Compensation—(Mr. Dobrozsi)
Information has been previously supplied on this legislation that, if approved, would establish a new Schedule of Municipal Compensation for non-bargaining unit employees. It is necessary to establish a new Schedule of Municipal Compensation as the current Schedule does not specify any wage rate adjustments for July 2022 or beyond. A new schedule is also needed to provide for title changes to address organizational needs.

Move to read the Ordinance by title only

Voice Vote

Move for passage of the first reading of the Ordinance

Roll Call Vote

*The second reading of the Ordinance will be at the May 4, 2022 Business session.
The third reading of the Ordinance will be at the June 1, 2022 Business Session
with adoption requested that evening.*

6. Administration Report

7. Minutes- March 23, 2022 Work Session

8. Mayor's Court Report

9. Other Business

a. Appointment of the following Commission Members to the Parks and Recreation Commission (Mrs. Naiman):

Reza Ghoorkhanian with a term ending on 1/31/2025

Teja Bollimunta with a term ending on 1/31/2025

10. Executive Session

11. Adjournment

Should you have any questions or concerns regarding this information, please do not hesitate to contact me.

C: Connie Gaylor, Administrative Coordinator
Department Heads
Terry Donnellon, Law Director



April 6, 2022

City Hall

City Council Business Session immediately following the conclusion of a CIC meeting
scheduled for 6:45 p.m.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Special Presentation
5. Guest and Residents
6. Legislation for Consideration for this Evening

Legislation to be Added

- a. An Ordinance Amending The Land Usage Code To Enact New Regulations For The Sign Code And The Old Montgomery Gateway District

Make a motion to add to the agenda

Voice Vote

Assign to a Council Member for Reading

Move to read the Ordinance by title only

Voice Vote

Read title and move to suspend the second and third reading of the Ordinance.

Roll Call Vote

Explain Ordinance

Roll Call Vote

Pending Legislation

- a. An Ordinance Establishing an Excise Lodging Tax—(Mr. Suer-3rd Reading)

Move to read by title only

Voice Vote

Move for passage of the Ordinance

Explain the Ordinance

Roll Call Vote

New Legislation

- a. An Ordinance Establishing Schedules of Municipal Compensation—(Mr. Dobrozsi)

Move to read the Ordinance by title only

Voice Vote

Move for passage of the first reading of the Ordinance

Roll Call Vote

*The second reading of the Ordinance will be at the May 4, 2022 Business session.
The third reading of the Ordinance will be at the June 1, 2022 Business Session with
adoption requested that evening.*

7. Administration Report

8. Approval of Minutes – March 23, 2022 Special Session and Work Session

9. Mayor's Court Report

10. Other Business

- a. Appointment of the following Commission Members to the Parks and Recreation Commission (Mrs. Naiman):

Reza Ghoorkhanian with a term ending on 1/31/2025

Teja Bollimunta with a term ending on 1/31/2025

11. Executive Session

12. Adjournment

C: Connie Gaylor, Administrative Coordinator
Department Heads
Terry Donnellon, Law Director

April 1, 2022

TO: Brian K. Riblet, City Manager

FROM: Tracy Henao, Assistant City Manager



Cc: Kevin Chesar, Community Development Director

SUBJECT: Forward Request for Text Amendments to the Land Usage Code - Sign Regulations and Old Montgomery Gateway District Regulations

Request

It is requested that City Council consider a recommendation from the Planning Commission on a series of text amendments to Chapter 151.30 Sign Code and 151.15 Old Montgomery Gateway District Regulations. City Council held a public hearing on the proposed text amendments prior to the Business Session on March 2. No guests or residents spoke in support or in opposition to the proposed text amendments.

Background

The existing Sign Code is primarily designed for signage on single or two-story buildings and the regulations are appropriate for the size and scale of those buildings. However, newer developments have buildings which are larger in scale and may have multiple entrances and frontage on more than one street which requires more flexibility to design effective identification and wayfinding signage. In the past, signage for buildings of larger scale and massing have been approved by variance. In working with applicant, Staff suggested that modifications to the Zoning Code would be more appropriate than requesting variances to create a cohesive approach to signage for the development and for the city.

The proposed text amendments have been created by Staff and the applicant working together to create proposed text amendments that will allow for flexibility in sign design while respecting the existing built environment. Staff also took the opportunity to clean up sections of the Sign Code that needed clarity (i.e. definitions, clarity on temporary signs in residential districts, process, etc.). It is important to note that the specific regulations for signage for the Heritage District as defined in Chapter 151.14 would supersede these regulations.

The Landmarks Commission met to discuss the proposed amendments on November 10, 2021. After discussion, the Commission felt comfortable with the recommendations regarding size, height from grade, etc.; however, requested additional information on brightness levels for internally illuminated signs and made other recommendations for changes to the proposed amendments. Staff incorporated all the recommendation from the Landmarks Commission into the proposed text amendments and worked with the applicant to provide the additional information requested on brightness levels. The Landmarks Commission met to continue discussions on the proposed text amendments on December 8, 2021. At the meeting, Staff reviewed the changes that were made since the first meeting and the applicant presented the additional information regarding lighting and brightness levels. After discussion, the Landmarks Commission voted to recommend approval of the proposed amendments to the Planning Commission (4-1 vote) modifications.

Planning Commission Recommendation

Following the Landmarks Commission recommendation, Staff worked with Kolar Design and the Landmark Commission consultants to research and create proposed language to address the Commission's concerns regarding color temperature and brightness for internally illuminated signs. The changes were incorporated into the proposed text amendments for consideration by the Planning Commission. The Planning Commission met on January 18, 2022, to discuss the proposed text amendments as recommended by the Landmarks Commission. After discussion, the Planning Commission voted unanimously to recommend approval of the text amendments to Chapter 151 of the Land Usage Code as recommended by the Landmarks Commission.

Revisions to the Proposed Text Amendments

Since the public hearing on March 2, 2022, two minor revisions have been made to the text amendments. In Section 151.3014(c) the wording was changed to 'aligned' instead of 'in line' to provide additional clarity as suggested the Law Director. The new text reads 'Logos should be aligned with lettering'. The second revision is regarding material type for signs in the Old Montgomery Gateway District. Section 151.1518(E) was revised to allow for polycarbonate signs within the district. The proposed amendments as recommended for approval by the Landmarks Commission and Planning Commission allow for edge-lit signs in the Old Montgomery Gateway District; however, the permitted material types (wood, composite wood, metal, or high-density urethane) are not compatible for edge-lighting. Therefore, this revision is being proposed to ensure that a compatible material is permitted in the district to allow for edge-lit signs.

Staff Recommendation

Staff supports the recommendation of the Landmarks Commission and the Planning Commission to approve the proposed text amendments to Chapter 151.30 Sign Code and 151.15 Old Montgomery Gateway District Regulations. Staff believes that the applicant has worked well with the Landmarks Commission, Planning Commission and Staff to create regulations that are appropriate while allowing flexibility to create effective and appropriate signage for larger-scale buildings. Creating a Sign Code that provides different regulations based on the scale and mass of the buildings is a more effective way of regulating signage that will lead to a more cohesive approach to signage and reduce the amount of variance requests. Staff is also in support of the minor revisions that have been made to the text amendments since the City Council public hearing on March 2, 2022.

Due to the timing of Montgomery Quarter and the anticipated move-in dates for tenants, Staff would like to request that City Council consider adding this legislation to the Business Session agenda, holding the first reading, making a motion to suspend the second and third readings, and pass the Ordinance at that time in order for the text amendments to go into effect prior to the anticipated June opening dates of several tenants within the project.

ORDINANCE NO. , 2022

**AN ORDINANCE AMENDING THE LAND USAGE CODE TO ENACT
NEW REGULATIONS FOR THE SIGN CODE AND THE OLD
MONTGOMERY GATEWAY DISTRICT**

WHEREAS, over the past several months, the Administrative staff has been working closely with the developers and consultants for the Montgomery Quarter District, formerly known as the Old Montgomery Gateway District, and the Landmarks and Planning Commission to update the Sign Code recognizing changes in the Code necessary to accommodate larger buildings and multi-tenant buildings; and

WHEREAS, the Landmarks Commission reviewed the proposed text changes to the Sign Code and the Old Montgomery Gateway District regulations, and on December 8, 2021, at its regularly scheduled meeting, did make a recommendation to the Planning Commission to adopt certain modifications to the Code as applied to the Old Montgomery Gateway District; and

WHEREAS, the Planning Commission met January 18, 2022 to the review the recommendation of the Landmarks Commission and the text changes to the Sign Code in the Old Montgomery Gateway District regulations proposed by the Administrative staff which recommendations and text changes the Planning Commission unanimously approved and recommended to City Council; and

WHEREAS, City Council held a public hearing March 2, 2022 to review the proposed text changes to the Land Usage Code and did recommend at the close of the hearing to advance such text amendments to legislation; and

WHEREAS, attached to this Ordinance are the reformatted Chapter 151.15, *Old Montgomery Gateway District Regulations*, and Chapter 151.30, *Sign Regulations*, consistent with these recommendations.

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

SECTION 1. Council does hereby adopt the attached amendments to Chapter 151.15, *Old Montgomery Gateway District Regulations*, and Chapter 151.30, *Sign Regulations*, as if fully restated herein.

SECTION 2. All sections, subsections, parts and provisions 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 reason, shall not affect nor render invalid any other section, subsection, part or provision of this Ordinance.

SECTION 3. Chapter 151.15 and Chapter 151.30, to the extent not amended by the text amendments attached hereto, are hereby ratified and reaffirmed.

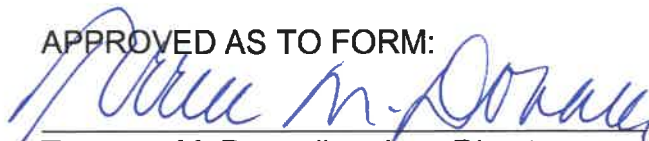
SECTION 4. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Craig D. Margolis, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

Chapter 151.15 Old Montgomery Gateway District Regulations

§ 151.1501	Purpose.	§ 151.1513	Scale and Massing.
§ 151.1502	Applicability of District.	§ 151.1514	Architectural Details.
§ 151.1503	Use Regulations.	§ 151.1515	Exterior Construction Materials.
§ 151.1504	Development Standards.	§ 151.1516	Colors.
§ 151.1505	Residential Lot Requirements.	§ 151.1517	Variation of Materials And Colors in Facades.
§ 151.1506	Site of 2 Acres or More.	§ 151.1518	Signage.
§ 151.1507	Site Layout Criteria.	§ 151.1519	Lighting.
§ 151.1508	Building Setbacks.	§ 151.1520	Landscaping.
§ 151.1509	Site Layout and Building Configuration.	§ 151.1521	Public Facilities.
§ 151.1510	Pedestrian and Vehicular Access and Circulation.	§ 151.1522	Definitions.
§ 151.1511	Parking.	§ 151.1523	Review Procedure.
§ 151.1512	Building Design.		

§151.1501 PURPOSE.

The Old Montgomery Gateway District (OMG) is established in order to impose specific design criteria for both rehabilitation and new construction projects within the Old Montgomery Gateway District. Therefore the purposes of this Chapter are to:

(A) Ensure that new development in the Old Montgomery Gateway District shall conform to the City's general plans for the physical development of this district as embodied in the City's Gateway Area Plan.

(B) Guide development and redevelopment in the Old Montgomery Gateway District to protect and enhance the City's image.

(C) Ensure that new development and redevelopment respects the City's historic qualities and resources through thoughtful and compatible design.

(D) Provide the basis for consistency and objective decision making by providing criteria and a review process to be used by the Zoning Administrator, Landmarks Commission, Planning Commission and City

Council when evaluating proposed development.

(E) Provide standards for property owners, architects and contractors to aid in the preparation of appropriate plans.

(F) Increase public awareness of the value of good design in the gateway into the City.

(G) To create a more cohesive development pattern and density in the City's OMG and Core.

(H) To strengthen the current historic district by promoting redevelopment in the OMG that enhances the visual and economic vitality of the downtown.

§151.1502 APPLICABILITY OF DISTRICT.

All properties designated OMG-Old Montgomery Gateway District on the official zoning map of the City of Montgomery shall be subject to the regulations of this chapter.

§151.1503 USE REGULATIONS.

All uses in the Old Montgomery Gateway District shall be governed as listed in § 151.1203 Schedule of Permitted Uses.

**§151.1504 DEVELOPMENT
STANDARDS.**

All lots, buildings and structures in the Old Montgomery Gateway District shall comply with the standards set forth in this Chapter.

**§151.1505 RESIDENTIAL LOT
REQUIREMENTS.**

Lot requirements for all residential uses are permitted in the Old Montgomery Gateway District shall be regulated as set forth in § 151.1006.

**§151.1506 SITES OF 2 ACRES OR
MORE.**

(A) Cohesive, multi-structure developments are desirable and are strongly encouraged in the Old Montgomery Gateway District to enhance the existing urban features of the adjacent Heritage District and to present a more coordinated Gateway to the City. Any site within the Old Montgomery Gateway District which is equal to or greater than two acres shall be required to be developed with multiple-structures, and a mix of uses. Lots of 2 or more acres recorded as of the date of adoption of this ordinance may not be subdivided into smaller lots to avoid this regulation.

(B) After a Final Site Plan has been approved in accordance with Chapter 150.14, an applicant may subdivide the total development into separate parcels for tax billing purposes. The subdivided parcels shall remain subject to the approved Development Plan and shall not be considered as non-conforming lots or uses when developed under the approved Plan. Any subsequent re-development of the subdivided lots must be consistent with the approved Site Plan and shall be considered as a modification to the approved plan subject to the review and approval process of Chapter 150.14, unless such modification is exempted as provided therein.

(C) When feasible, multiple smaller lots (less than 2 acres) are encouraged to be

consolidated and redeveloped under a single plan in a manner that is consistent with the standards of the OMG for multiple building developments.

§151.1507 SITE LAYOUT CRITERIA.

The layout of principal buildings, accessory structures and parking areas along Montgomery Road and Main Street are a primary identifying feature of the City. The Old Montgomery Gateway District is the entrance into an existing urbanized area that features a strongly defined street wall which creates an attractive, pedestrian street environment. The street wall is defined by buildings which are set close to the street. Creating a strongly defined street wall in the Old Montgomery Gateway District will improve the visual appearance and distinguish the City from the more suburban areas to the south. Standards for single structure developments and multi-building developments are presented as follows:

§151.1508 BUILDING SETBACKS.

The setbacks for buildings in the OMG shall be determined as follows:

(A) The use of a parking structure for setback purposes shall be determined as follows: A parking structure shall be considered non-residential unless residential and only residential uses are built above the parking structure at the point of measure.

(B) Front Yard Setback. Front yard setbacks in the OMG are encouraged to create a street wall and buildings should be set a consistent distance from the right-of-way. The following regulations apply to front yard setbacks:

(1) The front yard setback shall be established between a minimum of zero (0) and a maximum of ten (10) feet from the right-of-way.

(2) To meet the required setback, a building's façade must meet the site layout and

building configuration requirements of § 151.1509 (a) (1).

(3) For panhandle lots see §151.1509(c) (2).

(4) *Exception for Upper Stories.* The facades of buildings above the required minimum height established in § 151.1513 (a) (1) may be set back farther than 10 feet from the right-of-way.

(5) *Exception for Multiple-Buildings.* An adequate number of buildings and front façades on each site must meet the required setback from the right-of-way to create a consistent street wall along the frontage of the site in conformance with §151.1509. However, if the frontage of the site is designed with buildings at the setback line, the Planning Commission may allow additional buildings on the site to exceed this setback if they find that the development meets the other standards of this Chapter and accomplishes the purpose of this district.

(C) Side Yard Setbacks. Side yard setbacks for development in the OMG shall be determined as follows:

(1) Buildings shall be set back a minimum of 5 feet from the side lot line when adjacent to any non-residential use outside of the OMG.

(2) When adjacent to a residential use a building must be setback a minimum of 15 feet or ½ the height of the building, whichever is greater from the side lot line.

(3) Zero side lot line structures with a shared firewall may be permitted in a development under initial common ownership.

(D) Rear Yard Setbacks. Rear yard setbacks for development in the OMG shall be determined as follows:

(1) Commercial structures shall be setback a minimum of 45 feet from the rear lot line when abutting a residential use outside of the OMG district.

- a. Commercial structures shall be setback 15 feet from the rear property line when abutting a lot within the OMG district or other non-residential district or use.
- b. Zero rear lot line structures with a shared firewall may be permitted in a development under initial common ownership.
- c. Residential structures shall be located no closer than ten feet to the rear lot line when abutting a lot within the OMG district or other non-residential district or use. Residential structures shall be setback 10 feet or ½ the height of the building, whichever is greater, from the rear lot line when abutting a residential use outside of the OMG district.

§151.1509 SITE LAYOUT AND BUILDING CONFIGURATION.

