

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 August 9<sup>th</sup>, 2016.

ORD. #16-46

ORDINANCE AMENDING THE PLANNED BUSINESS DISTRICT DEVELOPMENT OF LIFESTYLE PROPERTIES AT MOSTELLER AND SHARON ROADS AND REPEALING ORDINANCE NO. 06-23A AND DECLARING AN EMERGENCY.

Unanimously approved

ORD. #16-47

ORDINANCE APPROVING WATER MANAGEMENT AND SEDIMENTATION CONTROL PLANS FOR WATSON'S AND AUTHORIZING BUILDING COMMISSIONER TO ISSUE PERMIT AND DECLARING AN EMERGENCY.

Unanimously approved

ORD. #16-48

ORDINANCE APPROVING A TRANSFER FROM THE GENERAL FUND TO APPROPRIATE FUNDS FOR ADDITIONAL ECONOMIC DEVELOPMENT COSTS IN THE ADMINISTRATIVE DEPARTMENT AND DECLARING AN EMERGENCY.

Unanimously approved

ORD. #16-49

AN ORDINANCE APPROVING AN ADDITIONAL APPROPRIATION FROM THE LAW ENFORCEMENT TRUST FUND TO PAY THE HAMILTON COUNTY PROSECUTOR'S OFFICE AND CRIME STOPPERS THEIR SHARE OF MONEY FORFEITURE.

ORD. #16-50

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE RECREATION CENTER METAL ROOF REPAINTING PROJECT AND DECLARING AN EMERGENCY. Unanimously approved

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #16-46**

**ORDINANCE AMENDING THE PLANNED BUSINESS DISTRICT  
DEVELOPMENT OF LIFESTYLE PROPERTIES AT MOSTELLER  
AND SHARON ROADS AND REPEALING ORDINANCE NO. 06-  
23A AND DECLARING AN EMERGENCY.**

- WHEREAS,** The Council of the Village of Evendale enacted the original Planned Business Development of Lifestyle Properties via Ordinance 95-40 and subsequently amended it via Ordinance 06-23A;
- WHEREAS,** The development proposed as part of the amendments enacted under Ordinance 06-23A never occurred;
- WHEREAS,** An application to modify the existing conditions on the Planned Business Development Overlay District at Mosteller and Sharon Roads has been submitted by Lifestyle Properties;
- WHEREAS,** Planning Commission held a public hearing on the proposed modification and repeal of Ordinance 06-23A on August 9, 2016;
- WHEREAS,** Said modification to the Planned Business District and repeal of Ordinance 06-23A has been considered by the Planning Commission and recommended for adoption;
- WHEREAS,** The Council of the Village of Evendale has conducted a public hearing on the proposed modifications to the Planned Business Development and the repeal of Ordinance 06-23A, and finds that such change will accommodate an expansion to a significant business within the Village while providing the Village with control over the quality of the development; now, therefore,

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

- SECTION 1:** Village of Evendale, Ohio Ordinance # 06-23A is hereby repealed.
- SECTION 2:** The regulations and conditions applicable to the Planned Business Development of Lifestyle Properties at Mosteller and Sharon Roads under Ordinance # 95-30 are hereby amended to include “Watson’s Planned Business District Addendum #1”, attached to this Ordinance as Exhibit A.
- 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. The reason for said emergency is allow the proposed expansion of an existing business to occur as soon as possible and therefore provide additional funding to the Village. Therefore, this ordinance shall become effective immediately.

Approved August 9<sup>th</sup>, 2016

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Mayor

Attest:

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Village Clerk

Approved as to Form:

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Village Solicitor

1st Reading: August 9<sup>th</sup>, 2016

Rules Suspended: August 9<sup>th</sup>, 2016

2nd and 3rd Reading: August 9<sup>th</sup>, 2016

Emergency Section Agreed to: August 9<sup>th</sup>, 2016

Notice of publication: Tri-County Press, August 17<sup>th</sup>, 2016

**EXHIBIT A**  
**WATSON'S PLANNED BUSINESS DISTRICT**  
**ADDENDUM #1 – ORDINANCE # \_\_\_\_\_**

This document shall serve as an addendum to those PBD Regulations for the Subject Property approved under Ordinance 95-30 (Exhibit "A") and Ordinance 05-38 (Exhibit "B"). Further, where any provisions of the previously approved ordinances are in conflict with the provisions in this document, the provisions of this document shall control:

**Area and Height Limitations**

The Heavy Commercial District requirement shall be amended as follows: The total building floor space shall not exceed 120,000 sq. ft. The building shall not exceed 45 ft. in height measured from the ground level to the highest roofline and/or parapet/cap.

