

CERTIFICATE OF POSTING

I, KENNETH E. POFF, Clerk of the Council of the Village of Centerville, Ohio do hereby certify that there is no newspaper printed in said municipality and that publication of Ordinance Number 19-1960 was duly made by posting true copies thereof at five of the most public places of said municipality, as determined by the Council, as follows:

Stage Coach Inn  
Centerville Village Market  
Centerville Post Office  
Shell Service Station  
Centerville Pure Oil Company

each for a period of fifteen days, commencing on the 24th day of October, 1960.

DATED: October, 24th, 1960.

(Signed) Kenneth E. Poff  
Clerk

ORDINANCE NUMBER 20-1960  
VILLAGE OF CENTERVILLE, OHIO

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE VILLAGE OF CENTERVILLE, OHIO.

AN ORDINANCE to amend Ordinance No. 5, of the Village of Centerville, Ohio, known as the "Zoning Ordinance of 1955", passed on the 3rd day of October, 1955, which is an Ordinance to amend Ordinance No. 5-1943, the Zoning Ordinance of the Village of Centerville, passed August 15, 1946, for the purposes of "Regulating, Restricting, and Limiting, in the Interest of the Public Health, Safety, Convenience, Comfort, Prosperity, and General Welfare, the Uses and the Location of Buildings and Other Structures, Hereafter Erected or Altered, Including Minimum Lot Areas, Setback Building Lines and the Area of Yards, Courts, and Other Open Spaces, and for Said Purposes to Divide the City into Zones or Districts of Such Number, Shape, and Area as are Deemed Best Suited to Carry out the Said Purposes, and to provide a Method of Administration and to Prescribe Penalties for the Violations of the Within Provisions.

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

SECTION 1: ARTICLE THREE of said "Zoning Ordinance of 1955" is hereby amended by removing the numbers preceding each definition therein and adding thereto the following definition in proper alphabetical order:

SHOPPING CENTER: An architectural and functional grouping of retail stores with or without appropriate associated uses, with Building Areas, Parking Areas, ingress and egress to and from public streets and other land features appropriate for its operation as a business enterprise which conforms to the standards and requirements of this ordinance.

SECTION 2: ARTICLE IV. Section 1 of said "Zoning Ordinance of 1955" is hereby amended by changing the number of districts to "nine (9) in number, \_\_\_\_\_" instead of eight (8) in number, \_\_\_\_\_" and by adding thereto, following "B-2" General Business District" the following "B-3" Shopping Center District".

SECTION 3: Add a new ARTICLE to said "Zoning Ordinance of 1955" to follow ARTICLE XI, which reads as follows:

ARTICLE XIa

"B-3" SHOPPING CENTER DISTRICT REGULATIONS. SECTION 1. The Business Uses numbered 2 to 24 inclusive in SECTION 2 of ARTICLE X and Accessory buildings and uses customarily incident to these uses are permitted in the "B-3" SHOPPING CENTER DISTRICT and subject to the following requirements and procedures:

1. 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.
2. 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 of Centerville in accordance with the procedure and additional requirements set forth in ARTICLE XIV.

SECTION 4. ARTICLE XIV of said "Zoning Ordinance of 1955" is hereby amended by adding thereto the following:

- (d) The Mayor and the Council of the Village of Centerville, by special permit, shall authorize a shopping center in the "B-3" Shopping Center District" in accordance with the requirements of ARTICLE XIa of this Ordinance and the procedure and provisions of paragraphs (a), (b) and (c) herein, upon a finding by the Village Planning Commission that the public health, safety, morals and general welfare of the Village of Centerville 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 Village Planning Commission has recommended to the owner or owners of the tract of land proposed for the shopping center, that they obtain 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 to 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, signaling, channelizing, storing and warning traffic.

- (e) 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 of Centerville, the Village Planning Commission shall require the owner or owners of such proposed site to provide said Commission with the following:

1. Development Plan.

- A. To include a drawing including a legal or site description of the real estate involved which shows the tentative location and size of all existing and proposed buildings, structures and yards; the tentative location and dimension of building lines and easements; the tentative widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining streets; tentative location of service facilities and other improvements such as public parking areas, planting areas and other proposed uses of said real estate.

- B. To include the following items and conforming in principal with Figure 1, herein,

- a. A Plan of landscape development as follows: An area at least fifteen (15) feet in width along all street(s), 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 area(s); and provisions for the planting and maintaining of trees or shrubbery in islands within the parking area(s).
- 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 area(s), provided that any portion of the proposed shopping center that abuts upon a street shall conform to the provisions of subsection a., above, and shall not be subject to the provisions of this paragraph.
- c. Provisions for off-street parking areas 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 a., above, and shall not be subject to the provisions of this paragraph.

