



**VILLAGE OF EVENDALE
ADOPTED ORDINANCES AND RESOLUTIONS**

The following ordinances and resolutions were adopted by the Council of the Village of Evendale at its Regular Council Meeting on January 9th, 2017.

ORD. #18-01

AN ORDINANCE ACCEPTING THE DEDICATION PLAT BY KO REAL ESTATE INVESTORS, LLC OF PARCELS A AND B ALONG COOPER AND MOHLER ROADS AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #18 - 02

AN ORDINANCE AMENDING SECTION 1242.03(a), DEFINITION OF FESTIVALS, OF THE DEFINITIONS CHAPTER OF THE EVENDALE ZONING CODE AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #18-03

AN ORDINANCE IMPOSING A MORATORIUM ON THE ACCEPTANCE OF ANY NEW ZONING OR SITE PLAN APPLICATIONS, OR THE GRANTING OF NEW ZONING CERTIFICATES, AND ON THE ACCEPTANCE OF CERTAIN BUILDING PERMIT APPLICATIONS FOR PROPERTY LOCATED WITHIN THE GC ZONING DISTRICT FOR WHICH AN "ASSEMBLY HALL" OR "MEETING FACILITY" USE IS SOUGHT, AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #18-04

ORDINANCE APPROVING TRANSFERRING GENERAL FUNDS TO VARIOUS OTHER FUNDS, AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #18-05

AN ORDINANCE AUTHORIZING THE PAYMENT OF AMOUNTS DUE UPON CERTAIN CONTRACTS REQUIRING CERTIFICATION OF AVAILABILITY OF FUNDS AND DECLARING AN EMERGENCY. Unanimously approved

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #18-01**

**AN ORDINANCE ACCEPTING THE DEDICATION PLAT BY KO
REAL ESTATE INVESTORS, LLC OF PARCELS A AND B ALONG
COOPER AND MOHLER ROADS AND DECLARING AN
EMERGENCY**

WHEREAS, KO Real Estate Investors, LLC is now the owner of property located at the northwest corner of Cooper and Mohler Roads; and

WHEREAS, KO Real Estate Investors, LLC proposes to build new homes on that property and to dedicate property known as Parcels A and B along Cooper and Mohler Roads as part of the right of way, and

WHEREAS, the Council of the Village of Evendale previously approved certain real estate transactions involving that property, in order to encourage the construction of new homes on that site; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO,
_____ members concurring, that:

SECTION 1: The Right-of-Way Dedication Plat for Parcels A and B as executed on December 4, 2017 by Ross Dykstra, the Authorized Member of KO Real Estate Investors, LLC, is hereby approved by the Council of the Village of Evendale, and specifically, and the dedication of Parcels A and B, the legal descriptions of which are attached hereto and incorporated by reference herein is hereby accepted.

SECTION 2: This ordinance is declared to be an emergency measure by a concurrence of _____ members of Council, it being necessary to preserve the public peace, order, safety, health or welfare of the Village of Evendale, or to provide for the daily operation of department or office of the Village of Evendale and shall therefore become effective immediately. The reason for said emergency is the need to allow the construction of new homes to go forward on the property adjacent to the property being dedicated as right of way as soon as possible in order to encourage the development of new housing opportunities within the Village of Evendale.

Approved _____, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: _____
Rules Suspended: _____
2nd and 3rd Reading: _____
Emergency Section Agreed to: _____
Notice of publication: _____

DEDICATED RIGHT OF WAY PARCEL B
AREA=0.2664 ACRES

Lying In Section 27, Town 4, Entire Range 1, Miami Purchase, Sycamore Township, City of Evendale, Hamilton County, Ohio at the Intersection of Cooper Road (60' right of way) and Mohler Road (60' right of way), more particularly described as follows:

BEGINNING at the intersection of the centerline of Mohler Road and the centerline of Cooper Road, said point being in the common line of Section 21 and 27;

Thence with the centerline of Cooper Road, North 67°24'06" West a distance of 391.50 feet to a point at the southwest corner of KO Real Estate Investors, LLC (Official Record 13488, Page 691);