(A) General Site Layout. Along Montgomery Road and Main Street Frontages the general site layout shall conform to the following standards.

(1) A minimum of 60% of a development's frontage on either Montgomery Road or Main Street must be occupied by building frontage, and an additional 10% may be occupied by building frontage or a site wall as specified below, which is located no farther than 10 feet from the front property line. The site wall shall be an extension of the principal or accessory building(s). The Planning Commission may allow up to 50% of a building's surface to be setback between 10 to 20 feet from the right of way to create façade articulation. Of that 50%, the building's surface may be setback farther than 20 feet provided that a plaza, raised terrace, balcony or another useful outdoor pedestrian space is incorporated along the frontage.

(2) On panhandle lots the building may be setback more than 10 feet from the public right-of-way when the lot has less than 25 feet of frontage along Montgomery Road or

Main Street. The building must setback a minimum of 20 feet from the rear property line of the parcel in front of the panhandle lot.

(3) Site Walls (including wing walls, retaining walls or screen walls attached to the building) shall be constructed of solid masonry and shall have a height not less than 3 feet nor greater than 8 feet, not including ornamentation or other features.

(4) The remaining 30% of a development's frontage on either Montgomery Road or Main Street may be used for necessary vehicle and pedestrian access ways, or public use space.

(B) Parking. Parking lots or parking structures shall be regulated as follows:

(1) Parking Lots shall meet the setback standards as established in § 151.1207

(2) Freestanding above-grade Parking Structures shall not be located in the front yard and shall meet the side and rear project boundary setbacks established for buildings in § 151.1508.

(3) Below grade parking structures, which are part of a building's foundation, may be permitted to project above grade. Whenever a below-grade parking structure is constructed such that a portion of the garage extends above finished grade, no more than 50% of the footprint shall extend more than 5' above grade. For purposes of this section, above-grade garage walls, which are shielded from view by a building shall be considered as less than 5' in height. Any portion of a below-grade garage that projects above finished grade, which is visible from the right of way and not screened by a building, must have the structural components clad in a permitted primary building material as defined in Section 151.1515 (a)(1). The Planning Commission may also require additional architectural detail and/or landscaping that creates a pedestrian friendly streetscape.

(4) Parking lots and parking structures shall be buffered or screened at a minimum as required in this Code per §151.3408.

(C) In multi-building developments, a parking lot may be located between a rear building and a building fronting on Montgomery Road or Main Street.

(D) Building Coverage. Building Coverage in the OMG shall be regulated as follows:

(1) *Single Building Developments*. A single building fronting on Montgomery Road or Main Street shall not have a footprint that exceeds 15,000 square feet

(2) *Pan Handle Lots*. Any building on a pan handle lot with less than 25 feet of frontage along Montgomery Road or Main Street shall be treated as a rear building for coverage purposes.

(3) *Multiple Building Development*. When included in a multiple-building development on a site in excess of 2 acres a single building may have a building footprint of up to 17,500 square feet. A building with a footprint in excess of 17,500 square feet shall be permitted under the following conditions:

- i. When a building is located south of Hartfield Place and within 200 feet of Montgomery Road, the building footprint shall not exceed 20,000 square feet.
- ii. When the majority of the building footprint is located more than 200' from Montgomery Road or Main Street with no building frontage on Montgomery Road or Main Street, the building may be permitted to have a footprint of up to 30,000 square feet.
- iii. When a building located within 200' of Montgomery Road or Main Street has a lineal frontage along Montgomery Road or Main Street of

100' or less, the building may be permitted to have a footprint of up to 19,000 square feet.

- iv. Under no circumstances may a building's footprint exceed 30,000 square feet;
- v. Adequate parking for the building's use as specified in §151.3204 can be accommodated in whole or in part in on-site structured parking, which is integrated into the development design;
- vi. Off-street loading areas are provided for the building in accordance with §151.3211;
- vii. The building and required parking are screened from the public right-of-way by smaller buildings that address the street and meet the minimum setback and the standards of § 151.1508;
- viii. The loading, parking, and trash dumpsters are adequately screened from adjacent residential uses; and
- ix. The building meets all other building design standards as specified by this chapter.

(E) Loading and Service Areas. Loading and service areas shall be located and designed in such a way as to minimize visual and noise impact on adjacent residential uses. The use of solid walls and buffer landscaping are encouraged to reduce the visual and noise impact of loading and service areas from adjacent rights-of-way and residential areas.

§151.1510 PEDESTRIAN AND VEHICULAR ACCESS AND CIRCULATION.

Safe, efficient, and convenient circulation and access to and between developments should be provided for both pedestrians and vehicular traffic. By creating a safe continuous network of pedestrian walkways within the Old Montgomery Gateway District development

and adjacent Heritage District development, pedestrians will feel more inclined to safely walk (rather than drive) between stores. A pedestrian network that offers clear circulation paths from the parking areas to building entries creates a friendlier, more inviting image.

(A) Pedestrian Access and Circulation. Pedestrian facilities shall be designed to meet the following standards:

(1) Sites that are more than 2 acres shall emphasize pedestrian orientation by creating attractive pedestrian spaces that are landscaped and include other appropriate elements to facilitate pedestrian activity. Efforts should be made to incorporate public open spaces into the design of the development.

(2) All commercial developments shall provide attractive well marked pedestrian links between parking and buildings. The connections shall be clearly marked to provide safe access across traffic lanes and landscaped areas. Such walkways shall utilize decorative paving at key locations.

(3) All commercial buildings shall be public accessible via a path or walkway from a public sidewalk.

(4) Any sidewalk or walkway shall be designed to connect to adjacent walkways of either existing or future development.

(5) All redevelopment along Montgomery Road and Main Street in the OMG must comply with the streetscape master plan for the Heritage District. .

(6) Streetscape design elements and materials used to construct new public walkways, connecting sidewalks and streetscape enhancements may vary from the Heritage District Standards provided that such variations are complementary to the Heritage District Standards.

(7) Parking area design shall include provisions for pedestrian access from parking areas to building entrances.

(B) Vehicular Access and Circulation. Vehicular access and circulation shall be designed to meet the following standards:

(1) *Primary Vehicle Entrances.*

The number and location of vehicle entrances to a commercial development shall be consistent with the City Access Management Standards Chapter 94.18. The specific locations of primary vehicle entrances are subject to review by the City Engineer and the approval of the Planning Commission and will be based on the following factors to promote good traffic management practices:

- i. A site shall not be separated into additional tracts or plats to artificially allow additional access points.
- ii. The development shall minimize the number of curb cuts with shared access being preferred.
- iii. Provide adequate improvements to the right-of-way to handle increases in traffic generated by the development. These improvements may include but are not limited to, turn lanes and traffic control devices.
- iv. Where possible, access points should align with previously-approved or constructed access points on the opposite side of the street to reduce conflict points.

(2) *Internal Vehicle Circulation.*

Safe and efficient internal circulation shall be provided. Where possible internal vehicle circulation should be designed as follows:

- i. Streets internal to the development should be designed with a hierarchy of circulation: major access drives from Montgomery Road and/or Main Street shall have no parking for a distance of 150 feet from Montgomery Road and/or Main Street, while on-street parking shall be encouraged on secondary streets which connect to major access drives.

- ii. Internal driveways or aisles that are intersected by crossing traffic should either have their centerlines aligned or be offset by at least 60 feet.

(3) *On-Site Truck Traffic/Loading and Circulation.* Every development is required to provide on-site loading and delivery facilities. Where on-site loading and delivery facilities are located adjacent to customer parking and pedestrian areas.

- i. Truck circulation paths shall be designed with adequate curve radii and maneuvering room so that trucks do not fully obstruct traffic flow in the public right-of-way during loading.
- ii. Loading areas must be designed such that trucks do not partially or fully obstruct traffic flow on Montgomery Road or Main Street during loading activities.

(4) *Connections to Adjacent Non-Residential Uses.* To the maximum extent feasible vehicular and access connections shall be provided between adjacent non-residential development parcels.

§151.1511 PARKING

Parking in an urban setting is often difficult and in order to promote an urban setting, surface parking and structured parking shall be designed in a way to reduce its visual impact from Montgomery Road and Main Street.

(A) To promote an urban density parking should be provided as follows in Multi-Building Developments:

(1) Structured parking is encouraged for 50% of the required parking on sites with multi-building developments.

(2) The City may, at its discretion permit a reduction in the number of off-street parking spaces required for a development to as much as 50% of the required spaces per § 151.3204.

(B) Surface Parking. Surface parking lots shall be designed in accordance with Chapter 151.32 Off-Street Parking and Loading Regulations.

(1) Surface parking shall be limited to no more than 35% of the site area. Parking on public streets shall not be included in the 35% surface parking limitation.

(2) Adequate screening and interior landscaping shall be provided for surface-parking as specified in § 151.3408 (Screening and Landscaping of Parking Lots).

(C) Parking Structures. Parking structures are permitted in compliance with §151.1509(b).

§151.1512 BUILDING DESIGN

The architecture and general design of the buildings in the Old Montgomery Gateway District will be the strongest feature in creating an image for the Gateway into the City. Building design for the Gateway should be of a high quality with attention to the creation of a human scale environment that ties into the historic architectural character of the Heritage District.

§151.1513 SCALE AND MASSING

The relationship of a building's height to its apparent width is a major contributing factor to the overall character of the Old Montgomery Gateway District. Buildings in the Old Montgomery Gateway District should respect the historic architectural character of the adjacent Heritage District in scale and massing. The following standards shall apply to all buildings in the Old Montgomery Gateway District.

(A) Building Height. The vision for the Old Montgomery Gateway District is to allow for mixed-use developments with increased density and shared below grade public parking garages to promote a pedestrian-friendly environment which is complementary to the Heritage District. Due to significant topography changes in the Old Montgomery

Gateway District, it may be necessary for below-grade parking structures which are incorporated into a buildings' foundation to extend above finished grade. For the purposes of this section, the top of the garage podium shall be considered the final-grade for the purposes of measuring a building's height. The height of all buildings in the Old Montgomery Gateway District shall meet the following standards:

(1) The minimum height for all buildings shall be two stories.

(2) The maximum building height of buildings fronting onto Montgomery Road, north of Hartfield Place, or Main Street is three stories, not to exceed 48 feet. For buildings within 200' of Montgomery Road or Main Street located north of Hartfield Place, the top of building shall not exceed the elevation of 850'.

(3) Buildings fronting on Montgomery Road, with their entire footprint south of Hartfield Place, may have a height of up to four stories, not to exceed 60 feet. For buildings within 200' of Montgomery Road located south of Hartfield Place, the top of building shall not exceed the elevation of 860'.

(4) The maximum height of buildings abutting a residential use within the Heritage District shall not exceed 40 feet.

(5) The maximum height for all other buildings shall not exceed 60 feet or an elevation of 850'.

(B) A building's vertical and horizontal dimensions should be roughly in proportion to each other, without over-emphasis of either dimension. Horizontally oriented long buildings shall be visually broken up through the use of recesses or setback variations, to cause the facade to appear as a series of proportionally correct masses. The building's articulation should help establish a human scale and provide visual rhythm and interest.

§151.1514 ARCHITECTURAL DETAILS

To create a more interesting and inviting environment, all buildings shall include architectural details, including but not limited to cornices, and window and door trim. Buildings shall be designed with an architectural style that respects the historic character of the Heritage District but adequately accommodates the intended modern uses. When authentic architectural details such as windows and doors are not feasible simulated openings may be approved.

i. Roof Type. The roof types of buildings in the OMG shall be designed in conformance with the following regulations:

(1) For approximately every front 60 feet of building façade a variation of roof type is encouraged to reduce visual monotony and assist in development of a human scale environment.

(2) Gabled roofs are encouraged; however, other roof types may be approved by the Planning Commission on a case by case basis.

(3) When gabled roofs are used the design of the roof pitch may vary, but should not be less than $\frac{1}{4}$ of the building height as measured from the grade line to the gutter.

(4) When flat roofs are used, decorative cornices and parapet roof lines shall be incorporated.

ii. Building Entrances. The building entrances in the OMG shall be designed in conformance with the following regulations:

(1) When a commercial building has frontage on Montgomery Road or Main Street, the building entrances should be encouraged to face onto Montgomery Road or Main Street when feasible.

(2) When a residential building has frontage on Montgomery Road or Main Street, the first floor entrances should be located facing onto Montgomery Road or Main Street

when feasible. Access to upper stories from Main Street and Montgomery Roads is strongly encouraged.

(3) When a new road is proposed for interior circulation and meets the streetscape standards as detailed in the City's Streetscape plan, buildings may be oriented to face on to these streets and the entrance may also be oriented to these streets.

(4) In all cases the main entrance of the building shall be easily identifiable, and should provide an introductory statement for a building using architectural articulation or landscaping or a combination of both.

(5) Entrances should be designed to allow individual business to present a clear image without compromising the sense of unity of the façade or development.

iii. Windows. Windows in the OMG District shall be designed in conformance with the following regulations:

(1) Windows in all structures shall exhibit symmetry and proportion to the building. Individual window proportions shall be more vertical than horizontal, with the height being approximately one and a half times the width of the window. Display windows on the first floor of commercial structures may be larger and have more of an emphasis on the horizontal dimension.

(b) Windows that are visible from a public right-of way, shall be divided into vertically proportioned components, through multi-part windows or other divided lights. Other than first-floor display windows and bay windows in residential structures, windows should be detailed with architectural elements, such as projecting sills, molded surrounds, lintels, transoms and/or mullions. Grilles in airspace and snap-on grille style windows are prohibited.

(c) Window and door openings on the ground floor of a commercial building should occupy no less than 50% of the building's

façade length on any façade facing Montgomery Road or another public street.

i. Windows shall be constructed of clear glazing and tinted glazing shall not be used.

ii. All-vinyl windows are prohibited. Extruded aluminum-clad or vinyl-clad wood windows may be permitted, if appropriate. Composite wood/PVC/fiberglass windows are permitted (i.e. Fibrex)

§151.1515 EXTERIOR CONSTRUCTION MATERIALS

The character of the Old Montgomery Gateway District is enhanced by the use of quality building materials that reflect the desired image of the City of Montgomery. The following standards apply to the exterior of all buildings in the Old Montgomery Gateway District.

(A) Permitted Materials. The use of exterior building and finishing materials in the OMG shall be in conformance with the following regulations:

(1) Primary Materials-Buildings in the Gateway shall have a primary exterior covering of brick, stone, natural wood clapboard, wood board and batten, wood shingles or modern manufactured materials that create the appearance of the materials listed above except as prohibited here in.

(2) The color of brick is encouraged to be in the red orange range. The color should be uniform rather than being mottled or speckled.

(3) Accent Materials-Buildings in the OMG may incorporate any of the above permitted primary materials as an accent. Exterior insulated finish systems, and decorative concrete masonry units may be used on a building in the gateway as an accent that comprises no more than 15% per side of the building's exterior wall surface;

(4) Other materials that are not listed as prohibited may be approved by the Landmarks Commission on a case by case basis as a primary or accent building material.

(B) Prohibited Materials. Exterior covering materials that are prohibited include vinyl, aluminum or steel siding, standard concrete masonry units or tilt-up concrete.

§151.1516 COLORS

(A) Permitted Colors. The base colors used on buildings in the Old Montgomery Gateway District should be the natural color of the material in the case of brick or stone or of a neutral, muted palette. Brighter, more vivid colors should be reserved for limited use as trim or accent. Permitted colors may be further regulated as established in §151.1523(a).

(B) Prohibited Colors. No fluorescent, reflective, metallic or neon colors shall be used in the construction of a building in the Old Montgomery Gateway District.

§151.1517 VARIATION OF MATERIALS AND COLORS ON FACADES

Variation of materials and colors on facades is permissible, provided the variation enhances the human scale of the buildings, and is used to define specific elements of the building. General guidelines for variations in materials are:

(A) A maximum of three colors, excluding the natural color of brick or stone, may be used on a single structure, except in the case where the building's façade is designed to appear as more than one building. In such case, each element may use a combination of colors as approved by the Landmarks Commission but the overall color scheme of the building should be coordinated.

(B) Changes in materials should occur at inside corners of buildings or transition with an appropriate trim detail. Material changes at outside corners or in the middle of a wall give

an impression of thinness and artificiality which should be avoided.

(C) The use of a coordinating trim material is encouraged on all facades of a building, and should be used to break larger wall planes into smaller more human scale elements.

(D) The number of materials on the exterior of a building should be limited to a few complementary materials.

(E) A palette of proposed materials and colors should be submitted by the applicant for approval by the Landmarks Commission.

§151.1518 SIGNAGE

(A) Signage shall comply with the standards of §151.30: Sign Regulations.

(B) Signs should respect the overall architectural composition of the building and its scale while not overwhelming the façade.

(C) Sign colors shall relate to the style and period of the building. In general sign colors shall be muted rather than vivid. Paint shall be flat, satin or semi-gloss.

