

RECORD OF ORDINANCES

Ordinance No. 2001-59

Passed November 6,

..... YEAR 2001

AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL, ADDING SECTION 1147.13: SEASONAL SALES.

WHEREAS, Council has determined that it is desirable to add section 1147.13 to the Zoning Code of the Municipality of Powell for the purpose of adding specifications as set forth on the attachment hereto, and

WHEREAS, The Planning and Zoning Commission has reviewed the proposed amendments and held public hearings on August 8 and September 12, 2001, and has given Council recommendation of approval.

NOW THEREFORE BE IT ORDAINED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:


Section 1: That the attached Zoning Code amendments are hereby added to the Codified Ordinances of the Municipality of Powell as set forth on the attachment hereto which is incorporated herein by reference.

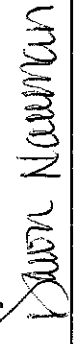
Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the Municipality of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.


Section 3: That this Ordinance shall take effect at the earliest period allowed by law.

VOTE ON RULE SUSPENSION: Y _____ N _____

VOTE ON ORDINANCE 2001-59: Y 4 _____ N 0 _____


Mark F. Klein
Mayor
Date 11/6/01


Dawn Nauman
Clerk of Council
Date 11/6/01

This ordinance or resolution has been posted in three (3) public places as defined in ordinance 91-11 dated 5-3-94 on this date 11/9/01

Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No.

Passed

YEAR

CITY OF POWELL
DRAFT SEASONAL SALES ORDINANCE

NEW SECTION 1147.13 SEASONAL SALES

A. PURPOSE. IT IS THE PURPOSE OF THIS SECTION TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE THROUGH THE REGULATION OF SEASONAL SALES.

B. SEASONAL SALES DEFINED. "SEASONAL SALES" MEANS ANY ACTIVITY INVOLVING THE SALE OF SEASONAL RELATED PRODUCTS SUCH AS THE SALE OF PUMPKINS, CHRISTMAS TREES, AGRICULTURAL RELATED PRODUCTS, AND OTHER SEASONAL GOODS OR MERCHANDISE. THE OUTDOOR DISPLAY OF MERCHANDISE FOR SALE BY LOCAL BUSINESSES ON THEIR PROPERTY IS NOT REGULATED BY THIS SECTION.

C. SEASONAL SALES AS A PERMITTED USE. SEASONAL SALES CONDUCTED BY THOSE OTHER THAN A NOT-FOR-PROFIT RELIGIOUS, PUBLIC INSTITUTIONAL, OR LOCAL CIVIC GROUP OR ORGANIZATION ARE PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS. SEASONAL SALES CONDUCTED BY A NOT-FOR-PROFIT RELIGIOUS, PUBLIC INSTITUTIONAL, OR LOCAL CIVIC GROUP OR ORGANIZATION ARE PERMITTED ON PROPERTY OWNED OR LEASED BY SAID GROUP OR ORGANIZATION IN ANY DISTRICT. A ZONING CERTIFICATE SHALL BE REQUIRED TO BE APPROVED BY THE ZONING ADMINISTRATOR PRIOR TO ESTABLISHMENT OF ANY SEASONAL SALES AREA. ANY SEASONAL SALES AREA ESTABLISHED WITHOUT A ZONING CERTIFICATE SHALL BE BROUGHT INTO COMPLIANCE WITHIN TWO (2) DAYS OF WRITTEN NOTIFICATION BY THE ZONING ADMINISTRATOR. THE CRITERIA FOR THE ISSUANCE OF A ZONING CERTIFICATE ARE AS FOLLOWS:

1. IF SEASONAL SALES ARE TO BE CONDUCTED IN A PARKING LOT, NOT MORE THAN TWENTY-FIVE (25) PERCENT OF THE TOTAL PARKING SPACES WHERE THE SAID SEASONAL SALES AREA IS TO BE LOCATED SHALL BE DEVOTED TO THE USE, OTHERWISE NOT MORE THAN FIFTY (50) PERCENT OF THE TOTAL LOT AREA SHALL BE DEVOTED TO THE USE.
2. NO PORTION OF SAID SEASONAL SALES AREA SHALL BE PLACED ON ANY SIDEWALK, STREET, ALLEY, OR OTHER PUBLIC WAY WITHOUT APPROVAL FROM THE ZONING ADMINISTRATOR.

3. THE USE DOES NOT CREATE ADVERSE EFFECTS ON TRAFFIC MOVEMENT AND PARKING WITHIN THE SITE LOCATION AND THE SURROUNDING COMMUNITY.
4. NO PERMANENT BUILDINGS OR STRUCTURES WILL BE ERECTED.
5. SUFFICIENT LIGHTING SHALL BE PROVIDED. IF THE SITE LOCATION DOES NOT ALREADY HAVE SUFFICIENT LIGHTING TO BE UTILIZED, A LIGHTING PLAN MUST BE SUBMITTED AND APPROVED BY THE ZONING ADMINISTRATOR. LIGHTING SHALL NOT SHINE DIRECTLY OR INDIRECTLY OVER NEIGHBORING PROPERTY LINES.
- ~~6.~~ THE SEASONAL SALES AREA DOES NOT UTILIZE MORE THAN ONE SIGN. THIS SIGN MUST BE PORTABLE AND OF THE "A"-FRAME TYPE. NO SIGN SHALL EXCEED SIXTEEN (16) SQUARE FEET IN SURFACE AREA PER SIDE.
7. THE ZONING CERTIFICATE IS FOR A PERIOD NOT LONGER THAN SIXTY (60) DAYS. NO MORE THAN THREE (3) ZONING CERTIFICATES SHALL BE GRANTED FOR THE SAME OR SUBSTANTIALLY THE SAME SEASONAL SALES AREA IN A CALENDAR YEAR. FURTHER, NO MORE THAN TWO (2) OF SAID ZONING CERTIFICATES SHALL BE CONSECUTIVE.
8. UPON THE EXPIRATION OF THE ZONING CERTIFICATE, THE PREMISES SHALL BE LEFT IN A CLEAN AND SANITARY CONDITION TO THE SATISFACTION OF THE ZONING ADMINISTRATOR WITHIN SEVEN (7) DAYS FOLLOWING THE DATE OF EXPIRATION. A REFUNDABLE DEPOSIT SHALL BE SUBMITTED WITH THE ZONING CERTIFICATE FEE TO ENSURE COMPLIANCE WITH THIS CLEAN UP REQUIREMENT.