Thence with the west line of KO Real Estate Investors, LLC, North 22°32'55" East a distance of 30.00 feet to a set 5/8" steel rebar with a plastic cap stamped "J.G.K. S-8227";

Thence along a new division line through the lands of KO Real Estate Investors, LLC, South 67°24'06" East passing a set 5/8" steel rebar with a plastic cap stamped "J.G.K. S-8227" at 350.85 feet, a total distance of 382.25 feet to a set mag nail in the common line of Section 21 and 27;

Thence with said common line, South 05°24'32" West a distance of 31.40 feet to the POINT OF BEGINNING.

Said herein description contains 0.2664 acres.

Being part of the lands conveyed to KO Real Estate Investors, LLC in Official Record 13488, Page 691 and recorded at the Hamilton County Recorder's office at Cincinnati, Ohio. Said herein description being the result of a field survey by Cardinal Engineering Corporation under the direct supervision of Joseph G. Kramer, P.L.S. #8227 on January 12, 2017. The bearings of this description are based on state plane coordinates, Ohio South 3402 (NAD83).

DEDICATED RIGHT OF WAY PARCEL A
AREA=0.2069 ACRES

Lying in Section 27, Town 4, Entire Range 1, Miami Purchase, Sycamore Township, City of Evendale, Hamilton County, Ohio along the centerline of Mohler Road (60' right of way), more particularly described as follows:

COMMENCING at a point at the intersection of the centerline of Mohler Road and the centerline of Cooper Road (60' right of way) said point being the in the common line of Section 21 and 27;

Thence with said common line, North 05°24'32" East a distance of 31.40 feet to a set mag nail the POINT OF BEGINNING of this description;

Thence along a new division line through the lands of KO Real Estate, LLC (Official Record 13488, Page 691) for the following two (2) calls:

North 67°24'06" West a distance of 31.40 feet to a set 5/8" steel rebar with a plastic cap stamped "J.G.K. S-8227";

North 05°24'32" East a distance of 300.41 feet to a set 5/8" steel rebar with a plastic cap stamped "J.G.K. S-8227" at the west right of way line of Mohler Road in the north line of KO Real Estate Investors, LLC;

Thence with the north line of KO Real Estate Investors, LLC, South 67°24'06" East a distance of 31.40 feet to a set 5/8" steel rebar with a plastic cap stamped "J.G.K. S-8227" at the corner of KO Real Estate Investors, LLC in the common line of Section 21 and 27;

Thence with said common line, South 05°24'32" West a distance of 300.41 feet to the POINT OF BEGINNING.

Said herein description contains 0.2069 acres.

Being part of the lands conveyed to KO Real Estate Investors, LLC in Official Record 13488, Page 691 and recorded at the Hamilton County Recorder's office at Cincinnati, Ohio. Said herein description being the result of a field survey by Cardinal Engineering Corporation under the direct supervision of Joseph G. Kramer, P.L.S. #8227 on January 12, 2017. The bearings of this description are based on state plane coordinates, Ohio South 3402 (NAD83).

**VILLAGE OF EVENDALE, OHIO
ORDINANCE # 18 -02**

**AN ORDINANCE AMENDING SECTION 1242.03(a), DEFINITION
OF FESTIVALS, OF THE DEFINITIONS CHAPTER OF THE
EVENDALE ZONING CODE AND DECLARING AN EMERGENCY.**

