

ORDINANCE NO. 26-74
CITY OF CENTERVILLE, OHIO

Sponsored by Councilman Leonard Stubbs on the 6th day of May 1974.

AN ORDINANCE AMENDING ORDINANCE NO. 10-1958, ORDINANCE NO. 9-1959, ORDINANCE 14-1959, ORDINANCE 15-1959, AND ORDINANCE 12-1966, SUB-DIVISION REGULATIONS, OF THE CITY OF CENTERVILLE FOR THE CITY OF CENTERVILLE AND THE UNINCORPORATED AREA OF WASHINGTON TOWNSHIP LYING WITHIN THREE MILES OF THE CORPORATION LIMITS OF THE CITY OF CENTERVILLE.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. Section I, Territorial Limitations as contained in Ordinance 10-1958 is hereby amended as follows:

The subdivision regulations contained herein shall apply [within] to the corporate limits of the [Village] City of Centerville [.] and the unincorporated area of Washington Township within three miles of the corporation limits of the City of Centerville.

Section 2. Section II, Definitions of Ordinance 10-1958 as amended by Ordinance 12-1966 is hereby amended as follows:

Board or Commission. The [Village] City Planning [Board] Commission of the [Village] City of Centerville.

Feeder or Collector Street -- [.] . [including the principal entrance streets of a residential development and streets for circulation therein.]

Street -- A [public] right-of-way or thoroughfare, other than an alley, having a right-of-way of not less than 50 feet, dedicated or otherwise legally established to the public use.

Marginal Access Street, Access or Service Drive -- A local street parallel and adjacent to a thoroughfare providing access to abutting properties either in front of or behind the residential, commercial or industrial use.

Utility Company means any organization, person, firm, corporation or cooperative furnishing electric, communication, or television signal services to the City and its inhabitants.

Utility Distribution Facilities means all lines, equipment and appurtenances, above or below ground, in streets, alleys, utility easements, rights-of-way, and properties within the City, used in supplying electrical energy, communication or television signal services.

Utility Easements means those parcels, strips, areas or other portions of land available for installation, maintenance, repair or operation of Utility Distribution Facilities.

Tree -- A large woody perennial plant with one or more main trunks and many branches. A tree with any trunk which has a diameter of two or more inches when measured at a height of three feet above the average grade level within a three-foot radius of the main trunk shall be protected by these regulations.

Section 3. Section III, General of Ordinance 10-1958 as amended by Ordinance 14-1959 is hereby amended as follows:

[C. In case improvements are not completed in a subdivision prior to final plat approval, a contract, four copies, between the subdivider and the Village of Centerville will be required to assure completion of said improvements. It must be supported by a performance bond with corporate surety satisfactory to the Village of Centerville, equal to the cost of construction plus engineering fees for layout and inspection based on an estimate furnished or approved by the Village Engineer. This bond will be accepted on the basis that the improvements will be completed within the time specified in said agreement. In the event they are not completed within the time specified, then the Village of Centerville may relet the contract and the subdivider and the bonding company will be severally and jointly liable for the cost thereof.]

[D.] C. Fees - At the time the preliminary plat is filed, the subdivider shall pay a fee for filing, supervision and inspection of public improvements calculated as follows: (1) 20 cents per lineal foot of street as measured along the center line of all streets the entire paved width of which is shown to be within the preliminary plat, plus (2) 10 cents per lineal foot of street as measured along the center line of all streets less than the entire paved width of which is shown to be within the preliminary plat, plus (3) 20 cents per lineal foot of the radius of a cul-de-sac turn-around or back-around which is circular, plus (4) 20 cents per lineal foot of the greatest distance between the perimeter and the center of a cul-de-sac turn-around or back-around which is not circular [.] , plus (5) Preliminary Plan review fee shall be \$20.00 per plat plus \$3.00 per acre, plus (6) Record Plan review fee shall be \$20.00 per acre.

D. Underground installation of all utilities in new residential subdivisions.

1. Any other provision of the Codified Ordinances or the Uniform Building Code relating to subdivisions or construction to the contrary notwithstanding, within the area of any new residential plat and subdivision, all newly installed Utility Distribution Facilities, including but not limited to electric, telephone, communication, and community television (CATV), or similar associated facilities, shall be placed and maintained underground within Utility Easements or public ways. However, this ordinance shall not apply to the following situations:

- (a) Equipment appurtenant to Utility Distribution Facilities such as: surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, switching enclosures and substations.
- (b) Poles supporting only street lights and traffic signals. Police-Fire call boxes, and traffic signal cantilever poles.
- (c) Electrical or communication overhead lines temporarily connected due to an emergency, but not to exceed six (6) months' duration.