(D) Corporate identity colors or logos may be permitted and shall be used with restraint.

(E) Sign materials may be wood, composite wood, metal, polycarbonate or high density urethane (HDU) with painted or vinyl letters. Other materials may be permitted, if appropriate.

(F) Wall signs should be affixed on a continuous, flat, vertical, opaque surface and cannot project more than 6" from the building surface. Signs may not cover architectural features.

(G) Wall and projecting signs should have a simple design and shall not have more than three (3) lines of letters

(H) ~~Halo/backlit and externally illuminated signs are permitted~~Illuminated signs are permitted in compliance with Section 151.3014(m). The illumination source for a

sign should be compatible with the sign and the building. ~~The light source for a halo/backlit sign shall not be visible. All sign lighting should be directed toward the sign and shall be white only.~~

(I) ~~Internally illuminated, back lit~~nNeon signage is prohibited, with the exception of internally illuminated "Open" signs in the window, not to exceed three square feet in size.

(J) ~~Wall and projecting signs should not extend higher than the bottom sill of the second-story window, or above the lowest point of the roof, or over 25 feet above grade (whichever is lower). They must be at least 6" from the lintel or other trim of the window above or below it.~~

(K) Window signs ~~may only be applied directly to the inside surface of the window glass. The letters should be 4" or less and symbols cannot be larger than 8"~~are permitted in compliance with Chapter 151.3012(f).

§151.1519 LIGHTING

(A) Lighting shall be appropriate to the district in type, design, location and quantity.

(B) Lighting shall be appropriate to the district in type, design, location and quantity.

(C) Lighting shall be used in a limited manner, and only to highlight architectural details on a building, illuminate a sign, or to illuminate walkways and/or parking areas.

(D) Lighting used to illuminate parking areas shall meet the standards established in § 151.3212 Lighting.

§151.1520 LANDSCAPING

(A) Landscaping and screening shall be provided as specified in Chapter 151.34 Landscaping and Screening Regulations.

(B) Any principal access or new roads constructed in a development shall meet the standards for streetscaping, tree planting and pedestrian elements as established in the City's Streetscape plan.

§151.1521 PUBLIC FACILITIES

Adequate public facilities must be available to support the proposed development.

§151.1522 DEFINITIONS.

Architectural Style - The characteristic form and detail of buildings in a particular period.

Articulation (Architectural) - The variation in a building's surfaces which identify or divide the building into distinct and significant parts.

Building Frontage - The portion of a building's exterior wall which is parallel to the development frontage and the public street right-of-way or easement.

Development Frontage - The portion of the development site which abuts a dedicated public street right-of-way or easement.

Cornice- Any horizontal member, structural or nonstructural, projecting outward from the exterior walls at the roofline, including eaves and other roof overhang or any molded projection which finishes or crowns the part to which it is attached.

Façade- The exterior walls or surfaces except the roof of a building exposed to public view.

Grade- For the purpose of this chapter, grade shall be defined as the elevation of the sidewalk when present, or street elevation of Montgomery Road or Main Street at the center of the building.

Human Scale- The proportional relationship of a particular building, structure, open space enclosure or streetscape element to the human form and function.

Street Wall- The portion of a building wall facing the street or landscaping which creates a wall to the street, as a wall to a room.

§151.1523 REVIEW PROCEDURE.

(A) The Zoning Administrator, subject to approval by the Landmarks Commission, may adopt certain rules and regulations setting forth the palette of colors, roof materials, building materials and other construction

materials acceptable in the Old Montgomery Gateway District for the enforcement of this Code.

(B) All new and redevelopment projects in the Old Montgomery Gateway District shall be subject to the development plan review procedures set forth in Chapter 150.14.

(C) Applications for exterior changes to property in the Old Montgomery Gateway District that is neither a listed landmark nor subject to development plan review shall comply with the procedures set forth in § 150.1207.

CHAPTER 151.30
Sign Regulations

151.3001	Purposes.	151.3013	Signs in office districts.
151.3002	Classification of signs.	151.3014	Criteria for the design, construction and location of permanent signs.
151.3003	Application of chapter.	151.3015	Supplemental regulations for temporary signs.
151.3004	Signs exempt from regulation.	151.3016	Maintenance.
151.3005	Prohibited signs.	151.3017	Administration procedures.
151.3006	Signs partially exempt from chapter.	151.3018	Removal of unlawful signs.
151.3007	Signs allowed in the right-of-way and on public property.	151.3019	Regulations for non-conforming signs.
151.3008	Traffic hazards.	151.3020	Inspection upon completion.
151.3009	Computation of sign size.	151.3021	Indemnification and insurance.
151.3010	Maximum sign area permitted.		
151.3011	Signs in residential districts.		
151.3012	Signs in commercial districts.		

§ 151.3001 PURPOSES.

The purpose of this Chapter is to promote and protect the general health, safety and welfare of the residents, as more fully set forth in the following purposes, these regulation are herein established to provide for the use, location, size, height and design of signs, in order to ensure that all signs are appropriate to, and compatible with, the character of the associated uses and of the surrounding area.

In establishing these purposes, the City has determined that no sign shall be permitted, erected or maintained as a main or accessory use except in accordance with the provisions of this Zoning Ordinance, unless such sign is exempted from the provisions of this Chapter.

In establishing these purposes, the City has determined that, without adequate regulation and design standards, signs are a nuisance. The number of signs in the City is excessive and is unduly distracting to motorists and pedestrians, creates a traffic hazard, and in some places reduces

the effectiveness of signs needed to direct the public. As the appearance of the City is marred by the excessive number, oversized and poorly-designed signs, both residential and business property values are adversely affected. Therefore, the number of such distracting signs ought to be reduced and signs permitted should comply with the standards of this Chapter in order to reduce the aforementioned effects.

The signs of least value to the people of the City are those which carry commercial messages other than the advertisement of any product, service, event, person, institution, or business located on the premise[s] where the sign is located.

In view of the foregoing, any sign that does not conform to the regulations of this Chapter, or any subsequent amendment thereto, shall therefore be deemed a public nuisance, and as such, must be abated as provided herein. It is further declared that the regulations

contained in this chapter are the minimum regulations necessary to abate the nuisance and to achieve the purposes of this chapter.

More specifically, the purposes of these regulations are to:

(a) Enhance and protect the physical appearance of the community.

(b) Promote and maintain attractive, high value residential, retail, commercial and industrial districts, and preserve the scenic and natural beauty of designated areas.

(c) Provide necessary, yet reasonable and appropriate, signage for all residential, institutional and business uses in the community.

(d) Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment, and to avoid confusion or hazardous conflict between traffic control signs and devices, and any other permitted sign.

(e) Enhance traffic and pedestrian safety.

(f) Provide the public with a safe and effective means of locating businesses, services and points of interest within the municipality.

(g) Protect the rights of property owners and occupants to display messages protected by the First Amendment to the United States Constitution. Therefore, the purpose of these regulations include the intention to remove any doubt that it is the public's right to receive and display messages protected by the First Amendment, including but not limited to, religious, political, economic, social, and philosophical messages subject, however, to reasonable regulations to assure safety and minimize visual blight. It is the further

purpose of these regulations to affirm that an expedient appeal process exists that addresses these First Amendment concerns.

(h) Provide review procedures that enable and ensure the comprehensive evaluation of a sign's appropriateness to the site, building and surroundings, adherence to these purposes, and consistent enforcement of this Chapter's regulations.

(i) Establish and enforce a reasonable procedure for the eventual removal of legally non-conforming signs.

(j) Prohibit all signs not expressly permitted by this Chapter.

§ 151.3002 CLASSIFICATION OF SIGNS.

For the purposes of these regulations, a sign can include any object, device, display, graphic, architectural feature, structure, or part thereof, which is situated indoors or outdoors or is attached to, painted on, or displayed from any premises in order to advocate a person, position or cause, to direct attention to or announce an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. The Zoning Administrator shall determine whether objects, architectural features, or other design features that do not contain written text constitutes signage, including a trademark, service mark, or a logo particular to the business, institution, or organization.

Both permitted and prohibited signs shall further be classified by physical design or structure, and function or purpose based on the following:

(a) Abandoned Sign: Any sign or its supporting sign structure, which remains without a message or whose display surface remains blank for a period of: (1)

one year or more (for a sign or its supporting sign structure which conforms to this chapter at the time of adoption); or (2) any commercial sign which pertains to a time, event or purpose which no longer applies, or (3) a sign that is deteriorated, or is not adequately maintained, repaired, or removed within the specified time as ordered by this Chapter.

(b) Advertising Sign: Any off-premises sign which directs attention to any business, profession, product, activity, commodity, or service that is offered, sold, or manufactured on property or premises other than that upon which the sign is located.

(c) Awning or Canopy Sign: A sign that is painted on or attached to the face of an awning or canopy or other fabric, plastic, or structural protective cover over a door entrance or window.

(d) Animated Sign: Any sign having a conspicuous and intermittent variation in the physical position of any part of the sign.

(e) Attention-Attracting Device: Any device, such as balloons, searchlights, twirling signs, inflatable objects, etc., intended to attract the attention of the public to an establishment, location, product or service.

(f) Banner Sign: Any sign of lightweight fabric or similar material with no enclosing framework that is mounted to two or more supports or to a building at one or more edges. National and state flags or the official flag of any institution or business shall not be considered banners.



Figure 1. Banner Sign

(g) Building Marker/Cornerstone: Letters, words, or insignia cut into the building surface, or otherwise permanently mounted on the building, at the time the building was constructed to convey a memorial, the name of the building, address or date of construction, or similar message.

(h) Changeable Copy: A variable message sign composed of individual letters, number or symbols panel-mounted in or on a track system.

~~(h)~~(i) Channel Letters: Three-dimensional, hollow-construction letters or figures with a solid face affixed to a structure.

~~(j)~~(j) Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

~~(j)~~(k) Commercial Sign: A sign that contains a commercial message.

~~(k)~~(l) Corporate Limit Sign: Signs established by the City, located on City property, to designate its boundaries to persons traveling into the community. Corporate limit signs may include the signs of nonprofit organizations.

~~(l)~~(m) Deteriorated Sign: Sign showing signs of weathering, rust, corrosion, exposed wiring, chipped paint or faces, cracked, broken, torn or missing faces, or loose materials, or other evidence of disrepair.

~~(m)~~(n) Directional Signage:

Perimeter: Any sign which serves solely to provide special information such as direction, entrance/exit, or parking located at or near the public right-of-way, to direct or guide traffic from the street onto private property and which does not include business names, brand names, trademarks, logos, or information regarding product lines or service.

Interior: Any sign located within the interior of a lot which is designed solely to direct pedestrian and vehicular traffic to the proper destination within the premises and which is not oriented for viewing from the street or adjoining properties.

~~(#)~~(o) Double-faced Sign: A sign with two faces back to back.

~~(e)~~(p) Electronic Message Sign: A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. Signs whose alpha numeric, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.

~~(p)~~(q) Flag: Any fabric or similar light-weight material attached at one (1) end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices used to represent a government, political subdivision, and/or any organization, whether for-profit or not-for-profit, but not including a commercial message.

~~(e)~~(r) Face of Sign: The area of a sign on which the copy is placed.

~~(#)~~(s) Flashing Sign: A sign that contains an intermittent or flashing light source, or which includes the illusion of flashing or intermittent light by means of animation or an externally-mounted intermittent light source.

~~(s)~~(t) Free Standing Sign: A sign that is supported by one or more columns, or other type of base, in or upon the ground.

(1) Ground Mounted Sign: A freestanding sign, other than a pole mounted or yard arm sign, independently supported by the ground or mounted on a decorative

wall or fence, ~~and 5 feet in height or less.~~



Figure 2. Ground Mounted Sign

- (2) Pole Mounted Sign: A sign mounted on a ground mounted pole or other similar support so that the height of the sign is more than 5 feet in height.
- (3) Yard Arm Sign: A sign mounted on a ground mounted pole or other similar support, and is 5 feet in height or less.



Figure 3. Yard Arm Sign

~~(#)~~(u) Government Sign: Signs designed for control of, or to provide information to, traffic and other regulatory functions, and signs of public utilities and/or common carriers indicating danger and/or location of facilities and/or components, and aids for service or safety which are erected by the order of a public officer in the performance of his/her public duty (see also Public Sign).

~~(#)~~(v) Hand-decorated Sign: A variable message sign composed of individual letters, numbers or symbols hand-written or

drawn onto a sign panel, including chalkboard signs.

~~(v)~~~~(w)~~ Hand-Held Sign: A sign containing a commercial message that is held, carried, worn, balanced by or otherwise mounted on a person. A hand-held sign shall include a human or animal used as an advertising device for commercial establishments, typically by holding or wearing of insignia, masks, or costumes associated with the commercial establishment.

~~(w)~~~~(x)~~ Identification Sign: A sign intended to identify the principal use of a lot, development, building or building unit according to the following:

- (1) Business Identification Sign: A sign intended to announce or promote the use, activity, service or business on the premises of any business or commercial establishment, and which may include a directory of occupants.
- (2) Development Identification Sign: A ground mounted sign identifying the name and address of a completed residential subdivision or multi-family development.
- (3) Institution Identification Signs: A sign displaying the name of the organization, activities or services occupying the premises of a public or semi-public use such as but not limited to: churches and other places of worship, community centers, hospitals, public or semi-public recreational facilities, or schools.

~~(*)~~~~(y)~~ Interior Sign: Signs located within a structure not intended to be legible from the exterior. Signs affixed to a window or the walls enclosing the display area behind a window, which are obviously intended to be legible from the exterior, shall be considered exterior signs.

~~(y)~~~~(z)~~ Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

~~(z)~~~~(aa)~~ Incidental Sign: A sign that is located on private property which is generally instructional, contains no commercial message, and has a purpose secondary to the principal use of the site on which it is located. The types of signs included in this category are traffic control signs, hours or operation signs, open/close signs, parking or loading control signs, method of payment accepted, and signs indicating the location of telephones or emergency equipment.

~~(aa)~~~~(bb)~~ Land Sales Sign: A ground mounted sign erected in connection with the establishment of a subdivision and the sale of lots.

~~(bb)~~~~(cc)~~ Marquee Sign: A sign attached to or supported by a permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building.

~~(ee)~~~~(dd)~~ Menu Board: A sign used for drive-through facilities in association with a permitted use.

~~(dd)~~~~(ee)~~ Mobile Signs: Signs which are mounted on or attached to trailers, trucks, or other motor vehicles, or motor vehicles which are painted, decaled, or detailed to be an advertisement for goods or services, or to advertise a person, cause or event.

~~(ee)~~~~(ff)~~ Name Plate: A sign indicating only the name and address of the person, business, or title of the owner, renter, or lessee of the premises or building(s).

~~(ff)~~~~(gg)~~ Non-Commercial Message: A message intended to direct attention to a political candidate, election issue, political, social, religious, community or public service issue or idea, aim, viewpoint, aspiration or purpose and not intended to

produce any commercial benefit or tend to encourage a commercial transaction.

(gg)(hh) Non-Commercial Sign: A sign containing a noncommercial message. Any sign that may be displayed under the provisions of this Chapter may contain a non-commercial message.

(hh)(ii) Nonconforming Sign: A sign that was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.

(ii)(jj) Obscene Sign: A sign which contains words or pictures in which the dominant theme, taken as a whole, appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material which is without redeeming social value.

(jj)(kk) Off-Premise Sign: A sign which contains a commercial message unrelated to a business, profession, commodity, service, activity, sold or offered upon the premises where such sign is located. A billboard is a type of off-premise advertising sign.

(kk)(ll) On-Premise Sign: Any sign containing a commercial message related to a business or profession conducted, or a commodity or service sold or offered, upon the premises where such sign is located.

(ll)(mm) Owner: For the purposes of this section, the owner of the property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the building department, for example, a sign leased from a sign company.

(mm)(nn) Pennant: Any sign of lightweight plastic, fabric, or other similar material, whether or not containing a message of any kind, which is suspended

from a rope, wire, or string, usually in a series, and which is designed to move in the wind.

(nn)(oo) Plaque: A sign that is attached to a building, identifying such building's upper story occupants or street level occupants with no street frontage.

(oo)(pp) Pole Sign: Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level.

(pp)(qq) Portable Sign: Any sign not permanently attached to the ground or other permanent structure which is typically of an A-frame style, which is designed to be moved or transported, including sandwich board signs.

(qq)(rr) Project Construction Sign: A sign which is located on a lot where construction is in progress which indicates the name of the project, architect, engineer, contractor, or other similar information concerning the project.

(rr)(ss) Projecting Sign: A sign which is suspended from, attached to, or supported by a building or structure and extending away from said building or structure.

