

ORDINANCE NO. 12 - 1966

VILLAGE OF CENTERVILLE, OHIO

AN ORDINANCE TO PROVIDE CERTAIN NEW RULES AND REGULATIONS GOVERNING PLATS AND SUBDIVISIONS OF LAND WITHIN THE VILLAGE OF CENTERVILLE, INCLUDING REVISED STANDARDS FOR THE CONSTRUCTION OF STREETS AND OTHER IMPROVEMENTS, BY AMENDING ORDINANCE NO. 10-1958, PASSED THE 28TH DAY OF APRIL, 1958, WHICH PROVIDED GENERAL RULES AND REGULATIONS GOVERNING PLATS AND SUBDIVISIONS OF LAND WITHIN CENTERVILLE.

WHEREAS, it is deemed in the public interest and welfare that Ordinance No. 10-1958, known as the "Subdivision Regulations" of Centerville, Ohio, be amended in order to provide certain new rules and regulations governing plats and subdivisions of land within the Village of Centerville, including revised standards for the construction of streets and other improvements and facilities in said plats and subdivisions.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CENTERVILLE, OHIO:

Section 1. That sections and subsections of said Subdivision Regulations bearing the numbers and identifying designations as herein-after set forth and described be amended and modified as follows:

SECTION II. - DEFINITIONS

Building setback line - the line indicating the minimum horizontal distance between the street right-of-way line and the front line of the buildings.

Board - The Village Planning Board of the Village of Centerville.

Cul-de-sac - a short local street which is terminated by a circular or T-shaped turn-around or back-around.

Easement - a grant by a property owner of the use, for a specific purpose, of a strip or parcel of land to the general public, a corporation or to a certain person or persons.

Freeway - a strip of public land devoted to the movement of traffic over which the abutting property owners have no right of access, light or air.

Protective covenants - a restriction on the use of all private property within a subdivision, to be set forth on the plat, for the benefit of all the lot owners.

Right-of-way - the width between property line, of a road, street, alley or parkway.

Subdivision - the division of any parcel of land, including frontage along an existing street or highway, into two or more lots or other divisions of land for the purpose of immediate or future sale, transfer or ownership or building development, including all changes in street or lot lines, or the replatting or resubdivision of land heretofore divided or platted into lots, tracts or parcels, provided, however, that divisions of land for agricultural purposes, in parcels of more than ten (10) acres, not involving new streets or easements of access shall be exempted.

Thoroughfares - a street or highway of considerable continuity as indicated on the Official Thoroughfare plan.

Feeder or collector streets - streets which carry traffic from local streets to the system of major streets and thoroughfares, including the

principal entrance streets of a residential development and streets for circulation therein.

Local streets - streets used primarily to provide access to abutting properties.

Major streets and thoroughfares - streets which are major traffic ways used primarily for fast and heavy traffic.

Industrial streets - a specialized type of local streets carrying a heavier traffic volume and weight and designed to carry the 18,000 pound axel loads.

Alley - a public thoroughfare having a right-of-way not less than twenty (20) feet and serving the rear of properties.

Lot - a parcel of land intended for transfer of ownership or building development, having its full frontage on a public street.

Official Thoroughfare Plan - the official thoroughfare plan for the Village of Centerville, Ohio, establishing the official right-of-way width of major streets, on file in the office of the Recorder of Montgomery County, Ohio, and in the office of the Village Planning Board, together with all amendments thereto subsequently adopted.

Street - a public thoroughfare, having a right-of-way width of not less than fifty (50) feet.

Utility Companies - The Dayton Power and Light Company, The Ohio Bell Telephone Company and The Montgomery County Sanitary Department.

Zoning Ordinance - The Zoning Ordinance of the Village of Centerville, Ohio.

#### SECTION VI - SUBDIVISION STANDARDS

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##### B. Minimum Right-of-way Widths.

The typical standards shown herein are minimum only.

1. Thoroughfare plan street - for right-of-way width, see Thoroughfare plan.
2. Minor thoroughfare street - sixty (60) foot right-of-way.
3. Industrial streets - sixty (60) foot right-of-way.
4. Feeder streets - fifty-five (55) foot right-of-way.
5. Local streets - fifty (50) foot right-of-way.
6. Access or service drive - forty (40) foot right-of-way.
7. Cul-de-sacs - fifty (50) foot right-of-way for access and one hundred (100) foot diameter right-of-way for turnaround.
8. Alleys - twenty (20) foot right-of-way.
9. Easements - ten (10) foot right-of-way; five (5) feet on each side of rear or side property line.

##### C. Minimum Roadway Widths (measured back to back of curbs), Sidewalk and Other Improvements.

1. Thoroughfare plan street - pavement width to be determined. curb, and gutter, five (5) foot sidewalks.

2. Minor thoroughfare streets - forty (40) foot roadway width, five (5) foot sidewalks, curb and gutter.
3. Industrial streets - forty (40) foot roadway width, four (4) foot sidewalks, curb and gutter.
4. Feeder streets - thirty-three (33) foot roadway width, four (4) foot sidewalks, curb and gutter.
5. Local streets - twenty-eight (28) foot roadway width, four (4) foot sidewalks, curb and gutter.
6. Access or service drive - twenty-five (25) foot roadway width, four (4) foot sidewalks, curb and gutter.
7. Cul-de-sac - twenty-eight (28) foot roadway width, four (4) foot sidewalks, curb and gutter.
8. Alleys - ten (10) foot roadway width, no curb, gutter or sidewalk.

