

Ordinance No. 38-72 Passed May 22, 19 72

ORDINANCE NUMBER 38-72

CITY OF CENTERVILLE

Sponsored by Councilman John McIntire on the 22nd day of May, 1972.

AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. 18-69 AND ORDINANCE NO. 6-72 BY EXTENDING THE REQUIREMENTS AND PROCEDURE OF SAID ORDINANCES TO THE ARCHITECTURAL PRESERVATION DISTRICT AND BY ADDING B-3 AND EC AND BY ESTABLISHING A PROCEDURE FOR CURB CUTS IN AN ARCHITECTURAL PRESERVATION DISTRICT.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That Section 1 of Ordinance No. 18-69 is hereby amended as follows:

The provisions of the Ordinance cover and include individual lots or parcels and lots or parcels joined into a single use in B-1, B-2, B-3, EC and Architectural Preservation Districts.

Section 2. That Section 3 of Ordinance No. 18-69 is hereby amended as follows:

Curb cuts are prohibited in the districts enumerated in Section 1 hereof, except as herein provided, within 50 feet of an intersection as determined from the right-of-way line extended and/or property line extended. An intersection is defined as that area of public right of way between property lines of intersecting streets.

Should an application be made for curb cuts within 50 feet of an intersection, under conditions requiring such ingress or egress, the Planning Commission, in the case of an application involving a B-1, B-2, B-3 or EC district and the Board of Architectural Review in the case of an application involving the Architectural Preservation District, and council may grant such curb cuts, but only if provision is made for an additional traffic lane along side and parallel to the lot frontage, construction of which shall be at the owner's expense.

For curb cuts 50 feet from an intersection and at the next permitted interval of 50 feet, parking prohibited along the entire frontage so involved when the proposal involves a corner lot.

Section 3. That Section 4 of Ordinance No. 18-69 is hereby amended as follows:

Curb cuts are permitted only at distances of 50 feet along lot frontage and 50 feet is the required interval between curb cuts.

Curb cuts shall be located under the provisions of this Ordinance and in consistency with good planning practice and in consideration of the public safety. The Planning Commission in the case of an application involving a B-1, B-2, B-3 or EC district and the Board of Architectural Review in the case of an application involving the architectural preservation district and council may waive this provision under extenuating circumstances for peculiarities of lot size, configuration or topography.

Section 4. That Section 5 of Ordinance No. 18-69 as amended by Ordinance No. 6-72 is hereby amended as follows:

Applications for curb cuts shall be made on form prescribed by the City of Centerville, in duplicate, and shall include a complete description of the type of development proposed and an accurate plot plan for the proposed development.

RECORD OF ORDINANCES

Ordinance No. 38-72 continued

Passed

19

Applications for curb cuts in a B-1, B-2, B-3 or EC district shall be submitted to the Planning Commission at least 10 days prior to its regular meeting, on the last Tuesday of each month. Such application shall be submitted prior to the issuance of a zoning certificate or building permit.

Applications for curb cuts in an architectural preservation district shall be submitted to the Board of Architectural Review, which Board shall thereafter convene a meeting of its body for action on said application no earlier than 10 days after the application is received and no later than 20 days after said receipt. Such application shall be submitted prior to the Issuance of a zoning certificate or building permit.

Following review by the Department of Development and consideration by the Planning Commission in the case of an application involving a B-1, B-2, B-3 or EC district and the Board of Architectural Review in the case of an application involving the architectural preservation district, each of which Boards (who) shall have 14 days to prepare their report, the Commission or the Board of Architectural Review shall promptly refer the application to the City Council, who shall have not less than 14 days nor more than 30 days in which to consider such application.

Council may, at its discretion, waive technicalities and attach such conditions as it deems desirable for proper protection of the public health, safety, and welfare, and may direct the City Manager to issue a curb cut permit. No zoning certificate shall be issued prior to the issuance of the curb cut permit, the provisions of Section 22 of Ordinance No. 15 of the Village of Centerville, Ohio, known as the "Zoning Ordinance of Centerville, Ohio", passed on December 11, 1961 notwithstanding.

Section 5. This Ordinance is hereby declared to be an emergency measure and shall become effective immediately upon passage. A public emergency affecting public health, safety and general welfare is hereby declared to exist by virtue of the fact that requirements of this Ordinance relating to curb cuts should be extended to all districts in which business uses are permitted and such uses are permitted in B-3, EC and Architectural Preservation Districts, which districts are now presently a subject of existing ordinances.

Passed this 22nd 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

CERTIFICATE

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, Ohio, on the 22nd 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