- WHEREAS,** a Village business in an industrial district previously sought a zoning permit to use their site for a one-day, private event for their employees, which included the use of multiple food trucks.; and
- WHEREAS,** the type of event for which the Village business was seeking a permit was essentially a “festival” temporary use; and
- WHEREAS,** the Village business was unable to obtain a temporary use permit for a “festival” use under the zoning code, as the zoning code defines “Festivals” under Section 1242.03(a) as those events which are “open to the public” and which are operated only by a “public or nonprofit group, agency, or organization”; and
- WHEREAS,** the recently enacted zoning amendments to allow mobile food trucks in the Village are meant to provide for one mobile food truck per parcel for a prolonged basis, with the option to seek additional mobile food trucks for a prolonged basis on the same parcel under a conditional use review by the Planning Commission; and
- WHEREAS,** the only available zoning relief for the business seeking temporary use of their property for a private, one-day event was by obtaining a conditional use approval to provide for more than one mobile food truck on their property; and
- WHEREAS,** the Planning Commission found the only available relief via a conditional use review to be unreasonably onerous and not intended for the administration of temporary uses; and
- WHEREAS,** the Planning Commission found the temporary use of their property for a private event to be a desirable use within the Village, particularly where such events would remain subject to temporary use permitting review to ensure adherence to zoning, property maintenance, fire, traffic, safety, and other Village standards; and
- WHEREAS,** the Planning Commission and Council find that such events should be permitted within the Village under the “festival” use, provided applicants for such uses are able obtain the required temporary use permits; and
- WHEREAS,** the “festival” use should remain limited to all districts within the Village except the R Residential district as provided by Schedule 1268,03, which shall remain unchanged; and
- WHEREAS,** the Planning Commission conducted, with notice, a public hearing on this issue, proposing to amend the definition of festivals to delete the requirement that such events be open to the public and operated by particular types of organizations; and
- WHEREAS,** on November 21, 2017, the Planning Commission unanimously voted to recommend approval of the proposed amendment to the definition of “festival” in the Evendale Zoning Code, Section 1242.03(a); and
- WHEREAS,** the Council of the Village of Evendale has conducted a public hearing on this ordinance; and

WHEREAS, the Council of the Village of Evendale finds it appropriate to amend the Zoning Code of the Village of Evendale to allow for temporary use permits to be available for festivals that comply with Village standards, without such events being limited to those which are “open to the public” or operated by particular types of organizations, and amending the definition of “festival” would effectively carry out that goal; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:

SECTION 1: Part Twelve, Title Two, Section 1242.03, subparagraph (a) of the Zoning Code of the Village of Evendale, is hereby amended to read as follows, with the remainder of Section 1242.03(a) to remain as written:

1242.03 DEFINITIONS.

- (a) For purposes of this Code, the following terms shall have the following meanings:

FESTIVALS: A recreational, social, professional, educational, or cultural activity, which may include amusement rides, games, food, mobile food trucks, events, art shows, concerts, and religious revival meetings, operated outside of permanent structures.

SECTION 2: This ordinance is declared to be an emergency measure by a concurrence of six members of Council, it being necessary to preserve the public peace, order, safety, health or welfare of the Village of Evendale, or to provide for the daily operation of a department or office of the Village of Evendale. The reason for said emergency is allow a broader use of festivals as a temporary use, which is in demand in non-residential areas of the Village. Therefore, this ordinance shall become effective immediately.

Approved January 9, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: January 9, 2018

Rules Suspended: January 9, 2018

2nd and 3rd Reading: January 9, 2018

Emergency Section Agreed to: January 9, 2018

Notice of publication: Tri-County Press, January 17, 2018

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #18-03**

**AN ORDINANCE IMPOSING A MORATORIUM ON THE
ACCEPTANCE OF ANY NEW ZONING OR SITE PLAN
APPLICATIONS, OR THE GRANTING OF NEW ZONING
CERTIFICATES, AND ON THE ACCEPTANCE OF CERTAIN
BUILDING PERMIT APPLICATIONS FOR PROPERTY
LOCATED WITHIN THE GC ZONING DISTRICT FOR WHICH
AN “ASSEMBLY HALL” OR “MEETING FACILITY” USE IS
SOUGHT, AND DECLARING AN EMERGENCY.**

