



## 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 March 10, 2020.

### ORD. #20-19

ORDINANCE AUTHORIZING MAYOR TO EXECUTE A CONTRACT PURSUANT TO EVENDALE'S TUITION REIMBURSEMENT PROGRAM FOR FULL TIME VILLAGE EMPLOYEES SET OUT IN SECTION 258.075 OF THE EVENDALE CODE OF ORDINANCES AND DECLARING AN EMERGENCY. Unanimously approved

### ORD. #20-20

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ADDITIONAL DOCUMENTS MODIFYING THE TERMS UNDER WHICH THE EVENDALE COMMUNITY CHURCH WAS PURCHASED AND THE TERMS OF THE LEASE WHICH WAS A PART OF THAT ACQUISITION AND DECLARING AN EMERGENCY. Unanimously approved

### ORD. #20-22

THIS IS AN ORDINANCE DEDICATING AEROHUB BOULEVARD AND DECLARING AN EMERGENCY. Unanimously approved

### ORD. #20-23

AN ORDINANCE APPROVING A TRANSFER FROM THE CONTINGENCY FUND TO THE BUILDING MAINTENANCE DEPARTMENT AND DECLARING AN EMERGENCY. Unanimously approved

### ORD. # 20-24

AN ORDINANCE AMENDING PART TWELVE, TITLE FOUR, THE EVENDALE ZONING CODE, TO REPLACE THE BUILDING COMMISSIONER WITH THE BUILDING, PLANNING & ZONING MANAGER AND DECLARING AN EMERGENCY. Unanimously approved

### ORD.# 20-26

ORDINANCE APPROVING WATER MANAGEMENT AND SEDIMENTATION CONTROL PLANS FOR THE GENERAL ELECTRIC AND AUTHORIZING BUILDING COMMISSIONER TO ISSUE PERMIT AND DECLARING AN EMERGENCY. Unanimously approved

### ORD.# 20-27

ORDINANCE AUTHORIZING THE MAYOR TO APPROVE AND ACCEPT THE BASE AND ALTERNATIVE 1 BIDS FOR PLAYGROUND IMPROVEMENTS RECOMMENDED BY IAP GOVERNMENT SERVICES GROUP AND DECLARING AN EMERGENCY. Unanimously approved

ORD. 20-28

AUTHORIZING THE MAYOR TO ENTER INTO A JOB AND COMMERCE  
ECONOMIC DEVELOPMENT AGREEMENT WITH THE STATE OF OHIO  
DEPARTMENT OF TRANSPORTATION AND A ROADWORK DEVELOPMENT (629)  
GRANT AGREEMENT WITH JOBSOHIO AND DECLARING AN EMERGENCY.

Unanimously approved

ORD. # 20-29

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A REAL ESTATE  
PURCHASE CONTRACT WITH BRAKEFIRE, INC., D/B/A SILCO FIRE & SECURITY  
("SILCO") AND DECLARING AN EMERGENCY.

Unanimously approved

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE # 20-19**

**ORDINANCE AUTHORIZING MAYOR TO EXECUTE A CONTRACT  
PURSUANT TO EVENDALE’S TUITION REIMBURSEMENT PROGRAM FOR  
FULL TIME VILLAGE EMPLOYEES SET OUT IN SECTION 258.075 OF THE  
EVENDALE CODE OF ORDINANCES AND DECLARING AN EMERGENCY.**

**WHEREAS,** Village of Evendale Police Officer, Peter Faillace, has applied for tuition reimbursement under Section 258.075 of the Evendale Code of Ordinances; and

**WHEREAS,** The Police Chief has recommended Officer Peter Faillace be eligible for tuition reimbursement, and the Mayor has accepted this recommendation and has in turn recommended that Council adopt an ordinance approving Tuition Reimbursement Contract with Officer Faillace;

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

**SECTION I:** The Mayor is authorized to execute a tuition reimbursement contract pursuant to the Evendale Code of Ordinances Section 258.075 with Police Officer Peter Faillace substantially in the form of the contract attached hereto and incorporated by reference herein.

**SECTION II:** This ordinance is hereby declared to be an emergency measure necessary to preserve the health, safety, and general welfare of the Village of Evendale or to provide for the daily operation of a department or office of the Village. The reason for said emergency is to provide assurance to the Village employee as soon as possible that he may receive tuition reimbursement, and register for his Programs at the earliest possible date. Therefore, this ordinance shall become effective immediately.

Approved March 10, 2020

\_\_\_\_\_  
Mayor, Village of Evendale

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Law Director

1st Reading: March 10, 2020

Rules Suspended: March 10, 2020

2nd and 3rd Reading: March 10, 2020

Emergency Section Agreed to: March 10, 2020

Notice of Publication: Tri-County Press, March 18, 2020

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #20-20**

**AN ORDINANCE AUTHORIZING THE MAYOR TO  
EXECUTE ADDITIONAL DOCUMENTS MODIFYING THE TERMS UNDER WHICH  
THE EVENDALE COMMUNITY CHURCH WAS PURCHASED AND THE TERMS OF  
THE LEASE WHICH WAS A PART OF THAT ACQUISITION AND DECLARING AN  
EMERGENCY**

**WHEREAS**, in order to complete the modification of the Purchase Agreement pursuant to the terms which were approved by Council in Ordinance 20-17 between the Village of Evendale and the Evendale Community Church it is necessary that additional documents including a Modification Agreement, First Amendment to the Lease, Memorandum of Lease and Satisfaction of Mortgage and Promissory Note be executed;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO**, \_\_\_\_ members concurring that:

**SECTION I** The Mayor is hereby authorized to execute whatever agreements and paperwork that may be necessary to modify the terms under which the Evendale Community Church property was acquired, including the elimination of the need to make any further payments to the Church in exchange for the Village extending the terms of the Lease back of certain rights to the Church for an additional three (3) years. This Ordinance specifically approves the Mayor's executing the first Lease Modification, Memorandum of Lease and the Modification Agreement attached hereto substantially in the form of the documents attached hereto and incorporated by reference herein.

