

Ordinance No. 4-72

Passed May 15

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ORDINANCE NUMBER 24-72

SPONSORED BY COUNCILMAN JOHN DAVIS ON THE 15TH DAY OF MAY, 1972.

AN ORDINANCE AMENDING ORDINANCE NO. 15-61, THE VILLAGE OF CENTERVILLE, OHIO, KNOWN AS THE "ZONING ORDINANCE OF CENTERVILLE, OHIO, 1961" TO ESTABLISH AMENDED REQUIREMENTS AND PROCEDURES FOR BUSINESS AND ENTRANCE CORRIDOR DISTRICTS.

WHEREAS, for the purpose of regulating, restricting and limiting in the interest of public health, safety, and convenience, comfort, prosperity, and the general welfare, the uses and locations of buildings, and other structures and premises to be used as shown herein, the height, bulk, and location of buildings and other structures, hereafter erected or altered, including set-back building lines, and the areas of yards, courts, and other open spaces, said restrictions being best suited to carry out the purposes of the Zoning Ordinance.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS

SECTION I. That Figure 2, of Section 15 Business Uses and Requirements, is hereby amended to read as follows, with the portions in brackets thereof repealed and the underlined portions added:

BUSINESS USES AND REQUIREMENTS

Requirements	TYPE OF BUSINESS USE	
	Local Business	Roadside Business
District (s) in which use is permitted	BI & B3*	B2, & 11
Minimum front yard in feet in districts indicated	BI-----[15] <u>25</u>	B2-----[60] <u>35</u> 11-----[25] <u>35</u>
Minimum side yard in feet along the side street line of a corner lot [where block is adjoined by a residential district]	[5] <u>20</u>	20
Minimum side yard in feet where a business district adjoins a residential district within the block frontage.	[5] <u>20</u>	20
Minimum side yard in blocks not including a residential district	None	10 <u>feet</u>
Maximum building height in feet in districts indicated	BI-----[45] <u>40</u>	B2-----[35] <u>40</u> 11----- 60
Minimum rear yard in feet	15	20
Maximum lot coverage in per cent of lot	[90] <u>60</u>	[80] <u>60</u>
Vision clearance on corner lots	[Yes] <u>15 feet</u>	[Yes] <u>15 feet</u>

FIGURE 2

Centerville [4/24/61]
3/9/71

*May be permitted as a conditional use in accordance with the requirements specified in Section 16.

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SECTION 2. That the following underlined portion is hereby added to Sub-Section C.-Other Provisions and Requirements for Business Uses, of Section 15:

14. Where the property lines separate a Business District from a Residential District, a visual and mechanical barrier, a minimum of four (4) feet nor more than six (6) feet in height, shall be provided along the common lot line, which may consist of any of the following:

- a. An evergreen hedge, or a dense planting of evergreen shrubs, located in a strip of land not less than twenty (20) feet in width. Such strip and shrubs shall be maintained in good condition.
- b. A solid fence of nondeteriorating material.
- c. A solid masonry wall.

SECTION 3. That the following portion in brackets is hereby repealed from Sub-Section C. of Section 15:

[3. Parking requirements shall not apply in a block where 50% or more of the area was occupied by Business or Industrial Structures at the time of passage of this ordinance.]

SECTION 4. That the following underlined portion is hereby added to Sub-Section D.-Additional Requirements for Signs, of Section 15:

- 5. All signs shall be set back at least twenty-five (25) feet from the right-of-way unless modified by the general requirements or standards of a specific Zoning District.
- 6. No intermittent light source shall be used in connection with any sign display.
- 7. Light sources shall be shielded from all adjacent residential buildings and streets, and shall not be of such brightness as to constitute a hazard to pedestrian or vehicular traffic, or cause reasonable objection from adjacent residential districts.