- WHEREAS,** The Village of Evendale (the “Village”) is an established, organized and existing municipal corporation under the provisions of the Constitution of the State of Ohio and the charter of the Village (the “Charter”); and
- WHEREAS,** Section I of the Charter states that the Village shall possess all powers of local self-government and such local police, sanitary and similar powers as are granted by the Constitution of Ohio, and all other powers granted to municipalities by law upon the affirmative vote of the majority of Village Council; and
- WHEREAS,** the Village currently regulates land uses within the Village limits in accordance with Part Twelve, Title Four of the Village of Evendale, Ohio Code of Ordinances; and
- WHEREAS,** the Village currently regulates building permits within the Village limits in accordance with Part Fourteen of the Village of Evendale, Ohio Code of Ordinances; and
- WHEREAS,** the character of development activity in the Village can have a negative impact upon the health, safety and general welfare of the residents, visitors, and businesses in the Village; and
- WHEREAS,** recent land use activity in the GC General Commercial District related to “assembly hall” or “meeting facility”-type uses has occurred which appears to have the potential to be not consistent with maintaining the health, safety and general welfare of the Village; and
- WHEREAS,** the Village Council and building department require six (6) months of time in which to review all land use and building codes and regulations as they affect land use development in the GC District related to the “assembly hall” and “meeting facility” uses to ensure that the use as defined and regulated within the GC District is consistent with maintaining the health, safety and general welfare of the Village, is consistent with the intent of all adopted plans and zoning regulations of the Village, and that any potential amendments necessary to the zoning code are consistent with the intent of the Village and state and federal law; and

WHEREAS, the Village Council desires that the staff of the building department and Evendale Planning Commission conduct a thorough analysis and assessment of the Zoning Code and regulations affecting “assembly hall” and meeting facility” uses in the GC District in order to propose changes to the zoning code within said six (6) month window; and

WHEREAS, a moratorium through emergency resolution on all zoning and site plan applications, building permit applications and the granting of zoning certificates related to the “assembly hall and meeting facilities” use in the GC District will enable a reasonable discussion and consideration of desired amendments to the Zoning Code without creating a rush of zoning or building applications and potentially exposing the Village to negative impacts; and

WHEREAS, the Village may need assistance from third part consultants to complete the task of analyzing the current land uses and zoning code and regulations as contemplated herein, the Village Council hereby directs the expenditure of Village funds to engage one or more consultants to assist the Village building department and Village Planning Commission;

NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:

SECTION I Moratorium on acceptance of site plan applications and other related zoning applications. There is hereby imposed a six (6) month moratorium on the acceptance by the building department of any new site plan or zoning applications for “assembly hall and meeting facilities” uses within the GC District.

SECTION II Moratorium on acceptance of building permit applications. There is hereby imposed a six (6) month moratorium on the acceptance by the building department of any new building permit applications for “assembly hall and meeting facilities” uses within the GC District.

SECTION III Moratorium on granting of zoning certificates. There is hereby imposed a six (6) month moratorium on the granting of zoning certificates for “assembly hall and meeting facilities” uses within the GC District.

SECTION IV Exemptions from Moratorium. The following shall be exempt from this temporary moratorium:

1. Any building or zoning applications related to the “assembly hall and meeting facilities” use in the GC District which were submitted to the Village building department prior to the final passage of this Ordinance and deemed to be complete by the Building Commissioner.
2. Any building or zoning applications related to a “assembly hall and meeting facilities” use in the GC District which was legally established as of the effective date of this Ordinance.

SECTION V

This ordinance is declared to be an emergency measure by a concurrence of six members of Council, it being necessary to preserve the public peace, order, safety, health or welfare of the Village of Evendale, or to provide for the daily operation of a department or office of the Village of Evendale. The reason for said emergency is to prevent the commencement of any undesirable uses which may be contrary to the purpose and intent of the Village's zoning code as soon as possible prior to the commencement of any such developments. Therefore, this ordinance shall become effective immediately.

Approved January 9, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: January 9, 2018

Rules Suspended: January 9, 2018

2nd and 3rd Reading: January 9, 2018

Emergency Section Agreed to: January 9, 2018

Notice of publication: Tri-County Press, January 17, 2018

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #18-04**

**ORDINANCE APPROVING TRANSFERRING GENERAL
FUNDS TO VARIOUS OTHER FUNDS, AND DECLARING AN EMERGENCY**

WHEREAS, PUSUANT TO LEGISLATION PROPERLY ADOPTED BY THE COUNCIL of the Village of Evendale, certain expenditures will take place that need to be appropriately funded by transfers from the General Fund to the specific funds from which expenditures will be made,

WHEREAS, THE BUDGET ADOPTED BY THE COUNCIL ON DECEMBER 12, 2017 FOR the 2018 fiscal year provides for said funding transfers; now,

BE IT THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring that:

SECTION 1: The sum of \$465,000.00 is transferred from the General Fund to the Street Construction Repair and Maintenance Fund.

SECTION 2: The sum of \$416,000.00 is transferred from the General Fund to the Gorman Heritage Farm Fund. The amount of \$350,000.00 is designated for operations and the \$65,000.00 is designated for capital improvements and \$1,000.00 is designated for fuel.

SECTION 3: The sum of \$100,000.00 is transferred from the Fire Services Fund to the General Fund. This amount is considered to be a partial repayment of an advance to the Fire Services Fund from the General Fund in 2016 for the purchase of a fire truck with the expectation that the Fire Services Fund will reimburse the General Fund until the \$450,000 is fully refunded which is approximated as four years.

SECTION 4: This ordinance is declared to be an emergency by a concurrence of six members of Council, being necessary to preserve the public peace, order, safety, health, or welfare of the Village of Evendale or to provide for the daily operations of a department or office of the Village of Evendale. It is necessary that this measure be put into effect immediately because the public welfare and daily operations of the Village require that line items within departmental budgets not exceed the appropriation amounts approved by Council. This ordinance shall be effective upon passage.

Approved January 9, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: January 9, 2018

Rules Suspended: January 9, 2018

2nd and 3rd Reading: January 9, 2018

Emergency Section Agreed to: January 9, 2018

Notice of publication: Tri-County Press, January 17, 2018

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #18-05**

AN ORDINANCE AUTHORIZING THE PAYMENT OF AMOUNTS DUE UPON CERTAIN CONTRACTS REQUIRING CERTIFICATION OF AVAILABILITY OF FUNDS AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code 5705.41(D)(1) provides that where contracts have not been previously certified for sufficient funds being available, Village Council may authorize the drawing of warrants to pay such contracts upon receipt of a certificate from the fiscal officer stating that there was at the time of the making of such contract or order and at the time of the execution of such certificate, a sufficient sum appropriated for the purpose of such contract and in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances, and

WHEREAS, Certain contracts enumerated below are now due and payable for which such a certificate has been provided by the Chief Fiscal and Accounting Officer;

NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:

SECTION I The Council of the Village of Evendale hereby approves and authorizes the payment of the following contracts for which the Chief Fiscal and Accounting Officer has provided a certificate that a sufficient sum has been appropriated for the purpose of each contract and is in the treasury or in the process of collection to the credit of the appropriate fund free from any previous encumbrances:

- 1) Comfort Systems USA/IES -\$14,911.00 Replace Garage Reznor Heaters
- 2) Comfort Systems USA/IES - \$4000 HVAC
- 3) Jeffrey Allen Corp - \$6,341.80 Grounds maintenance
- 4) Stauffer Site Services - \$253,729.47 Kinetic Pond Excavation

SECTION II This Ordinance is declared to be an emergency by a concurrence of six members of Council, being necessary to preserve the public peace, order, safety, health and welfare of the Village or to provide for the daily operation of a department or office of the Village. The reason for said emergency is the need to approve this ordinance in the time required by the Ohio Revised Code and to ensure prompt payment to vendors. Therefore, this Ordinance shall be effective upon adoption.

Approved January 9, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: January 9, 2018

Rules Suspended: January 9, 2018

2nd and 3rd Reading: January 9, 2018

Emergency Section Agreed to: January 9, 2018

Notice of publication: Tri-County Press, January 17, 2018