**SECTION II** This Ordinance is hereby declared to be an emergency measure necessary to protect the health, safety and welfare of the residents of the Village of Evendale or to provide for the daily operation of the department or office of the Village of Evendale. The reason for said emergency is to eliminate any uncertainty with regard to the relationship and obligation of the Village and the Church to each other as soon as possible.

**THEREFORE**, this Ordinance shall become effective immediately.

Approved \_\_\_\_\_, 2020

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Village Clerk  
Approved as to Form:

\_\_\_\_\_  
Village Law Director

1st Reading: \_\_\_\_\_  
Rules Suspended: \_\_\_\_\_  
2nd & 3rd Reading: \_\_\_\_\_  
Emergency Section Agreed to: \_\_\_\_\_  
Notice of publication: \_\_\_\_\_

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #20-22**

**THIS IS AN ORDINANCE DEDICATING  
AEROHUB BOULEVARD  
AND DECLARING AN EMERGENCY**

**WHEREAS**, the Council of the Village of Evendale adopted Ordinance No. 19- 04 which approved the AeroHub South Subdivision and vacated St. Rita Lane within the AeroHub South Subdivision area; and

**WHEREAS**, the Village of Evendale caused to be constructed AeroHub Boulevard within the subdivision. The Village Engineer has confirmed that such roadway construction has now been completed to the standards for a public street within the Village of Evendale.

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

**SECTION I** AeroHub Boulevard is hereby dedicated as a public street in the Village of Evendale as it is currently located in the AeroHub South Subdivision.

**SECTION II** This Ordinance is hereby declared to be an emergency measure necessary to protect the health, safety and welfare of the residents of the Village of Evendale or to provide for the daily operation of the department or office of the Village of Evendale. The reason for said emergency is the need to immediately document the dedication of AeroHub Boulevard and to document that dedication to the satisfaction of the waterworks and other public services.

**THEREFORE**, this Ordinance shall become effective immediately.

Approved March 10, 2020

\_\_\_\_\_  
Mayor, Village of Evendale

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Law Director

1st Reading: March 10, 2020

Rules Suspended: March 10, 2020

2nd and 3rd Reading: March 10, 2020

Emergency Section Agreed to: March 10, 2020

Notice of Publication: Tri-County Press, March 18, 2020

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE 20-26**

**ORDINANCE APPROVING WATER MANAGEMENT  
AND SEDIMENTATION CONTROL PLANS  
FOR THE GENERAL ELECTRIC  
AND AUTHORIZING BUILDING  
COMMISSIONER TO ISSUE PERMIT  
AND DECLARING AN EMERGENCY**

**WHEREAS**, Wolpert, on behalf of GE Aviation has submitted a certain set of grading plans for property it owns, specifically located in front of Building 200 and 700, part of Hamilton County Auditor's Book 611, Page 50, Parcel 006 for expansion of parking lots as shown on the attached drawings, in accordance with Evendale Ordinance 1466 et. seq.; and

**WHEREAS**, the Engineer of the Village has given his approval of said plans for the property to be developed by the property owner; and,

**WHEREAS**, the plans approved by the Village Engineer appear to be in good order and in compliance with the purposes and intent of Evendale Ordinance 1466 et. seq.

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

**SECTION 1:** The copy of the plans submitted by Wolpert on behalf of GE Aviation, the property owner, in accordance with Evendale Code Section 1466 and approved by the Village Engineer are hereby attached as Appendix A and made part hereof.

**SECTION 2:** The Council of the Village of Evendale finds that notwithstanding the requirement in Section 1466.04 of the Codified Ordinances of the Village of Evendale, that such plans be held for 30 days before action by Council public policy justification exists to proceed immediately in order to obtain the benefits of the improvements, the reduction of impervious surfaces and the enhancement of greenspace, landscaping and aesthetic appeal of the site as soon as possible and Council further finds said plans as approved by the Engineer to be well taken and to comply with the intent and purposes of Ordinance 1466 et. seq., and are hereby approved by this Council.

**SECTION 3:** The approval of Council of these plans shall be conditioned upon and shall not take effect until the filing of the plans with the Building Commissioner and filing of the performance bond set by Council in the amount of \$550,000. In addition, the issuance of the Water Management and Sedimentation Control Permit is conditioned upon Approval by the Building Department of the proposed plans.

**SECTION 4:** Copies of the plans as approved by Council shall also be filed with the Clerk, the Engineer, the Building Commissioner, the Planning Commission and the County Soil and Water Conservation District.

**SECTION 5:** Upon the filing of said approved plans with the Building Commissioner and upon the posting of the bond specified above, the Building Commissioner shall issue the appropriate permit to commence the work, etc. as provided by the approved plans.