**Principle Building – Architectural Details**

The Northern exterior building façade shall be comprised of the following materials: stucco, glass, composite wood paneling, stone and metal as depicted in the attached final elevation plans using brown, grey, white, dark green, black, or other colors of similar compatible variations from the same color pallet. Brick, natural wood, textured concrete or architecturally-designed composite paneling of a similar aesthetic compatibility to materials identified on the elevation plan may also be used.

**Landscaping**

All applicable regulations contained in Chapter 1260 of Evendale Zoning Code will remain in effect for this development with the following exceptions:

Landscaping shall be installed in the areas depicted in the attached landscape plan using a variety of deciduous and non-deciduous, perineal and annual materials identified on the attached Plant Recommendations for Watson's Store List ("the List") (See Exhibit "D"). Minor variations in planting configurations and materials used within defined beds is permissible to accommodate seasonal weather changes and/or soil conditions; however, the quantity and quality of plantings shall not deviate from submitted plans during the growing season (May 1<sup>st</sup> to October 1st). Dead trees, shrubs, ornamental grasses and perineal plantings are to be replaced as soon as possible during a growing season. Trees, shrubs and other landscaping may be trimmed or replaced with comparable plantings on the List should growth create safety problems (i.e. visual or access obstructions for vehicles or pedestrians, encroachment into utility lines, etc.)

Note: Sharon Rd. is not identified in the Evendale Zoning Code as a thorough fare subject to landscape buffering requirements; however, Watsons is permitted to add additional landscaping/landscaped areas throughout the site than just the areas identified in the attached Landscape Plan provided such new landscaping does not interfere with or significantly alter any other provisions, conditions, requirements set forth in this addendum, previous applicable addendums or in the Heavy Commercial District.

**Sign Regulations**

All regulations contained in Section 1262 of the Evendale Zoning Code will remain in effect for this development with the following exceptions:

Two existing signs will remain on site but modified as follows:

1. The existing 8' x 31' wall mounted above the main building entrance will be relocated to the front façade of the new addition above the main entrance as depicted in attached site plans. The wall mounted sign consists of Watson's name in internally-lit channel letters. The internally-lit channel letters may be substituted for flat plastic, wood or metal or other durable material, weather-protected back lit lettering of same size or smaller so long as the lighting mechanicals are not visible.

Watson's may have no more than three total wall mounted signs, all of similar pattern, material, design, aesthetic compatibility on the front of the building so long as the sum total signage area for all 3 or less signs does not exceed 250 sq. ft.

2. The existing pole mounted sign consisting of an 8' x 22' two-sided, internally lit box panel with Watson's lettering and a 4' x 12' two-sided, internally lit box panel reading "Outdoor & Indoor Living" situated directly below the 8' x 22' box panel will be relocated from its current location near the East side of the main entrance to a location approximately 15 to 20 ft.

southward in a newly created landscaped/grass parking island. The pole sign shall not exceed thirty (30) feet in height.

3. A new 5' x 20' ground mounted, monument-style sign consisting internally lit, channel lettering reading "Watson's" may be located in the front center of a landscaped, 22' – 2" radius roundabout located immediately South and in the center of the main vehicle entryway as depicted in the site plan.

No sign listed above shall exceed listed dimensions. Sign panels and/or lettering shall be of sufficient opacity to prevent visibility of internal mechanisms.

### **Parking: Area, Required spaces, Stall Dimensions, Traffic circulation**

All regulations contained in Chapter 1258 of the Evendale Zoning Code will remain in effect for this development with the following exceptions:

The paved parking area must include a minimum of 297 parking spaces. The existing 90 degree angled parking with 9' x 19" stalls and two-lane traffic aisles may be modified, in some locations, to create 60 degree angled parking stalls no less than 9' x 19' in dimension with direct access to one-way traffic aisles no less than 18 ft. in width. Traffic circulation shall enable direct entry into angled stalls as well as easy access to the main entrance-exit. The parking aisle along the east side of the site, servicing predominately freight traffic from Sharon Rd. to the rear, South side of the building, shall be two-way with a minimum aisle width of 30 ft.. The roundabout- aisle width shall not be less than 24 ft.