SECTION 5. That Section 16 is hereby amended to read as follows, with the portions in brackets thereof repealed and the underlined portions added:

"B3" SHOPPING CENTER DISTRICT REQUIREMENTS AND PROCEDURES-
The Local Business Uses numbers [1] 2 to 12 inclusive, and Roadside Business Uses number 2, a and 2.e, and 3.a to 3.e inclusive, in Section 15 are permitted in the "B3" District, provided that the proposed plan for a Shopping Center includes at least four (4) separate types of [limited] Local Business Uses and are specifically classified or implied in the permitted categories in Section 15 [A.], [and provided further that not more than one of which shall be an automotive service as set forth in Section 15,] and subject to compliance with the following requirements and procedure.

- A. The tract of land involved which is proposed for a Shopping Center shall be of an area of not less than ten (10) acres of land and lie completely within a "B-3" Shopping Center District.
- B. The owner or owners of such tract of land involved which is proposed for a Shopping Center shall have obtained approval of the [Mayor and the] Council of the [Village] City of Centerville in accordance with the procedure and additional requirements set forth in Section 20.,F.

SECTION 6. That Section 20F-Shopping Center Procedures of the said Zoning Ordinance No. 15 dated December 11, 1961 shall be amended to read as follows, with the portions in brackets thereof repealed and the underlined portions added:

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[The Council of the Village shall authorize the issuance of a Zoning Certificate for a shopping center in the "B3" Shopping Center District in accordance with the requirements of this ordinance and the procedure and provisions herein, upon a finding by the Commission that the public health, safety, morals and general welfare of the Village will not be substantially adversely affected by the establishment of a shopping center on the tract of land proposed for that purpose, and that the Commission has recommended to the owner or owners of the tract of land proposed for the shopping center that they obtain the following:]

Upon a finding by the Commission that the public health, safety, morals and general welfare of the City will not be substantially adversely affected by the establishment of a shopping center on the tract of land proposed for that purpose, the Planning Commission shall recommend approval to the City Council. The Council shall approve the recommendation of the Commission by a majority vote of its entire membership, otherwise the request is denied. Upon Council approval of the request, the Council shall authorize the City Manager to issue a Zoning Certificate.

In considering whether the use of the proposed site as a shopping center will or will not have a substantial adverse effect upon the public health, safety, morals or general welfare of the City, the Planning Commission shall require the owner or owners of such proposed site to provide said Commission with the following:*

1. A Market Analysis

- a. To determine the number, size and type of stores which could be expected to operate with a reasonable margin of profit in the proposed shopping center.
- b. To evidence the advisability of locating the proposed center (where the developers propose to locate it) so as to serve an existing and potential customer demand.

2. A Financial Report

- a. To include a statement of financial responsibility which demonstrates the ability of the developer of the shopping center to proceed with construction. Approval by any financial institution, or Insurance Company, of a construction loan will be sufficient proof of financial responsibility.

3. Traffic Study

- a. To include a comparative analysis of present capacity of highway (s) adjacent to the proposed shopping center with potential capacity volumes, taking into consideration the effect the proposed shopping center will have by engendering additional traffic.
- b. To include a circulation plan for all highways and streets (existing or proposed) which will show recommendations for controlling, signalizing, channelizing, storing and warning traffic.

[In considering whether the use of the proposed site as a shopping center will or will not have a substantial adverse effect upon the public health, safety, morals or general welfare of the Village, the Commission shall require the owner or owners of such proposed site to provide said Commission with the following:]

4. Development Plan (To include the following items and conforming in principal with Figure 10):

- a. A Plan of landscape development as follows: an area at least [fifteen (15)] twenty (20) feet in width along all streets, with the exception of entrances, which borders the proposed shopping center, to be planted and maintained with trees and shrubbery; to serve as a screen for the parking areas; and provisions for the planting and maintaining of trees or shrubbery in islands within the parking areas.