**SECTION 6:** This ordinance shall not constitute approval for any building or structure.

**SECTION 7:** This ordinance is declared to be an emergency by a concurrence of \_\_\_\_\_ 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 operation of a department or office of the Village of Evendale. It is necessary that this measure be put into immediate effect because the public safety and welfare require the work commence immediately to promote the renovation of the site and therefore the economic health of the Village of Evendale and reduce the impervious surface area and enhance landscaping of the site at the earliest possible date. This ordinance shall be effective upon passage.

Approved March 10, 2020

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Mayor, Village of Evendale

Attest:

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Village Clerk

Approved as to Form:

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Village Law Director

1st Reading: March 10, 2020

Rules Suspended: March 10, 2020

2nd and 3rd Reading: March 10, 2020

Emergency Section Agreed to: March 10, 2020

Notice of Publication: Tri-County Press, March 18, 2020

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE # 20-27**

**ORDINANCE AUTHORIZING THE MAYOR TO APPROVE AND ACCEPT THE  
BASE AND ALTERNATIVE 1 BIDS FOR PLAYGROUND IMPROVEMENTS  
RECOMMENDED BY IAP GOVERNMENT SERVICES GROUP AND  
DECLARING AN EMERGENCY**

- WHEREAS,** pursuant to Ordinance No. 20-08 the Village of Evendale entered into an Agreement with IAP Government Services Group to serve as the Design Build Construction Manager for the playground updates; and
- WHEREAS,** IAP Government Services Group solicited competitive price proposals for the necessary work and received two qualified responses; and
- WHEREAS,** IAP Government Services Group has recommended that the best value proposals were obtained from Logan Creek LLC; and
- WHEREAS,** by this Ordinance the Council of the Village of Evendale approves the recommendation for the base bid and Alternative I bid at a total cost of \$109,683.88.

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

- SECTION 1** The Mayor of the Village of Evendale is hereby authorized to execute the Agency Selection Sheet attached hereto and incorporated by reference herein authorizing IAP Government Services Group to proceed with contracting with Logan Creek LLC to perform the playground improvements for the cost specified in Logan Creek's base and alternative I bids.
- SECTION 2** The Council of the Village of Evendale hereby rejects all bids for Alternative II.
- SECTION 3** This Ordinance is hereby declared to be an emergency measure necessary to preserve the health, safety and general welfare of the residents of the Village of Evendale or to provide for the daily operations of the Department or Office of the Village. The reason for said emergency is to have the playgrounds ready for use as soon as possible.

**THEREFORE,** this Ordinance shall become effective immediately.

Approved March 10, 2020

\_\_\_\_\_  
Mayor, Village of Evendale

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Law Director

1st Reading: March 10, 2020  
Rules Suspended: March 10, 2020  
2nd and 3rd Reading: March 10, 2020  
Emergency Section Agreed to: March 10, 2020  
Notice of Publication: Tri-County Press, March 18, 2020



**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #20-23**

**AN ORDINANCE APPROVING A TRANSFER FROM THE CONTINGENCY FUND  
TO THE BUILDING MAINTENANCE DEPARTMENT AND DECLARING AN  
EMERGENCY**

- WHEREAS,** Pursuant to legislation properly adopted by the Council of the Village of Evendale, certain expenditures will take place that need to be appropriately reflected as an appropriation; and,
- WHEREAS,** The Village budget provided for the remodel of the Bell Tower Arts Pavilion to incorporate a stage for theater production; and
- WHEREAS,** Upon demolition of the area to be remodeled, asbestos was discovered which requires abatement at a cost not previously included in the remodel budget; and
- WHEREAS,** Funding is available in the contingency line item to supplement the funds necessary; now

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

**SECTION 1:** The following sum is transferred from the General Fund Contingency Fund account:

101.799.579900	\$8,000.00
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To the 705 Building Maintenance Department:

250-259 Capital Expenditures	\$8,000.00
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**SECTION 2:** These appropriated funds are authorized to be expended for Bell Tower Arts Pavilion remodel expenditures in the Building Maintenance Department.

**SECTION 3:** 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. It is necessary that this measure be put into immediate effect because the public welfare and daily operations of the Village require that line items within Fund budgets not exceed the appropriation amounts approved by Council and it is in the public interest to provide funds to remediate the asbestos in the Art Pavilion building to ensure health safety. This ordinance shall be effective upon passage.

Approved March 10, 2020

\_\_\_\_\_  
Mayor, Village of Evendale

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Law Director

1st Reading: March 10, 2020

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2nd and 3rd Reading: March 10, 2020

Emergency Section Agreed to: March 10, 2020

Notice of Publication: Tri-County Press, March 18, 2020

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE 20-28**

**AUTHORIZING THE MAYOR TO ENTER INTO A JOB AND COMMERCE  
ECONOMIC DEVELOPMENT AGREEMENT  
WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION AND A  
ROADWORK DEVELOPMENT (629) GRANT AGREEMENT WITH JOBSOHIO AND  
DECLARING AN EMERGENCY**

**WHEREAS,** In 2019, Evendale Officials submitted funding requests to JobsOhio and the Ohio Department of Transportation (ODOT) seeking grant money for the planning, design and construction of Phase II of AeroHub Blvd.

**WHEREAS,** AeroHub Blvd. Phase II, an extension of Phase I completed last year, will fully connect Glendale-Milford Rd. to Oak Rd. and serve as the primary arterial roadway for the Village's Master Planned AeroHub Commercial Development.

**WHEREAS,** Evendale has recently been awarded up to \$438,371 from JobsOhio and \$150,000 from ODOT for construction of Phase II for the purpose of enabling the relocation and expansion of SAEC/Kinetic Vision, a local R&D company who plans to construct a 40,000+ sq. ft. new headquarters on 5.9+/- acres in AeroHub.