2. Subdivision Plat

- A. A preliminary Plat, approved by the Village Planning Commission shall be submitted with the application for a special permit for the proposed shopping center.

3. 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.

4. 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 Village Planning Commission.

5. Architectural Control

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

SECTION 5. ARTICLE XVII of said "Zoning Ordinance of 1955" is hereby amended by adding thereto the following:

"Section 5. Shopping Center"

1. Any person, firm or corporation, to whom is granted a Special Permit, and who subsequently is issued a Zoning Certificate for a Shopping Center by the Mayor, or Administrative Officer of the Village of Centerville, who fails to commence construction within twenty-four (24) months after such certificate is issued or who fails to carry to completion thirty per cent (30%) of the total Development Plan thereof within three (3) years after such certificate is issued or within one (1) year after such construction is begun, whichever is later, or who fails to conform to the provisions of the Development Plan and supporting data finally approved by the Council of the Village of Centerville as set forth in ARTICLE XIV of this ordinance, and upon the basis of which such Zoning Certificate was issued, may be required by the Council upon written petition of any person deeming himself aggrieved, to show cause why such approval should not be withdrawn and such certificate revoked; provided however, that no such order to show cause shall be issued for failure to commence construction within 24 months, after such construction has in fact commenced even though commenced after the expiration of such 24 month period.
  - a. Upon the determination by the Council or petition by such Person, firm or corporation to require the holder of such certificate to show cause pursuant to the provisions of this paragraph, the Council shall set the same for public hearing and cause written notice thereof to be sent by registered mail to the certificate holder and to be published according to law. Such notice shall name a day not less than ten days after the date such notice is mailed and after the publication of notice of the date when such hearing will be held.
  - b. If, after such hearing, upon evidence publicly presented to the Council by members of the public or officers or employees of the Village of the Village of Centerville, including members of the Council, present in person at such hearing, the Council shall find that the holder of the certificate in question has failed to commence construction of the Shopping Center within twenty-four months from the date the Zoning Certificate was issued, has failed to carry to completion thirty per cent (30%) of the total Development Plan within three years after said date, or has failed materially to conform to the provisions of the Development Plan and supporting requirements finally approved by the Council and upon the basis of which such Zoning Certificate was issued, and the Council fails to find just cause for said failures, then the Council may withdraw its approval of such Development Plan and order such certificate revoked, provided, however, that the Council if it deems such failure correctible within a period of six (6) months, shall extend the time within which such certificate holder may purge himself of such failure for not longer than such period, during which period such hearing shall be continued to a day certain at the end thereof.
2. Not more than one Zoning Certificate for a Shopping Center may be issued and outstanding at any one time within each area zoned for the "B-3" Shopping Center District on the Zone Map.
3. In the event the Council shall revoke a Zoning Certificate under the authority of Paragraph 1, hereof, it may thereafter grant approval for another shopping center in the same "B-3" Shopping Center District subject to all of the provisions and requirements of this Ordinance.
4. The holder of a Zoning Certificate for a Shopping Center within a "B-3" Shopping Center District may apply to the Council at any time for an alteration, change, amendment or extension of the Development Plan upon which the Special Permit is based.
  - a. Upon receipt of such application, the Council shall proceed as in the case of original applications for a Special Permit.
  - b. In the event the Council shall approve and order such Development Plan changed, altered, amended or extended, it shall so notify the Mayor or Administrative Officer of the Village of Centerville who shall issue an amended Zoning Certificate, accordingly.

SECTION 6. The Zone Map, which is designated as the "District Map" of the Village of Centerville, is hereby amended by changing the following described tract of land from the "R-1" Single Family District to the "B-3" Shopping Center District:

Description of 37.86 Acre Tract in Centerville, Ohio  
Owned by Arther E. Beerman, et al.