### **Curb Cuts**

The existing curb cut providing primary two-way ingress/egress onto the site at the lighted traffic signal at Sharon Rd. and Mosteller Rd. shall remain unchanged.

A second curb cut shall be installed approximately 240 ft. east of the existing curb cut on Sharon Rd. providing ingress/egress primarily for freight delivery purposes. The second curb cut may be gated by a vehicle barrier gate during non-business hours. The gate shall be made of metal, wrought iron, wood or similar durable material and not exceed 5 ft. in height. The gate must be equipped 24/7 with a knoxbox enabling police and fire emergency access at all times.

### **Outdoor Storage and Display**

Outdoor display and storage is permitted only in the following two areas: 1. along the eastern side of the principle structure in the 12,200 sq. ft. area designated on the site plan and, 2. On the second floor, open-aired alcove/porch above the front entryway but below and under the building roof line. The outdoor display and storage areas may include above-ground pools, patio furnishings and similar outdoor-related products. No toxic, hazardous or perishable materials damageable by exposure to outdoor elements, are permitted to be displayed outdoors.

Fence - The outdoor display area shall be screened by a no less than 4 ft. but no taller than 6 ft. tall fence comprised of wood, brick, stone, wrought iron, durable engineered paneling, or any combination thereof. The fence shall have at least at 70% open face area. Such fence shall be installed around the entire perimeter of the outdoor storage and display area with a loading and unloading access point located on the southern end. The access gate must be locked at all times when not in use.

The 6,000 +/- sq. ft. roofed pavilion located in the center of the outdoor storage and display area may be partially open-aired on the north side as shown on the site plan.

All other conditions defined in Ordinance 95-30 shall remain in effect unless modified by this addendum. All Heavy Commercial District Zoning regulations shall remain in effect unless modified by this addendum.

All approved site modifications are shown on Final Development Plans attached to this addendum. All Heavy Commercial Zoning District regulations remain in effect on the site except as modified by this addendum and previous Planned Unit District addendums

### **Minor Modifications**

The Village Zoning Official may grant minor modifications to this addendum without Planning Commission review within the following parameters:

- Requests for minor modifications must be submitted in writing to the Building Official. Written submittals may require engineer certified, to-scale, drawings and/or other documentation supporting the request as may be need by the Building Official.
- Minor modifications may include:
  - o Changes to landscape materials (i.e. replacing a material from the approved list with another material from the approved list) and minor changes to landscape designs/patterns used in existing landscaped areas.
  - o Changes to façade materials from one approved material to another approved material so long as the overall aesthetic compatibility and appearance is consistent with that as approved in the attached site plans.
  - o Parking stall and aisle width adjustments so long as the minimum size and area requirements are not further reduced nor are the total number of parking spaces reduced as approved in this addendum.
  - o Modifications to signage as already provided for in this addendum.

The Building Official must approve, deny or refer to the Planning Commission a minor modification request within 30 days of receipt. Upon referral to the Planning Commission, a minor modification is thereafter considered either a text amendment to or modification of the Planned Business District. The Building Official may refer any and all minor modification requests to the Planning Commission for review and consideration. Minor Modifications approved by the Building Official, without Planning Commission review, are to be documented in the Planned Business District records.

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #16-47**

**ORDINANCE APPROVING WATER MANAGEMENT  
AND SEDIMENTATION CONTROL PLANS  
FOR WATSON'S  
AND AUTHORIZING BUILDING  
COMMISSIONER TO ISSUE PERMIT  
AND DECLARING AN EMERGENCY**

WHEREAS, Thomas Graham and Associates on behalf of Watson's has submitted a certain set of grading plans on property it owns, specifically located at 2721 East Sharon Road for an expansion of their existing facilities and reconstruction of the parking areas, 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 Thomas Graham and Associates on behalf of Watson's, 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 \$92,000.00. 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 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 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 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 August 9<sup>th</sup>, 2016

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Mayor

Attest:

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Village Clerk

Approved as to Form:

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Village Solicitor

1st Reading: August 9<sup>th</sup>, 2016

Rules Suspended: August 9<sup>th</sup>, 2016

2nd and 3rd Reading: August 9<sup>th</sup>, 2016

Emergency Section Agreed to: August 9<sup>th</sup>, 2016

Notice of publication: Tri-County Press, August 17<sup>th</sup>, 2016



**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #16-48**

**ORDINANCE APPROVING A TRANSFER FROM THE GENERAL FUND  
TO APPROPRIATE FUNDS FOR ADDITIONAL ECONOMIC  
DEVELOPMENT COSTS IN THE ADMINISTRATIVE 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 appropriations; and
- WHEREAS,** Various expenses have occurred in economic development that were not included in the original budget; and
- WHEREAS,** The administrative department requires funding be available for these various expenses; now, therefore,

BE IT 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	\$25,000
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To the 701 administrative department:

230-239 Contract Services	\$25,000
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**SECTION 2** 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 and it is in the public interest to pay Village expenses in a timely manner. This ordinance shall be effective upon passage.

Approved August 9<sup>th</sup>, 2016

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Mayor

Attest:

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Village Clerk

Approved as to Form:

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Village Solicitor

1st Reading: August 9<sup>th</sup>, 2016

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Emergency Section Agreed to: August 9<sup>th</sup>, 2016

Notice of publication: Tri-County Press, August 17<sup>th</sup>, 2016

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #16-49**

**AN ORDINANCE APPROVING AN ADDITIONAL APPROPRIATION  
FROM THE LAW ENFORCEMENT TRUST FUND TO PAY THE  
HAMILTON COUNTY PROSECUTOR'S OFFICE AND CRIME  
STOPPERS THEIR SHARE OF MONEY FORFEITURE.**

**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 appropriations; and

**WHEREAS,** The Village of Evendale has been awarded \$4054.00 in forfeited U.S. Currency pursuant to Revenue Code 2981.05: and

**WHEREAS,** Under this order the Hamilton County Prosecutor's office share of the forfeiture is \$1,159.17 and Crime Stopper's share is \$133.50. The remaining funds stay deposited in the Law Enforcement Trust Fund; and

**NOW THEREFORE;**

**BE IT ORDAINED** by the Council of the Village of Evendale, State of Ohio, five members concurring that:

**SECTION I** The following sums are appropriated from the unappropriated Law Enforcement Trust Fund (208) to the following objects:

230-239 Contract Services	\$1300.00
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**SECTION II** This ordinance shall take effect and be in force from the earliest date allowed by law.

Approved August 9<sup>th</sup>, 2016

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Mayor

Attest:

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Village Clerk

Approved as to Form:

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Village Solicitor

1st Reading: August 9<sup>th</sup>, 2016

Rules Suspended: August 9<sup>th</sup>, 2016

2nd and 3rd Reading: August 9<sup>th</sup>, 2016

Emergency Section Agreed to: August 9<sup>th</sup>, 2016

Notice of publication: Tri-County Press, August 17<sup>th</sup>, 2016



**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #16-50**

**ORDINANCE AUTHORIZING MAYOR TO ENTER INTO  
CONTRACT WITH THE LOWEST AND BEST BIDDER FOR  
THE RECREATION CENTER METAL ROOF REPAINTING  
PROJECT AND DECLARING AN EMERGENCY**

**WHEREAS**, The Village of Evendale has received bids for the Repainting of the Metal Roofs on the northern section of the Recreation Center Project after advertising in a newspaper of general circulation in the Village of Evendale for the proscribed two weeks; and

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

**SECTION 1:** The bid of The Ohio Painting Company, LLC for the Recreation Center Metal Roof Repainting Project in the amount of \$56,950.11 is hereby accepted. The Mayor is authorized to enter into a contract with The Ohio Painting Company, LLC for this project.

**SECTION 2:** This ordinance is declared to be an emergency measure by a concurrence of six members of Council, it being found to be 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 requires the contract for the Project be executed as soon as possible in order to perform the work as weather permits. This ordinance shall be effective upon passage.

Approved August 9<sup>th</sup>, 2016

\_\_\_\_\_  
Mayor

Attest:

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Village Clerk

Approved as to Form:

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Village Solicitor

1st Reading: August 9<sup>th</sup>, 2016

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