**WHEREAS,** Although the two awards are from separate entities; they are intrinsically tied together for completing Phase II to facilitate the SEAC/Kinetic Vision project.

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

**SECTION I** The Mayor is hereby authorized to enter into a Jobs and Commerce Economic Development with the State of Ohio substantially in the form attached hereto and incorporated by reference herein.

**SECTION II** The Mayor is hereby authorized to finalize and execute any applications or administrative paperwork necessary to secure the JobsOhio Roadwork Development (629) Grant as detailed in the attached Award letter.

**SECTION II** This Ordinance is hereby declared to be an emergency measure necessary to protect the health, safety and welfare of the residents of the Village of Evendale or to provide for the daily operation of the department or office of the Village of Evendale. The reason for said emergency is the need to obtain the benefit of the ODOT Jobs and Commerce Economic Development Agreement and the JobsOhio Roadwork Development (629) Grant as soon as possible to allow for the construction of AeroHub Blvd phase II and thereby advance the development of AeroHub North.

**THEREFORE,** this Ordinance shall become effective immediately.

Approved March 10, 2020

\_\_\_\_\_  
Mayor, Village of Evendale

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Law Director

1st Reading: March 10, 2020  
Rules Suspended: March 10, 2020  
2nd and 3rd Reading: March 10, 2020  
Emergency Section Agreed to: March 10, 2020  
Notice of Publication: Tri-County Press, March 18, 2020

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE # 20-29**

**ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A REAL ESTATE  
PURCHASE CONTRACT WITH BRAKEFIRE, INC., D/B/A SILCO FIRE &  
SECURITY (“SILCO”) AND DECLARING AN EMERGENCY.**

- WHEREAS,** The Village of Evendale has the opportunity to retain Silco, an important corporate citizen, as it expands its business operation in the Village of Evendale by selling property currently owned by the Village to Brakefire, Inc., d/b/a Silco Fire & Security, an Ohio Corporation; and
- WHEREAS,** The 5.6 acre parcel being sold will produce a sale price of \$92,500.00 per acre, a price which the Council of the Village of Evendale determines to be fair and appropriate; and
- WHEREAS,** Silco plans to construct a new 40,000 +/- sq. ft. headquarters and retain its current employee count of 93 +/- staff with an estimated 2019 year-end payroll of \$9,013,000. Silco projects headquarters payroll to increase to \$15,087,000 by 2022. Silco has 5 total offices employing 270 total staff. Silco has experienced a 13% employment growth between 2015 and 2019 and anticipates continued growth. Additionally, Silco experienced a 16% annual sales growth between 2015 and 2019 from approximately \$25,000,000 in sales in 2015 to \$40,000,000+ in 2019. Silco is the largest fire and security company in Ohio.

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

**SECTION 1** The Mayor of the Village of Evendale is hereby authorized to execute a real estate purchase contract with Brakefire, Inc., d/b/a Silco Fire & Security substantially in the form attached hereto and incorporated by reference herein.

**SECTION 2** This ordinance is declared to be an emergency measure necessary to preserve the health, safety and general welfare of the Village of Evendale or to provide for the daily operation of a department or office of the Village. The reason for said emergency is to enable the sale of the property to take place as soon as possible encouraging the growth of employment opportunities and promoting the economy of the Village of Evendale. Therefore, this Ordinance shall become effective immediately.

Approved March 10, 2020

\_\_\_\_\_  
Mayor, Village of Evendale

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Law Director

1st Reading: March 10, 2020  
Rules Suspended: March 10, 2020  
2nd and 3rd Reading: March 10, 2020  
Emergency Section Agreed to: March 10, 2020  
Notice of Publication: Tri-County Press, March 18, 2020

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE # 20 -24**

**AN ORDINANCE AMENDING PART TWELVE,  
TITLE FOUR, THE EVENDALE ZONING CODE,  
TO REPLACE THE BUILDING COMMISSIONER  
WITH THE BUILDING, PLANNING & ZONING  
MANAGER AND DECLARING AN EMERGENCY.**

- WHEREAS,** the Building Commissioner is currently charged with the administration of the Evendale Zoning Code; and
- WHEREAS,** the Village Council created the position of Building, Planning & Zoning Manager to take over the duties of the Building Commissioner with regards to administration of the Evendale Zoning Code; and
- WHEREAS,** the Village Council wishes to retain any reference within the Evendale Zoning Code to “Building Commissioner” authority where such authority is necessary due to the Building Commissioner’s special expertise and licensure related to the building code and similar codes; and
- WHEREAS,** the Council of the Village of Evendale finds it appropriate to amend the Evendale Zoning Code to permit the Building, Planning & Zoning Manager to administer the Evendale Zoning Code independent of the Building Commissioner for the consistent and efficient delivery of service; 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 Four, Section 1242.01(b) of the Evendale Zoning Code, is hereby amended as shown in the attached Exhibit A, Section I.
- SECTION 2:** Part Twelve, Title Four, Chapter 1270 of the Evendale Zoning Code, is hereby amended as shown in the attached Exhibit A, Section II.
- SECTION 3:** In addition to the amendments specified above in Sections 1 and 2 of this Ordinance, the entirety of Part Twelve, Title Four, Evendale Zoning Code, is hereby amended to replace all instances of “Commissioner,” “Building Commissioner,” and “Village Building Commissioner” with “Building, Planning & Zoning Manager,” except in Section 1262.15(c) which shall remain as written.
- SECTION 4:** All remaining provisions of Part Twelve, Title Four, Evendale Zoning Code not specified in Sections 1, 2, and 3 of this Ordinance are to remain as written.
- SECTION 5:** 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 ensure consistent application and enforcement of the Evendale Zoning Code. Therefore, this ordinance shall become effective immediately.