Located in the northwest quarter of Section 29, Town 3, Range 5 MRs., Village of Centerville, County of Montgomery, State of Ohio, and described as follows: beginning at the southeast corner of said quarter section, said southeast corner being in the centerline of the Dayton-Lebanon Pike; thence with the south line of said northwest quarter section, South

eighty-three degrees fifty-one minutes fifty seconds (83 51'50") West for one thousand sixty-six and 78/100 (1,066.78) feet to the southeast corner of the Plat of Centerville, Section Five as recorded in Plat Book RR, Page 70, in the Plat Records of Montgomery County, Ohio; thence with the east plat line of said Centerville, Section Five on the following seven courses: North six degrees eight minutes ten seconds (6 08'10") West for three hundred seventy and 00/100 (370.00) feet; thence North eighty-three degrees fifty-one minutes fifty seconds (83 51'50") East for twenty and 00/100 (20.00) feet; thence North six degrees eight minutes ten seconds (6 08'10") West for four hundred thirty and 00/100 (430.00) feet; thence South eighty-three degrees fifty-one minutes fifty seconds (83 51'50") West for fifty-one and 89/100 (51.89) feet; thence North six degrees eight minutes ten seconds (6 08'10") West for one hundred sixty and 00/100 (160.00) feet; thence North eighty-three degrees fifty-one minutes fifty seconds (83 51'50") East for thirty-five and 00/100 (35.00) feet and North six degrees eight minutes ten seconds (6 08'10") West for two hundred ten and 00/100 (210.00) feet to the northeast corner of said Centerville, Section Five, said northeast corner being the east end of the north line of Joy Elizabeth Drive; thence leaving the boundary of the said plat of Centerville, Section Five, North one degree fifteen minutes fifty seconds (1 15'50") East for nine hundred forty-two and 72/100 (942.72) feet to the southeast corner of Lot 24 in the Plat of Centerville. Section three as recorded in Plat Book PP, Page 10, in the Plat Records of Montgomery County, Ohio; thence with the boundary of the said Plat of Centerville, Section Three for the following courses: North no degrees thirty-three minutes thirty seconds (0 33'30") West for eighty-eight and 50/100 (88.50) feet; thence North eighty-nine degrees twenty-six minutes thirty seconds (89 26'30") East for one hundred sixty and 00/100 (160.00) feet; thence South no degrees thirty-three minutes thirty seconds (0 33'30) East for forty-nine and 12/100 (49.12) feet; thence North eighty-nine degrees twenty-six minutes thirty seconds (89 26'30") East for two hundred ten and 00/100 (210.00) feet to the southeast corner of Lot 21 in the said Plat of Centerville, Section Three; thence leaving the boundary of the said Plat of Centerville, Section three, South no degrees thirty-three minutes thirty seconds (0 33'30") East for three hundred seventy-five and 00/100 (375.00) feet; thence South eighty-nine degrees twenty-six minutes thirty seconds (89 26'30") West for one hundred eighty and 00/100 (180.00) feet; thence South no degrees thirty-three minutes thirty seconds (0 33'20") East for three hundred fifty-four and 09/100 (354.09) feet; thence North eighty-nine degrees thirty-nine minutes thirty seconds (89 39'30") East for seven hundred forty-five and 33/100 (745.33) feet to the northwest corner of Lot 14 in the Plat of Centerville, Section Two, as recorded in Plat Book OO, Page 48, in the Plat Records of Montgomery County, Ohio; thence with the west line of said Plat of Centerville, Section Two, South no degrees twenty minutes thirty seconds (0 20'30") East for five hundred thirty and 00/100 (530.00) feet to the southwest corner of said Plat of Centerville Section Two; thence with the south line of the said Plat of Centerville, Section Two, North eighty-nine degrees thirty-nine minutes thirty seconds (89 39'30") East for two hundred twelve and 00/100 (212.00) feet to the said centerline of Dayton-Lebanon Pike; thence with the said centerline of Dayton-Lebanon Pike, South no degrees twenty minutes thirty seconds (0 20'30") East for seven hundred eighty and 00/100 (780.00) feet to the point of beginning containing thirty-seven and 86/00 (37.86) acres more or less.

SECTION 7. This Ordinance shall become effective from and after its passage and approval as provided by law.

Passed this 3rd day of January , 1961.

(Signed) Wm. O. Gimbel  
Mayor of the Village of Centerville,  
Ohio.

ATTEST:

(Signed) Kenneth E. Poff  
Clerk-Treasurer of the Village of  
Centerville, Ohio

CERTIFICATE

I, KENNETH E. POFF, Clerk of the Village of Centerville, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance Number 20-1960, passed by the Council of the said Village on the 3rd day of January, 1961.

(Signed) Kenneth E. Poff  
Clerk

CERTIFICATE OF POSTING

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Centerville Pure Oil Station

each for a period of fifteen days, commencing on the 3rd day of January, 1961.

DATED: January 3rd, 1961

(Signed) Kenneth E. Poff  
Clerk