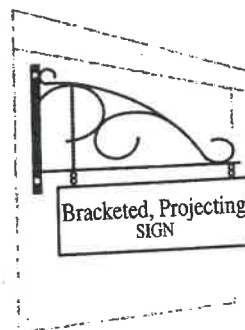


Figure 4. Projecting Sign

(ss)(tt) Public Sign: Any sign required or specifically authorized for a public purpose by any law, statute, or ordinance which

may be of any type, number, area, height above grade, location, illumination or animation, required by the law, statute, or ordinance under which the signs are erected (see also Government Sign).

(##)(uu) Real Estate Sign: A temporary sign posted on property that is actively marketed for sale, rental or lease.

(##)(vv) Right-Of-Way: a strip of land taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, water and sewer lines, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges. The right-of-way is presumed to be a distance of 13 feet from the back of curb unless otherwise measured.

(vv)(ww) Roof Sign: A sign erected, constructed, and maintained upon or over the roof or parapet wall of any building, and having its principal support on the roof or walls of the building.

(ww)(xx) Sandwich Board Sign: A free standing ground sign composed of two boards which contain a message and are set up in a triangle shape, hinged along the top. Such signs shall not exceed 24 inches in width per face and 36 inches in height, not including 'legs' which can be used to raise the sign off the ground, provided those legs do not exceed 6 inches in height. Such signs shall be constructed of materials that present a finished appearance. Rough cut plywood and plastic are not acceptable materials. Such signs must have a frame of no less than 1 inch thick.

(**)(yy) Seasonal or Holiday Display: Any temporary display, such as Christmas decorations, used for a holiday and installed for a short, limited period of time.

(yy)(zz) Sign: Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. For clarification, examples of items which typically do not satisfy the necessary elements of this definition include, but are not limited to: works of art; architectural elements incorporated into the style or function of a building; and, flags of any nation, state, political subdivision, other geopolitical entity not related to a commercial business, product or service, and/or any organization, whether for-profit or not-for-profit, but not including a commercial message. For purposes of this definition, a work of art is any item expressing creative skill or imagination in a visual form, such as a painting or sculpture, which is intended to beautify or provide an aesthetic influence to a public area or area which is visible from the public realm and which in no way identifies or specifically relates to a commercial business, product or service.

(zz)(aaa) Sign Area: The entire area within a single continuous perimeter enclosing the extreme limits of writing or a representation, emblem or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The necessary supports or uprights on which such sign is placed, not being advertising matter, shall not be included in computation of surface area. The area of a sign having more than one display surface shall be computed as the total of the exposed exterior display surface area.

(aaa)(bbb) Sign Face: The surface or the sign upon, against or through which the message of the sign is exhibited.

(bbb)(ccc) Sign Height: The vertical distance from the uppermost point used in measuring the area of the sign to the average grade.

(eee)(ddd) Sign Structure: The supports, uprights, bracing or framework for signs.

(ddd)(eee) Sign Walker: An individual carrying a portable sign intended to convey a commercial message to vehicular traffic.

(eee)(fff) Snipe Sign: Any sign that is posted on trees, landscaping, utility poles or structures, streetlights, fences, fire hydrants, bridges, curbs, sidewalks, park benches parkways, streets, right-of-ways, or other locations on public property.

(fff)(ggg) Streamer: A ribbon shaped or cord rope which may have pennants or banners attached which is stretched or hung between two or more supports.

(ggg)(hhh) Temporary Sign: Any sign or advertising display constructed of cloth, canvas, light fabric, paper, cardboard, or other light materials, which is displayed for a limited time only. Temporary signs are not, nor are intended to be, permanently attached to a building, structure or the ground.

(hhh)(iii) Under-Canopy Sign: A sign suspended beneath a canopy, ceiling, roof or marquee intended to be viewed by pedestrians from the sidewalk beneath the canopy, ceiling, roof or marquee.

(iii)(jjj) Wall Sign: Any sign painted on, attached to or erected against the wall of a building or structure, and having the exposed face of the sign in a plane parallel to the plane of such wall. For purposes of calculation area, projecting signs are considered wall signs.

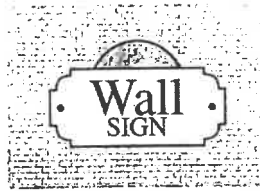


Figure 5. Wall Sign

(jjj)(kkk) Window Sign: A sign containing a commercial message affixed to, displayed from, or installed inside a window for purposes of viewing from outside the premises, and which can include screening, tinting or interior shades designed to project an image or message. Window signs do not include merchandise and other displays located in a window.



Figure 6. Window Sign

(kkk)(lll) Yard Sign: A temporary sign, which is mounted on a stake or a frame structure (often made from wire) that includes one (1) or more stakes.

§ 151.3003 APPLICATION OF CHAPTER

(a) The provisions of this Chapter shall apply to and govern signs in all districts. No sign shall be erected or maintained unless it is in compliance with the regulations governing location and bulk of structures for the district in which it is located, unless such sign is otherwise specifically regulated by special use provisions relating to variances.

(b) Any sign already established on the effective date of this Zoning Code, which sign is rendered nonconforming by the provisions of this Zoning Code, and any sign which, as a result of subsequent amendments of this Zoning Code, shall be rendered nonconforming, shall be subject to the provisions of Section 151.50 Nonconforming Use Regulations.

(c) Wherever a commercial sign is allowed or permitted under this Chapter, an owner may place a noncommercial sign, subject to the time, place and manner provisions of this Chapter, without applying for a permit and/or paying a fee that otherwise would be required for the placement of a commercial sign on the lot; provided, that the sign structure or mounting device is legal without consideration of message content. This provision prevails over any provision to the contrary in this ordinance. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot or parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

(d) All noncommercial speech is considered on-premise signage and is entitled to the privileges that on-premise signs receive under this Section.

(e) Notwithstanding any other provision herein, signs that display a noncommercial message are entitled to the maximum square footage allowed of any sign within the same zoning district.

(f) Notwithstanding any other provision herein, signs that display a noncommercial message are not subject

to the temporal limitations otherwise set forth in this Chapter; however, such signs remain subject to the provisions of Section 151.3018.

§ 151.3004 SIGNS EXEMPT FROM REGULATION.

The following signs shall be exempt from regulation under the Zoning Code.

(a) Any sign inside a building, not attached to a window or door that is not legible from a distance of more than 3 feet beyond the building in which such sign is located.

(b) Building address numbers provided they do not exceed 24" in height.

(c) Cornerstones containing no advertising message incorporated into the building design as an architectural feature.

(d) Corporate Limit Signs.

(e) Flags of the United States, the state, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such.

(f) Government Signs.

(g) Public Signs.

(h) Seasonal or holiday displays that contain no commercial message when displayed during the appropriate time of the year.

(i) Signs on a truck, bus, trailer or other vehicle while such vehicle is operated in the normal course of a business which is not primarily the display of such signs.

(j) Tablets, grave markers, headstones, statuary or remembrances of persons or

events that contain no commercial message.

(k) Works of art not containing a commercial message.

§ 151.3005 PROHIBITED SIGNS.

All signs not expressly permitted in this Chapter or exempt from regulation pursuant to Section 151.3004 are prohibited in the City of Montgomery. Such signs include, but are not limited to, the following:

- (a) Abandoned signs;
- (b) Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of a driver, or by obstructing or detracting from the visibility of any traffic sign or control device on public streets or roads;
- (c) Attention-attracting devices, including, but not limited to pennants, streamers or similar moving devices, air activated graphics or balloons;
- (d) Changeable copy signs;
- (e) Dry-erase board signs;
- (f) Electronic message signs;
- (g) Merchandise, equipment, products, motor vehicles or other items not themselves for sale and placed for attention getting, identification or advertising purposes;
- (h) Mobile signs and portable signs on wheels, runners, casters, parked trailers, parked vehicles, or other mobile devices; Mobile signs in transit through the City are not prohibited, but such signs are prohibited when parked or standing on public streets or private property unless shielded from public view.
- (i) Obscene signs;
- (j) Off-premise signs;

(k) Portable signs carried by sign walkers;

(l) Pylon or pole mounted signs;

(m) Roof signs;

(n) Searchlights;

(o) Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals;

(p) Signs which incorporate in any manner any blinking, flashing or moving lights; and,

(q) Snipe signs which are attached or otherwise applied to trees, bus shelters, benches, trash receptacles, newspaper vending machines or other unapproved supporting structures, or otherwise placed in the public right-of-way, except as otherwise permitted herein.

§ 151.3006 SIGNS PARTIALLY EXEMPT FROM CHAPTER

The following signs may be erected or constructed without a permit, but may be subject to additional regulations under this section. Where a sign is erected pursuant to a state statute or a court order, the sign may exceed the size standards of this ordinance or otherwise deviate from the standards set forth in this Chapter to the extent that the statute or court order expressly requires the larger size or other deviation. In all other respects, such signs shall conform to the standards of this Chapter:

(a) Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message;

(b) Signs required by an order of a court of competent jurisdiction;

(c) Signs installed by a transit company with a franchise or other right to operate in the City where such signs are installed along its

routes and bear no commercial message; and,

(d) Temporary signs bearing no commercial message.

§ 151.3007 SIGNS ALLOWED IN THE RIGHT-OF-WAY AND ON PUBLIC PROPERTY

The following signs, and only the following signs, shall be allowed in the public right-of-way in the City or in parks or on other public property controlled by the City:

- (a) Corporate limit signs;
- (b) Government signs;
- (c) Public signs;
- (d) Signs installed by a transit company with a franchise or other right to operate in the City, where such signs are installed along its routes and bearing no commercial message;
- (e) Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message;
- (f) Signs in parks that relate to the use of one or more facilities (including temporary uses by particular entities or individuals), provided that such signs shall not be legible from any public right-of-way outside the park;
- (g) Signs required by an order of a court of competent jurisdiction; and,
- (h) Street banners and flags as permitted by the City's Flagpole Use Policy, Policy VII-11.

§ 151.3008 TRAFFIC HAZARDS

(a) Except as may be required by law, no sign shall be erected within 20 feet of the intersection of any streets, in such a manner as to obstruct free and clear vision, or at any location where, by reason of position, shape or color, it may interfere with, obstruct the

view of, or be confused with, any authorized traffic sign, signal or device.

(b) Light sources for illuminated signs shall not be of such brightness as to constitute a hazard to pedestrian or vehicular traffic.

(c) Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

§ 151.3009 COMPUTATION OF SIGN SIZE.

The following principals shall control the computation of sign area and sign height:

(a) Determining Sign Area or Dimension.

- (1) In the case of freestanding or projecting signs, the sign area consists of the entire surface area of the sign on which copy could be placed, and may include the surrounding frame structure, as provided herein.
- (2) For a sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, or an irregular shaped ground mounted sign, the area of the sign shall encompass a regular, or a combination of regular geometric shapes which form or approximate the perimeter of all the elements in the display. Letters of the same word or phrase are measured as a unit unless a letter, or symbol within a word, is intended as a trademark or other identifiable mark. If so, such trademark or identifiable mark shall be measured as a separate rectangular unit within the word or phrase. When separate elements are organized to form a single sign, but the elements are separated by open space, the area shall be calculated by determining the geometric form, or

combination of forms, which comprise all the display areas, including the space between the elements.

- (3) The supporting structure or bracing of a sign shall not be counted as part of the sign face area, unless such structure or bracing is made part of the sign's message by inclusion of a symbol, logo, or other three-dimensional figure, in which case the smallest rectangle which can encompass the area of said symbol or figure shall be included as part of the total message area calculations.
- (4) The area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
- (5) In the event there is a dispute in determining the sign area or any sign dimension, the Zoning Administrator shall have the final responsibility for making such determination.
- (b) Determining Sign Height.
 - (1) The height of a projecting sign shall be measured from the topmost element of the sign to the ground below.
 - (2) The height of a wall sign shall be measured from the finished grade at the building base below the sign to the topmost element of the sign.
 - (3) The height of a ground mounted sign shall be measured from grade level to the top of the sign. A ground mounted sign on a man-made base,

including a graded earth mound, shall be measured from the grade of the nearest street, drive or parking area.

(c) Determining Clearance of a Sign:

The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

(d) Determining Building Frontage and Building Unit. The building wall that faces the principal street or the building wall that contains the main entrance to the uses therein shall be considered the building frontage.

- (1) The building frontage shall be measured along the front wall between the exterior faces of the exterior sidewalls.
- (2) In the case of an irregular wall surface, a straight line extended along such wall surface shall be used to measure the length.
- (3) For lots fronting on two or more streets, or where the building has its main entrance on a wall other than the wall that faces the street, the property owner shall determine which wall shall be the primary building frontage and which wall shall be the secondary building frontage. Only one outside wall of any business shall be considered its primary frontage.
- (4) For multi-tenant buildings, the portion of a building that is owned or leased by a single tenant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.
- (e) Determining Window Area: The window area of a building shall be the total glass area of windows on the first floor of the wall of the building facing a public street. A window panel shall be the area of glass

separated from another window panel by an opaque panel four or more inches wide.

§ 151.3010 MAXIMUM SIGN AREA PERMITTED.

Signs as permitted in the respective zoning districts shall conform to the maximum area limitations set forth in this Chapter. Signs for which no maximum area limitations are specified are subject to the review and approval of the Planning Commission, subject to the procedures and requirements of Section 151.3019, unless such signing is exempt according to Section 151.3004.

§ 151.3011 SIGNS IN RESIDENTIAL DISTRICTS.

All signs located in residential districts shall comply with the maximum area requirements set forth in Schedule 151.3011 and this Section. Permanent signs shall also comply with the supplemental regulations set forth in §151.3014.

(a) Ground Mounted Signs in Residential Districts. One ground mounted sign shall be permitted per street frontage in residential districts for residential developments and institutional uses in compliance with the following regulations:

- (1) The design of such signs shall be compatible with the character of the neighborhood.
- (2) Such signs shall not exceed 25 square feet in size or five (5) feet in height.
- (3) Such signs shall be located no closer than 13 feet from the back of the curb or two feet beyond the right-of-way, whichever is greater, except as otherwise permitted below.
- (4) A ground mounted sign may be placed in the right-of-way provided such sign shall be located on the center island of a boulevard entrance and placed no closer than 25 feet to the intersecting street's right-of-way.

Such signs are subject to being removed by the City without reimbursement, if such sign interferes with the City's use of the right-of-way or causes a threat to the public safety.

- (5) Such signs shall be located no closer than 25 feet to a side lot line.
- (6) Such signs may be externally illuminated only and shall be in compliance with the supplemental regulations as defined in §151.3014(m)(1)(a) through (m)(1)(g).
- (7) Ground signs shall include the street address, if applicable.

(b) Wall Signs in Residential Districts. One wall sign per entrance shall be permitted not to exceed two (2) square feet in size.

(c) Incidental Signs in Residential Districts. Incidental signs containing no commercial message are permitted in residential districts, not to exceed 4 square feet in size or 4 feet in height.

(d) Temporary Signs in Residential Districts. A maximum of 25 square feet of temporary signage bearing a non-commercial message or a message relating to the sale, lease, rental or construction of or upon the principal use shall be permitted per lot, in compliance with the following regulations:

- (1) Such signs may not exceed ~~four (4) square feet in size or~~ four (4) feet in height.
- (2) Temporary signs bearing a message relating to the sale, lease, rental or construction of or upon the principal use shall ~~not exceed four (4) square feet in size and shall~~ be removed within three (3) days of the sale of the property or completion of construction.

- (3) Such signs shall also comply with the supplemental regulations for temporary signs as defined in §151.3015.

§ 151.3011 SCHEDULE OF MAXIMUM SIGN AREA AND HEIGHT REGULATIONS IN RESIDENTIAL DISTRICTS. Sign Type ^{(a)(g)}			Single-Family and Multi-Family Districts	
	Area	Height		
A. Ground Mounted Signs ^{(b)(c)}	25 sq. ft.	5 ft.		
B. Wall Signs ^(d)	2 sq. ft.	NA		
C. Incidental Signs ^(e)	4 sq. ft.	4 ft.		
D. Temporary Signs ^(f)	25 sq. ft.	4 ft.		
<p><u>Notes to Schedule 151.3010:</u></p> <p>NP = Not permitted sq. ft. = square feet NA = Not applicable ft. = feet</p> <p>(a) Shall not be permitted to be internally illuminated. (b) In compliance with Section 151.3011(a). (c) Maximum of 2 faces per sign. Maximum sign area permitted per face. (d) In compliance with Section 151.3011(b). (e) In compliance with Section 151.3011(c). (f) In compliance with section 151.3011(d) and supplement regulations set forth in §151.3015. (g) Signs shall be in compliance with the supplemental regulations set forth in §151.3014.</p>				

**§ 151.3012 SIGNS IN
COMMERCIAL DISTRICTS.**

~~(+)~~ All signs located in commercial districts shall comply with the maximum area requirements set forth in Schedule 151.3012 and this Section. All signs shall also be in compliance with the supplemental

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regulations set forth in §151.3014.