Approved March 10, 2020

\_\_\_\_\_  
Mayor, Village of Evendale

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Law Director

1st Reading: March 10, 2020  
Rules Suspended: March 10, 2020  
2nd and 3rd Reading: March 10, 2020  
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Notice of Publication: Tri-County Press, March 18, 2020

## EXHIBIT A SECTION I

1242.01(b) Definitions of General Terms. For the purpose of this Zoning Code, certain words used herein are defined and whenever used in this Zoning Code shall have the meaning indicated in this section, except where the context clearly indicates a different meaning. The following are general terms of reference:

“BOARD.” The Zoning Board of Appeals of Evendale, Ohio.

“BUILDING COMMISSIONER.” The individual certified by the Ohio Board of Building Standards to administer the Ohio Building Code and all other relevant building standards of the State of Ohio. Duties of the Building Commissioner may also be performed by a designated agent holding an equivalent certification.

“BUILDING, PLANNING & ZONING MANAGER” ~~“BUILDING~~

~~COMMISSIONER.”~~ The individual designated to administer the Zoning Code of the Village. Duties of the “Building, Planning & Zoning Manager” ~~“Building Commissioner”~~ may also be performed by a designated agent. See Chapter 1270.

“CODE.” Unless otherwise referring to another portion of the Codified Ordinances, “code” means only Part Twelve, Title Four of the Codified Ordinances that regulates Village zoning.

“COMMERCIAL DISTRICT.” Either the Heavy Commercial HC District or the General Commercial GC District.

“COMMISSION.” The Planning Commission of Evendale, Ohio.

“COUNCIL.” The Village Council of Evendale, Ohio.

“DISTRICT.” A part of the Village wherein regulations of this Zoning Code are uniform as classified by the provisions of Chapter 1244.

“EFFECTIVE DATE OF ADOPTION.” The date upon which this Zoning Code was passed by Council.

“INDUSTRIAL DISTRICT.” Either the Industrial Truck Center ITC District, the General Industrial GI District, the Industrial Flex-1 IF-1 District, or the Industrial Flex-2 IF-2 District.

“MUNICIPALITY.” The Village of Evendale, Ohio.

“NONRESIDENTIAL DISTRICT.” The ITC, GI, IF-1, IF-2, OR, GC, HC, or PF District, or any Planned Unit Development.

“NONRESIDENTIAL USE.” Any use permitted in the Village other than “single-family dwelling”.

“PLANNED UNIT DEVELOPMENT” or “PUD.” A “planned unit development” or “planned business development” as provided for in Chapter 1256 of this Code.

“PUBLIC NOTICE.” Advance notice of a hearing or proceeding as prescribed in this Zoning Code pursuant to Chapter 1278.

“VILLAGE.” The Village of Evendale, Ohio.

“ZONING MAP.” The Zoning District Map of Evendale.

**EXHIBIT A  
SECTION II**

**CHAPTER 1270 Administrative and Decision-Making Bodies and Officials**

- 1270.01 Summary of authority.
- 1270.02 “Building, Planning & Zoning Manager” ~~“Building Commissioner.~~
- 1270.03 Planning Commission.
- 1270.04 Zoning Board of Appeals.
- 1270.05 Village Council.
- 1270.06 Building Commissioner.

**1270.01 SUMMARY OF AUTHORITY.**

The administrative decision-making bodies and officials listed below, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this Code in the manner described in §§ 1270.02 through 1270.06~~1270.05~~.

- (a) Building, Planning & Zoning Manager ~~Building Commissioner~~;
- (b) Zoning Board of Appeals;
- (c) Planning Commission; ~~and~~
- (d) Village Council; and
- (e) Building Commissioner.

**1270.02 BUILDING, PLANNING & ZONING MANAGER ~~BUILDING COMMISSIONER.~~**

(a) General Powers. The Building, Planning & Zoning Manager ~~Building Commissioner~~ shall be charged with the administration of this Code and, in particular, shall have the jurisdiction, authority, and duties described in this section.

(b) Regulations and Application Forms. The Building, Planning & Zoning Manager ~~Building Commissioner~~, consistent with the express standards, purposes, and intent of this Code, shall promulgate, adopt, and issue such procedural rules, regulations, and forms as are in the Building, Planning & Zoning Manager’s opinion necessary for ~~to~~ the effective administration and enforcement of the provisions of this Code.

(c) Staff Assistance to the Zoning Board of Appeals and Planning Commission. The Building, Planning & Zoning Manager ~~Building Commissioner~~, within budgets available for that purpose, shall make staff and consulting assistance available to the Zoning Board of Appeals, Planning Commission, and Council and the Building, Planning & Zoning Manager Commissioner or his delegate may in that capacity:

- (1) Attend the meetings of each such body;
- (2) Inform each such body of all facts and information at the Building, Planning & Zoning Manager’s ~~Commissioner’s~~ disposal with respect to any matter brought before each such body;
- (3) Assist each such body by performing research and making recommendations on matters brought before each such body; and
- (4) Perform such other duties as may be assigned to the Building, Planning & Zoning Manager ~~Commissioner~~ by this Code and by the rules of such bodies.