D. Minimum street grades - curves and sight distances.

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5. Intersections - see "Centerville Standards for street construction."

E. Visibility - a twenty-five (25) foot area of unobstructed vision at all corners of any street intersection shall be provided. The area shall be kept clear of all structures and vegetation exceeding a height of two and one-half (2-1/2) feet along curb line.

#### SECTION VII - IMPROVEMENTS

All improvements must be constructed under the supervision of and meet the specifications of the agency involved.

A. Streets.

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3. Surfacing, paving, grading and backfilling shall meet the requirements of "Centerville Standards for Street Construction", a copy of which is attached hereto, incorporated by reference, and made a part of this Ordinance. Streets, thoroughfares, and alleys shall be constructed in accordance with the specifications contained in the said Centerville Standards and shall be one of the alternate types allowed by said Centerville Standards. Any existing improvements in the right-of-way which are damaged beyond reasonable wear and tear by the Subdivider's work shall be restored by the subdivider to their former condition.

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B. Monuments.

Permanent monuments shall be accurately set and established at the intersection of all outside boundary lines of the plat, at the intersection of these boundary lines with all street lines, at least at diagonally opposite corners of each street intersection, at the beginning and end of all curves, at points on curves where the radius or direction changes, at the intersection of all outside boundary lines of each section of a plat after grading and development of that section, and at such points as are necessary to establish definitely all lines of the plat, except those outlining individual lots. On the detailed drawings of each Section, as

presented to the Council the location of these monuments will be indicated by a suitable symbol. The subdivider's engineer shall certify to the Village that these monuments have been accurately placed.

#### SECTION VIII - BLOCKS AND LOTS

##### A. Blocks.

1. Block lengths, generally, should not exceed nine hundred (900) feet. However, existing streets in adjacent plats, topographical conditions and the type of development may permit considerable variation in this requirement.
2. Blocks should be of sufficient width to provide for two (2) tiers of lots.
3. Block lengths along main thoroughfares should be of maximum length in order to eliminate intersecting streets not to exceed 2000 feet.
4. Blocks in commercial and industrial districts should be of sufficient length and depth to best serve the use intended for the area. Length and depth shall be adequate to include off-street parking and delivery.

##### B. Lots.

1. Size, shape and orientation of lots shall be appropriate for the location of the subdivision and the type of development planned.
2. Every lot shall front or abut on a dedicated street.
3. Lots for residence purposes shall conform to the present Village Zoning Code.
4. Double frontage lots, which are lots fronting on streets at both the front and the rear of the lot or on both sides of the lot, shall be avoided.
5. Lots abutting main thoroughfares or railroads should be of extra depth.
6. Side lot line should be perpendicular or radial to the street line, if appropriate.
7. Corner lots shall be platted 10-15 feet wider to provide for proper setback from both front and side streets.

#### SECTION XII - INSPECTIONS

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

- A. After all storm sewers, laterials and catch basins are installed and before trenches for same are backfilled.
- B. 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. After the forms for drive approaches or sidewalks are set and gravel base is in place and before any concrete is placed.
- D. After subgrade is shaped and rolled and before compaction test is made when Portland Cement concrete is used.

- E. After forms are in place and immediately before any pavement or channel concrete is placed.
- F. Immediately before any B-21, Lime-Fly Ash, or aggregates are placed in base courses.
- G. Immediately before any prime is applied.
- H. Immediately before any T-35 Asphaltic Concrete is laid.
- I. 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 XIII - PENALTIES

- 1. Whoever violates any rule or regulation adopted by the Council of the Village of Centerville, or fails to comply with any order, shall forfeit and pay not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas by legal representative of the Village, in the name of the Village, and for the use thereof.
- 2. No building permit shall be issued for the construction of a dwelling or other structure within a subdivision, until and unless the subdivision or the lots have been approved by the Village Planning Board. *and Village Council - Item*

SECTION XIV -

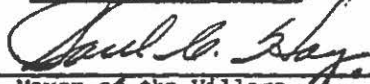
Should any Section Provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 2. All plats submitted to the Board subsequent to the passage date of this Ordinance, all plats previously submitted to the Board but not finally approved, and all recorded plats upon which no improvements have been made as of the effective date of this Ordinance shall be subject to the requirements of the said "Subdivision Regulations" as amended by this Ordinance.

Section 3. All provisions of Ordinance No. 10-1958 inconsistent with the foregoing amendments shall be repealed immediately upon passage of this Ordinance in the manner prescribed by law.

Section 4. This amendatory Ordinance shall take effect immediately by reason of the emergency character and nature of the same. An emergency is declared to exist because of the immediate necessity of controlling and securing adequate and proper installation of public improvements in the Village of Centerville, Ohio, thereby furthering the public health, safety, and welfare.

PASSED this 21<sup>st</sup> day of November, 1966.

  
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 Mayor of the Village  
 of Centerville, Ohio

ATTEST:

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 Clerk-Treasurer of the  
 Village of Centerville, Ohio

CERTIFICATE

The undersigned, Village Clerk of the Village of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 12-1966, passed by the Council of the Village of Centerville, Ohio, on the 21<sup>ST</sup> day of November, 1966.

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Clerk-Treasurer