- (d) In cases where unusual topographical conditions such as soil, open ditches, rock formations, or other physical conditions which make underground installation of such Utility Distribution Facilities unreasonable, impracticable, or uneconomical.
- (e) Service to model homes or other buildings under construction, or other temporary structures, with less than 600 volts to ground service only, but not to exceed twelve (12) months' duration. Renewal for an additional six (6) months' period may be granted for a good cause.
- (f) Poles, above ground wires, and associated above ground structures used for the transmission of electrical energy at voltages of 22,000 volts or more.
- (g) Additions of, or extensions to, existing above ground Utility Distribution Facilities.
2. The owner, subdivider or consumer shall furnish the necessary easements to accommodate all the utility installations required to be placed underground; shall also establish final grade before the Utility Company is required to install its facilities; and shall provide the trench and backfill the same for the service line extending from the Utility Distribution Facilities to the consumer's structure.
3. No new residential plat or subdivision shall be approved unless such plat or subdivision complies with this Section; however, if above ground Utility Distribution Facilities have already been constructed as of the date of the adoption of the Section, based upon a previously approved preliminary plat, then the final plat shall be approved with an exception for such above ground Utility Distribution Facilities.
4. No Utility Company may make or assess against an owner, subdivider or consumer an extra charge or rate for, or resulting from, the installation of the underground Utility Distribution Facilities required by this Section; except, in the years through 1974, an extra charge of a maximum of Seventy-Five Dollars (\$75.00) per lot may be made. If, as a result of a change of a Utility Company policy, a Utility Company grants to any owner, subdivider or consumer located within a seventy-five mile radius of the City a lesser charge or rate for, or resulting from, a specific type of installation of underground facilities required by this Section than the extra charge or rate authorized by this Section, the lesser rate for such specific type of installation shall then become the maximum rate chargeable hereunder through 1974. This limitation or prohibition shall not apply to any just and reasonable additional charge or rate approved by The Public Utilities Commission of Ohio under any applicable provisions of the Revised Code of Ohio.

5. All Utility Distribution Facilities shall be installed and maintained in accordance with the provisions of the National Electrical Safety Code, the order or orders of The Public Utilities Commission of Ohio, the Industrial Commission of Ohio, and good utility practice. Additionally, the construction standards set forth below shall supplement or supersede the provisions set forth above, and shall be controlling in the event of a conflict therewith.
- a. No blasting shall be permitted for trench excavation in the installation of underground Utility Distribution Facilities, except by permission of the City.
 - b. Wherever possible, underground electric lines, cable TV lines and telephone lines shall be located within the same trench.
 - c. Handholes or service boxes for street light services shall be located within the curb laws between the street and property line or within easements and public ways.

6. All Utility Distribution Facilities in new residential plats and subdivisions governed by this subdivision regulation shall be placed underground in accordance with the requirements and provisions of this ordinance.

E. Preservation of Trees

As a part of the construction drawings plot plans showing all trees, as to location, trunk diameter and common name shall be presented to the Planning Commission for public record. Reference on the plot plan shall be made to any tree where removal or damage to the root system, trunk or branches is contemplated.

1. Care of a tree during development, construction, improvement, excavation and grading:
 - a. Every effort shall be made by the architect, developer and construction company to locate structures, driveways, parking areas, swimming pools, streets, sidewalks, water lines, sewer, gas, electrical and telephone lines or any other improvement, when a tree is involved, in such a manner so as to minimize the removal, cutting or damaging of it;
 - b. If a change in the grade level of a property is necessary and the removal or addition of soil is needed, then the root system of the tree shall be protected by an acceptable tree-well or retaining wall. Reference must be made to this on the plot plan.
2. Tree removal necessitated by the construction, development or improvement of the land.

- a. A tree may be removed within six feet of a proposed permanent building as indicated on the plot plan, but only after all consideration to alternate building sites on the property have been taken into account. The tree to be removed must be referred to on the plot plan and its removal must be approved in advance in writing by the Planning Commission or its staff designate.
- b. A tree may be removed elsewhere on the lot but only after all consideration to alternate plans have shown that it is necessary for the development of parking areas, driveways, streets, sidewalks, and the installation of water lines, sewers, gas, telephone and electrical lines.
- c. When a tree is a safety hazard, it may be removed after written approval has been obtained from the City.
- d. Any tree removed or seriously damaged shall be replaced by a like tree on that lot at a location suitable to the owner as long as it doesn't create or extend a safety hazard.

F. Lot Splits (Minor Subdivisions)

Approval without a plat of a minor subdivision may be granted by the Planning Commission of the proposed division of a parcel of land meets all of the following conditions:

- 1. The proposed subdivision is located along an existing public road and involves no opening, widening, or extension of any street or road;
- 2. No more than five (5) lots are involved after the original parcel has been completely subdivided;
- 3. The proposed subdivision is not contrary to applicable subdivision or zoning regulations;
- 4. The property has been surveyed and a sketch and legal description of the property is submitted with the application.
- 5. If approval is given under these provisions, the Planning Commission shall within seven (7) working days after submission approve such proposed division and, upon presentation of a conveyance for said parcel, shall stamp "Approved by the Centerville Planning Commission; No Plat Required" and the authorized representative of the Commission shall sign the conveyance.
- 6. For the purpose of this regulation original parcel shall mean the parcel existing as of the effective date of this ordinance (May 28, 1958.).

Section IV -- Preliminary Plat of Ordinance 10-1958 is hereby amended as follows:

- B. 1. Proposed name of subdivision, location by section,

town, range and township; name and address of registered civil engineer or surveyor and owner(s), optionee(s), lessee(s) or contract purchaser(s); date of survey, scale and north point.

3. Location, width and name of all existing or platted streets, railroads or other utilities, right-of-way easements, parks, permanent buildings, corporation and township lines, location of wooded areas and other significant topographic and natural features within and adjacent to the plat for a minimum distance of two hundred (200) feet.
8. Preliminary layout of streets, easements and other public ways with names and widths. All thoroughfares and collector streets as shown on the Official Thoroughfare Plan wherever they traverse the plat.
9. Layout, number and approximate dimensions of lots. Number of units per lot.
18. A vicinity map at a scale of not less than one thousand (1000) feet to the inch shall be shown on, or accompany, the preliminary plat. This map shall show all existing subdivisions roads and tract lines and the nearest existing thoroughfares and collector streets. It shall also show the most advantageous connections between the roads in the proposed subdivision and those of the neighboring areas.
19. For commercial and industrial development the location, dimensions and approximate grade of proposed parking and loading areas, alleys, pedestrian walks, streets and the points of vehicular ingress and egress to the development; the location dimensions and areas of all buildings; a written description of the occupancy and construction of each building.

Section VI of Ordinance 10-1958 is hereby amended as follows with respect to A. streets:

- A 4. Cul-de-sacs should [be of a reasonable length] not exceed six hundred (600) feet.
10. Where a subdivision abuts or contains an existing or proposed thoroughfare street (86-120 ROW), the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, loop streets, cul-de-sacs, or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
11. Streets serving business developments and accessory parking areas shall be planned to connect with arterial streets so as not to generate traffic on local streets. The intersection of driveways from parking areas with arterial or collector streets shall be located so as to cause the least possible interference with traffic movement

on the streets, and shall be located not less than one hundred (100) feet from the intersection of a thoroughfare or collector street with any other street, and shall be spaced not less than two hundred (200) feet from each other. The Commission may require marginal access streets, access or service drives to provide maximum safety and convenience.

12. Collector streets for industrial subdivisions shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed into any residential streets. The intersections of service streets from parking areas with thoroughfare or collector streets shall not be less than one hundred (100) feet from the intersection of the thoroughfare or collector street with any other street.

Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except for severe physical conditions or if the Commission finds such extension is not in accord with the approved plan of the area.

Section VII of Ordinance 10-1958, as amended by Ordinance 12-1966 is hereby amended as follows:

All improvements required must be constructed under the supervision of and meet the specificators of the agency involved of this regulation and the approval of the City Engineer and Planning Commission.

B. Sidewalks

[Sidewalks shall normally be required on both sides of the street. In subdivisions where the majority of the lots are not less than ninety (90) feet in width, the board may waive the requirements.]

Sidewalks shall be required on both sides of the street, except out-de-sacs of less than one hundred (100) feet which shall not be required sidewalks, in residential subdivisions where the majority of the lots are one hundred and ten (110) feet or less in width at the building line.

Public sidewalks shall be required for all commercial (business and office) lots. Public sidewalks may be required for industrial lots, subject to approval by the Planning Commission.

F. Street Trees

[It is recommend that] Street trees shall be planted as part of the subdivision development, and be located [back of the right-of-way line on private property] between the curb and sidewalk so as to provide one tree per twenty-five feet of frontage except where a traffic hazard would result from such a spacing. City Beautiful Commission shall determine the type, height and caliber of trees to be planted.

G. Street signs

Street signs shall be required at all intersections and shall be of a type approved by the [Village] City Engineer. Before an occupancy permit is issued for any dwelling, proof of the erection of a street sign, either permanent or for a temporary period of time, shall be required.

H. Street and Walkway Lighting

The subdivider may be required to arrange with DP&L to have installed street lights in accordance with standards and specifications of the City Engineer and Planning Commission in each residential subdivision. Street lights, where required, at a minimum, shall be located at each street intersection and at each entrance to the subdivision.