(d) Records. The Building, Planning & Zoning Manager ~~Building Commissioner~~ shall maintain:

(1) Permanent and current records of this Code, including all maps, amendments, conditional use and planned development approvals and denials, interpretations, and decisions rendered respectively by the Zoning Board of Appeals, the Planning Commission, the Village Solicitor, Council, and the Building, Planning & Zoning Manager ~~Building Commissioner~~, together with relevant background files and materials;

(2) A current file of all Zoning Certificates, and all notices of violations, discontinuances, terminations, or removals, issued by or entrusted to the Building, Planning & Zoning Manager’s ~~Commissioner’s~~ office for such time as necessary to ensure continuous compliance with the provisions of this Code.

(e) Zoning Text and Map. The Building, Planning & Zoning Manager ~~Building Commissioner~~ shall prepare and have available for public sale:

(1) The compiled text of this Code in book or pamphlet form, including all amendments thereto through the preceding December 31; and

(2) The official Zoning Map, showing the zoning districts, divisions and classifications in effect on the preceding December 31.

(3) The Building, Planning & Zoning Manager Commissioner, at all other times, shall maintain and have available for reproduction at least one up-to-date copy of both the Zoning Code text and the Zoning Map, showing all amendments through the most recent meeting of the Village Council for which official minutes have been approved.

(f) Receipt, Processing, and Referral of Applications. The Building, Planning & Zoning Manager Building Commissioner shall receive all applications required to be filed pursuant to this Code. Upon receipt of any such application, the Building, Planning & Zoning Manager Commissioner shall see to its processing, including its prompt referral to and retrieval from each official, department, board, or commission of the Village, or other government, with any interest or duty with respect to such application.

(g) Investigation of Application. Whenever the Planning Commission, the Zoning Board of Appeals, or the Village Council shall so request, by general rule or specific direction, the Building, Planning & Zoning Manager Building Commissioner shall conduct or cause to be conducted such surveys, investigations, and field studies and shall prepare or cause to be prepared such reports, maps, photographs, charts and exhibits as shall be necessary and appropriate to the processing of any application filed pursuant to this Code.

(h) Zoning Certificates. Pursuant to the provisions of this Code, the Building, Planning & Zoning Manager Building Commissioner shall review all applications for Zoning Certificates and shall approve or disapprove such applications and issue, refuse to issue, or revoke such certificates based on compliance or noncompliance with the provisions of this Code.

(i) Interpretations. Pursuant to the provisions of this Code, the Building, Planning & Zoning Manager Building Commissioner shall issue written interpretations of the making and applicability of specific provisions of this Code, and the Building Commissioner shall issue written interpretations specific to the structural stability of signs, Sec. 1262.15(c). Any interpretation of this Code that may be rendered by the Village Council, Zoning Board of Appeals or the Building, Planning & Zoning Manager Commissioner shall be kept on file in the Building Department and shall be a public record of the Village open to inspection by interested parties at reasonable times and upon reasonable notice.

(1) Authority. The Building, Planning & Zoning Manager Building Commissioner, subject to the procedures, standards, and limitations of this chapter, may render interpretations of the provisions of this Code, exclusive of use interpretations, and of any rule or regulation issued pursuant to this Code. The Building Commissioner has the authority to render interpretations with respect to signs under Sec. 1262.15.

(2) Purpose. The interpretation authority established by this chapter is intended to recognize that the provisions of this Code cannot address every specific situation to which they may have to be applied. Many such situations, however, can be readily addressed by an interpretation of the specific provision of this Code in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority herein established is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this Code but rather is intended only to allow authoritative application of that content to specific cases.

(3) Parties entitled to seek interpretations. Applications for interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an interpretation. However, interpretations shall not be issued to any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.

(4) Procedure.

A. Application. Applications for interpretations of this Code shall be filed in accordance with the requirements of Chapter 1276.

B. Action on application. Within 30 days after the receipt of a properly completed application for interpretation, the Building, Planning & Zoning Manager Building Commissioner shall inform the applicant in writing of his or her interpretation, stating the specific precedent, reasons, and analysis upon which the determination is based. The failure of the Building, Planning & Zoning Manager Commissioner to act within 30 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application rendered on the date following such 30-day period.

C. Appeal. Appeals from interpretations rendered by the Building, Planning & Zoning Manager or Building Commissioner may be taken to the Zoning Board of Appeals pursuant to Chapter 1284.

(j) Inspection and Enforcement. In furtherance of the enforcement of this Code, the Building, Planning & Zoning Manager Building Commissioner shall undertake such regular and continuing programs of inspection of work approved and under way and of existing structures and uses as may be feasible and proper within the limits of staff and budgeted funds; shall



undertake such additional inspections as may be necessary to the performance of his or her duties hereunder; shall receive from any person complaints alleging with particularity a violation of this Code; and when appropriate shall cause such investigations and inspections as may be warranted by such complaints to be made. Upon finding the existence of any violation of this Code, the Building, Planning & Zoning Manager ~~Building Commissioner~~ shall take all actions necessary and appropriate to abate and redress such violations pursuant to the provisions of Chapter 1272.

### **1270.03 PLANNING COMMISSION.**

(a) Jurisdiction and Authority. The Planning Commission shall have the following jurisdiction and authority subject to the provisions of this Code.

(1) To review, prepare, and recommend to the Village Council zoning text and Zoning Map amendments.

(2) To hear, review, and offer its recommendations to the Village Council on applications for amendments to this Code.

(3) To hear, review, and approve/deny applications for conditional use permits.

(4) To review and approve, approve with conditions, or deny applications for all uses, other than single-family residential uses, involving new construction, structural alteration, awning and structural sign changes, and landscaping changes, excluding the replacement or rotation of annuals and the replacement of existing landscaping materials with those of the same type or species. Such review shall be based on any applicable requirements of this Code, and if applicable, the most recently adopted version of the Evendale Design Guidelines.

(5) To aid and assist the Village Council and the departments of the Village in implementing the Village's adopted Development Plan and in planning, developing, and completing specific projects.

(6) To review and report on any matters referred to it by the Village Council or the Building, Planning & Zoning Manager ~~Building Commissioner~~.

(7) Upon reasonable written request, to make its special knowledge and expertise available to any official, department, board, or commission of the Village to aid them in the performance of their respective duties relating to the planning and development of the Village and its region.

(8) All other duties as assigned by the Village of Evendale Charter.

(b) Membership. The Planning Commission shall consist of five members appointed by the Village Council. One member shall be a member of Council and shall serve during his term as such. Not more than two nonresidents of the Village may be appointed, provided that each nonresident member shall be an owner, officer, or employee of a business or industry operating in the Village. At least two members shall be residents of the Village and shall not hold any other office or employment with the Village. The members of the Planning Commission shall be appointed for regular terms of four years. Members' terms shall be arranged so that not more than two regular terms shall expire in any year. A vacancy that may occur shall be filled for the balance of the unexpired term by appointment by the Mayor. A member shall be eligible for reappointment.

(c) Chairperson and Secretary. The Planning Commission shall elect from among its members a Chairperson and a Secretary to fulfill the customary functions of those offices.

(d) Quorum and Necessary Vote. No business shall be transacted by the Planning Commission without a quorum, consisting of three members, being present. The concurring vote of a majority of the Planning Commission, consisting of at least three members, shall be necessary on any motion to recommend approval of any matter or any application.

(e) Absent Members. No member absent from any portion of a hearing shall be qualified to vote upon the matter heard unless that member shall first certify on the record that he or she has reviewed the entire record of any such portion of the hearing during which he or she was absent and has fully informed himself or herself of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote. The absence of any member for three regular, monthly meetings within a calendar year shall be considered the resignation of that member, effective upon his third absence.

(f) Meetings; Hearings; Procedures. Regular meetings of the Planning Commission shall be held at the call of the Chairperson or as provided by rule of the Planning Commission. Special meetings shall be called at the request of the Chairperson or of any three members of the Planning Commission or of the Village Council.

(1) All meetings and hearings of the Planning Commission shall be open to the public, except when closed pursuant to the provisions of applicable state law.

(2) Testimony at the hearing of the Planning Commission may be made under oath at the request of the applicant.

(3) The Planning Commission may adopt its own rules of procedure governing it as it deems

proper and necessary. The adoption, amendment, or revision of such rules shall be by a majority vote of all members of the Planning Commission. Every member of the Planning Commission shall be furnished a copy of such proposed rules and any amendment or revision thereto at least ten days before consideration for adoption. Such rules shall be filed with the Village Clerk. Any rules so adopted that relates solely to the conduct of the Planning Commission's meeting or hearings and that is not mandated by this Code or the statutes of the State of Ohio, may be waived by the Chairperson upon good cause being shown.

(g) Record. The transcript of testimony, if any; minutes; all applications, requests, exhibits, and documents filed in any proceeding before the Planning Commission; and the decision and report, or records, of the Planning Commission shall constitute the record.

(h) Decisions. Every recommendation or decision of the Planning Commission upon an application filed pursuant to this Code shall be by written resolution which shall include findings of fact; shall refer to all the evidence in the record and to the exhibits, plans or specifications upon which such recommendation or decision is based; shall specify the reason or reasons for such recommendation or decision; and shall contain a conclusion or statement separate from the findings of fact setting forth the recommendation or decision of the Planning Commission. Every resolution shall expressly set forth any limitations or conditions recommended or imposed by the Planning Commission. In any case where this Code provides that the failure of the Planning Commission to act within a fixed period shall be deemed a recommendation for denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Planning Commission rendered on the day following the expiration of such fixed period.

(i) Conflicts. No member of the Planning Commission shall participate in the hearing or disposition of any matter in which that member has an interest as that term is defined by state or municipal law. Any conflict of interest on any particular issue prohibited by state or municipal law shall disqualify a member.

(j) Appeals. An appeal from any final decision of the Planning Commission shall be taken to the Zoning Board of Appeals pursuant to Chapter 1284. The decision of the Board may be appealed to the Village Council pursuant to Chapter 1284.

#### **1270.04 ZONING BOARD OF APPEALS.**

(a) Jurisdiction and Authority. The Zoning Board of Appeals shall have the following jurisdiction and authority subject to the provisions of this Code:

(1) To hear and decide appeals from, and to review orders, decisions, or determinations made by the **Building, Planning & Zoning Manager**; Building Commissioner; or the Planning Commission.

(2) To hear and decide upon applications for variances from the requirements of this Code pursuant to the provisions of Chapter 1284.

(3) Upon reasonable written request, to make its special knowledge and expertise available to any official, department, board, or commission of the Village, to aid them in the performance of their respective duties relating to zoning and its administration in the Village.

(b) Membership. The Zoning Board of Appeals shall consist of five members appointed by the Mayor, and confirmed by a majority of the Village Council. Three members shall be residents of the Village. The members shall serve for a term of five years and until their successors have been appointed. The terms of any two members shall not expire in the same year. A vacancy that may occur shall be filled for the balance of the unexpired term by appointment of the Mayor. A member shall be eligible for reappointment.

(c) Chairperson, Secretary. The Zoning Board of Appeals shall elect from among its members a Chairperson and a Secretary to fulfill the customary functions of those offices.

(d) Quorum and Necessary Vote. No business shall be transacted by the Zoning Board of Appeals without a quorum, consisting of three members, being present. The concurring vote of at least three members of the Zoning Board of Appeals shall be necessary on any motion to reverse any order, requirement, decision, or determination appealed to it; to decide in favor of the applicant any application made; or to recommend any variation from the provisions of this Code.

(e) Absent Members. No member absent from any portion of a proceeding shall be qualified to vote upon the matter heard unless that member shall first certify on the record that he or she has reviewed the entire record of any such portion of the proceeding during which he or she was absent and has fully informed himself or herself of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.

(f) Meetings; Hearings; Procedures. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson or as provided by rule of the Zoning Board of Appeals. Special meetings shall be called at the request of the Chairperson or of any two members of the Zoning Board of Appeals or of the Village Council.

(1) All meetings, hearings, and deliberations of the Zoning Board of Appeals shall be open to the public, except when closed pursuant to the provisions of applicable state law.

(2) All testimony at any hearing of the Zoning Board of Appeals shall be given under oath.

(3) The Zoning Board of Appeals shall adopt its own rules of procedure for the conduct of its business not inconsistent with this Code and the statutes of the State of Ohio. Such rules shall be filed with the Village Clerk. Any rule so adopted that relates solely to the conduct of the Zoning Board of Appeals' hearing and that is not mandated by this Code or the statutes of the State of Ohio, may be waived by the Chairperson upon good cause being shown.

(g) Record. The transcript of testimony, if any; minutes; all applications, requests, exhibits, and papers filed in any proceeding before the Zoning Board of Appeals; and the decision of the Zoning Board of Appeals shall constitute the record.

(h) Decisions.

(1) Every decision of the Zoning Board of Appeals shall be by written resolution which shall include findings of fact; shall refer to all the evidence in the record and to the exhibits, plans or specifications upon which such decision is based; shall specify the reason or reasons for such decision; shall contain a conclusion or statement separate from the findings of fact setting forth the specific relief granted or denying relief or setting forth the decision of the Zoning Board of Appeals; and shall expressly set forth any limitations or conditions imposed on any relief granted or work or use authorized.

(2) The Zoning Board of Appeals may take final action on any decision pertaining to an application pending before it prior to the preparation of a written resolution, but in such event it shall, before taking such action, first state its findings and conclusions as above required at a meeting open to the public. The Zoning Board of Appeals' decision shall be deemed made as of the date of the taking of such final action. The written resolution incorporating such findings and conclusions shall be presented and approved at the next meeting of the Zoning Board of Appeals.

(3) In any case where this Code provides that the failure of the Zoning Board of Appeals to act within a fixed period shall be deemed to be a denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Zoning Board of Appeals rendered on the day following the expiration of such fixed period.

(i) Conflicts. No member of the Zoning Board of Appeals shall participate in the hearing or disposition of any matter in which that member has an interest as such term is defined by State of Ohio law and Village ordinance. Any conflict of interest prohibited by State of Ohio or Village of Evendale law shall disqualify a member.

(j) Appeals. An appeal from any final decision of the Zoning Board of Appeals may be taken to the Village Council pursuant to Chapter 1284, § 1284.06 .

## **1270.05 VILLAGE COUNCIL.**

The Village Council:

(a) Adopts the Village Zoning Code and Map and approves or disapproves any application for an amendment to this Code or map;

(b) Approves or disapproves any proposed amendments to this Code or Zoning Map;

(c) Hears and decides applications for similar uses pursuant to Chapter 1280: Similar Use Interpretations;

(d) Hears and decides appeals from decisions of the Zoning Board of Appeals pursuant to Chapter 1284;

(e) Takes such other action not delegated to other bodies that may be desirable and necessary to implement the provisions of this Code; and

(f) Performs other duties as assigned to Council by the Village of Evendale Charter.

## **1270.06 BUILDING COMMISSIONER**

**The Building Commissioner:**

**(a) General Powers. The Building Commissioner shall be charged with the administration of the Ohio Building Code and all related building standards and any duties as further specified in the Evendale Zoning Code.**

**(b) Regulations and Application Forms. The Building Commissioner shall promulgate, adopt, and issue such procedural rules, regulations, and forms as are in the Building Commissioner's opinion necessary for the effective administration and enforcement of the Ohio Building Code and all related building standards.**

**(c) Staff Assistance to the Zoning Board of Appeals and Planning Commission. The Building Commissioner, within budgets available for that purpose, shall make staff and consulting assistance available to the Board of Zoning Appeals, Planning Commission, and Council, and the Building Commissioner or his delegate may in that capacity:**

- (1) Attend the meetings of each such body;
- (2) Inform each such body of all facts and information at the Commissioner's disposal with respect to any matter brought before each such body;
- (3) Assist each such body by performing research and making recommendations on matters brought before each such body; and
- (4) Perform such other duties as may be assigned to the Commissioner by the Ohio Building Code and related building standards, and by the rules of such bodies.