Maximum area shall be the sum of the areas of all signs attached to the building for a single tenant space, including wall signs, awning/canopy signs, projecting signs, as well as ground-mounted signs. This maximum area may be divided over a maximum of three (3) signs. Sandwich board signs permitted under §151.3010(h) are excluded from the maximum area calculation.

(b)(a) Ground-Mounted Signs in Commercial Districts. A maximum of one ground-mounted sign shall be permitted per developmentbuilding, except for faeilities buildings on corner or double frontage lots pursuant to §151.3012(89), in compliance with the following regulations:

(1) For one- and two-story buildings, iInternally illuminated ground mounted signs shall not exceed 30 square feet in size. Externally illuminated signs shall not exceed 36 square feet in size. Such signs shall not exceed five (5) in height.

(2) For buildings that are three stories or more, internally or externally illuminated ground-mounted signs shall not exceed 60 square feet in size. Such signs shall not exceed eight (8) in height.

(2)(3) Ground signs shall not exceed 5 feet in height.

(3)(4) In the OM and OMG District, ground-mounted signs shall be located no closer to a street curb or edge of pavement than 6 feet or 50% of the building setback, whichever is less, but shall not be placed within the public right-of-way. In the remaining commercial districts, ground-mounted signs shall be located no closer than 6 feet to any street right-of-way line.

(4)(5) Ground-mounted signs shall be located no closer than 10 feet from any side property line, except that when a side lot coincides with a residential zoning district boundary line, the minimum setback shall be 25 feet.

(5)(6) Ground-mounted signs in the commercial districts shall be erected in a landscaped setting and shall not be permitted on sidewalks, drives or in parking lots.

(6)(7) Ground signs shall include the street address, if applicable.

(7)(8) When a ground-mounted sign is erected on a site that has more than one tenant, it is the property owner's responsibility to determine the sign area devoted to identification of the development, building, anchor tenant, all tenants, or some combination thereof.

(8)(9) One additional ground-mounted sign shall be permitted for a corner or double frontage lot in the commercial districts and the additional area shall not be included in the sum of the maximum sign area provided that:

A. The total frontage of both streets is not less than 300 feet and there are at least two (2) curb cuts providing access to the lot;

B. The area of each ground mounted sign complies Section 151.3010(a)(1); and,

C. The second ground-mounted sign is clearly located to provide identification along the secondary street.

(e)(b) Wall Signs in Commercial Districts.

(1) Single Tenant Buildings: For one and two story single tenant buildings, the maximum area permitted for

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signs shall be 1.5 times the lineal street frontage with a cap at 60 square feet. For single tenant buildings that are three stories or more, the maximum area permitted for signs shall 1.5 times the lineal street frontage with a cap at 120 square feet.

- (2) Multi-tenant buildings: Signs for multi-tenant buildings should be coordinated to achieve a unified signage appearance. Tenants located on the first or second story of a building shall be permitted a maximum 1.5 times the lineal tenant space with a cap of 60 square feet of signage. Tenants located on the third story or above shall be permitted a maximum of 1.5 times the lineal tenant space 120 square feet of signage.

- (3) Buildings with frontage on multiple public roadways or that have a secondary customer entrance facing a side/rear parking lot, shall be permitted one additional sign on the secondary frontage. The additional sign area shall not exceed 0.75 square feet per lineal foot of building frontage of the secondary frontage, up to 45 square feet for one and two story buildings or 90 square feet for tenants located on the third story or above. The additional sign shall not be counted toward the maximum sign area permitted.

- (4) The combined total area of all signs on each building face and/or frontage shall not exceed fifteen (15) percent of the building wall area.

- (5) The maximum height for Wall signs on one and two story buildings is 20' shall not be higher than the head of the second story window, as measured from the building grade line to the top of the sign.

- (6) For buildings with three or more stories, wall signs shall not be located higher than the lowest roof element.

One additional wall sign shall be permitted when a building has a secondary customer entrance facing a side or rear parking area. The additional sign shall be permitted only on the secondary frontage. The additional sign area shall not exceed 0.75 square feet per lineal foot of building frontage based on the length of the secondary building frontage, up to 30 square feet.

(2)

- (7) Plaques shall be permitted for upper story occupants of a multi-tenant buildings to be attached to the premises at the point of building access in compliance with the following:

A. The maximum area of the plaque shall be 3 square feet.

B. The width of the plaque may not exceed the width of the surface of the attachment.

C. The centerline height of the plaque shall be no higher than five feet above the average grade level.

D. Where more than one (1) plaque is placed at an entrance, the total group is to be related in an orderly and integrated manner in one or more vertical columns with common vertical centerlines. The horizontal centerline of each group must be 5 feet above the average grade level.

E. Plaques must be of cast metal, natural stone or wood.

F. The maximum permitted area for plaques shall not be included in the sum of the maximum sign area set forth in § 151.3012.

G. No internally illuminated plaques shall be permitted.

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~~(d)~~(c) Menu Boards in Commercial Districts.

- (1) Menu boards used in association with drive-through facilities of a permitted use shall not exceed 20 square feet in size or 5' in height.
- (2) The area of menu boards shall not be included in the sum of the maximum sign area set forth in § 151.3010 for business identification signs.

~~(e)~~(d) Directory Signs in Commercial Districts.

- (1) One directory sign may be located at each entrance of a multi-tenant building provided that the directory sign is not legible from a public right-of-way.
- (2) Directory signs may not exceed 12 square feet in area nor five feet in height.
- (3) Directory sign letters shall not exceed four inches in height.

~~(f)~~(e) Incidental Signs in Commercial Districts.

(1) Incidental signs shall not be included in the sum of the area of identification signs, provided that they are clearly intended for incidental purposes, as determined by the Zoning Administrator and in compliance with the following:

A. The sign is not in a location and does not possess design characteristics that constitute or serve the purposes of an identification sign; and

B. The sign is not larger than necessary to serve the intended incidental purpose and shall not exceed 4 square feet in size or 4 feet in height.

~~(g)~~(f) Window Signs in Commercial Districts.

- (1) Window signs shall not exceed 10 square feet in size or 20% of the

window area. Window signs, excluding incidental signs, shall not be counted towards the total sign allowance set forth in § 151.3012.

~~(h)~~(g) Temporary Signs in Commercial Districts.

- (1) One temporary sign bearing a non-commercial message or a message relating to the sale, lease, rental or construction of the principal use shall be permitted per lot. Such signs may not exceed 16 square feet in size or 5 feet in height.
- (2) One temporary sign bearing a commercial message per business shall be permitted for a period not to exceed 60 days per calendar year. Such signs shall not exceed 50 square feet in size for a banner or 25 square feet per side for a yard sign.
- (3) In addition to the maximum size requirements set forth in this Section, permitted temporary signs shall comply with the supplemental temporary sign regulations set forth in § 151.3015.

~~(i)~~(h) Sandwich Board Signs. For the purpose of attracting pedestrian traffic, sandwich board signs shall be permitted in the GB, LB, OMG, and OM Districts to announce special events or daily specials for a business on the premises in compliance with the following:

- (1) In the OM District, not more than one (1) sandwich board sign shall be permitted per business. A sandwich board sign may be placed in front of the building and displayed 365 days per year. However, in the OM District, design criteria place the sidewalk within the right-of-way and front the building to the sidewalk leaving no front yard, as a result such signs may be placed on the sidewalk even if it encroaches upon the public right of way, provided an

unobstructed walkway with a minimum of five (5) feet is reserved for public passage. Sandwich board signs must be removed from display at the close of each business day, or no later than 10:00 p.m. The sign may contain a message per face, which may be permanently printed on the sign or be a chalk board sign. The sign must be consistent with the material and color requirements of design guidelines for the Heritage Overlay District, as outlined in Chapter 151.14. The signs may not be illuminated.

- (2) In the GB, LB, and OMG Districts, sandwich board signs shall meet the requirements for temporary signs.
- (3) For all sandwich board signs, the maximum outside dimension of such signs shall not exceed 24 inches in width and 36 inches in height per face, not including 'legs' which can be used to raise the sign off the ground, provided those legs do not exceed six inches in height.

~~(3)~~(4) Sandwich board signs shall not be illuminated.

§ 151.3013 SIGNS IN OFFICE DISTRICTS.

Business identification signs for a ~~project or development~~one- and two-story building in the Office District or Office Commercial District shall be limited to one ground sign or one wall sign with a cap at 60 square feet. Building that are three stories or more shall be permitted one ground or wall sign with a cap of 120 square feet. All signs located in office districts shall comply with the maximum area requirements set forth in Schedule 151.3012 and this Section. All signs shall also be in compliance with the supplemental regulations set forth in §151.3014.

- (a) Ground-mounted Signs in the Office Districts. A maximum of one ground-

mounted sign shall be permitted per ~~development~~building, except for facilities on corner or double frontage lots, as permitted in §151.3013(7). Ground-mounted signs shall be in compliance with the following regulations:

- (1) Internally illuminated ground-mounted signs shall not exceed 30 square feet in size. Externally illuminated ground mounted signs shall not exceed 36 square feet in size.
- (2) Ground signs shall not exceed 5 feet in height.
- (3) Ground-mounted signs shall be located no closer than 6 feet to any street right-of-way line.
- (4) Ground mounted signs shall be located no closer than 10 feet from any side property line, except that when a side lot coincides with a residential zoning district boundary line, the minimum setback shall be 25 feet.
- (5) Ground-mounted signs shall be erected in a landscaped setting and shall not be permitted on sidewalks, drives or in parking lots.
- (6) Ground signs shall include the street address, if applicable.
- (7) One additional ground-mounted sign shall be permitted for a corner or double frontage lot in the commercial districts and the additional area shall not be included in the sum of the maximum sign area provided that:
 - A. The total frontage of both streets is not less than 300 feet and there are at least two (2) curb cuts providing access to the lot;
 - B. The area of each ground-mounted sign complies Section 151.1010(a)(1); and,
 - C. The second ground-mounted sign is clearly located to provide

identification along the secondary street.

(b) Wall Signs in Office Districts.

- (1) ~~The maximum height for wall signs on one and two story buildings is 20'~~ shall not be higher than the head of the second story window, as measured from the building grade line to the top of the sign.

- (2) ~~For buildings with three or more stories, wall signs shall not be located higher than the lowest roof element.~~

- (23) One additional wall sign shall be permitted when a building has a secondary customer entrance facing a side or rear parking area. The additional sign shall be permitted only on the secondary frontage.

- (34) The additional sign area shall not exceed 0.75 square feet per lineal foot of building frontage based on the length of the secondary building frontage, up to 30 square feet.

- (45) Plaques shall be permitted for upper story occupants of a multi-tenant building to be attached to the premises at the point of building access in compliance with the following:

- A. The maximum area of the plaque shall be 3 square feet.
- B. The width of the plaque may not exceed the width of the surface of the attachment.
- C. The centerline height of the plaque shall be no higher than five feet above the average grade level.
- D. Where more than one plaque is placed at an entrance, the total group is to be related in an orderly and integrated manner in one or more vertical columns with common vertical centerlines. The horizontal

centerline of each group must be 5 feet above the average grade level.

- E. Plaques must be of cast metal, natural stone or wood.

- F. The maximum permitted area for plaques shall not be included in the sum of the maximum sign area set forth in § 151.3010.

- G. No internally illuminated plaques shall be permitted.

(c) Directory Signs in Office Districts.

- (1) One directory sign may be located at each entrance of a multi-tenant building provided that the directory sign is not legible from a public right-of-way.

- (2) Directory signs may not exceed 12 square feet in area nor five feet in height.

- (3) Directory sign letters shall not exceed four inches in height.

(d) Incidental Signs in Office Districts.

- (1) Incidental signs shall not be included in the sum of the area of identification signs, provided that they are clearly intended for incidental purposes, as determined by the Zoning Administrator and in compliance with the following:

- A. The sign is not in a location and does not possess design characteristics that constitute or serve the purposes of an identification sign; and

- B. The sign is not larger than necessary to serve the intended incidental purpose and shall not exceed 4 square feet in size or 4 feet in height.

(e) Temporary Signs in Office Districts.

- (4)(5) One temporary sign bearing a non-commercial message or a message relating to the sale, lease, rental or construction of the principal use shall be permitted per lot. Such signs may

not exceed 16 square feet in size or 5 feet in height.

~~(5)~~(6) One temporary sign bearing a commercial message per business shall be permitted for a period not to exceed 60 days per calendar year. Such signs shall not exceed 50 square feet in size for a banner or 25 square feet per side for a yard sign.

~~(6)~~(7) In addition to the maximum size requirements set forth in this Section, permitted temporary signs shall comply with the supplemental temporary sign regulations set forth in § 151.3016.

§ 151.3012 SCHEDULE OF MAXIMUM SIGN AREA IN COMMERCIAL AND OFFICE DISTRICTS. Sign Type ^{(d)(l)}	Commercial and Office Districts	
	Office	Commercial
A. Ground Mounted Signs ^{(a)(b)(c)(d)}	30 or 36 sq. ft.(f).	30 or 36 sq. ft.(f)
B. Wall Signs ^{(e)(f)}	(f)	(f)
C. Menu Boards ^(g)	NP	20 sq. ft.
D. Directory Signs ^(h)	12 sq. ft.	12 sq. ft.
E. Incidental Signs ⁽ⁱ⁾	4 sq. ft.	4 sq. ft.
F. Window Signs ^(j)	NP	10 sq. ft.
G. Temporary Signs ^(k)	25 sq. ft.	25 sq. ft.
<p>Notes to Schedule 151.3010:</p> <p>NP = Not permitted sq. ft. = square feet NA = Not applicable ft. = feet</p> <p>(a) One (1) per development<u>building</u>, except as permitted in §151.3012(a)(8) or §151.3013(7) respectively.</p> <p>(b) Maximum of 2 faces per sign. Maximum sign area permitted per face.</p> <p>(c) Maximum of 30 square feet per side, if internally illuminated and 36 square feet per side, if externally illuminated or non-illuminated.</p> <p>(d) In compliance with §151.3012(a) and §151.3013(a) respectively.</p> <p>(e) In compliance with §151.3012(b) and §151.3013(b) respectively.</p> <p>(f) In compliance with §151.3012 and §151.3013.</p> <p>(g) In compliance with Section 151.3009(c).</p> <p>(h) In compliance with §151.3012(d) and §151.3013(c) respectively.</p> <p>(i) In compliance with §151.3012(e) and §151.3013(d) respectively.</p> <p>(j) In compliance with §151.3012(f).</p> <p>(k) In compliance with §151.3012(g) and §151.3013(e) respectively and supplemental regulations set forth in §151.3015.</p> <p>(l) Signs shall be in compliance with the supplemental regulations set forth in §151.3014.</p>		

§ 151.3014 CRITERIA FOR THE DESIGN, CONSTRUCTION AND LOCATION OF PERMANENT SIGNS.

In addition to ensuring compliance with the numerical standards of these regulations, the Planning Commission or Zoning Administrator, when applicable,

shall consider the proposed general design, arrangement, and placement of the sign as well as the appropriateness of the proposed sign in relationship to other signs and other structures both on the premises and in the surrounding areas, and shall only approve signs that are consistent with the intent, purposes, standards, and criteria of these

sign regulations. Specific standards for determining the appropriateness of the sign shall include, but not be limited, to the following:

(a) There shall be not more than two styles nor more than 3 sizes of lettering used for any sign, including characters or trademarks used for identification.

~~(b)~~ The number of items, letters, symbols and shapes shall be consistent with the amount of information which can be comprehended by the viewer, reflect simplicity, avoid visual clutter and improve legibility.

~~(b)(c)~~ Logos should be aligned with lettering.

~~(e)(d)~~ The shape of the sign shall be simple, and the sign should be consolidated into a minimum number of elements.

~~(e)(c)~~ A ratio between the message and the background shall permit easy recognition of the message.

~~(e)(f)~~ The size, style and location of the sign shall be appropriate to the activity of the site.

~~(f)(g)~~ The sign shall complement the building and adjacent buildings by being designed and placed to enhance the architecture.

~~(g)(h)~~ There shall not be more than 4 colors, including black and white, used on any sign. Fluorescent colors are prohibited. For signs in the Heritage Overlay District, the colors shall be in conformity with the approved colors for that District.

~~(h)(i)~~ Signs identifying multiple tenants of a building should be designed to allow changes in tenant occupancy. Unused tenant identification areas shall be filled with matching decorative panels so as to minimize the appearance of vacancy.

~~(i)(j)~~ Signs, if seen in series, shall have a continuity of design with the style of sign

generally consistent throughout the building or block.

~~(j)(k)~~ Incidental signs shall contain the minimum information and the minimum area necessary to convey the message and instruct the viewer in the safe and efficient use of the facility.

~~(k)(l)~~ A sign should be constructed with a minimum of different types of material so as to provide a consistent overall appearance.

~~(l)(m)~~ All signs proposed within the Heritage Overlay District boundaries shall be constructed in compliance with the design guidelines for this district, as outlined in Chapter 151.14.

~~(m)(n)~~ Illumination. The illumination of signs shall be permitted in compliance with the following:

(1) Signs may be illuminated internally or by reflected light in the Office and Commercial Business Districts provided that:

~~A. Channel letters may have illuminated faces, edge illumination or halo/backlit; however, only one type of illumination is permitted per sign.~~

~~B. Open face channel letters with exposed neon lighting or LED ropes are prohibited.~~

~~A-C.~~ Light sources shall be shielded from all adjacent buildings and streets.

~~B-D.~~ Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists, or cause reasonable objection from adjacent residential districts.

~~C-E.~~ An exposed incandescent lamp shall not be used in excess of 25 watts unless a screen is attached or unless

the sign is placed over 10 feet above the ground.

F. Internally illuminated signs shall be constructed so as to allow the illumination of only letters, numbers, or other identifying symbols on the display surface. No light shall pass through the background. The background material of the sign's exterior surface and the enclosing cabinet shall be of a single, opaque, non-reflective material with a texture approved by the Zoning Administrator.

G. In the Old Montgomery Gateway District, logos may be permitted to be internally illuminated if appropriate to the architecture of the building and approved by the Landmarks Commission.

H. In the Old Montgomery Gateway District, the color temperature of internally illuminated signs shall not exceed 4000 Kelvin.

I. In no case shall internally illuminated signs exceed 0.3 footcandles over ambient light.

J. Raceway mounting is prohibited. Signs shall be constructed so that conduit and piping for electrical sources are not exposed to view.

D-K. Sources of light and power sources shall be weatherproofed, the fixtures shall be UL approved for outdoor use and shall present no heat or electrical hazards under all weather conditions.

E-L. All plastic faced signs shall have a matte-finish, non-reflective surface.

F-M. Signs shall not be lighted to obstruct traffic control or any other

public informational signs. Signs visible from sight lines along streets shall not contain symbols or words, or red and green lights that resemble highway traffic signs or devices. These regulations shall not apply to seasonal holiday display lighting.

- (2) Signs located within the Residential Districts and Old Montgomery District shall be externally illuminated only. ~~In the Old Montgomery Gateway District, signs may be backlit or externally illuminated; however, internal illumination is prohibited.~~

~~(n)(o)~~ Construction Standards.

- (1) The construction, erection, safety and maintenance of signs shall comply with the Ohio Basic Building Code and the Ohio Revised Code.
- (2) Signs shall be located so as to pose no threat to pedestrian or vehicular traffic.
- (3) All signs shall be rigidly secured and no part of any sign shall be revolving or oscillating to attract attention.
- (4) All ground mounted signs shall have self-supporting structures erected on or permanently attached to concrete foundations.
- (5) All under-canopy, projecting or awning signs shall have a minimum clearance of 15 feet over any vehicular use area. For pedestrian use areas, the minimum clearance shall be 7 feet, 6 inches above grade. No under-canopy, projecting or awning signs shall project closer to a curb line than two feet.
- (6) All projecting signs shall be attached to a building wall at an angle of 90 degrees and project not more than 4 feet. All wall signs shall not project more than 6" from the building wall to which it is attached in the Old

Montgomery District and 8" from the building wall to which it is attached in the Office and Commercial Districts.

- (7) No sign shall be erected so as to obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress of any building.
- (8) Signs shall be fabricated on and of material that are of good quality, good durability and are complimentary to the building of which they become a part.
- (9) Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than 12 inches horizontally or vertically from any conductor or public utility guy wire.
- (10) Signs shall be structurally designed to withstand wind pressure of 30 pounds per square foot in any direction.

**§ 151.3015 SUPPLEMENTAL
REGULATION FOR TEMPORARY
SIGNS.**

The intent and purpose of the regulations governing temporary signs are to allow signs for the occasional advertisement for the sale of a product or service, to promote community events, or to advocate a political candidate or issue while preserving the residential character of the Montgomery community. Temporary signs are by their definition signs which are not displayed on a continuous, permanent basis. Signs which are displayed on a property without interruption are permanent signs governed by other restrictions within the Code. Temporary

signs are intended to advertise a specific event or occasion, or to advocate a candidate or cause. The City does not intend to unfairly limit any property owner's First Amendment right to free expression, but the City intends such restrictions to balance the property owner's rights against the community's interests to preserve and protect safe pedestrian and vehicular traffic within the community, preserve the character and integrity of the residential community, and to prevent waste and debris. With this intent in mind, the following rules are adopted:

(a) Materials and Construction

- (1) Temporary signs must be durable and water resistant, constructed of sturdy material such as light weight wood and paperboard with a wire or plastic frame so as not to litter or waste during the period of display or during inclement weather. Any sign which has deteriorated to cause litter or waste, or which presents other unacceptable risks to public safety, shall be repaired, removed and/or replaced.
- (2) Temporary signs shall be fastened or anchored sufficiently, whether attached to the building or positioned in the ground, but shall not be attached to light fixtures, landscaping features, fences, vehicles or similar structures.
- (3) Temporary signs may not be illuminated.

(b) Location

- (1) Temporary signs may not be erected within the street lawn which encompasses the area between the back of the street curb and any public sidewalk, and in areas where there is no public sidewalk within thirteen (13) feet of the back of the street curb from the edge of the street pavement, if there is no curb. This limitation

preserves the safe travel upon the streets of the City, preserves the City right-of-way, and in areas where right-of-way is not easily defined, provides an area where the property owner or a person erecting a temporary sign can know clearly where a temporary sign can and cannot be located. Additionally, temporary signs may not be posted in such a position which impairs the line of vision of motorists traveling the street or pedestrians crossing streets or alleyways, or in such a place which otherwise causes an unacceptable risk to public safety. Any temporary sign violating this requirement is declared a public nuisance and the Zoning Administrator or his/her designee is authorized to remove the same or cause it to be removed.

(c) Abatement.

- (1) In addition to any fine which may be assessed for a violation of this Ordinance, any temporary sign placed in the right-of-way, a prohibited area or upon public property owned by the City, or in such a position which otherwise presents an unacceptable risk to public safety may be removed by the City or its designated representative without notice to the owner of the sign. If the sign or sign materials have deteriorated to waste, debris or litter, the sign and its materials may be disposed of immediately by the City. Any other sign which has been removed which has not wasted shall be removed by the City to a place of safe storage at the City Public Works Department where it shall remain for a period of ten (10) days after removal. During such ten (10) day period the sign owner may retrieve such sign from the City by exhibiting evidence of the ownership of such

sign and upon payment of an administrative abatement fee to the City in the amount of Fifty Dollars (\$50.00) per sign, such fee to cover the costs incurred by the City for abatement and storage of the sign.

§ 151.3016 MAINTENANCE.

All signs shall be maintained in accordance with the following:

(a) The property owner shall maintain the sign in a condition fit for the intended use and has a continuing obligation to comply with all building code requirements.

(b) Abandoned signs shall be completely removed from the premises within sixty (60) days after such abandonment is established, unless said sign is converted to another lawful and contemporary use within that sixty-day period. The supporting structure for abandoned signs shall be completely removed within a period of one (1) year after abandonment is established, unless a new and lawful sign is established thereon.

(c) Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair or repainting, the same may be done without a permit or any payment of fees provided that all of the following conditions are met:

- (1) There is no alteration or remodeling to the structure or the mounting of the sign itself.
- (2) There is no enlargement or increase in any of the dimensions of the sign or its structure.
- (3) There is no change in the sign message or its design.
- (4) The sign is accessory to a legally permitted, conditional or nonconforming use.

(d) If a permanent sign is deemed by the Zoning Administrator to be in an unsafe condition, the owner of the business shall be immediately notified, in writing, and shall, within seven (7) days of such notification, correct such unsafe condition or remove the sign. The time may be extended up to twenty-one (21) days by written request to the Zoning Administrator if the owner provides evidence that it is not an immediate safety risk and a contract to repair/replace has been entered. The allowable time may be reduced if the sign or sign condition poses unreasonable risk to public health and/or safety. If the correction has not been made within the time allowed, the Zoning Administrator may remove, or cause such unsafe sign to be removed, repaired or maintained at the expense of the property owner or lessee, sign owner or sign lessee. If the amount owed for the removal of such sign is not paid within 30 days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property together with a 10 percent penalty for collection in the same manner as real estate taxes. Written notice of abatement may be given per the process outlined in § 151.3015(e)(2)(ii).

(e) In cases of emergency, the Zoning Administrator may cause the immediate removal of a dangerous or defective permanent sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the Ohio Basic Building Code or the City of Montgomery Traffic Code.

§ 151.3017 ADMINISTRATION PROCEDURES.

(a) Signs Requiring a Permit. The following signs shall require a permit prior to the erection or alteration of signs.

~~(1) The Planning Commission, except as otherwise required in subsection 151.3018(e), shall review and act on~~

~~sign applications for the following signs according to the design and construction criteria set forth in this Chapter and the review criteria for development plan review set forth in Chapter 150.1410. Signs in the Heritage Overlay District shall be processed according to the procedures of §150.1206, as applicable.~~

~~A. Business identification signs;~~

~~B.A. Residential development identification signs;~~

~~C.A. Identification signs for community facilities, institutions, and entertainment or recreational uses in residential districts;~~

~~D.A. Permanent window signs; and~~

~~E.A. Menu Boards, except those defined as sandwich board signs.~~

~~(2)~~(1)The Zoning Administrator shall review and act on an application for the following signs according to the design and construction criteria set forth in the Chapter. However, the Zoning Administrator may forward such application to the Planning Commission and/or the Landmarks Commission for their review and comment. Signs in the Heritage Overlay District shall be processed according to the procedures of §150.1206, as applicable.

A. Business identification signs;

B. Residential development identification signs;

C. Identification signs for community facilities, institutions, and entertainment or recreational uses in residential districts;

D. Permanent window signs; and

E. Menu Boards, except those defined as sandwich board signs.

A-F. Building markers;

B-G. Directional signs;

C-H. Incidental signs;

D-I. Plaques;

E-J. Sandwich board signs;

F-K. Sign face changes;

G-L. Temporary signs which contain a commercial message; and,

H-M. Window signs.

(b) Signs Not Requiring Permit. The erection of signs as detailed in Section 151.3004 and 151.3006 shall not require a permit provided that all applicable regulations of this Chapter are complied with.

(c) Sign Concept Plan. The Planning Commission may approve basic sign parameters that set forth the location, size and style of signs to be used within a project, whether for a single occupancy or multiple occupancy building or development. Such sign parameters may be established when the Planning Commission reviews development plans for new buildings or at the time a specific sign application is made for an identification sign for an existing building. Whenever the Planning Commission has approved such sign parameters, the Zoning Administrator shall be authorized to review and approve any subsequent sign application submitted for the development, or a tenant of the development, that complies with such sign parameters.

(d) Application Requirements. An application for a sign permit shall be made to the Zoning Administrator on the form provided. The application shall present the sign in a manner which best illustrates how the sign shall be experienced by the public after it is erected on the site. Specifically, the application shall include:

(1) A complete site plan or photograph showing the location of the sign and

its relationship to the building, the locations and square footage areas of all existing signs on site, the adjacent parcels and parking lots, drives and sidewalks;

(2) Three sets of detailed drawings showing the design of the sign, including size, content, style of lettering, logo and other graphic features, colors of the applied lettering and background, the materials of the sign and the frame or structure, and the method of illumination.

~~(3) For applications which require review and approval by Planning Commission, 15 sets of items #1 & #2 above must be submitted.~~

~~(4)~~(3) Construction, erection or fastening details.

~~(5)~~(4) A permit fee for each sign application, pursuant to the current fee schedule.

(e) Modification to Existing Sign. When a modification is proposed to an existing sign that is already in compliance with an approved development plan, the Zoning Administrator shall review and act on the application in compliance with this Section. However, the Zoning Administrator may forward such application to the Planning Commission for their review and comment.

§ 151.3018 REMOVAL OF UNLAWFUL SIGNS

(a) An obscene sign shall be immediately removed.

(b) Any sign which violates the provisions of this Chapter is hereby declared to be a public and private nuisance and shall be removed.

(c) Any temporary sign in a deteriorated state, as defined by this Chapter, is declared

to be a public and private nuisance and shall be replaced or removed.

(d) Whenever the Zoning Administrator or his/her designee suspects the existence of a public nuisance, as defined in division (b) of this section, he or she shall promptly cause to be inspected the premises on which he or she suspects such public nuisance to exist.

(e) Should the Zoning Administrator or his/her designee find that a public nuisance does exist, he or she shall cause a written notice to be served on the owner of the land on which such unlawful sign is located stating the findings with respect to the existence of a public nuisance and stating that unless the owner or owners thereof shall cause the abatement of the public nuisance by removal of the sign, the City, at the expense of said owner or owners, will abate the same. Such abatement shall start within 15 days after service of said notice and shall be complete within 45 days.

(f) The notice referred to in division (e) of this section shall be served either personally or by leaving a copy thereof at the usual place of residence of the owner, or by mailing a copy to such owner at his or her usual place of residence, by United States certified mail with return receipt requested. If service of the written notice is not perfected by any of the hereinbefore described methods, then the Zoning Administrator or his/her designee shall cause such notice to be published in a newspaper of general circulation in the City, once each week for two consecutive weeks, and shall further cause a copy of the aforesaid notice to be left with the person, if any, in possession of the premises on which it is alleged such public nuisance exists. If there is no person in possession thereof, the Zoning Administrator or his/her designee shall cause a copy of the notice to be posted on the premises. The Zoning Administrator or his/her designee

shall cause a return of service in the form of an affidavit that shall set forth the name and address of the person served, the manner of service and the date thereof.

(g) The said owner or owners may, within ten (10) days after completion of service of the notice, make a demand in writing to the Zoning Administrator or his/her designee for a hearing on the question of whether in fact a public nuisance, as defined in division (b) of this section, does exist. The hearing shall be held within ten (10) days following receipt of said written demand, and at least two (2) days' notice in writing of the said hearing shall be given to the said owner or owners. The said hearing shall be conducted by a hearing board composed of the City Manager, Community Development Director and the Law Director. All members of the said hearing board shall concur that a public nuisance, as defined in division (b) of this section, exists, before enforcement of the abatement is carried out. A copy of the decision of said hearing board shall be promptly served upon the owner or owners in the manner provided in division (f) of this section.

(h) Should said nuisance not be abated at the expiration time stated in the notice issued by the Zoning Administrator or his/her designee or such additional time as the hearing board may grant, the City Manager or his/her designee shall be authorized at any time thereafter to enter upon said premises, and the owner shall permit him or her entry to abate the nuisance by removal of the sign or by taking any other action that may be required. In abating such nuisance, the City Manager or his/her designee may call upon any department of the City for whatever assistance may be necessary, or may, by private contract, obtain the abatement thereof, and the cost of such private contract shall be paid for from City funds specifically authorized by City Council in

order to abate such public nuisances. In abating such nuisance, the City Manager or his/her designee may go to whatever extent necessary to complete the abatement of the same and the cost of the abatement action shall be recovered from the owner in the following procedures:

- (1) The owner or owners shall be billed directly by certified mail for the cost of the abatement. The bill for the cost of the abatement shall be paid within sixty days after receipt of the bill.
 - (2) If costs are not so recovered, then the City shall cause the cost of the abatement to be levied as an assessment and recovered in accordance with Ohio R.C. 715.261.
- (i) This Section shall not be deemed to be a limitation or restriction on the authority of any department, division, official or employee of the City, but shall be deemed as an enlargement of any authority existing by virtue of the statutes of the State or any ordinance heretofore enacted by City Council. Notice to the owner or lessee shall not be required prior to the removal of an unlawful sign which, in the opinion of the Zoning Administrator or his/her designee, creates an immediate or potential danger to persons or property due to structural deficiencies or inadequate maintenance, nor shall notice be required prior to removal of a sign which, in the opinion of the Public Works Director, creates an immediate or potential danger to persons or property because of its location.

§ 151.3019 REGULATIONS FOR NONCONFORMING SIGNS.

(a) Maintenance of Nonconforming Signs. Nonconforming signs shall be maintained in good condition pursuant to Section 151.3017.

(b) Legal Nonconforming Status. The burden of establishing that a sign is a legal

nonconforming sign shall, in all cases, be upon the owner of such sign.

(c) Alteration and Removal of Nonconforming Signs.

- (1) Nonconforming signs shall be removed and any subsequent modification or replacement, excluding maintenance pursuant to Section 151.3017, shall conform to all requirements of this Chapter:

A. When the sign is damaged to a degree greater than 50% of the estimated replacement value;

B. When the use which the nonconforming sign is accessory to is vacant for 90 consecutive days;

C. When the sign is altered in any way in structure or size;

D. When the sign is relocated;

E. When the sign is replaced;

F. When the sign is repainted, excluding normal repainting or touch-up;

G. Following seven (7) years from the date of notice to the property owner of the amendment of this Chapter which made the sign nonconforming.

- (2) A nonconforming sign shall not be altered, modified or reconstructed other than to comply with this Chapter except:

A. When the existing use has new ownership which results in a change in the name of the use or business on the property;

B. When the space is re-occupied by a similar use and the new occupant requires no external building or site renovation; or

C. An existing sign pursuant to this subsection may be changed by replacing a sign panel. Such

alterations shall not require changes to the structure, framing or erection or relocation of the sign unless such changes conform to this Chapter.

§ 151.3020 INSPECTION UPON COMPLETION.

(a) Any person installing, altering, or relocating a sign for which a permit has been issued shall notify the Zoning Administrator upon completion of the work. The Administrator may require a final inspection, including an electrical inspection and inspection of footings on ground mounted signs.

(b) The Zoning Administrator may require, upon issuance of a permit, that he/she be notified in writing for inspection prior to the installation of certain signs.

§ 151.3021 INDEMNIFICATION AND INSURANCE.

All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way or property shall agree to hold harmless and indemnify the City, its officers, agents, and employees, against any and all claims resulting from such work or the placement of such sign(s) insofar as this Code has not specifically directed the placement of a sign. The City may also require sufficient insurance from such persons to indemnify the City against any loss or claim by a third party.

ORDINANCE NO. , 2022

AN ORDINANCE ESTABLISHING AN EXCISE LODGING TAX

WHEREAS, the Planning Commission approved the construction of a boutique Hotel within the Montgomery Quarter to support economic development in this mixed use public/private site; and

WHEREAS, R.C. § 5739.08 allows the City to levy an excise tax of up to three percent (3.0%) on transactions by which lodging by a Hotel is or are to be furnished to transient guests; and

WHEREAS, to generate revenues for the City to support City operations and the Montgomery Quarter development, the Administration has recommended, and Council concurs, that it is appropriate for the City to enact this excise tax.

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

SECTION 1. Definitions.

For purposes of this Chapter, the following words and phrases shall have the following meanings ascribed to them respectively. Other words and phrases shall have the meanings ascribed to them under the City of Montgomery Codified Ordinances as appropriate.

(a) *Hotel* means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for a consideration to guests, in which Five (5) or more rooms are used for the accommodation of such guests, whether the rooms are in one or several structures. The term shall include a motel if the establishment meets the definition of Hotel as contained in this section.

(b) *Occupancy* means the use or possession, or the right to the use or

possession of any room or rooms or space or portion thereof, in any Hotel for dwelling, lodging or sleeping purposes. The use or possession or right to use or possess any room or any suite of connecting rooms as office space, banquet or private dining rooms, or exhibit, sample or display space shall not be considered occupancy within the meaning of this definition unless the person exercising occupancy uses or possesses, or has the right to use or possess all or any portion of the room or suite of rooms for dwelling, lodging or sleeping purposes.

(c) *Operator* means the person who is proprietor of the Hotel, whether in the capacity of owner, lessee, mortgagee in possession, licensee, or any other capacity. Where the Operator performs his functions through a managing agent or any type or character other than an employee, the managing agent shall also be deemed an Operator for the purposes of this Ordinance and shall have the same duties and liabilities as his/her principal. Compliance with the provisions of this Chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

(d) *Rent* means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature, and also any amount for which the occupant is liable for the occupancy without any deductions therefrom whatsoever.

SECTION 2. Rate of Tax.

(a) In addition to any tax levied by R.C. § 5739.02 or a similar statute, commencing on July 1, 2022, for the purpose of providing revenue for the purposes of the City's general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities, and capital improvements by the City, there is levied a tax of three percent (3.0%) on all Rents received by a Hotel for lodging furnished to transient guests. This tax shall be known as the Transient Occupancy Tax ("Tax").

(b) This Tax constitutes a debt owed by the transient guest to the City

which is satisfied only by payment to the Operator as trustee for the City, or to the City. The transient guest shall pay the Tax to the Operator of the Hotel at the time the Rent is paid. If the Rent is paid in installments, a proportionate share of the Tax shall be paid with each installment. The unpaid Tax shall be due upon the transient guest's ceasing to occupy space in the Hotel. If for any reason the Tax due is not paid to the Operator of the Hotel, the City Tax Commissioner ("Tax Commissioner") may require that the Tax be paid directly to the Tax Commissioner.

SECTION 3. Exemptions.

(a) No Tax shall be imposed under this Chapter:

- (1) Upon Rents not within the taxing power of the City under the Constitution or laws of the State of Ohio or the United States;
- (2) Upon Rents paid by the State of Ohio or any of its political subdivisions;
- (3) Upon Rents of Two Dollars (\$2.00) a day or less.

(b) No exemption claimed under subsections (a)(1) or (2) hereof shall be granted except upon a claim therefor made at the time Rent is collected and under penalty of perjury upon a form prescribed by or satisfactory to the Tax Commissioner. All claims of exemption under subsection (a)(3) hereof shall be made in the manner prescribed by or satisfactory to the Tax Commissioner.

SECTION 4. Tax To Be Separately Stated And Charged.

(a) The Tax to be collected shall be stated and charged separately from the Rent and shown separately on any record thereof, at the time when the Occupancy is arranged or contracted and charged for, and upon every evidence of Occupancy, or any bill or statement or charge made for the Occupancy, issued or delivered by the Operator. The Tax shall be paid by the Occupant to the Operator as trustee for and on account of the City,

and the Operator shall be liable for the collection thereof and for the Tax.

(b) No Operator of a Hotel shall advertise or state in any manner, whether directly or indirectly, that the Tax or any part thereof will be assumed or absorbed by the Operator, or that it will not be added to the Rent, or that, if added, any part will be refunded except in the manner hereinafter provided.

SECTION 5. Registration.

Within Thirty (30) days after July 1, 2022 or within Thirty (30) days after commencing business, whichever is later, each Operator of any Hotel renting lodging to transient guests shall register the Hotel with the Tax Commissioner and obtain from him or her a Transient Occupancy Registration Certificate which shall at all times be posted in a conspicuous place on the premises. This certificate shall, among other things, state the following:

- (a) The name of the Operator;
- (b) The address and business telephone number of the Hotel;
- (c) The date upon which the certificate was issued;
- (d) *This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Transient Occupancy Tax Ordinance by registering with the Tax Commissioner for the purpose of collecting from transient guests the Transient Occupancy Tax and remitting such Tax to the Tax Commissioner. This certificate does not constitute a permit.*

SECTION 6. Reporting And Remitting.

(a) Each Operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the Tax Commissioner, make a return to the Tax Commissioner, on forms

obtainable from him or her, of the total Rents charged and received and the amount of Tax collected for transient occupancies. All claims for exemption from Tax filed by Occupants with the Operator during the reporting period shall be filed with the report. At the time the return is filed, the full amount of the Tax collected shall be remitted to the Tax Commissioner. The Tax Commissioner may establish shorter reporting periods for any certificate holder if he/she deems it necessary in order to insure collection of the Tax and he/she may require further information in the return if the information is pertinent to the collection of the Tax. Returns and payments are due immediately upon cessation of business for any reason. All Taxes collected by Operators pursuant to this Chapter shall be held in trust for the account of the City until payment thereof is made to the Tax Commissioner. All returns and payments submitted by each Operator shall be treated as confidential by the Tax Commissioner and shall not be released except upon order of a court of competent jurisdiction or to an officer or agent of the United States, the State of Ohio, the County of Hamilton, or the City of Montgomery for official use only. The nonavailability or failure to obtain forms shall not relieve an Operator from the timely payment of the Tax.

(b) No person, including any officer of a corporation or employee of a corporation having control or supervision of or charged with the responsibility of filing returns, shall fail to file any return or report required to be filed by this Chapter, or file or cause to be filed any incomplete, false or fraudulent return, report, or statement, or aid or abet another in the filing of any false or fraudulent return, report or statement.

(c) If any Operator required to file quarterly returns under this Chapter fails, on Two (2) consecutive quarters within a Twelve (12) month period, to file the returns when due or to pay the Tax thereon, or if any Operator authorized by the Tax Commissioner to file returns at less frequent intervals, fails on two or more occasions within a Twenty-four (24) month period, to file the returns when due or to pay the Tax due thereon, the Tax

Commissioner may require the Operator to furnish security in an amount equal to the average Tax liability of the Operator for a period of One (1) year, as determined by the Tax Commissioner from a review of returns or other information pertaining to the Operator, which amount shall in no event be less than One Hundred Dollars (\$100.00). This security may be in the form of an advance Tax payment to be applied to pay the Tax due on subsequent returns, or a corporate surety bond, satisfactory to the Tax Commissioner, conditioned upon payment of the Tax due with the returns from the Operator. This security must be filed within Ten (10) days following the Operator's receipt of the notice from the Tax Commissioner of its requirements. Any security or corporate surety bond filed under this section shall be returned to the Operator if, for a period of Twelve (12) consecutive months following the date the security was posted, the Operator has filed all returns and remitted payment therewith within the time prescribed in this Chapter.

(d) If any Operator required to file returns and to remit Tax due to the City under the provisions of this Chapter, fails for any reason to make the filing or payment, any of its officers or employees having control or supervision of or charged with the responsibility of filing returns and making payments, shall be personally liable for the failure. The dissolution of a corporation shall not discharge an officer's or employee's liability for a prior failure of the corporation to file returns or remit Tax due. The sum due for this liability may be collected by assessment in the manner provided in this Chapter.

SECTION 7. Penalties And Interest.

(a) Original Delinquency. Any Operator who fails to remit any Tax imposed by this Chapter within the time required shall pay a penalty equal to ten percent (10%) of the amount of the Tax, in addition to the Tax.

(b) Continued Delinquency. Any Operator who fails to remit any delinquent remittance on or before a period of Thirty (30) days following the date on which

the remittance first became delinquent shall pay a second delinquency penalty equal to ten percent (10%) of the amount of the Tax and the previous penalty due, in addition to the Tax and the ten percent (10%) penalty first imposed. An additional penalty equal to ten percent (10%) of the total Tax and penalty of the previous Thirty (30) day period shall be added for each successive Thirty (30) day period that the account remains delinquent.

(c) Fraud. If the Tax Commissioner determines that the nonpayment of any remittance due under this Chapter is due to fraud, a penalty equal to twenty-five percent (25%) of the amount of the Tax shall be added thereto in addition to the penalties stated in subsections (a) and (b) hereof.

(d) Interest. In addition to the penalties imposed, any Operator who fails to remit any Tax imposed by this Chapter shall pay interest at the rate of one percent (1%) per month, or fraction thereof, on the amount of the Tax due, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

SECTION 8. Failure To Collect And Report Tax; Determination Of Tax By Tax Commissioner.

(a) If any Operator shall fail or refuse to collect the Tax and fail to make, within the time provided in this Chapter, any report and remittance of the Tax or any portion thereof required by this Chapter, the Tax Commissioner shall proceed in such manner as he or she may deem best to obtain facts and information on which to base the estimate of the Tax due. As soon as the Tax Commissioner procures whatever facts and information that he or she is able to obtain upon which to base the assessment of any Tax imposed by this Chapter and payable by any Operator who has failed or refused to collect the same and to make such report and remittance, he or she shall proceed to determine and assess against the Operator the Tax, interest and penalties provided for by this Chapter. In case this determination is made, the Tax Commissioner shall give a

notice of the amount so assessed by serving it personally upon the Operator, or by depositing it in the United States mail, postage prepaid, addressed to the Operator so assessed at his last known address.

(b) The Operator may within Thirty (30) days after the personal serving or mailing of the notice of assessment make application in writing to the Tax Commissioner for a hearing before the Board of Tax Review on the amount assessed. If application by the Operator for a hearing is not made within the time prescribed, the Tax, interest and penalties, if any, determined by the Tax Commissioner shall become final and conclusive and immediately due and payable.

(c) If the application is made for a hearing before the Board of Tax Review, the Tax Commissioner shall give notice to the Operator of the time and place of the hearing.

(d) At the hearing, the Operator may appear and offer evidence why the specified Tax, interest and penalties should not be so assessed. The Board of Tax Review shall issue a written decision on such appeal within Thirty (30) days of such hearing.

(e) After the decision of the Board of Tax Review, the Tax Commissioner shall determine the proper Tax to be remitted and shall thereafter give written notice to the person of the determination and the amount of the Tax, interest and penalty. The amount determined to be due shall be payable after Thirty (30) days.

SECTION 9. Records.

(a) It shall be the duty of every Operator liable for the collection and payment to the City of any Tax imposed by this Chapter to keep and preserve all records that may be necessary to determine the amount of the Tax that he/she may have been liable for the collection of, and payment to, the City. If the Operator furnishes lodging not

subject to the Tax, the Operator's records shall show the identity of the transient guest, if the sale was exempted by reason of such identity, or the nature of the transaction if exempted for any other reason.

(b) All such records and other documents shall be open during business hours to the inspection of the Tax Commissioner and shall be preserved for a period of Four (4) years, unless the Tax Commissioner, in writing, consents to their destruction within that period, or by order requires that they be kept longer.

SECTION 10. Refunds.

(a) Whenever the amount of any Tax, interest or penalty has been overpaid or paid more than once, or has been erroneously or illegally collected or received by the City under this Chapter, it may be refunded as provided in subsections (b) and (c) hereof provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Tax Commissioner within Three (3) years of the date of payment. The claim shall be on forms furnished by the Tax Commissioner.

(b) An Operator may claim a refund or take as credit against Taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received when it is established in a manner prescribed by the Tax Commissioner that the person from whom the Tax has been collected was not a transient guest. However, neither a refund nor a credit shall be allowed unless the amount of the Tax so collected has either been refunded to the transient guest or credited to Rent subsequently payable by the transient guest to the Operator.

(c) A transient guest may obtain a refund of Taxes overpaid or paid more than once or erroneously or illegally collected or received by the City by the filing of a claim in the manner provided in subsection (a) hereof, but only when the Tax was

paid by the transient guest directly to the Tax Commissioner, or when the transient guest having paid the Tax to the Operator, establishes to the satisfaction of the Tax Commissioner that the transient guest has been unable to obtain a refund from the Operator who collected the Tax.

(d) No refund shall be paid under the provisions of this section unless the claimant establishes his or her right thereto by written records showing entitlement thereto and the refund exceeds One Dollar (\$1.00).

SECTION 11. Actions To Collect.

Any Tax required to be paid by a transient guest under the provisions of this Chapter shall be deemed a debt owed by the transient guest to the City. Any such Tax collected by an Operator which has not been paid to the City shall be deemed a debt owed by the Operator to the City. Any person owing money to the City under the provisions of this Chapter shall be liable to an action brought in the name of the City for the recovery of such amount.

SECTION 12. Moneys Received, Where Credited.

The moneys received under the provisions of this Chapter shall be credited to the General Fund of the City.

SECTION 13. Penalty.

(a) Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor on a first offense punishable by a fine of up to One Hundred Fifty Dollars (\$150.00).

(b) For a second offense, violation of this Chapter occurring within one year of a previous offense, such person shall be guilty of a fourth-degree misdemeanor punishable by a fine of up to Two Hundred Fifty Dollars (\$250.00) and up to Thirty (30) days confinement in a jail.

(c) For a third offense, violation of this Chapter occurring within one year of a previous offense, such person shall be guilty of a third-degree misdemeanor punishable by a fine of up to Five Hundred Dollars (\$500.00) and up to Sixty (60) days confinement in a jail.

(d) For a fourth offense, violation of this Chapter occurring within one year of a previous offense, such person shall be guilty of a second-degree misdemeanor punishable by a fine of up to Seven Hundred Fifty Dollars (\$750.00) and up to Ninety (90) confinement in a jail.

(e) For a fifth offense, violation of this Chapter occurring within one year of a previous offense, such person shall be guilty of a first-degree misdemeanor punishable by a fine of up to One Thousand Dollars (\$1,000.00) and up to One Hundred Eighty (180) days confinement in a jail.

(f) Each day that a violation occurs may be charged as a separate offense.


SECTION 14. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Craig D. Margolis, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

ORDINANCE NO. , 2022

**AN ORDINANCE ESTABLISHING THE
SCHEDULE OF MUNICIPAL COMPENSATION FOR EMPLOYEES**

WHEREAS, Council must establish a Schedule of Municipal Compensation for City employees who are not members of a collective bargaining unit to be effective July 1, 2022 (the first day of the first full pay period in July 2022); and

WHEREAS, the Administration has recommended an increase in compensation for such employees, which is reflected in the Schedule of Municipal Compensation attached hereto; and

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

SECTION 1. Pursuant to requirements of Chapter 34 of the Montgomery Code of Ordinances, the Schedule of Municipal Compensation ("Schedule") is hereby established to govern the annual compensation of municipal employees who are not governed by collective bargaining agreements, which schedule shall be effective on July 1, 2022. The Schedule governing such positions is attached hereto as "Exhibit A" and is hereby made a part of this Ordinance as if fully rewritten herein.

SECTION 2. The Schedule prescribes the basic rates of pay for various classes of employees. Employees will typically be hired at the starting point of the appropriate salary range, but an employee may be placed at a higher location within their pay range at the discretion of the City Manager depending upon their qualifications, experience, and education. Employees may move through their respective salary range based upon work performance as determined through an annual performance review. The amount of the annual merit increase is dependent upon employee performance and funding availability.

SECTION 3. The City Manager is hereby authorized to grant an annual merit bonus, not to exceed two percent (2%) of the base salary of the employee, for full-time employees who have reached the top of their respective pay range. Permanent part-time employees who have reached the top of the pay range may be eligible for a

merit bonus of up to 20 hours of pay at their current hourly rate for exceptional work performance.

SECTION 4. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Craig D. Margolis, Mayor

APPROVED AS TO FORM



Terrence M. Donnellon, Law Director

Full-Time Schedule

Exhibit "A"

Range	Position	Effective first day of first full pay period in July 2022		Effective first day of first full pay period in July 2023	
		Minimum	Maximum	Minimum	Maximum
1A	Assistant City Manager Fire Chief Police Chief Public Works Director	\$108,825.60	\$144,726.40	\$112,091.20	\$149,073.60
1B	Director of Finance Community Development Director Community and Information Services Director	\$103,688.00	\$138,236.80	\$106,808.00	\$142,376.00
2	Assistant Fire Chief Assistant Police Chief Assistant Public Works Director	\$99,632.00	\$123,572.80	\$102,627.20	\$127,275.20
3A	Assistant Director of Finance/Tax Commissioner Human Resources Manager	\$77,251.20	\$101,192.00	\$79,560.00	\$104,228.80
3B	Communications and Engagement Coordinator Recreation Director	\$76,044.80	\$99,528.00	\$78,332.80	\$102,523.20
4	Zoning and Code Compliance Officer Public Works Department Supervisor Tax Commissioner	\$68,016.00	\$86,985.60	\$70,054.40	\$89,585.60
5	Construction and Compliance Inspector	\$31.49	\$39.68	\$32.44	\$40.87
6	Administrative Coordinator Assistant to the City Manager Office Manager	\$29.71	\$37.14	\$30.60	\$38.26
7	Recreation Specialist	\$27.77	\$34.98	\$28.60	\$36.03
8	Clerk of Court	\$25.45	\$33.11	\$26.22	\$34.10
9	Finance Specialist Customer Service Representative	\$25.08	\$31.35	\$25.84	\$32.29

All annual, salaried positions in Ranges 1 through 4 are calculated assuming a 26 pay period annual pay schedule, which is the normal annual pay schedule for the City. In the event that the City experiences a year which has 27 bi-weekly pay periods, the City's wage scale will reflect an increase of an additional 1/26th of the maximum salary for the purpose of meeting payroll for the 27th pay period. For all other years, the minimum and maximum salaries are as published on the pay schedule above.

Part-Time Schedule

Exhibit "A"

Range	Position	Effective first day of first full pay period in July 2022		Effective first day of first full pay period in July 2023	
		Minimum	Maximum	Minimum	Maximum
1A 1B 1C	Special Projects Coordinator Assistant to the City Manager Finance Specialist	\$50.60 \$29.71 \$25.08	\$62.75 \$37.14 \$31.35	\$52.12 \$30.60 \$25.84	\$64.64 \$38.26 \$32.29
1D	Customer Service Representative Volunteer Coordinator	\$24.57	\$30.62	\$25.30	\$31.54
2	Firefighter/Paramedic	\$19.12	\$24.37	\$19.69	\$25.10
3	Custodian Firefighter/EMT	\$17.07	\$21.77	\$17.58	\$22.42
4	Intern Seasonal Service Worker	\$14.87	\$18.90	\$15.31	\$19.46
6	Auxiliary Police Officer	\$11.48	\$28.71	\$11.82	\$29.57

Full-Time Schedule

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6	Auxiliary Police Officer	\$11.48	\$28.71	\$11.82	\$29.57

These minutes are a draft of the proposed minutes from the City Council meeting. They do not represent the official record of proceedings until formally adopted by the City Council. Formal adoption is noted by signature of the Clerk within the minutes.

City of Montgomery
City Council Work Session Minutes
March 23, 2022

Present

Brian Riblet, City Manager
Terry Donnellon, Law Director
Tracy Henao, Asst. City Manager
Kevin Chesar, Community Dev. Director
John Crowell, Police Chief
Gary Heitkamp, Public Works Director
Katie Smiddy, Finance Director
Paul Wright, Fire Chief
Matthew Vanderhorst, Community and Information Services Dir.
Amy Frederick, Communications and Engagement Coord.
Shawn Cooper, Acting Clerk of Council

City Council Members Present

Craig Margolis, Mayor
Lee Ann Bissmeyer, Vice Mayor
Mike Cappel
Chris Dobrozsi
Ron Messer
Sasha Naiman
Ken Suer

City Council convened its Work Session for March 23, 2022, at 7:00 p.m. at City Hall, with Mayor Margolis presiding.

ROLL CALL

Mayor Margolis asked for a motion to dispense with roll call as all members were present.

Mr. Cappel made a motion to dispense with roll call. Mr. Messer seconded. City Council unanimously agreed.

SPECIAL PRESENTATIONS

Vice Mayor Bissmeyer presented Mark Stella with a Certificate of Appreciation for his years of service on the Landmarks Commission. Mayor Margolis gave a few remarks thanking Mr. Stella for his contributions to the City of Montgomery. Mr. Dobrozsi commented he also appreciated Mr. Stella's passion for his work and thanked him for all he had done.

Mayor Margolis presented John Devore with the Montgomery Farmer's Market a check in the amount of \$2500 for the Community Service Grant they were awarded.

Mr. Devore thanked Council and said the money will help the Farmer's Market continue with their work especially with their outreach programs such as the Food Snap program.

LEGISLATION FOR CONSIDERATION THIS EVENING

A Resolution Establishing Compensation for The City Manager

Mayor Margolis asked for a motion to add the legislation to the agenda for consideration. Mr. Cappel made the motion, and Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

Mayor Margolis assigned the legislation to Mr. Dobrozsi.

Mr. Dobrozsi moved to read by title only. Mr. Cappel seconded. City Council unanimously agreed.

Mr. Dobrozsi moved for passage of the Ordinance. Mr. Cappel seconded.

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City Council Work Session Minutes

March 23, 2022

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Mr. Dobrozsi explained this Resolution if approved, will authorize an amendment to the current employment agreement with Mr. Brian Riblet as the City Manager of Montgomery. This Resolution is the result of the recent performance appraisal of the City Manager conducted by City Council. The Government Affairs Committee of City Council has recommended adopting this Resolution.

Council members made a few remarks stating the City is lucky to have Mr. Riblet, and all are looking forward to continuing working with him.

The roll was called, and showed the following vote:

AYE: Cappel, Bissmeyer, Dobrozsi, Margolis, Naiman, Suer, Messer (7)

NAY: (0)

A Resolution Approving Participation in Region 2 Governance Structure Under the OneOhio Memorandum Of Understanding

Mayor Margolis asked for a motion to add the legislation to the agenda for consideration. Mr. Cappel made the motion, and Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

Mayor Margolis assigned the legislation to Mr. Suer.

Mr. Suer moved to read by title only. Mr. Cappel seconded. City Council unanimously agreed.

Mr. Suer moved for passage of the Resolution. Mr. Cappel seconded.

Mr. Suer referred to Mr. Donnellon for an explanation.

Mr. Donnellon stated that this Resolution is added to the agenda this evening because the Hamilton County Board of County Commissioners is asking all communities to approve by March 31. Mr. Donnellon explained that, if adopted, this would approve the City's support for the Region 2 Governance Structure to manage the opioid settlement through OneOhio. OneOhio was the cooperative effort among many jurisdictions throughout the State to join together to negotiate settlements in the complex opioid litigation. Most, if not all, of the litigation has now been brought to a close. We are being asked to endorse the Governance Structure for Region 2 which will include representatives from local communities and subject matter experts in managing opioid abatement programs.

Mr. Donnellon explained the Resolution puts the structure in place, and as the funds start to come in, the Board will take applications and disperse the funds. There is no determination as to how much money will come into Hamilton County or when.

Mrs. Naiman asked if the City of Montgomery plans to participate on the Board.

Mr. Donnellon replied that individuals will apply for different representation on the Board. Other local communities plan to participate, and likely we will as well.

The roll was called, and showed the following vote:

AYE: Cappel, Bissmeyer, Dobrozsi, Margolis, Naiman, Suer, Messer (7)

NAY: (0)

ESTABLISHING AN AGENDA FOR APRIL 6, 2022 BUSINESS SESSION

PENDING LEGISLATION

An Ordinance Establishing an Excise Lodging Tax

Mr. Suer explained that information had been previously supplied on this legislation that, if approved, would establish a lodging excise tax within the City of Montgomery. He stated that the Ohio Revised Code (O.R.C.) § 5739.08 allows a municipal corporation to levy an excise tax of up to 3% on transactions by which the hotel provides lodging to transient guests.

Mr. Suer asked Mr. Donnellon if there were any updates.

Mr. Donnellon replied there were none.

NEW LEGISLATION

An Ordinance Establishing Schedules of Municipal Compensation

Mayor Margolis assigned the legislation to Mr. Dobrozsi.

Mr. Riblet explained that this Ordinance, if approved, would establish a new Schedule of Municipal Compensation for non-bargaining unit employees. It is necessary to establish a new Schedule of Municipal Compensation as the current Schedule does not specify any wage rate adjustments for July 2022 or beyond. A new schedule is also needed to provide for title changes to address organizational needs.

Mr. Messer asked if the wage increase always mirrored the Fire and Police increases.

Mr. Riblet answered that traditionally this is what has been done. He mentioned that he anticipates a few adjustments as some job studies are being made.

Council members unanimously agreed the City Staff all do an amazing job, are appreciated, and this is needed to remain competitive in the job market.

ADMINISTRATION REPORT

Mr. Riblet reported the following items:

- The next City Council Business Session is scheduled for April 6.
- A CIC Meeting is requested to be held on April 6 at 6:45 p.m. to consider two Commercial Exterior Renovation Grant applications. If Council is so inclined, a motion can be made to commence with the Business Session at the conclusion of the CIC meeting. Mr. Cappel made a motion to commence with the Business Session immediately following the completion of the CIC meeting. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.
- The Financial Planning and the Planning, Zoning, and Landmarks Committees will meet on Monday, April 4 at 4:30 and 5:30 p.m. The Law and Safety Committee has cancelled its meeting for April.

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City Council Work Session Minutes

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- Mr. Riblet stated for the April 11 Committee meetings, at this time, the Parks and Recreation, Government Affairs, and Public Works Committees do not have agenda items. He stated he would provide an update at the April 6 meeting.
- Last week, Plattenburg and Associates arrived to perform the City's annual audit. The two representatives completed the necessary fieldwork in two business days, and all follow-up will be conducted via email correspondence.
- Staff are preparing for the Playground Open House which will be held on Thursday, March 24, from 5:00 to 7:00 p.m. in Swaim Lodge. Concept designs of the Swaim Park Playground will be on display.
- The City of Springdale is hosting the 2022 Tree City USA Awards Program on Friday, April 22, at the Springdale Community Center, beginning at 11:00 a.m. and concluding about 2:30 p.m. Space is limited this year, so we're working through the logistics and will let Council know if there is an opportunity to attend.
- The HCML Quarterly meeting will be held on April 18 at the Deer Park Branch Library, 3970 E. Galbraith Rd, 45236. Dinner is at 6:30 p.m., followed by speakers Kent Scarrett, Executive Director of Ohio Municipal League, and Mayor Aftab Pureval, City of Cincinnati, at 7:00 p.m. Please let Ms. Gaylor know if you would like to be registered.
- Mr. Riblet requested an Executive Session to discuss confidential information of an applicant for economic development assistance.

LAW DIRECTOR REPORT

Mr. Donnellon stated he had nothing additional to report at this time.

CITY COUNCIL REPORTS

Mr. Cappel

Mr. Cappel thanked the Public Works Department for their efforts regarding the cardboard recycling event the previous weekend.

Vice Mayor Bissmeyer

Vice Mayor Bissmeyer reported that on March 9, she and Mr. Messer attended the Landmarks Commission meeting. The only item on their agenda was Rapid Signs seeking approval for their signage at the Crane Conklin House, and it was approved.

Vice Mayor Bissmeyer also reported the Landmarks Commission chose this year's holiday ornament – Jonathan Crain House.

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Mr. Dobrozsi

Mr. Dobrozsi reported the Arts Commission met on February 28. The annual photo contest is well underway, with the deadline for entries being March 31. The Exhibition and Awards Ceremony will be held at Terwilliger Lodge again this year, allowing for more space. The Exhibition is Saturday, April 9, with the awards ceremony taking place on Sunday, April 10.

Mr. Dobrozsi also reported the Arts Commission is still seeking this year's Holiday Card Contest entries.

Mr. Dobrozsi reported that the Arts Commission had budgeted \$50,000 to do an Arts Commission project. This will happen this year, and discussions are happening now as to what the project will be.

Mr. Dobrozsi reported the Sister Cities Commission met on March 22. The first Soiree en Blanc is scheduled for Saturday, May 7, at Pioneer Park. Registration is now open and being sold by the table. Advertising will come in the April Bulletin any day, on social media, and the website.

Mr. Dobrozsi also reported Bastille Day planning is underway for July 16.

Mr. Dobrozsi mentioned he will be out of town April 18-23 and will miss the April 20 Work Session.

Mrs. Naiman

Mrs. Naiman stated that the Parks and Recreation Commission met on March 10. There was a good discussion on reviewing the pickleball scheduling and availability, which is an ongoing discussion.

Mrs. Naiman reported the Beautification and Tree Commission met on March 7. Many events are coming up with Basket Planting, Garden Tour, Spring Plant Swap, and Beautification Day. The Bee Pollinators Talk is on April 27 at Terwilliger Lodge.

Mrs. Naiman also reported the Diversity and Inclusion Commission met on March 22. There was an excellent presentation from Police Chief John Crowell of an overview of the Police Department.

Mrs. Naiman stated two Know your Neighbor Series presentations are coming up, with the first one on April 26 with speakers Rosa and Juan Molina to share an overview of the Hispanic culture. On August 18, Priya Viswalingham will present the topic, Understanding Indian Culture and Hinduism.

Mr. Suer

Mr. Suer congratulated Mr. Riblet and the City for their award for the roundabout and commented once it gets landscaped, it will be even more impressive.

Mr. Suer remarked it would be interesting to create a list of all the City's awards and post it on the website or in the Bulletin. The City has won quite a few, and it might be nice to share this.

Mr. Messer

Mr. Messer explained that the Law and Safety Committee met on March 7 and discussed the engine brake noise complaints at the Ronald Reagan/Montgomery Road area near Kennedy Lane that were brought up previously. CT Consultants sampled for a full day on February 17 and found out of 117 trucks; not one used an engine brake. They

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found the complaints were unfounded but will continue to monitor. Currently, there is no need for any additional signage.

Mr. Messer stated he and Mrs. Naiman attended the OML training and learned quite a bit, especially regarding Joint Economic Development Districts. It was great training. Mrs. Naiman also commented she thought it was very valuable and learned a lot.

Mayor Margolis

Mayor Margolis commented that the City of Madeira made front news regarding their Diversity and Inclusion meeting protests. He stated that the stark contrast in the progress of the City of Montgomery's Diversity and Inclusion Commission is a testament to our leadership and residents. Mayor Margolis said the cities have similar ideas but totally different tactics, and the outcome speaks for itself.

Remarks from other Council members also agreed that the leadership and methods of communication the City of Montgomery uses have made our Diversity and Inclusion Commission successful.

MINUTES

Mr. Cappel moved to accept the March 2, 2022, Public Hearing and Business Session minutes as written. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

EXECUTIVE SESSION

Mayor Margolis asked if there was any further business to discuss in Public Session. There being none he asked for a motion to adjourn to Executive Session to discuss confidential information of an applicant for economic development assistance.

Mr. Messer made a motion to adjourn into Executive Session to discuss confidential information of an applicant for economic development assistance. Mr. Cappel seconded.

Mayor Margolis stated that it is not anticipated that Council will be taking any votes or discussing anything further in Public Session after the conclusion of the Executive Session.

The roll was called and showed the following vote:

AYE: Cappel, Bissmeyer, Dobrozsi, Margolis, Naiman, Suer, Messer	(7)
NAY:	(0)

City Council adjourned into Executive Session at 7:50 p.m.

City Council reconvened into Public Session at 9:14 p.m.

Mayor Margolis asked if there was any other business to discuss. There being none, he asked for a motion to adjourn.

Mr. Cappel made a motion to adjourn. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

City Council adjourned at 9:15 p.m.

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Shawn Cooper, Acting Clerk of Council

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