I. Fire Protection

Fire hydrants with two (2), two and one-half (2-1/2) inch outlets and one large pumping connection shall be provided by the subdivider in all subdivisions with public water supplies. The hydrants should be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and at mid-block for blocks exceeding eight hundred (800) feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding four hundred (400) feet in length.

The type of hydrant and control valves and the location of the hydrant shall be approved by the Township Fire Chief. The minimum size of any water line serving any hydrant shall not be less than six (6) inches in diameter and should be circulating water lines. The size and location of water lines shall be approved by the Township Fire Chief, and the Ohio Inspection Bureau for commercial and industrial subdivisions. Where dead-end lines are installed, 8" lines may be required. Future extensions shall generally extend dead-end lines wherever possible.

Section XII of Ordinance 10-1958 as amended by Ordinance 12-1966 is hereby amended as follows:

[Inspections]) Bond for installation of improvements and inspections.

A. 1. General

In order that the City has the assurance that the construction and installation of such improvements as street surfacing, curbs, gutters, sidewalks, public sanitary sewers, public water supply and street signs will be constructed, the subdivider shall enter into one of the following agreements:

- a. To construct all improvements directly affecting the subdivision, as required by the Commission, prior to the final approval of the plat; or

- b. In lieu of the completion of the improvements, furnish bond executed by a surety company or certified check equal to the cost of construction of such improvements as shown on plans, and based on an estimate approved by the City Engineer.

2. Conditions

Before the final plan is given final approval, the developer shall have executed a subdivider's contract and a performance bond or certified check or letter of credit with the City Council covering the estimated cost of required improvements.

The performance bond or cash deposit shall run to Centerville for a period of two (2) years from date of execution, and shall provide that the subdivider, his heirs, successors and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions and requirement of these regulations, and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations.

3. Extension of Time

If the construction or installation of any improvement or facility, for which guarantee has been made by the developer in the form of bond or cash deposit, is not completed within two (2) years from the date of final approval of the record map, the developer may request the City Council to grant an extension of six (6) months, provided he can show reasonable cause for inability to complete said improvements within the required two (2) years. The extension shall not exceed six (6) months. At the expiration of the six (6) month extension Centerville will use as much of the bond or cash deposit as necessary to complete the construction of the improvements.

The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

4. Completion of Work

As required improvements are completed, approved, and accepted, the Centerville City Council may, with the concurrence of the City Engineer, reduce the amount of the performance bond or cash deposit.

B. Inspections

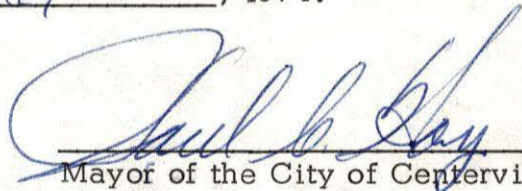
It shall be the responsibility of the subdividers to notify the [Village] City Engineer at least twenty-four (24) hours in advance of the time that all is in readiness for the following periodic inspections which must be made.

- [A] 1. After all storm sewers, laterals and catch basins are installed and before trenches for same are backfilled.
- [B] 2. After the forms for curbs and gutters are set (where combined curbs and gutters are required) and gravel base is in place and before any concrete is placed.
- [C] 3. After the forms for drive approaches or sidewalks are set and gravel base is in place and before any concrete is placed.
- [D] 4. After subgrade is shaped and rolled and before compaction test is made when Portland Cement Concrete is used.
- [E] 5. After forms are in place and immediately before any pavement or channel concrete is placed.
- [F] 6. Immediately before any B-21, Lime-Fly Ash, or aggregates are placed in base courses.
- [G] 7. Immediately before any prime is applied.
- [H] 8. Immediately before any T-35 asphaltic concrete is laid.
- [I] 9. After the subdivider's engineer certifies that section monuments are in place.

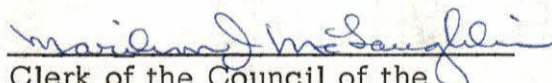
No work shall be accepted or bonds released unless these inspections have been made and work found to be satisfactory.

Section 4. This ordinance shall become effective from and after the earliest date provided by law.

PASSED this 6th day of May, 1974.


 Mayor of the City of Centerville, Ohio

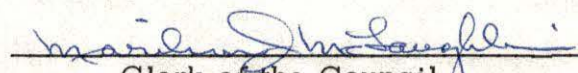
ATTEST:


 Clerk of the Council of the
 City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 26-74 passed by the Council of the City of Centerville, Ohio, on the 6th day of May, 1974.

Approved as to form, consistency
 with existing ordinances, the
 charter & constitutional provisions
 Department of
 Robert N. Farquhar
 Municipal Attorney


 Clerk of the Council