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- b. A planting screen, consisting of suitable shrubbery, which at maturity, be maintained at least six (6) feet in height and six (6) feet in depth, and for trees to be planted wherever a boundary of the proposed shopping center would abut upon residentially zoned areas, provided that any portion of the proposed shopping center that abuts upon a street shall conform to the provisions of subsection 4.a., above, and shall not be subject to the provisions of this paragraph.
- c. Provision for off-street parking area which shall be equal to at least four (4) times the area proposed to be used for sales space in the shopping center.
- d. No buildings or paved areas (other than access drives) may be located closer than 100 feet to any area zoned for residential purposes, in order to create a greenbelt, and such greenbelt shall be maintained as lawn together with appropriate landscape development and screen planting hereinbefore specified, provided that any portion of the proposed shopping center that abuts upon a street shall conform to the provisions of subsection 4.a., above, and shall not be subject to the provisions of this paragraph.

5. Subdivision Plat

- a. A Preliminary Plat, approved by the Planning Commission shall be submitted with the application for a zoning certificate for the proposed shopping center.

6. Other Authority Approval

- a. Any other authority approval required when applicable, including but not limited to, State Department of Health, State Highway Department, and such approval shall accompany the application.

7. Outdoor Signs and Lighting

- a. The location, effect and arrangement of all outdoor advertising signs and lighting fixtures proposed to be erected or installed shall be subject to the approval of the Commission.

8. Architectural Control

- a. Architectural plans of the building and structures proposed to be constructed shall be subject to the approval of the [Village] City Planning Commission. The Commission's approval shall be based on the architectural plans creating a unified design.

*Preliminary data may be supplied to the Commission to provide for exchange of information. Revisions and additions to an approved shopping center development shall be processed as outlined above, except the Planning Commission may require the submittal of only the data that is affected by the revised or addition.

SECTION 7. That the first paragraph of Section 20G - Uses and Procedures In the "EC" (Entrance Corridor) District - of the said Zoning Ordinance No. 15 dated December 11, 1961, shall be amended to read as follows, with the paragraph in brackets repealed and the paragraphs underlined to be added in place thereof:

[The Council of the Village shall authorize the issuance of a Zoning Certificate for a use or uses listed in Section 18 to be located in the "EC" (Entrance Corridor) District in accordance with the requirements of this ordinance and the procedure and provisions herein, upon a finding by the Commission that the public health, safety, morals and general welfare of the Village will not be substantially adversely affected by the establishment of such use or uses on the tract of land proposed for that purpose, and that the Commission has recommended to the owner or owners of the tract of land proposed for such use or uses that they obtain the following:]

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Upon a finding by the Commission that the public health, safety, morals and general welfare of the City will not be substantially adversely affected by the establishment of such use or uses on the tract of land proposed for that purpose, the Planning Commission shall recommend approval to the City Council. The Council shall approve the recommendation by a majority vote of its entire membership, otherwise the request is denied. Upon approval by Council of the use or uses listed in Section 18 to be located in the "EC" (Entrance Corridor) District in accordance with the requirements of this ordinance and the procedure and provision herein the Council shall authorize the City Manager to issue a Zoning Certificate.

In considering whether the proposed "EC" District use will or will not have a substantial adverse effect upon the public health, safety, morals or general welfare of the City, the Commission shall require the owner or owners of such proposed site to provide said Commission with the following:*

(The remainder of said Section 20G remains unchanged.)

*Preliminary data may be supplied to the Commission to provide for exchange of information. Revisions or additions to an approved Entrance Corridor District development shall be processed as outlined below, except the Commission may require the submittal of only the data that is affected by the revision or addition.

SECTION 8. This ordinance shall become effective at the earliest date allowed by law.

PASSED this 15th day of May, 1972.

/s/ Paul C. Hoy
Mayor - City of Centerville, Ohio

ATTEST:

/s/ Marilyn J. McLaughlin
Clerk of the Council of the
City of Centerville, Ohio

C E R T I F I C A T E

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of an Ordinance passed by the Council of the City of Centerville on the 15th day of May, 1972.

/s/ Marilyn J. McLaughlin
Clerk

Approved as to form, consistency with existing ordinances, the charter & constitutional provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney