

SILVERCREEK TOWNSHIP ZONING RESOLUTION

Certified to be the text and map adopted by the Silvercreek Township Zoning Commission on January 23, 1995 after public hearing on December 12, 1994, and certified to the Silvercreek Township Board of Trustees.

Attest:

Certified:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

Certified to be the true and correct copy of the amended text and map of Silvercreek Township Zoning Resolution as adopted by the Silvercreek Township Board of Trustees on \_\_\_\_\_, 1995 after public hearing on \_\_\_\_\_, 1995.

Attest:

Certified:

\_\_\_\_\_  
Clerk,  
Silvercreek Township

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# **SILVERCREEK TOWNSHIP**

## **ZONING RESOLUTION**

**Adopted by the  
Silvercreek Township  
Zoning Commission  
December 12, 1994**

**Adopted by the  
Silvercreek Township  
Board of Trustees  
March 15, 1995**

**Revised by the  
Silvercreek Township  
Board of Trustees  
January 27, 1999**

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**ARTICLE 1**  
**GENERAL PROVISIONS**

SECTION 101

PURPOSE: This is a Zoning Resolution for Silvercreek Township, Greene County, Ohio, adopted and amended pursuant to Chapter 519 of the Ohio Revised Code for the following purposes, among others:

- 101.1 To promote the health, safety, comfort, and general welfare of the present and future inhabitants of Township;
- 101.2 To protect the agriculturally based economy and promote the orderly development of residential, business, industrial, recreational, and public areas within Silvercreek Township in accordance with the Perspectives: A Future Land Use Plan for Greene County, Ohio;

- 101.3 To protect the quality of life within Silvercreek Township through the protection of the total environment, the prevention of nuisance, and the provision of adequate light, air, and convenience of access to property;
- 101.4 To achieve such timing, density, and distribution of land development and use as will prevent environmental pollution and the overloading of systems for providing water supply, wastewater disposal, storm drainage, police protection, fire protection, education, and other public services within Silvercreek Township.
- 101.5 To achieve an accessibility, design, and density of land development and use as will secure safety from fire, floods, and other dangers within Silvercreek Township;
- 101.6 To achieve such density, distribution, and design of land development and use as will protect and preserve the design capacity of the streets and roads within Silvercreek Township and prevent traffic congestion or hazards;
- 101.7 To achieve such density, design, and distribution of housing as will protect and enhance residential property and secure adequate housing for every citizen within Silvercreek Township; and
- 101.8 To insure the compatibility of land uses which are either adjacent or in close proximity to each other.

SECTION 102 TITLE: This Resolution, including the Official Zoning District Map made a part hereof, shall be known and may be referred or cited to as the "Silvercreek Township Zoning Resolution."

SECTION 103 INTERPRETATION: In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety and the general welfare. Whenever the requirements of this Resolution are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, resolutions, or private deed restriction or private covenant, the most restrictive, or that imposing the higher standards shall govern.

SECTION 104 AREA OF JURISDICTION: The provisions of this Resolution shall apply to all land within the unincorporated area of Silvercreek Township, Greene County, Ohio.

SECTION 105 SEPARABILITY: Should any section, paragraph, clause, sentence, item, phrase, or provision of this Resolution be declared by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Resolution as a whole or any part thereof other than the part so declared to be unconstitutional or invalid, such decision shall not affect the validity of this Resolution as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 106 REQUIRED CONFORMANCE: Except as herein provided, no building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building structure or land be used, nor shall any excavation or fill be made;

- 106.1 Except for any expressed purpose permitted in the district in which such building or structure or land is located;
- 106.2 Except in conformance to the height and bulk limits established for the district in which such building or structure or use is located;
- 106.3 Except in conformance to the area, frontage, and yard regulations of the district in which such building or structure or use is located; and
- 106.4 Except in conformance to the off-street parking and off-street loading space regulations of the district in which such building or structure or use is located.

## **ARTICLE 2**

### **CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

SECTION 201     CONSTRUCTION OF LANGUAGE: For the purpose of this Resolution, certain terms or words shall be interpreted as follows:

201.1     Words used in the singular shall include the plural, and the plural the singular;

201.2     Words used in the present tense shall include the future tense;



- 201.3 The word "shall" is mandatory and not discretionary;
- 201.4 The word "may" is permissive;
- 201.5 The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for;"
- 201.6 The word "person" includes a firm, association, organization partnership, trust, company, or corporation as well as an individual; and
- 201.7 The word "dwelling" includes the word "residence."

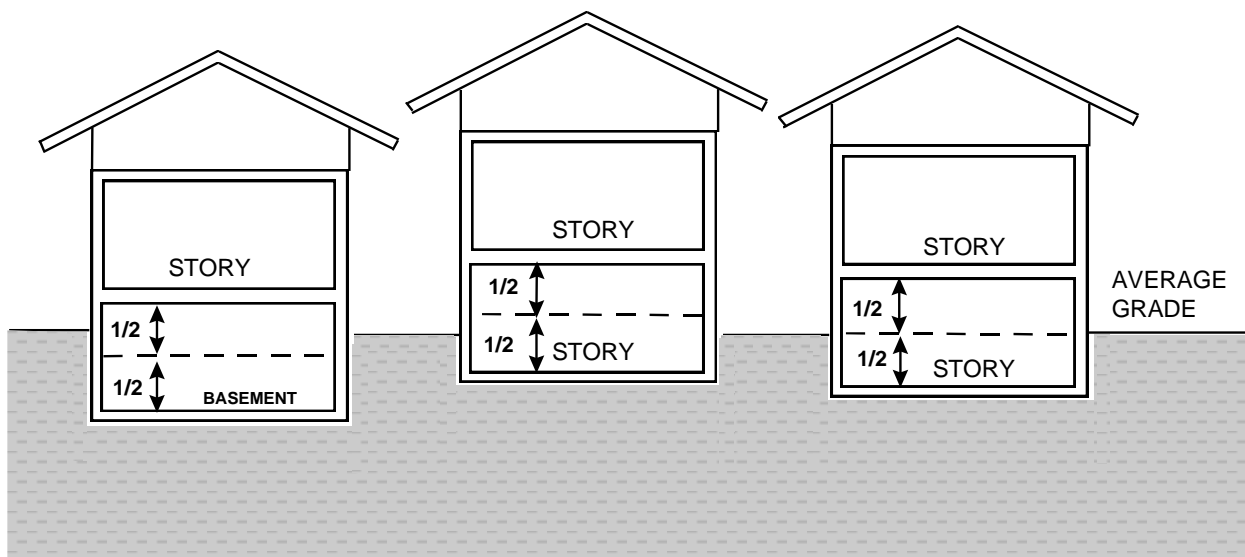
SECTION 202

DEFINITIONS: All words used in this Resolution shall have their customary meanings as defined in Websters New World Dictionary, except those specifically defined in this Section.

- 202.001 Accessory Use or Structure: A use or structure incidental and subordinate to the principal use or structure on the lot and serving a purpose customarily incidental and subordinate to the use of the principal building.
- 202.002 Agribusiness: Manufacturing, warehousing, storage, and related industrial and commercial activities that provide services for or are dependent upon agricultural activities found within the Agricultural District, and are not necessarily suited to locations within an established community. Agribusiness's include, but are not limited to the following uses: fertilizer production, sales, storage, and blending; sales and servicing of farm implements and related equipment; preparations and sale of feeds for animals and fowl; seed sales; poultry hatchery services; corn shelling, hay baling, and threshing services; grain elevators and bulk storage of feed grains; horticultural services; veterinary services; agricultural produce milling and processing; feed lots; livestock auctions; and retail nurseries.
- 202.003 Agriculture: The use of a tract of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided however, that:
  - a. The operation of any such accessory use defined above shall be secondary to that of normal agricultural activities;
  - b. The above uses shall not include the feeding or garbage of offal to swine or other animals;
  - c. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) feet of any residential zoning district;
  - d. The above uses shall not include the operation or maintenance of a feed lot or a commercial stockyard.
- 202.004 Airport, Commercial: Any runway, landing strip, or other facility designed or used by any person for the landing and take-off of aircraft by the public for commercial purposes, and may also include services such as fuel sales, storage, repair services, and aircraft sales.
- 202.005 Airport, Private: Any runway, landing strip, or other facility designed or used by any person for the landing, take-off, and storage of aircraft on his own property principally for his own use.
- 202.006 Alterations: Any change in the supporting members (bearing wall, beams, columns, girders, etc.) of a building or structure; or movement of a building or structure from one location to another.
- 202.007 Automobile Service Station: A building, lot, or both, having pumps and underground storage tanks at which fuels, oils, or accessories for the use of motor vehicles are dispensed, sold, or

offered for retail sale, and where mechanical repair service may be incidental to the dispensing of such items. The storage of junk or inoperable vehicles shall not be included in this definition.

- 202.008 **Automobile Repair Station:** A building, lot or both, in or upon which the business of general motor vehicle repair and service is conducted, to include engine rebuilding, rebuilding or reconditioning of motor vehicles, body repair, and painting and undercoating of automobiles, but excluding a junk yard as defined in this Section.
- 202.009 **Automobile Sales or Rental:** A building, lot, or both used for the display, sale, or rental of new or used motor vehicles in operable condition and where repair service is incidental.
- 202.010 **Barn:** An accessory structure upon a lot customarily used for the housing of livestock and for the storage of crops and/or machinery used in bona-fide agricultural activities as previously defined in this Section.
- 202.011 **Basement:** Floor space in a building partially or wholly underground, but having more than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground. A basement shall be counted as a story if it does not meet the definition above or is sub-divided and used for dwelling or business purposes by other than a janitor employed on the premises. (See Illustration)



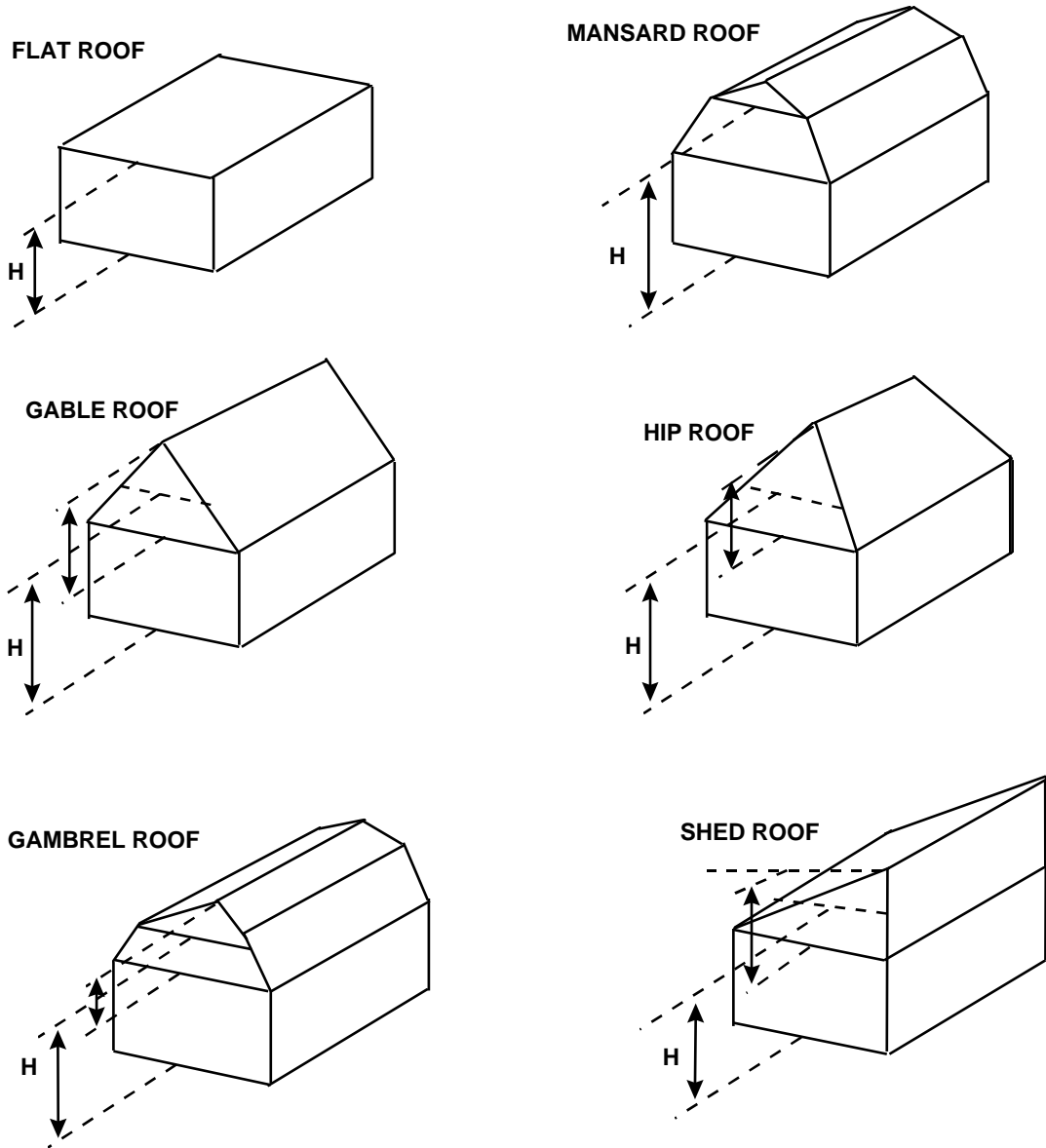
- 202.012 **Beginning of Construction:** The beginning of construction is the incorporation of labor and material within the walls of a building or buildings; the incorporation of labor and materials at the site, lot, or parcel where a building is to be constructed; and for the incorporation of labor and material where land is to be used for purposes other than construction of a building.
- 202.013 **Billboard:** See Sign.
- 202.014 **Block:** A tract of land bounded by streets, a combination of streets, railroad right-of-way, unsubdivided acreage, river or live stream, or any other barrier to the continuity of development, including corporation lines.
- 202.015 **Board of Zoning Appeals:** The Board of Zoning Appeals of Silvercreek Township, Greene County, Ohio.
- 202.016 **Boarding House:** Any building, originally designed for and used as a single-family dwelling or part thereof, where rooms for lodging, with or without meals are provided for compensation for five (5) or less persons who are not members of the keeper's family. A

boarding house which is operated for more than five (5) persons shall be deemed to be a motel or hotel as defined in this Section.

202.017 **Buffer Area:** That portion of a lot set aside for open space and visual screening purposes, pursuant to applicable provisions of this Resolution, to separate or screen different use districts and/or uses on one property from uses on another property.

202.018 **Building:** Any structure having a roof supported by poles, columns, or by walls which is designed for the shelter, support, or enclosure of persons, animals, chattels, or property of any kind.

202.019 **Building Height:** The vertical distance from the average elevation of the finished grade at the front of the building to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between the eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof. (See Illustration)



202.020 **Cemetery:** Land used or intended to be used for the burial of animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

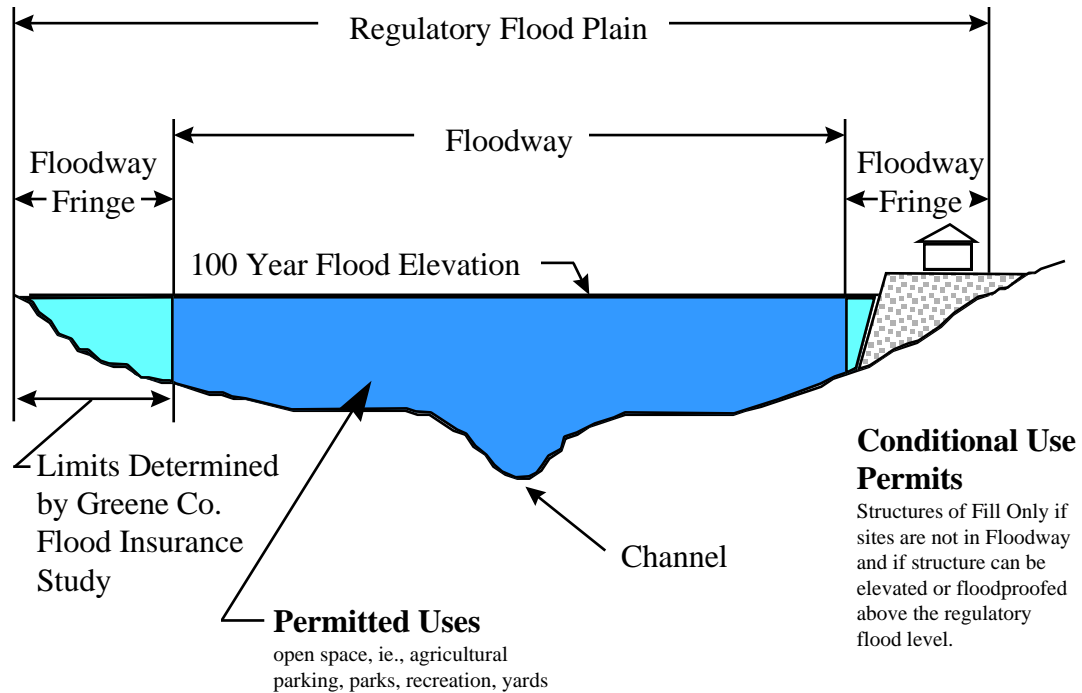
- 202.021 Clinic: A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.
- 202.022 Club: A premises owned or operated by a person or persons for a civic, social, cultural, religious, literary, political, recreational, or like activity, but not primarily for profit or to render a service which is customarily carried on as a business.
- 202.023 Commercial Recreational Facilities, Indoor: Any commercial activity conducted primarily indoors which is related to the recreation field, such as bowling alleys, skating rinks, indoor tennis courts, indoor motion picture theaters, and similar recreational activities.
- 202.024 Commercial Recreational Facilities, Outdoor: Any commercial activity conducted primarily outside of a building which is related to the recreation field, such as drive-in theaters, community swimming pools, miniature golf, driving ranges, skiing facilities, country clubs, and similar activities.
- 202.025 Community-Based Residential Social Service Facilities: Facilities providing resident services for the care and/or rehabilitation of groups of individuals who require protective supervision within a residential environment, including the following five (5) types of facilities:
- a. Foster Homes: A private residence providing resident services and protective supervision for the care and/or rehabilitation of one (1) child, adolescent, or adult within a home environment, all under the regulation of the appropriate social service agency having authority under law to license the operation.
  - b. Family Care Home: A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for not more than eight (8) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All family care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.
  - c. Group Care Home: A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for more than eight (8) but not more than sixteen (16) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All group care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.
  - d. Home for Adjustment: A residential facility operated by a court, a social service agency, or private citizens which provides therapy, counseling, and a residential environment for eight (8) or less adolescents or adults for the following purposes: 1) to assist them in recuperating from the effects of drugs or alcohol; 2) to assist them in adjusting to living with the handicaps or emotional or mental disorder in lieu of or subsequent to confinement within an institution; or 3) to provide housing and a supervised living

arrangement in lieu of or subsequent to placement within a correctional institution. The residents of any home for adjustment shall be limited to those individuals who will not pose a threat to life or property within the community, as determined by the responsible court or social service agency. All homes for adjustment shall possess a license from the appropriate court, or state or local agency having authority under law to license the operation.

- e. Institution: A facility such as a hospital, a nursing home, rest home, or a correctional facility. An institution shall also be defined as any residential facility designed or used for more than sixteen (16) persons functioning under the purposes of a family care home or a group care home, or any residential facility designed or used for more than eight (8) persons under the purposes of a home for adjustment. All institutions shall possess a license from the appropriate state or local agency having authority under law to license the operation and may be operated by private citizens, a social service agency, or a governmental authority.
- 202.026 Common Areas: As used herein, parcels of land, together with the improvements thereon, the use and enjoyment of which shall be shared by the owners and occupants of the individual building sites within a development.
- 202.027 Comprehensive Plan: Perspectives: A Future Land Use Plan for Greene County, Ohio, as adopted by the Board of County Commissioners of Greene County. This plan establishes the goals, objectives, and policies of Township as well as showing the general facilities including housing, industrial and commercial uses, major streets, parks, and other community facilities.
- 202.028 Conditional Use: A use permitted within a district other than a permitted principal use, requiring a conditional use permit and approval of the Board of Zoning Appeals. These uses are permitted only after the applicant has followed the procedures outlined in Article 10, Section 1002.
- 202.029 Conditional Use Permit: A permit issued by the Board of Zoning Appeals to allow certain specific developments that would not otherwise be allowed in a particular zoning district. These permits are issued only after the applicant has followed the procedures as stated in Article 10, Section 1002 of this Resolution. Development under a Conditional Use Permit differs from a zoning change in that it is much more specific. The applicant submits plans and conditions exactly or reapplies for a permit before deviating from that plan.
- 202.030 Court: An open space which may or may not have direct street access and which is bounded on two or more sides by a single building or a group of related buildings. A court is not a yard.
- 202.031 Corner Lot: See Lot Types.
- 202.032 Density: A unit of measurement designating the number of dwelling units per acre of land as follows:
- a. Gross Density: The number of dwelling units per acre of the total land to be developed.
  - b. Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses and excludes such areas as street right-of-way, parks, and other similar uses.
- 202.033 District: A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply uniformly under the provisions of this Resolution.
- 202.034 Drive-In: A business or other establishment so developed that its retail or service character is dependent on providing a driveway approach and/or waiting spaces for motor vehicles so as to serve patrons while in the motor vehicle.

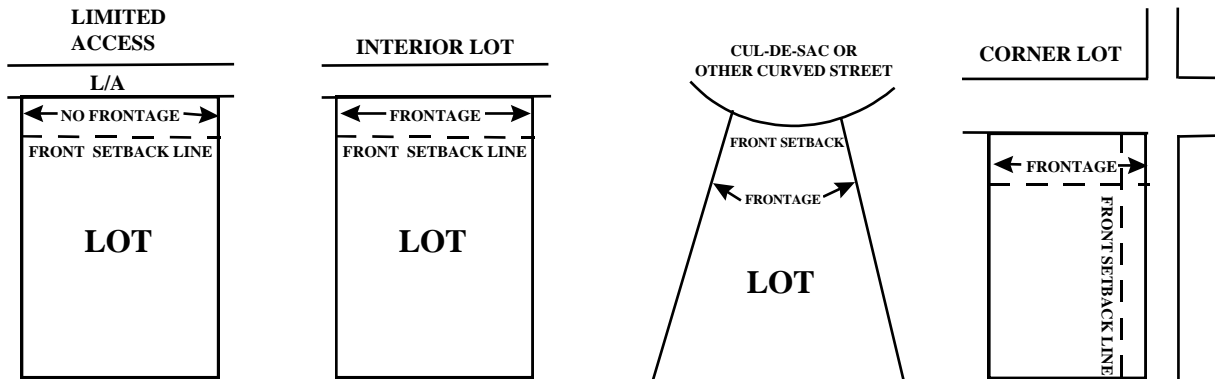
- 202.035 Dwelling Unit: One or more rooms designed for or used as a unit to provide complete housekeeping facilities for one (1) individual family with sleeping facilities, permanently installed cooking facilities, and lawfully required sanitary facilities. This definition shall include "modular homes" as defined in this Resolution.
- 202.036 Dwelling, Single-Family: A building consisting of one single dwelling unit on an individual lot, separated from other dwelling units by open space.
- 202.037 Dwelling, Two-Family: A building consisting of two dwelling units, including condominiums, which may be either attached side-by-side or one above the other. Each unit shall have a separate entrance.
- 202.038 Dwelling, Multiple-Family: A building consisting of three or more dwelling units, including condominiums, townhouses, quadruplexes, and garden apartments with varying arrangements of entrances and party walls.
- 202.039 Easement: Authorization by a property owner for use by another for a specified purpose, of any designated part of his property.
- 202.040 Erection: The acts of building, construction, altering reconstructing, moving upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like shall be considered a part of erection.
- 202.041 Essential Services: The erection, construction reconstruction, change, alteration, maintenance, removal or, use of any underground or overhead equipment including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, signals, hydrants, or other similar accessories by any public utility or governmental agency for the purpose of furnishing adequate supply, transmission, distribution, collection, or disposal of gas, electric, water, steam, or communication service to the public in order to maintain the public health, safety, and welfare, but not including buildings.
- 202.042 Excavation: The act of digging, hollowing out, or any other breaking of ground resulting in a total quantity of more than one hundred (100) cubic yards of material or a vertical depth of more than four (4) feet. Common household gardening and ground care, or plowing of ground for agricultural purposes, shall be excepted from this definition.
- 202.043 Exotic or Non-Domesticated Animal: Is any type, inclusive of birds, fish and reptiles, those typically kept in a zoo or circus, such as but not limited to; lions, tigers, alligators, elephants, venomous snakes, and other similar or dangerous species or not indigenous to Ohio that are a potential threat to the health or safety of humans and other animals that are not threatening or dangerous.
- 202.044 Family: An individual; two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit; or a group of individuals, who need not be related, living together as a single housekeeping unit in a dwelling unit, provided that a ratio of two persons or less per bedroom within the dwelling unit be maintained.
- 202.045 Farm: All of the contiguous neighboring or associated land operated as a single unit by the owner/operator, himself, his family, or hired employees on which bonafide agriculture is conducted as the primary use.
- 202.046 Feed Lot: Land used for the confining and commercial feeding of livestock for mass production and marketing, and not necessarily connected with any general farming upon the same lot. All feed lots shall obtain appropriate permits for waste treatment and disposal from the Ohio Environmental Protection Agency prior to the issuance of a Zoning Permit.
- 202.047 Fence: Any free-standing structure, other than part of a building, which encloses or partially encloses any premises and is of sufficient strength and dimensions to prevent straying from within or intrusion from without. Live vegetation shall not be included in this definition.

- 202.048 Fill: Soil, rock, earth, sand, gravel, or any other material exceeding a total of one hundred (100) cubic yards or more than four (4) feet in vertical height at its deepest point which may be deposited or placed onto or into the ground.
- 202.049 Filling: The act of depositing or dumping of any fill onto or into the ground, except common household gardening and ground care.
- 202.050 Flood, 100 - Year: The temporary inundation of normally dry land areas by a flood that is likely to occur once every 100 years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).



- 202.051 Flood Plain, Regulatory: That land area of Silvercreek Township which is subject to inundation by the 100 - year flood as determined by the Flood Insurance Study: Unincorporated Areas of Greene County, Ohio prepared by the Federal Emergency Management Agency. (See Illustration)
- 202.052 Floodway: That portion of the regulatory flood plain which is required to carry and discharge the flood waters of the 100 - year flood without obstruction as designated in the Flood Insurance Study: Unincorporated Areas of Greene County, Ohio. (See Illustration)
- 202.053 Floodway Fringe: That portion of the regulatory flood plain which serves primarily as a storage area for the flood waters of the 100 - year flood as designated in the Flood Insurance Study: Unincorporated Areas of Greene County, Ohio (See Illustration).
- 202.054 Floor Area, Non-Residential: The sum of the gross horizontal area of all the floors of a non-residential building measured from the interior faces of the interior walls, excluding stairs, washrooms, elevator shafts, maintenance shafts, and similar areas.
- 202.055 Floor Area, Residential: The sum of the gross horizontal area of all floors of a residential building measured from the interior faces of the exterior walls. Floor area shall not include breezeways, carports, garages, storage areas with only outside access, porches, unfinished attics or other unheated and/or unfinished areas attached to the dwelling.

202.056 **Frontage:** The distance between the side lot lines measured along the continuous required front setback line; and (2) in the case of a corner lot where frontage shall be measured along the continuous shortest front lot line. Property lines which abut limited access roads shall not be construed to be included within any calculation of frontage. (See Illustration)



202.057 **Garage, Private:** A detached accessory building or a portion of a main building, intended for the parking or storage of automobiles, recreational vehicles, or boats of the occupants of the premises.

202.058 **Garage Public:** A principal or accessory building other than a private garage, intended for the parking or storage of automobiles, recreational vehicles, boats, or other vehicles.

202.059 **Glare:** Excessively bright illumination.

202.060 **Grade, Average:** The average elevation of the finished surface of the ground at the exterior walls of a building or structure.

202.061 **Home Occupation:** An occupation conducted by a person on the same premises as his principal place of residence and is clearly subordinate and incidental to its use for residential purposes.

202.062 **Hotel:** A building in which lodging or boarding is offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, which is herein separately defined.

202.063 **Junk or Inoperable Vehicle:** A vehicle shall be deemed junk or an inoperable vehicle whenever any two or more of the following occur for a period of two weeks prior to the filing of a cease and desist order:

- a. The vehicle is without a valid, current registration and/or license plate;
- b. The vehicle is apparently inoperable;
- c. The vehicle is without fully inflated tires and/or has any type of support under it;
- d. The vehicle has a missing or shattered window or windshield and/or;
- e. The vehicle has an extensively damaged or missing door, motor, transmission, or other similar major part.

202.064 **Junk Yard (Salvage Yard):** Any use primarily involved with buying, selling, exchanging, storing, baling, packing, disassembling, or handling of waste or scrap materials, including but not limited to vehicles, machinery, and equipment not in operable condition or parts thereof,



and furniture, building materials, metals, paper, rags, rubber tires, and bottles. Such operations conducted entirely within completely enclosed buildings shall not be considered a Junk Yard. Two (2) or more junk or inoperative vehicles on a lot shall be considered a Junk Yard.

202.065 Kennel: Any lot or premises on which four (4) or more domesticated animals more than six (6) months of age are bred, boarded, trained, or sold.

202.066 Loading Space Off-Street: A space or berth located totally outside of any street or alley right-of-way for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

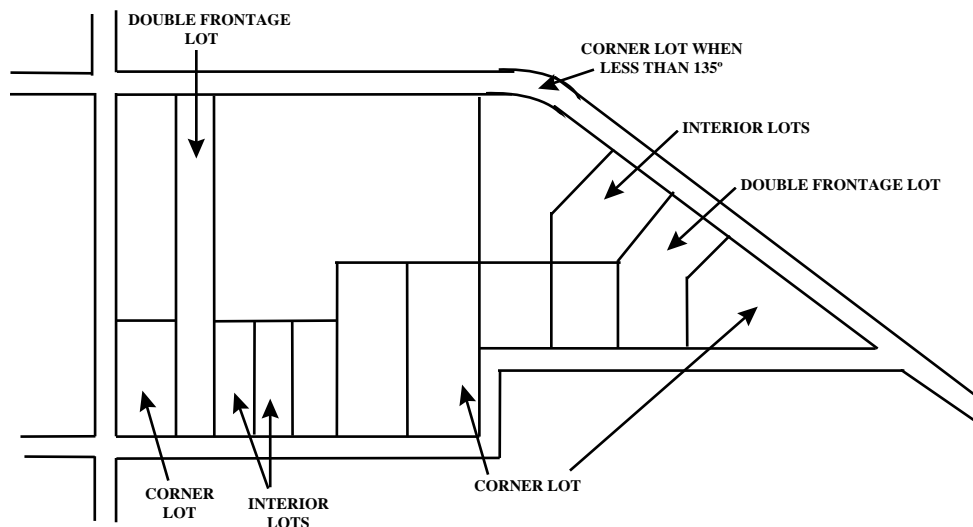
202.067 Location Map: See Vicinity Map

202.068 Lot: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and its accessory buildings and uses, including such open spaces as are required under the provisions of this Resolution. Every lot shall have the minimum required frontage upon a public street.

a. Corner Lot: A lot abutting upon two (2) or more streets at their intersection, or upon two parts of the same street, and in either case forming an interior angle of one hundred thirty-five (135) degrees or less as measured at the center-line of the road or the interior right-of-way line as applicable. (See Illustration)

b. Interior Lot: A lot, other than a corner lot, with only one frontage on a public street. (See Illustration)

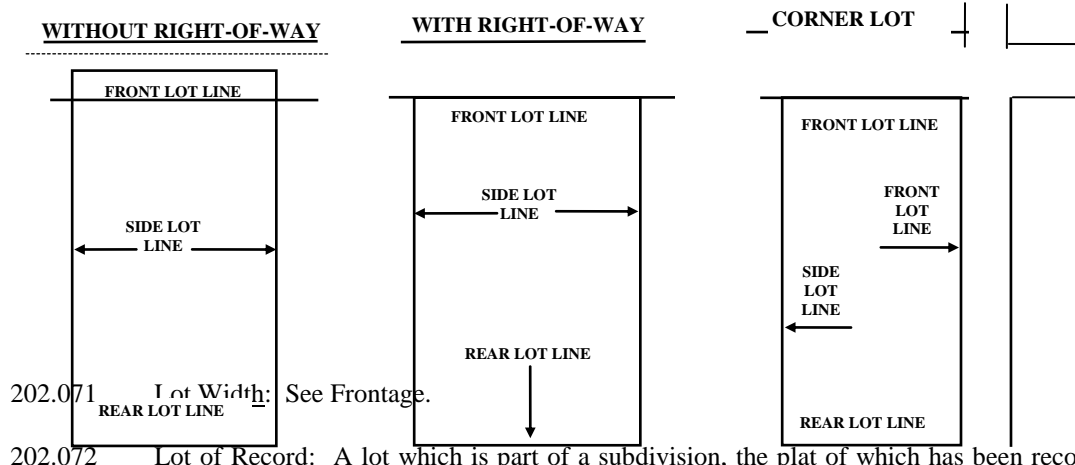
c. Double Frontage Lot: A lot having frontage on two (2) non-intersecting streets or two approximately perpendicular portions of the same street. (See Illustration)



202.069 Lot Coverage: That percentage of the lot area which, when viewed directly from above, would be covered by the principal and accessory structure or structures, or any part thereof, excluding projecting roof eaves of less than twenty-four (24) inches.

202.070 Lot Lines: Lines bounding the lot as shown in the accepted plat or survey record. (See Illustration)

- a. Front Lot Line: A lot line which either falls along a street right-of-way line or falls approximately along the center of a road, frontage the boundary of a lot. On a corner, lot lines along both streets shall be considered front lot lines.
- b. Side Lot Line: A lot line which is neither a front lot line nor a rear lot line.
- c. Rear Lot Line: The lot line that is most distant from, and most nearly parallel to, the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point the rear lot line shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to, and a maximum distance from the front lot line. In the case of a corner lot, the rear lot line shall be the lot opposite the shortest front lot line.



202.072 Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Greene County; or a parcel of land, the deed or land contract to which was of record as of the effective date of this Resolution or any appropriate amendment thereto.

202.073 Manufacturing, Heavy: Fabrication, altering, converting, assembling, storing, testing, and similar industrial uses which are generally major operations, extensive in character and require large sites, large open storage and service areas, extensive accessory facilities, and ready access to regional transportation. Heavy manufacturing uses may normally generate sane nuisances such as smoke, noise, vibration, dust, glare, air pollution, industrial traffic and water pollution.

202.074 Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations and normally do not require large sites. Such uses are normally relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, vibration, odor, water pollution, glare, air pollution, dust. Light manufacturing uses normally operate and store material within enclosed structures, and generate little industrial traffic or other nuisance.

202.075 Mineral Extraction Operation: Any operation, including accessory buildings, roads, or structures involving the excavation, mining, quarrying, storage, separation, cleaning and/or processing of clay, sand, gravel, limestone, shale, or other mineral resource. Such operation shall include all of the land or property that is used or owned in reserve by the person, firm, or corporation involved in such operation. Mineral extraction is an interim land use and such operations shall possess a plan for ultimate use of the property.

202.076 Mobile Home: A manufactured relocatable residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation and the design and construction of which meets the standards and specifications of the United States Department of Housing and Urban Development. A mobile home is not included within the definition of "Modular Home" and the removal of running gear shall not exempt a mobile home from this definition.

- 202.077 Mobile Home Park: Any lot upon which two or more mobile homes are located for residential use, either free of charge or for revenue purposes. A mobile home park shall include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.
- 202.078 Modular Home: A factory-fabricated transportable building consisting of two or more units designed to be assembled into a permanent structure at a building site on a permanent foundation and used for residential purposes by one family, and is built to meet the standards and specifications of the Industrial Unit Standards of the Ohio Building Code.
- 202.079 Motel: A building or group of buildings in which lodging is provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding or lodging house, or a multiple dwelling. A motel shall be distinguished from a hotel in that the building is usually designed to serve tourists traveling by automobile, entrance and exit to rooms need not be through a lobby or office, and parking is usually adjacent to the unit.
- 202.080 Non-Conforming Building or Structure: A building or structure lawfully existing at the time of enactment of this Resolution or subsequent amendments, which does not conform to the regulations of the district in which it is situated or other applicable provisions of this Resolution.
- 202.081 Non-Conforming Lot: A lot existing at the time of enactment of this Resolution or any subsequent amendments which does not conform to the lot area and frontage requirements of the district in which it is located.
- 202.082 Non-Conforming Use: A use of land lawfully existing at the time of enactment of this Resolution or subsequent amendments, which does not conform to the regulations of the district in which it is situated or other applicable provisions of this Resolution.
- 202.083 Nursery, Child Care: A building used for the commercial care of five (5) or more children who are not members or wards of the owner of his immediate family. All child care nurseries shall possess an appropriate license from the Ohio Department of Public Welfare as required.
- 202.084 Nursery, Retail: Land, buildings, structures, or a combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping.
- 202.085 Official Thoroughfare Plan: The Official Thoroughfare Plan for Greene County, Ohio, establishing the official right-of-way width of major streets on file in the office of the Recorder of Greene County, Ohio, and in the office of the Regional Planning and Coordinating Commission of Greene County, Ohio, together with all amendments thereto subsequently adopted.
- 202.086 Open Space: An area open and unobstructed to the sky which may be on the same lot with a building. The area may include natural environmental features, water areas, swimming pools, tennis courts, and other recreational facilities that the Zoning Commission, Board of Zoning Appeals, or Township Trustees, whichever is applicable, deems permissible. Streets, parking areas, structures for habitation, and the like shall not be included.
- 202.087 Open Storage: Storing or keeping of chattel not enclosed in a building.
- 202.088 Parking Space, Off-Street: A space located totally outside of any street or alley right-of-way for the parking of an automobile or other vehicle.
- 202.089 Prime Agricultural Soils: Prime agricultural soils are those soils within Silvercreek Township which display characteristics well-suited to agricultural activities such as field crops under normal or typical management practices. It has been determined through studies that the

following soil types, as described in the Soil Survey of Greene County, Ohio, are prime agricultural soils;

Ag	Algiers Silt Loam	OcA	Ockley Silt Loam (0 to 2 percent slopes)
BbB	Birkbeck Silt Loam (1 to 4 percent slopes)	OcB	Ockley Silt Loam (2 to 6 percent slopes)
Bs	Brookston Silty Clay Loam	OcB2	Ockley Silt Loam (2 to 6 percent slopes, moderately eroded)
Bt	Brookston - Urban Land Complex	OdB	Ockley Urban Land Complex (undulating)
CeA	Celina Silt Loam (0 to 2 percent slopes)	OeB	Odell Silt Loam (2 to 6 percent slopes)
CeB	Celina Silt Loam (2 to 6 percent slopes)	Pa	Patton Silty Clay Loam
CrA	Crosby Silt Loam (0 to 2 percent slopes)	Ra	Ragsdale Silty Clay Loam
CrB	Crosby Silt Loam (2 to 6 percent slopes)	RdA	Raub Silt Loam ( 0 to 2 percent slopes)
EdB	Edenton Silt Loam (2 to 6 percent slopes)	RdB	Raub Silt Loam (2 to 6 percent slopes)
Ee	Eel Loam	ReA	Reesville Silt Loam (0 to 2 percent slopes)
EmA	Eldean Silt Loam (0 to 2 percent slopes)	Rs	Ross Loam
EmB	Eldean Silt Loam (2 to 6 percent slopes)	RtA	Rush Silt Loam (0 to 2 percent slopes)
EmB2	Eldean Silt Loam (2 to 6 percent slopes, moderately eroded)	RtB	Rush Silt Loam (2 to 6 percent slopes)
FnA	Fincastle Silt Loam (0 to 2 percent slopes)	RuA	Russell Silt Loam (0 to 2 percent slopes)
Gn	Genesee Loam	RvB	Russell-Miamian Silt Loams (2 to 6 percent slopes)
Ln	Linwood Muck	RvB2	Russell-Miamian Silt Loams (2 to 6 percent slopes, moderately slopes)
MhA	Miamian Silt Loam (0 to 2 percent slopes)	SIA	Sleeth Silt Loam (0 to 2 percent slopes)
MhB	Miamian Silt Loam (2 to 6 percent slopes)	ThA	Thackery Silt Loam (0 to 2 percent slopes)
MhB2	Miamian Silt Loam (2 to 6 percent slopes, moderately eroded)	ThB	Thackery Silt Loam (2 to 6 percent slopes)
MoB2	Miamian-Eldean Silt Loams (2 to 6 percent slopes, moderately eroded)	WaA	Warsaw Loam (0 to 2 percent slopes)
MrB	Miamian Urban Land Complex (Undulating)	WeB	Wea Silt Loam ( 1 to 3 percent slopes)
MtA	Milton Silt Loam (0 to 2 percent slopes)	Ws	Westland Silty Clay Loam
MtB	Milton Silt Loam (2 to 6 percent slopes)	XeA	Xenia Silt Loam (0 to 2 percent slopes)
		XeB	Xenia Silt Loam (2 to 6 percent slopes)

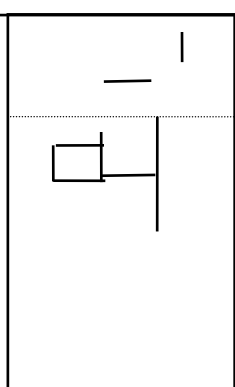
The physical distribution of these soils within Silvercreek Township, is noted on the Prime Agricultural Soils Map which is incorporated into this Resolution as a guide in considering zoning district amendments, variances appeals, conditional use permits, and other administrative actions.

- 202.090 **Principal Building:** A non-agricultural building in which is conducted the main or principal use of the lot on which said building is located; ordinarily the largest building on the lot, and ordinarily the use conducted on the first story of such building above the basement.
- 202.091 **Principal Use:** The main use to which the premises are devoted and the main purpose for which the premises exist
- 202.092 **Public Way:** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, land, parkway, right-of-way, road, sidewalk, street, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which is dedicated, whether improved or not.
- 202.093 **Recreational Vehicle:** Any motor vehicle, or any other vehicle less than thirty-five (35) feet in length, designed or intended to be used primarily for short term dwelling or sleeping purposes away from the place of residence of the occupants; and not constituting the principal place of residence of the occupants.
- 202.094 **Research Activities:** Research, development and testing related to such fields as chemical, pharmaceutical, medical electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside such building.
- 202.095 **Restaurant, Carry-Out:** An establishment whose primary function is the offering of food and beverages which are sold only inside the building and are usually packaged to be carried and consumed off of the premises, but may be consumed within the restaurant building or on the premises.

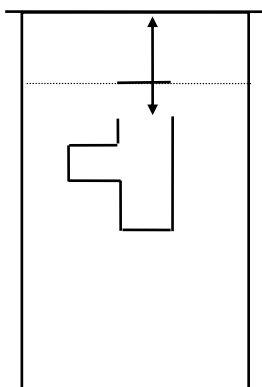
- 202.096 Restaurant, Drive-In: An establishment offering food and beverages which are sold within the building, or to persons while in motor vehicles in an area designated for drive-in service, and may be consumed on or off the premises.
- 202.097 Restaurant, Sit-Down: An establishment whose primary function is the offering of food and beverages which are sold and normally consumed within the restaurant building.
- 202.098 Retail: Sale to the ultimate consumer for direct consumption and/or use and not for resale.
- 202.099 Riding Academies: Facilities designed or used for the renting of horses and/or the instruction of horse riding, including any barns, exercise areas, and field areas to be used in the operation.
- 202.100 Right-of-Way: A strip of land purchased or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
- 202.101 Seat: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.
- 202.102 Screening: Structures, fences, or vegetation maintained for the purpose of concealing the area behind such structures or vegetation from view.
- 202.103 Setback Line: A line parallel to a lot line, street, or right-of-way line at any story level of a building which defines the limits of a yard and represents the distance which all or any part of a building or structure is to be set back from said lot line, street, or right-of-way line.
- Front Setback Line: An imaginary line parallel to the front lot line extending the full width of the lot, representing the distance which all or any part of any structure or building is to be set back from the front lot line. In the event that the front lot line does not fall along a right-of-way line, then the front setback line shall be measured from a line parallel to and twenty-five (25) feet from the centerline of the street. (See Illustration)
  - Side Setback Line: An imaginary line parallel to any side lot line representing the distance which all or any part of any principal building is to be set back from the rear lot line. (See Illustration)
  - Rear Setback Line: An imaginary line parallel to any rear lot line representing the distance which all or any part of any principal buildings is to be set back from the rear lot line. (See Illustration)

**FRONT SETBACK LINE  
WITHOUT RIGHT-OF-WAY**

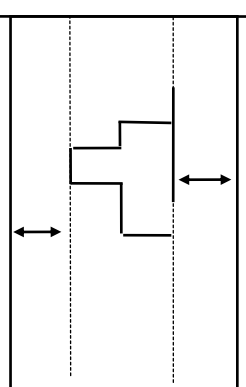
25 FT. OR AS  
SHOWN ON THE  
OFFICIAL  
THOROUGHFARE  
PLAN



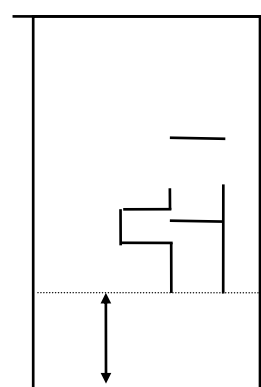
**FRONT SETBACK LINE**



**SIDE SETBACK LINES**



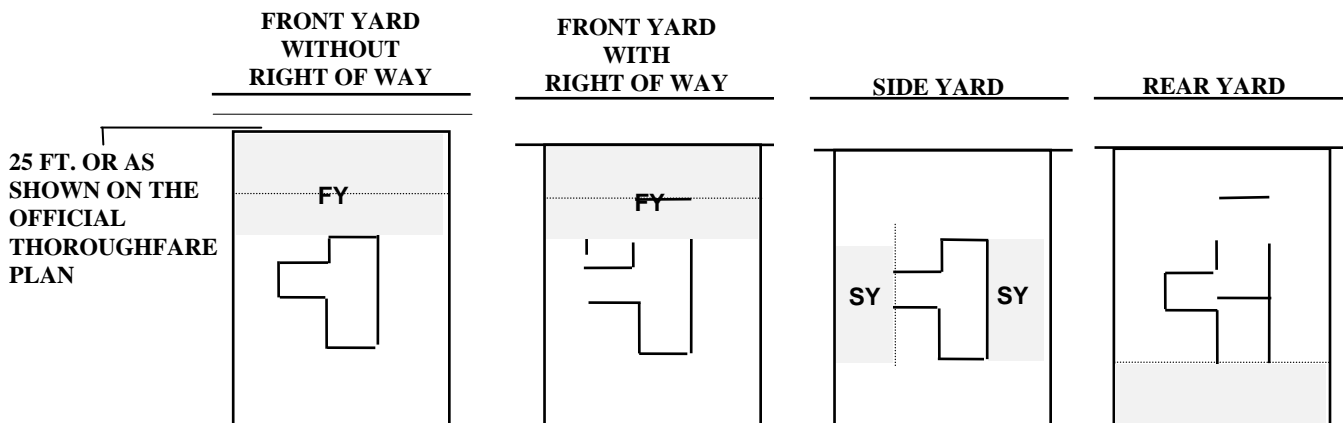
**REAR SETBACK LINE**



- 202.104 Sewage Disposal System, Central, (Off-Site): A wastewater treatment system approved by the appropriate county, state, and/or federal agencies which provides a collection network and a central wastewater treatment facility for a single development, a community, or a region.
- 202.105 Sewage Disposal System, On-Site: A septic tank or similar installation on an individual lot which utilizes an aerobic or anaerobic bacteriological process or equally satisfactory process for the treatment of sewage and provides for the proper and safe disposal of the effluent, and is approved by either the Greene County Combined Health District or the Ohio Environmental Protection Agency as appropriate.
- 202.106 Sign: A name, identification, description, display, or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business.
- a. Billboard: Any sign or advertisement used as an outdoor display by painting, posting, or affixing, on any surface, a picture, emblem, work, figure, numerals, or lettering for the purpose of directing attention to any business, service, or product which is not conducted or sold on the lot where such sign is located.
  - b. Sign Area: The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or figure of similar character together with any frame or material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which the sign is placed; sign area shall be computed from measurements of the maximum silhouette of the largest sign face or combination of faces as viewed from a single point.
  - c. Freestanding Sign: Any sign which is not attached to, painted on, or supported by a building.
  - d. Projecting Sign: Any sign which is attached perpendicular to any building or structure and extends more than twelve (12) inches beyond the surface of that portion of the building or structure.
  - e. Wall Sign: Any sign attached to or painted on the wall of a building or structure with the face in a plane parallel to such wall, and not extending more than twelve (12) inches from the face of such wall.
- 202.107 Stables: Facilities designed or used for the commercial boarding of horses including any barns, exercise areas, and field areas to be used in the stable operation.
- 202.108 Story: The part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor above; or if there is no a floor above, then the ceiling next above. The floor of a story may have split levels provided that there not be more than four feet difference in elevation between the different levels of the floor. A basement shall not be counted as a story.
- 202.109 Story, Half: An uppermost story lying under a gambrel, hip, gable, or shed roof if used, in whole or part, for dwelling or habitable purposes.
- 202.110 Street: See Thoroughfare
- 202.111 Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to the ground. Among other things, structures include buildings, mobile homes, walls, fences, swimming pools, tennis courts, signs, and billboards.

- 202.112 Swimming Pool: Any artificially constructed pool or natural body of water which contains a depth of water of at least 1 1/2 feet at any point used or intended to be used for swimming or bathing, including any accessory recreational structures.
- 202.113 Swimming Pool, Community: Any swimming pool, other than a private pool, which is the principal use upon a lot and operated with or without a charge for admission.
- 202.114 Swimming Pool, Private: A swimming pool located on the same lot as the principal use and used or intended to be used without compensation by the residents and guests of a single-family residence, a two-family residence, a multi-family development, or a motel.
- 202.115 Temporary Use or Structure: A transient, non-permanent use or structure permitted to exist for a designated period of time during periods of construction of the principal use or structure, or for special events. A temporary structure shall not be intended to be permanently affixed to the ground.
- 202.116 Tenant Farm Dwelling: A dwelling unit constructed or occupied for the purpose of providing housing for a farmer and his family who are engaged in assisting the owner in the practice of agriculture and/or maintenance of his farm. A farm dwelling shall be considered a tenant farm dwelling only if a principal farm dwelling also exists upon the lot, otherwise the dwelling shall be considered a principal farm dwelling.
- 202.117 Thoroughfare, Street, or Road: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for access to a property by vehicular traffic and designated as follows:
- a. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
  - b. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route
  - c. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
  - d. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end Permanently terminating in a vehicular turn around.
  - e. Dead-End-Street: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
  - f. Local Street: A street primarily for providing access to residential, commercial, or other abutting property.
  - g. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street and whose principal radius points of the one-hundred and eighty (180) degree system of turns are not more than one-thousand (1,000) feet from said arterial or collector street are not normally more than six hundred (600) feet from each other.
  - h. Marginal Access Street: A local or collector street, parallel to and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street.)
- 202.118 Township Trustees: The Board of Township Trustees of Silvercreek Township, Greene County, Ohio

- 202.119 Use: The specific purpose for which land, a structure, or a building is designed, arranged, intended, occupied, or maintained.
- 202.120 Variance: A variance is a modification of the strict terms of this Resolution where such modifications will not be contrary to the public interest and, where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Resolution would result in unnecessary hardship. Variances are granted only after the applicant has followed the procedures as stated in Article 10, Section 1003 of this Resolution.
- 202.121 Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such use may include overnight accommodations on the premises for treatment, observation, and/or recuperation.
- 202.122 Vicinity Map: A drawing which sets forth by dimensions or other means the relationship of a property or use to other nearby developments of landmarks and community facilities and services within Silvercreek Township in order to better locate and orient the area in question.
- 202.123 Water System, Central (Off-Site): A water supply system approved by the appropriate county, state, and/or federal agencies which provides a water supply to a single development, a community, or a region.
- 202.124 Water System, On-Site: A well or other similar installation on an individual lot which provides a water supply to any structures or uses upon the lot, subject to the approval of health and sanitation officials having jurisdiction.
- 202.125 Yard: An open or unoccupied space other than a court on the same lot with a principal building and unobstructed by buildings or structures from ground to sky except by trees or shrubbery or as otherwise provided herein. The minimum depth of a yard shall be determined by the setback lines as defined in this Resolution. No part of a yard provided for any building or structure shall be included as a part of any yard required for any other building or structure unless specifically permitted herein.
- a. Front Yard: An open space extending the full width of the lot between a building or structure and the front lot line of a street unoccupied and unobstructed from the ground upward except as hereinafter specified. Minimum depth shall be measured from the front lot line, existing right-of-way line, or proposed right-of-way line established on the Official Thoroughfare Plan or by any other method specified elsewhere in this Resolution, as appropriate. (See Illustration)
  - b. Side Yard: An open space extending from the front yard to the rear yard between a building or structure and the nearest side lot line unoccupied and unobstructed from the ground upward except as hereinafter specified. (See Illustration)
  - c. Rear Yard: An open space extending the full width of the lot between a building or structure and the rear lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified. (See Illustration.)





- 202.126 Zoning Commission: The Zoning Commission of Silvercreek Township, Greene County, Ohio.
- 202.127 Zoning District: See District.
- 202.128 Zoning Inspector: The Zoning Inspector or his authorized representative, appointed by the Township Trustees of Silvercreek Township, Greene County, Ohio.
- 202.129 Zoning Map: The Official Zoning District Map of Silvercreek Township, or portion thereof, together with all amendments thereof subsequently adopted.
- 202.130 Zoning Permit: A document issued by the Zoning Inspector certifying that the use of lot, structure, or building or location of a structure of building upon a lot is in conformance with this Resolution.

**ARTICLE 3**  
**ESTABLISHMENT OF**  
**DISTRICT AND MAP**

SECTION 301

ESTABLISHMENT OF DISTRICTS: In order to carry out the purposes and provisions of this Resolution, Silvercreek Township is hereby divided into the following zoning districts:

AGRICULTURAL DISTRICTS

- A-10 Prime Agricultural District
- A-3 General Agricultural District

RESIDENTIAL DISTRICTS

- RS-2 Low Density Single-Family Residential District
- RM-8 Medium-High Density Multiple-Family Residential District
- R-MH Mobile Home Park District

BUSINESS DISTRICTS

- TB Township Business District
- HB Highway Business District

INDUSTRIAL DISTRICT

- LI Light Industrial District
- HI Heavy Industrial District

FLOOD PLAIN DISTRICT

- FP Flood Plain District (overlay)

WO, WP WELLHEAD OPERATION DISTRICT

SECTION 302

Official Zoning District Map: The zoning districts and their boundaries are shown on the Official Zoning District Map of Silvercreek Township. The Official Zoning District Map shall be identified by the signature of the Chairman of the Township trustees, attested by the Township Clerk, and bearing the seal of the Township. The map, together with all explanatory data and changes, is hereby incorporated into and made part of this Resolution. The original and one copy of the official map are to be maintained and kept up-to-date by the Zoning Inspector. One up-to-date copy shall be the final authority as to the current zoning status of lands, buildings, and other structures within the Township.

SECTION 303

INTERPRETATION OF DISTRICT BOUNDARIES: Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning District Map, the following rules shall apply:

- 303.1 Boundaries indicated as approximately following the center lines or right-of-way lines of streets, highways, and/or alleys shall be construed to follow such lines or their extensions;
- 303.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lines;
- 303.3 Boundaries indicated, as approximately following municipal limits shall be construed as following municipal limits;
- 303.4 Boundaries indicated, as following railroad lines shall be construed to be the midway between the main tracks;
- 303.5 Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- 303.6 Boundaries indicated as parallel to or extensions of features or lines indicated in subsections 303.1 through 303.5 above shall be so construed. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map,

- 303.7 Initial interpretations of the location and/or elevation the flood plain shall be made by the Zoning Inspector. Should a dispute arise concerning the location and/or elevation of the flood plain, the Board of Zoning Appeals shall make the necessary determination using information provided in the Flood Insurance Study For the Unincorporated Areas of Greene County, Ohio prepared by the Federal Emergency Management Agency. The person questioning or contesting the location and/or elevation of the flood plain shall be given a reasonable opportunity to present his case to the Board of Zoning Appeals and to submit such technical evidence as the Board of Zoning Appeals requests; and
- 303.8 Where physical or cultural features existing on the ground are at a variance with those shown on the Official Zoning District Map, or in other circumstances not covered by the preceding subsections, the Board of Zoning Appeals shall interpret the district boundaries.

**ARTICLE 4**

**DISTRICT REGULATIONS**

## SECTION 401 USES NOT SPECIFICALLY MENTIONED

- 401.1 Uses Not Specifically Mentioned: Any use of land or buildings which is not specifically mentioned as a permitted principal, permitted accessory, or conditional use within any district shall not be permitted by the Zoning Inspector until it is determined by the Board of Appeals that such use is similar and compatible to uses permitted within such district. In determining if such uses are similar and compatible, the process outlined under Article 10, Section 1003 for Appeals shall be followed.

## SECTION 402 A-10 PRIME AGRICULTURAL DISTRICT

- 402.1 Intent and Purpose: The intent of the Prime Agricultural District is to recognize the long-range physical, social, and economic needs of the agricultural community within Silvercreek Township. Since agricultural pursuits provide a substantial economic base for Silvercreek Township, and many areas still exist which possess an existing agricultural character and prime agricultural soils, it is the intent of this district to maintain and protect such areas. Only those land uses which perform necessary functions within the agricultural community will be encouraged to locate within the Prime Agricultural District. Rural farm dwellings are permitted to locate within the Prime Agricultural District at a maximum density of one dwelling unit per ten acres. Unnecessary encroachment by non-agricultural land uses which limits agricultural effectiveness either through encroachment of land resources or through incompatibility of land uses will be discouraged.

- 402.2 Permitted Principal Uses:

- a. Agriculture.
- b. Churches.
- c. One single-family dwelling in accordance with Section 530.
- d. Essential services.
- e. Plant materials nurseries.
- f. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed through studies. Such uses include, but are not limited to: parks; playgrounds; libraries; schools; fire stations; community centers; water treatment, pumping, and storage facilities; waste water treatment and pumping facilities; and sanitary landfills.

- 402.3 Permitted Accessory Uses:

- a. Bona fide accessory agricultural structures or buildings including but not limited to barns, stables, sheds, tool rooms, shops, bins, tanks, silos, and fences.
- b. Accessory off-street parking and loading spaces as regulated in Article 6.
- c. Accessory signs as regulated in Article 7.

- d. One private garage.
- e. Home occupations regulated in Section 529.
- f. Accessory storage of recreational vehicles as regulated in Section 517.
- g. Roadside stands offering for sale agricultural products produced on the premises as regulated in Section 525.
- h. Temporary uses incidental to construction work as regulated in 525.
- i. Private accessory swimming pools and game courts for the use of occupants and their guests as regulated in Section 513.
- j. Fences as regulated in Section 510.
- k. Accessory structures necessary for domestic activities and storage, which does not include any business activity or other use not otherwise permitted within this Resolution.
- l. Radio, television, or other transmission towers or masts provided that such tower or mast and accessory building are located a distance equal to or greater than the height of the tower or mast from any existing dwelling.

402.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002 upon the satisfaction of the Board of Zoning Appeals that such use will not pose, by means of location or mode of operation, a threat to surrounding agricultural activities or unnecessary encroachment of prime agricultural soils:

- a. Commercial airports as regulated in Section 532.
- b. Cemeteries as regulated in Section 526.
- c. Agribusiness operations as regulated in Section 519.
- d. Horse care and riding operations as regulated in Section 520.
- e. Private recreation facilities, including but not limited to fishing lakes, swimming pools, tennis courts, gun clubs, country clubs, recreational vehicle parks and campgrounds, and golf courses (excluding driving ranges and miniature golf courses) as regulated in Section 514.
- f. Mineral extraction operations as regulated in Section 524.
- g. Private accessory landing strips as regulated in Section 532.
- h. Kennels provided that any building or outside enclosed area for animals is a minimum of five hundred (500) feet from any existing dwelling or residential district.
- i. Private schools and child care nurseries.
- j. Telephone exchanges, substations or other similar public utility buildings, including garage and maintenance buildings.
- k. Existing farm dwellings on non-conforming lots as Provided in Section 527.
- l. Tenant farm dwelling as regulated in Section 528.
- m. Billboards as regulated in Article 7.
- n. Private sanitary landfill operations as regulated in Section 523.
- o. Storage of construction equipment as regulated Section 517.

402.5 Minimum Dimensional Requirements:

As shown in Section 413.

SECTION 403 A-3 GENERAL AGRICULTURAL DISTRICT

403.1 Intent and Purpose: The General Agricultural District is intended for application in outlying rural areas where urbanization and the extension of central water supply is not expected within the foreseeable future. It should be encouraged in rural areas where the Prime Agricultural District is not appropriate due to such factors as soil types, topography, existing land use and potential encroachment upon substantial agricultural activities. Rural homesites with secondary agricultural activities are permitted to locate within the General Agricultural District at a maximum density of one dwelling unit Per 2.5 acres.

403.2 Permitted Principal Uses:

- a. Agriculture.
- b. Churches.
- c. One single-family dwelling in accordance with Section 530.
- d. Essential Services.
- e. Forests and wildlife preserves.
- f. Plant materials nurseries.
- g. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed through studies. Such uses include, but are not limited to: parks; playgrounds; libraries; schools; fire stations; community centers; water treatment, pumping, and storage facilities; wastewater treatment, pumping facilities; and sanitary landfills.

403.3 Permitted Accessory Uses:

- a. Bona fide accessory agricultural structures or buildings including but not limited to barns, stables, sheds, tool rooms, shops, bins, tanks, silos, and fences.
- b. Accessory off-street parking and loading spaces as regulated in Article 6.
- c. Accessory signs as regulated in Article 7.
- d. One private garage.
- e. Home occupations as regulated in Section 529.
- f. Accessory storage of recreational vehicles as regulated in Section 517.
- g. Roadside stands offering for sale agricultural products produced on the premises as regulated in Section 525.
- h. Temporary uses incidental to construction work regulated in Section 525.
- i. Private accessory swimming pools and game courts for the use of occupants and their guests as regulated in Section 513.
- j. Fences as regulated in Section 510.
- k. Private accessory landing strips as regulated in Section 532.
- l. Accessory structures necessary for domestic activities and storage, which does not include any business activity or other use not otherwise permitted within this Resolution.



403.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Commercial Airports as regulated in Section 532.
- b. Cemeteries as regulated in Section 526
- c. Horse care and riding operations as regulated in Section 520.
- d. Private recreation facilities, including but not limited to fishing lakes, swimming pools, tennis courts, gun clubs, recreational vehicle parks and campgrounds, camping areas, and golf courses (excluding driving ranges and golf courses) as regulated in Section 514.
- e. Mineral extraction operations as regulated in Section 524.
- f. Radio, television, or other transmission towers or masts provided that such tower or mast and accessory building are located a distance equal to or greater than the height of the tower or mast from any existing dwelling or residential district.
- g. Kennels provided that any building or outside enclosed area for animals is a minimum of five hundred (500) feet from any existing dwelling or residential district.
- h. Private schools and child care nurseries.
- i. Telephone exchanges, substations, or other similar public utility buildings including garage and maintenance buildings.
- j. Billboards as regulated in Section 710.
- k. Private sanitary landfill operations as regulated in Section 523.
- l. Storage of construction equipment as regulated in Section 517.
- m. Agribusiness.

403.5 Minimum Dimensional Requirements:

As shown in Section 413.

SECTION 404 E-3 RURAL RESIDENTIAL DISTRICT

404.1 Intent and Purpose: The intent of the Rural Residential Estate District is to recognize the existence of and the demand for residential lots of a relatively rural and spacious nature on which agricultural activities represent only a minor source of income for the occupants. Its purpose is to allow platted rural estate development to occur at an overall net residential density of three (3) acres per dwelling unit yet allow variable lot sizes within the development which recognize the physical characteristics of the site. Individual lots created outside of a plat by survey record shall be no less than 3 acres in area and have at least 200 feet frontage. This district is intended for application in outlying rural areas where urbanization and the extension or creation of central water supply and wastewater disposal systems are either not appropriate or not expected to occur for an extended period of time into the future. It is the intent of this district to encourage the proper placement of planned residential estate development within Silvercreek Township and coordination with the Greene County Subdivision Regulations through flexible lot requirements in an effort to insure the following: (1) on-going

adequacy of the underground water supply, (2) sufficient lot area for long term use of individual on-site leaching devices for wastewater disposal, and (3) the protection of prime agricultural soils and other irreplaceable natural resources. The Rural Residential Estate District should only be encouraged in those areas of Silvercreek Township which do not possess prime agricultural soils and/or in areas where similar non-farm residential development has already occurred to such an extent that the principal use of the land for large scale agricultural activities is no longer feasible.

404.2 Permitted Principal Uses:

- a. One single-family dwelling in accordance with Section 530.
- b. Churches and other places of worship as regulated in Section 531.
- c. Essential Services.
- d. Forests and wildlife preserves.
- e. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks, playgrounds, libraries, schools, fire stations, community centers, water pumping and storage facilities. No outside storage or stockpiling of materials shall be permitted.
- f. Community Based Residential Social Service Facilities: Family Care Homes as regulated in Section 518.

404.3 Permitted Accessory Uses:

- a. Accessory structures necessary for domestic activities and storage, which does not include any business activity.
- b. Accessory off-street parking and loading spaces as regulated in Article 6.
- c. Accessory signs as regulated in Article 7.
- d. One private garage.
- e. Home occupations as regulated in Section 529.
- f. Accessory storage of recreational vehicles as regulated in Section 517.
- g. Private accessory swimming pools and game courts for the use of occupants and their guests as regulated in Section 513.
- h. Fences as regulated in Section 510.

404.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Horse care riding operations as regulated in Section 520.
- b. Private recreation facilities, including but not limited to swimming pools, tennis courts, country clubs and golf courses (excluding driving ranges and miniature golf courses) as regulated in Section 514.
- c. Private landing areas as regulated in Section 532.
- d. Private schools and child care nurseries.
- e. Telephone exchanges, substations, or other maintenance buildings.
- f. Extensions of existing cemeteries as regulated in Section 526.

404.5 Minimum Dimensional Requirements:

As shown in Section 413.

SECTION 405 RS-2 LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT

405.1 Intent and Purpose: The intent of the Low Density Single-Family Residential District is to recognize the existence of and the demand for residential lots at a density of approximately two dwelling units per acre. Necessary services and accessory uses compatible with low density residential surroundings are encouraged to locate within this district. Central water supply and wastewater disposal facilities shall be required for land placed in this district.

405.2 Permitted Principal Uses:

- a. One single-family dwelling in accordance with Section 530.
- b. Churches and other places of worship as regulated in Section 531.
- c. Essential services.
- d. Forests and wildlife preserves.
- e. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks, playgrounds, libraries, schools, fire stations, community centers, water pumping and storage facilities, and wastewater pumping facilities. No outside storage or stockpiling of material shall be permitted.
- f. Community Based Residential Social Service Facilities: Family Care Homes as regulated in Section 518.

405.3 Permitted Accessory Uses:

- a. Accessory structures necessary for domestic activities and storage, which does not include any business activity.
- b. Accessory off-street parking and loading spaces as regulated in Article 6.
- c. Accessory signs as regulated in Article 7.
- d. One private garage.
- e. Home occupations as regulated in Section 529.
- f. Accessory storage of recreational vehicles as regulated in Section 517.
- g. Private accessory swimming pools and game courts for the use of occupants and their guests as regulated in Section 513.
- h. Temporary uses incidental to construction work as regulated in Section 525.
- i. Fences as regulated in Section 510.

405.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Private schools and child care nurseries.
- b. Extensions of existing cemeteries as regulated in Section 526.

- c. Private recreation facilities, including but not limited to swimming pools, tennis courts, country clubs and golf courses (excluding driving ranges and miniature golf courses) as regulated in Section 514.

405.5 Minimum Dimensional Requirements:

As shown in Section 413.

SECTION 406 RM-8 MEDIUM-HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT

406.1 Intent and Purpose: The intent of this district is to provide for both two-family and multiple-family residential development at a density up to approximately eight units per acre. Necessary services and accessory uses compatible with medium-high density residential surroundings are encouraged. This district should only be encouraged at locations which possess adequate access to schools, employment areas, shopping facilities, and other community services via major streets without passage through areas of lower density. Central water and sewer facilities shall be required for land placed within this district.

406.2 Permitted Principal Uses:

- a. One two-family dwelling or multiple-family dwelling structure in accordance with Section 530.
- b. Churches and other places of worship as regulated in Section 531.
- c. Essential services.
- d. Forests and wildlife preserves.
- e. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks, playgrounds, libraries, schools, fire stations, community centers, water pumping and storage facilities and wastewater pumping facilities. No outside storage or stockpiling of material shall be permitted.
- f. One boarding house.
- g. Community-Based Residential Social Service Facilities: Family Care Homes as regulated in Section 518.

406.3 Permitted Accessory Uses:

- a. Accessory structures necessary for domestic activities and storage, which does not include any business activity.
- b. Accessory off-street parking and loading spaces as regulated in Article 6.
- c. Accessory signs as regulated in Article 7.
- d. Home occupations as regulated in Section 529.
- e. Accessory storage of recreational vehicles as regulated in Section 517.
- f. Private accessory swimming pools and game courts for the use of occupants and their guests as regulated in Section 513.

- g. Temporary uses incidental to construction work as regulated in Section 525.
- h. Fences as regulated in Section 510.

406.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Private schools and child care nurseries.
- b. Extensions of existing cemeteries as regulated in Section 526.
- c. Private recreation facilities, including but not limited to swimming pools, tennis courts, country clubs, and golf courses (excluding driving ranges and miniature golf courses) as regulated in Section 514.
- d. Community Based Residential Social Services Facilities: Group Care Homes or Homes for Adjustment as regulated in Section 518.

406.5 Minimum Dimensional Requirements: As shown in Section 413.

SECTION 407 R-MH MOBILE HOME PARK DISTRICT

407.1 Intent and Purpose: The purpose of the Mobile Home Park District is to provide sites for mobile homes at appropriate locations in relation to existing and potential development of the surroundings, other land uses, and community facilities. By realizing the special requirements of the mobile home and specifying the provisions under which mobile home parks may be established, this district is intended to provide a proper setting for such uses in relationship to other land uses and to Perspectives: A Future Land Use Plan for Greene County.

407.2 Permitted Principal Uses: The following uses may be permitted provided all the requirements of the Mobile Home Park District are met:

- a. Mobile homes.
- b. Essential Services.
- c. Public parks, playgrounds, and other public recreation facilities, including but not limited to community swimming pools, golf courses (excluding driving ranges and miniature golf), game courts, ball fields and country clubs.

407.3 Accessory Uses:

- a. Those uses required for the direct servicing and well being of mobile home park residents, and for the management and maintenance of the mobile home park, including but not limited to offices, storage facilities, laundry facilities, and recreation areas.

- b. Structural additions to mobile homes which include awnings, cabanas, carports, Florida rooms, porches, ramadas, storage cabinets, and similar accessory structures. All such additions shall be considered as part of the mobile home for the purpose of determining compliance with the minimum design standards of this section.

407.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Home occupations as regulated in Section 529.

407.5 General Provisions: The design, location, and operation of all mobile home parks shall be in accordance with the following provisions:

- a. It shall be unlawful for any person, firm, and/or corporation to open, operate, or administer any mobile home park within Silvercreek Township unless a valid license is obtained from the proper health authorities in the name of such person, firm, or corporation for the specific mobile home park.
- b. Any mobile home not located within a licensed mobile home park and not used for agricultural tenants on or after the effective date of this Resolution is privileged to remain at its present location, but may not be relocated within the Township except by meeting the requirements of this Section.
- c. No existing mobile home park may be expanded or altered without first obtaining the licenses required in this Section, meeting the requirements of this Section, and obtaining a Mobile Home Park Permit.
- d. At least forty percent (40%) of the mobile home park lots shall be completed and ready for occupancy before the owner may initiate rental of any space within the development. Such completion shall include installation of roadways, sidewalks, lighting, public utilities, and service and management buildings.
- e. Conditions of soil, ground water level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors, or other adverse influences. No portion subject to predictable sudden flooding or erosion shall be used for any purpose which would expose persons or property to hazards.
- f. Mobile home parks shall be served adequately by essential public facilities and services such as water supply, wastewater disposal, highways, streets, police and fire protection, drainage, refuse disposal, and schools. Persons or agencies responsible for the establishment of Mobile Home Parks shall be able to adequately provide any such services.
- g. Mobile home parks shall be consistent with the intent and purpose of Perspectives: A Future Land Plan for Greene County, Ohio.

- h. Mobile home parks shall have vehicular approaches to the property which shall be so designed as not to create an interference with or hazard to traffic on surrounding public streets or roads.
- i. Development of a mobile home park shall not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.
- j. Mobile home parks shall meet those requirements of the Ohio Revised Code and Sanitary Codes and the regulations of the Greene County Combined Health Department which are more restrictive than the requirements of this Resolution

407.6 Specific Minimum Design Standards: All mobile home parks created, altered, or expanded after the effective date of this Resolution shall meet the following minimum design standards:

- a. Every mobile home park shall not contain less than ten (10) acres of land.
- b. All mobile home parks shall have a frontage of not less than two-hundred fifty (250) feet along a public thoroughfare.
- c. Each mobile home park shall provide a buffer area of at least forty (40) feet between the right-of-way line of adjacent public roads and highways and any portion of a mobile home lot. The buffer area shall be clear of obstruction with the exception of approved trees and landscaping materials. No mobile home lot shall extend into any required buffer strip.
- d. Signs shall be permitted only in accordance with the provisions of Article 7, unless otherwise approved by the Board of Zoning Appeals.

407.7 APPLICATION FOR DISTRICT CHANGE: An application for a Mobile Home Park District shall follow the procedures in Article 10, Section 1004. The application shall contain the following text and map information in addition to the information required in Article 10, Section 1004:

- a. A vicinity map at a scale approved by the Zoning Commission including property lines, streets, existing and proposed zoning, and such other items as the Zoning Commission may require to show the relationship of the Mobile Home Park to Perspectives: A Future Land Use Plan for Greene County, Ohio.
- b. Proposed topography for the site including final pad elevations showing contour levels at intervals approved by the County Engineer.
- c. Proposed location, site size and total number of mobile home sites.
- d. Proposed location and width of vehicular and pedestrian circulation systems.
- e. Proposed size and location of parking areas.

- f. Proposed size, location, and use of non-residential portions of the tract, including recreation areas and usable open spaces.
- g. Proposed provisions for fire protection, water supply, sanitary sewage disposal, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
- h. Proposed provisions for refuse disposal.
- i. Proposed accessory buildings and uses within the tract.
- j. Proposed location of street lighting system.
- k. Proposed buffer areas and/or screening.
- l. Deed restrictions, covenants, easements, encumbrances, or other devices to be used to control the use, development, and maintenance of the land.
- m. A fee as established by the Township Trustees.

SECTION 408 TB TOWNSHIP BUSINESS DISTRICT

408.1 Intent and Purpose: The purpose of the Township Business District is to provide for the establishment of areas devoted for the use of those retail and personal service businesses that operate as a response to the daily needs of the residents of Silvercreek Township. Uses in this district are intended to be located on major streets at strategic access points to surrounding areas minimizing the potential adverse effects on surrounding residential property. It is the intent of this District to encourage clustering of businesses in order to discourage "strip" development, provide for a minimum of traffic interference and encourage pedestrian access.

408.2 Permitted Principal Uses: Public water supply and sanitary sewer service shall be available to the site, or the owner shall present proof that proposed on-site water and/or sewage disposal facilities have been approved by the Greene County Health Department and/or the Ohio Environmental Protection Agency before any Zoning Permit shall be issued to such use.

See Table 2, Schedule of Permitted Principal Uses.

408.3 Accessory Uses:

- a. Off-street parking and loading spaces as regulated in Article 6.
- b. Signs as regulated in Article 7.
- c. Storage within an enclosed building of supplies or merchandise which are normally carried in stock in connection with a permitted use.
- d. Temporary buildings or uses as regulated in Section 525.

408.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

See Table 2, Schedule of Permitted Uses.

408.5 Minimum Dimensional Requirements:

As shown in Section 413.



## SECTION 409 HB HIGHWAY BUSINESS DISTRICT

409.1 Intent and Purpose:

409.2 The Purpose of the Highway Business District is to isolate and provide areas for automobile-oriented businesses and commercial-recreation types of uses which serve a large regional market as well as the traveling motorist. It is also intended for uses which require outdoor storage. In addition, it is intended that this district be placed at strategic points along major thoroughfares several miles apart with immediate access to regional transportation arteries. It is not intended that strips along major roads be placed in this district.

409.2 Permitted Principal Uses:

See Table 2, Schedule of Permitted Principal Uses.

409.3 Permitted Accessory Uses:

- a. Accessory off-street parking and loading spaces as regulated in Article 6.
- b. Accessory signs as regulated in Article 7.
- c. Accessory storage of supplies or merchandise normally carried in stock in connection with a permitted use subject to applicable screening regulations.
- d. Temporary buildings as uses as regulated in Section 525.

409.4 Conditional Uses:

See Table 2, Schedule of Permitted Principal Uses.

409.5 Minimum Dimensional Requirements:

As shown in Section 413.

## SECTION 410 LI LIGHT INDUSTRIAL DISTRICT

410.1 Intent and Purpose: The purpose of the Light Industrial District is to provide space for those industrial uses which operate in a clean and quiet manner and generate only light to moderate amounts of traffic. This district is not intended for the use of industries which deal with hazardous elements or emit noise, glare, dust, odor, smoke, or possess other offensive characteristics detrimental to surrounding land uses such as large traffic generators. The

intent is to create and protect efficient light industrial areas by insuring careful design, placement, and grouping of industries which will promote the protection of any adjacent residential or business activities.

Land to be placed in this district is intended to have level topography, public utilities, and major transportation facilities readily available.

- 410.2 Permitted Principal Uses: Manufacturing or industrial uses including, but not limited to, the following uses provided that by the nature of the materials, equipment, or processes utilized, such use is not objectionable by reason of odor, radiation, noise, vibration, cinders, gas, fumes, dust, smoke, refuse matter, or wastewater generation. Public water supply and a public sanitary sewer system shall be available to the site, or the owner shall present proof that proposed on-site water and/or the Ohio Environmental Protection Agency before any Zoning Permit shall be issued to such use.

See Table 2, Schedule of Permitted Principal Uses.

- 410.3 Accessory Uses:

- a. Off-street parking and loading spaces regulated in Article 6.
- b. Signs as regulated in Article 7.
- c. Temporary buildings as regulated in Section 525.
- d. Storage of materials within an enclosed building normally utilized in connection with a permitted use.
- e. Accessory landing areas as regulated in Section 532.

- 410.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section: 1002:

See Table 2, Schedule of Permitted Principal Uses.

- 410.5 Minimum Dimensional Requirements:

As shown in Section 413.

## SECTION 411 HI HEAVY INDUSTRIAL DISTRICT

- 411.1 Intent and Purpose: The purpose of the Heavy Industrial District is to create and protect areas for industries which require large sites and should be isolated from other land uses by virtue of their external effects such as heavy traffic generation, open storage materials, and possible emission of noise, glare, dust, odor, smoke, or other offensive characteristics. This district is intended to insure proper design, placement, and grouping of all types of industries of this nature within the Township so as not to create a nuisance to other surrounding land uses. Land to be placed in this district is intended to have level topography, sufficient public utilities, and major transportation facilities readily available.

411.2 Permitted Principal Uses: Manufacturing or industrial uses including but not limited to the following uses. Public water supply and a public sanitary sewer system shall be available to the site or the owner shall present proof that proposed on-site water and/or sewage disposal facilities have been approved by Greene County Health Department and/or the Ohio Environmental Protection Agency before any Zoning Permit shall be issued to such use.

See Table 2, Schedule of Permitted Principal Uses.

411.3 Accessory Uses:

- a. Indoor or outdoor storage of materials normally utilized in connection with a permitted use.
- b. Off-street parking and loading spaces as regulated in Article 6.
- c. Signs as regulated in Article 7.
- d. Temporary buildings or uses as regulated in Section 525.
- e. Accessory landing areas as regulated in Section 532,

411.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002

See Table 2, Schedule of Permitted Principal Uses.

411.5 Minimum Dimensional Requirements:

As shown in Section 413.

## SECTION 412 FP FLOOD PLAIN DISTRICT

412.1 Intent and Purpose: The purpose of the Flood Plain District is to prevent the loss of property and life, to prevent the creation of health and safety hazards, to prevent the disruption of commerce and governmental services, to prevent the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and to prevent the impairment of the tax base by:

- a. Regulating uses, activities, and developments which, acting alone or in combination with other existing or future uses, activities, and developments, will cause unacceptable increases in flood heights, velocities and frequencies;
- b. Restricting or prohibiting certain uses, activities, and developments from locating within areas subject to flooding;
- c. Requiring all those uses, activities, and developments that occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage; and
- d. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based upon the Flood Insurance Study for the Unincorporated Areas of Greene County, Ohio prepared by the Federal Emergency Management Agency. The Flood Insurance Study, with accompanying maps and any revisions thereto, is adopted by reference and declared to be a part of this Resolution. Where detailed studies of the Floodway and Floodway Fringe have not been made available within the Flood Insurance Study, the following sources of data may be used to determine the necessary elevations for the purposes of this Resolution:

- a. Corps of Engineers-Flood Plain Information Reports.
- b. U.S. Geological Survey-Flood Prone Quadrangles.
- c. U.S.D.A., Soil Conservation Service-Flood Hazard Analyses Studies and County Soil Surveys (Alluvial Soils).
- d. Ohio Department of Natural Resources-Flood Hazard Reports and Flood Profile Charts.
- e. Known highwater marks from past floods.
- f. Other sources acceptable to the Board of Zoning Appeals.

This Resolution does not imply that areas outside of the Flood Plain district as designated on the Official Zoning District Map or land uses permitted within such district will be free from flooding damages. This Resolution shall not create liability on the part of Silvercreek Township or any official or employee thereof for any flood damages that result from reliance on this Resolution.

412.2 Permitted Principal Uses: The following open space uses shall be permitted provided that they do not require the open storage of materials and equipment, or any fill material or permanent structures which project above the existing ground elevation, except as provided for under Conditional Uses in this section.

- a. Agriculture, not including the spreading, accumulation, feeding, or use of garbage in any manner on the open surface of the ground.
- b. Forests and wildlife preserves.
- c. Private and public outdoor recreational activities, including such uses as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat and canoe launching ramps, swimming areas, parks hunting areas, fishing areas , hiking trails, horseback riding trails and open amphitheaters.
- d. Residential open space uses such as lawns, gardens, woodlands, and play areas.
- e. Plant material nurseries.
- f. Public uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks; playgrounds; water treatment, pumping, and storage facilities; and wastewater treatment and pumping facilities.
- g. Open parking and loading areas as regulated in Article 6.

- h. Airport approach zones and landing strips as regulated in Section 532.
- i. Essential services.
- j. Temporary, transient, and portable activities such as religious services, bazaars, carnivals, or circuses provided the requirements of Section 525 are met.

412.3 Permitted Accessory Uses:

- a. Accessory off-street parking and loading spaces as regulated in Article 6.
- b. Accessory signs as regulated in Article 7, provided that they do not impair the efficiency or the capacity of the flood plain to store and discharge flood waters.
- c. Accessory fences as regulated in Section 510 provided that they do not impair the efficiency or the capacity of the flood plain to store and discharge flood waters.
- d. Other uses customarily incidental to the above permitted principal uses, provided that they do not require structures, fill, or the storage of materials and equipment.

412.4 Conditional Uses: The following uses may be permitted provided they meet the requirements set forth both in this Section and Article 10, Section 1002, of this Resolution.

- a. Structures accessory to permitted agricultural uses.
- b. Structures accessory to permitted private and public outdoor recreational activities.
- c. Structures required in the provision of essential services.
- d. Mineral extraction operations as regulated in Section 524.
- e. Fill material required to elevate permitted structures above the 100-year regional flood elevation as regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act (PL 92-500, 86 Stat. 816.)
- f. The alteration or extension of any non-residential structure presently located outside of the Flood Plain District into the Flood Plain District.
- g. Horse Care and Riding Operations as regulated in Section 520.
- h. Private Recreation Facilities as regulated in Section 514.
- i. Billboards as regulated in Article 7.

412.5 Prohibited Uses: The following uses shall be expressly prohibited from locating within the Flood Plain District.

- a. Structures for human habitation.
- b. The location of structures or fill material which will raise the elevation of the 100-year flood level more than one (1) foot at any point calculated by the engineering principle equal reduction of conveyance.

412.6 Minimum Dimensional Requirements:

As shown in Section 413.

412.7 Required Conditions:

- a. All applications for a conditional Use Permit within the Flood Plain District shall be accompanied by a report and recommendation bearing the seal of a professional surveyor registered in the State of Ohio certifying the elevation of the 100-year regional flood on the property, the location and elevation of existing and proposed fill and/or structures not elevated above the 100-year regional flood elevation.
- b. Upon consideration of the application for a Conditional Use Permit, the Board of Zoning Appeals may attach conditions to such uses as it deems necessary to further the purposes of this Section. Such conditions may include but not be limited to the following:
  1. Requirements for the elevation of structures of a minimum of eighteen (18) inches above the one-hundred year flood elevation;
  2. Modification of waste disposal and water supply facilities to the satisfaction of the Greene County Health Department and/or the Greene County Sanitary Engineer;
  3. Limitations on periods of use and operations;
  4. Imposition of operational controls, sureties, and deed restrictions;
  5. Requirements for construction of channel modifications, dikes, levees, and other protective measures; and/or
  6. Flood proofing measures such as the following may be required and shall be designed consistent with the regional flood protection elevation for the particular area, flood velocities, duration's, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regional flood. The Board of Zoning Appeals shall require that the applicant submit a plan or document certified by a registered professional engineer that the flood proofing measures are consistent with the regional flood protection elevation and associated flood factors for the particular area. The following flood proofing measures may be required:
    - a. Anchorage to resist flotation and lateral movement;
    - b. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction;
    - c. Reinforcement of walls to resist water pressures;
    - d. Use of paints, membranes, or mortars to reduce seepage of water through walls;
    - e. Addition of mass or weight to structures to resist flotation;
    - f. Installation of pumps to lower water levels in structures.
    - g. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters;
    - h. Pumping facilities or comparable practices for sub-surface drainage systems for buildings to relieve external foundation wall and basement flood pressures;

- i. Construction to resist rupture or collapse caused by water pressure or floating debris;
  - j. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back up of sewage and storm waters into the buildings or structures. Gravity drainage of basements may be eliminated by mechanical devices;
  - k. Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regional flood; and/or
  - l. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the regional flood protection elevation or are adequately flood proofed to prevent flotation of storage containers which could result in the escape of toxic materials into floodwaters.
- c. In passing upon such applications, the Board of Zoning Appeals shall consider the following relevant factors:
1. The danger of life and property due to increased flood heights or velocities caused by encroachments.
  2. The danger that materials may be swept on to other lands or downstream to the injury of others.
  3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the owner.
  5. The importance of the services provided by the proposed facility to the community.
  6. The requirements of the facility for a waterfront location.
  7. The availability of alternative locations not subject to flooding for the proposed use.
  8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  9. The relationship of the proposed use to Perspectives: A Future Land Use Plan for Greene County, Ohio.
  10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
  12. Other factors which are relevant to the purposes of this Resolution.

SECTION 413 MINIMUM DIMENSIONAL REQUIREMENTS: Minimum dimensional requirements for each district shall apply as shown in the following table.

ZONING DISTRICT	PERMITTED PRINCIPAL USES	MINIMUM LOT AREA PER FAMILY OR PER PRINCIPAL STRUCTURE			MINIMUM LOT FRONTAGE	MINIMUM CORNER LOT FRONTAGE	MINIMUM YARD REQUIREMENTS			MAXIMUM HEIGHT	MAXIMUM LOT COVERAGE	
		ON-SITE WATER & SEWER	ON-SITE WATER & SEWER	CENTRAL WATER & SEWER			FRONT (b)	TOTAL SIDE	REAR			
A-10	Article 4 Section 402.2	10 Acres	10 Acres	10 Acres	350 ft.	350 ft.	50 ft.	20 ft.	50 ft.	50 ft.	35 ft.	10%
A-3	Article 4 Section 403.2	2.5 Acres	2.5 Acres	2.5 Acres	300 ft.	300 ft.	50 ft.	20 ft.	50 ft.	50 ft.	35 ft.	10%
<b>PLANNED SUBDIVISION LOTS</b>												
<b>AVERAGE NET DENSITY MUST EQUAL 3 ACRES</b>												
E-3	Single Family Dwellings	5 + Acres	5 + Acres	5 + Acres	250 ft.	250 ft.	50 ft.	20 ft.	50 ft.	50 ft.	35 ft.	10%
		4 Acres	4 Acres	4 Acres	225 ft.	225 ft.						
		3 Acres	3 Acres	3 Acres	200 ft.	200 ft.						
		2 Acres	2 Acres	2 Acres	175 ft.	175 ft.						
		1 Acre	1 Acre	1 Acre	150 ft.	150 ft.						
	All other Permitted Uses in Article 4 Section 404.2	1 Acre	1 Acre	1 Acre	150 ft.	150 ft.	50 ft.	20 ft.	50 ft.	50 ft.	35 ft.	
RS-2	Article 4 Section 406.2	1 Acre	1 Acre	20,000 Sq. Ft.	100 ft.	125 ft.	40 ft.	10 ft.	25 ft.	50 ft.	35 ft.	20%
RM-8	Two-Family Dwellings	Not Permitted	Not Permitted	6,000 Sq. Ft.	100 ft.	125 ft.	35 ft.	10 ft.	25 ft.	30 ft.	35 ft.	30%
	Multiple Family (f) Dwellings	Not Permitted	Not Permitted	5,000 Sq. Ft.	130 ft.	130 ft.	35 ft.	20 ft.	40 ft.	30 ft.	35 ft.	
	All Other Permitted Uses in Article 4 Section 411.2	Not Permitted	Not Permitted	1 Acre	150 ft.	150 ft.	35 ft.	20 ft.	40 ft.	30 ft.	35 ft.	
R-MH	<b>AS REGULATED IN ARTICLE 4, SECTION 413</b>											
TB	Article 4 Section 415.2	2 Acres	2 Acres	1 Acres	200 ft.	200 ft.	50 ft.	15 ft. (c)	30 ft. (c)	50 ft.	35 ft.	30% Buildings 75% Total
HB	Article 4 Section 419.2	2 Acres	2 Acres	2 Acres	200 ft.	200 ft.	40 ft.	15 ft. (c)	30 ft. (c)	50 ft.	35 ft.	30% Buildings 85% Total
LI	Article 4 Section 420.2	2 Acres	2 Acres	2 Acres	200 ft.	200 ft.	40 ft.	15 ft. (d)	30 ft. (d)	50 ft. (e)	35 ft.	30% Buildings 75% Total
HI	Article 4 Section 421.2	5 Acres	5 Acres	5 Acres	300 ft.	300 ft.	70 ft.	30 ft. (d)	60 ft. (d)	100 ft. (e)	35 ft.	40% Buildings 85% Total
FP	Article 4 Section 422.2	3 Acres	3 Acres	3 Acres	200 ft.	200 ft.	50 ft.	20 ft.	50 ft.	50 ft.	35 ft.	Subject to Approval by the Board of Zoning Appeals

- (a) Lot size shown is the required minimum. Final lot size shall be subject to approval by the Greene County Combined Health District or the Ohio Environmental Protection Agency, whichever is applicable.
- (b) A minimum setback of seventy (70) feet shall be required along major thoroughfares or where off-street parking is provided within the front yard
- (c) Side Yards abutting residential districts shall be a minimum of fifty (50) feet. However, where some natural barrier such as a railroad, stream, or limited access highway intervenes, the Board of Zoning Appeals may reduce this requirement.
- (d) Side yards and rear yards abutting residential districts shall be a minimum of two-hundred (200) feet for the LI District and two-hundred (200) feet for the HI District.
- (e) The rear yard shall not be less than two-hundred (200) feet when abutting a residential district. However, where same natural barrier such as a railroad, stream, or limited access highway intervenes, the Board of Zoning Appeals may reduce this requirement.
- (f) No more than 8 units per net acre shall be permitted.

SECTION 414 WO, WP WELL FIELD PROTECTION DISTRICTS



WO Wellhead Operation District

WP Well Field Protection Overlay District

(This section shall become effective at such time as the Official Zoning Map is duly amended to identify WO and WP District areas)

414.01 Intent:

It is the intent of the WO Wellhead Operation District and the WP Well Field Protection Overlay District to safeguard the public health, safety and welfare of the customers of protected public water supplies and to protect the community's potable water supply against contamination by regulating land use and the storage, handling, use and/or production of Regulated Substances as defined in Section 414, Section 414.05 of the Zoning Resolution. These districts will be shown on the Zoning Map of Silvercreek Township at the location of the existing or proposed public wells and their capture areas.

414.02 Determination of Applicability:

(1) Responsibility:

It shall be the responsibility of any person owning real property and/or owning or operating a business within Silvercreek Township to make a determination of the applicability of this Section as it pertains to the property and/or business and failure to do so shall not excuse any violations of this Section.

(2) Applicability Based on Regulated Substances:

Applicability based on de minimis quantities and/or limited exclusion pertaining to Regulated Substances as set forth in this Section shall be determined separately for each use, as defined in Section 2, Section 2.02, Paragraph 105, associated with the property.

414.03 WO Wellhead Operation District:

(1) Permitted Principal Uses:

- (a) Municipal water supply, treatment, and operations facilities in accordance with the Public Provider's plan(s) for water supply and treatment.
- (b) Public parks, playgrounds and community centers.

(2) Conditional Uses:

Existing single family detached residences.

(3) Groundwater Protection Standards:

- (a) Use of Regulated Substances in conjunction with public water supply and treatment activities shall not be restricted by this paragraph.
- (b) Use of Regulated Substances in conjunction with public parks, playgrounds and community centers shall be in accordance with the Public Provider's management plan for Maintenance of Sensitive Areas.
- (c) Use of Regulated Substances in conjunction with conditional uses in this district shall be limited to:
  - 1. The aggregate of Regulated Substances in use may not exceed twenty (20) gallons or one-hundred and sixty (160) pounds at any time.
  - 2. The total use of Regulated Substances may not exceed fifty (50) gallons or four hundred (400) pounds in any twelve month period.
- (d) A limited exclusion from the provisions of Section 414.03, Paragraph (3)(c) is authorized for non-routine maintenance or repair of property or equipment. The use of Regulated Substances under this exclusion shall be limited to:
  - 1. The aggregate of Regulated Substances in use may not exceed fifty (50) gallons or four hundred (400) pounds at any time.
  - 2. The total use of Regulated Substances may not exceed one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period.
- (e) Storage of Regulated Substances in conjunction with public water supply and treatment activities shall not be restricted by this paragraph.
- (f) Underground storage of fuel and lubricants for vehicle operations in conjunction with permitted and conditional uses in this district shall be in tanks placed above the floor surface of a below grade vault. Said vault shall allow access for physical inspection of the tank for leakage and the interior of the vault shall be continuously monitored and alarmed to provide for automatic and immediate detection of any release from the tank.
- (g) Notwithstanding other provisions of this Section, non conforming uses in this district presently utilizing underground storage tanks for fuel and lubricants for vehicle operations shall be permitted to replace existing tanks with those constructed as per specifications of Section 414.03, Paragraph (3)(f) and not exceeding the capacity of

existing tanks. Replacement of underground tanks for Regulated Substances other than fuel and lubricants for vehicle operations is not permitted.

- (h) Storage of Regulated Substances other than fuel and lubricants for vehicle operations in conjunction with permitted and conditional uses in this district is prohibited.
- (i) As part of the findings required under Article 10 of the Zoning Resolution prior to issuance of a Zoning Permit or a Certificate of Zoning Compliance, the Township Zoning Inspector shall utilize the Hazard Potential Ranking System, identified in Section 414.04, paragraph 9 to assist in the determination of intensity of use within this district. No substitutions of a non-conforming use shall be permitted which result in an increase of the Hazard Potential Ranking on a parcel within this district.

414.04 WP Well Field Protection Overlay District:

- (1) Applicability of Well Field Protection Overlay District to Underlying Zoning Districts:

The provisions of this Section shall be applicable to all lands shown as being located within the boundaries of the WP Well Field Protection Overlay District on the Zoning Map of Silvercreek Township and shall be supplemental to the regulations of the underlying zoning district. Where the requirements of this Section are in conflict with the regulations of the underlying district, the more restrictive regulations shall apply.

- (2) Permitted Principal Uses:

The permitted uses within the WP Well Field Protection Overlay District shall be those of the underlying zoning district.

- (3) Accessory Uses:

Accessory uses and buildings within the WP Well Field Protection Overlay District shall be those customarily incident to the permitted principal uses of the underlying zoning district.

- (4) Conditional Uses:

The requirements of this paragraph shall be in addition to any applicable regulations found elsewhere within the Zoning Resolution.

- (a) The conditional uses within the WP Well Field Protection Overlay District shall be those of the underlying zoning district, except as specified in Section 414.04, Paragraphs (4)(b) and (7).
- (b) When listed as a permitted or conditional use within the underlying zoning district, the excavation, extraction, mining or processing of sand, gravel and limestone from the earth for resale shall remain as conditional uses in the WP Well Field Protection Overlay District subject to Board of Appeals approval of an excavation and facilities plan that includes, but is not limited to:
  - 1. An existing site plan with topographic detail at two (2) foot contour intervals, all planimetric information, depth to groundwater, and flood plain characteristics where applicable.
  - 2. The proposed extent and depth of excavations.
  - 3. Slope angle of excavation walls (any final slopes shall be at the angle of repose for the remaining material).
  - 4. Use and disposition of the spoil and/or overburden materials from the excavations including a landscaping and vegetation plan to stabilize any disturbed material.
  - 5. Surface drainage plan:
    - A. Drainage into on-site excavations from proximate off-site transportation facilities such as roadways and roadbeds and off-site watercourses is prohibited unless the applicant provides a plan which otherwise protects the excavations from off-site waterborne Regulated Substances.
    - B. The final on-site grading shall minimize all surface drainage into the excavations.
  - 6. A post-excavation and operation land use plan.
  - 7. A security plan (unauthorized access shall be strictly prohibited as long as any excavations remain on site).

(5) Non-Conforming Uses:

Uses using, storing, handling and/or producing Regulated Substances in amounts in excess of the quantities specified in Section 414.04, Paragraphs (8)(a) through (8)(f) are non-conforming uses subject to the requirements of this Section.

(6) Yard Requirements and Building Height Regulations:

Yard requirements and building height regulations shall be those of the underlying zoning district.

(7) Prohibited Uses:

Sanitary landfills, drywells, landfills comprised of demolition debris or other non-approved matter, and junkyards are prohibited within the WP Well Field Protection Overlay District.

(8) Groundwater Protection Standards:

(a) Use, storage, handling and/or production of Regulated Substances in conjunction with permitted and conditional uses in this district shall be limited to:

1. Aggregate of Regulated Substances: The aggregate of Regulated Substances in use, storage, handling and/or production may not exceed twenty (20) gallons or one-hundred and sixty (160) pounds at any time.
2. Total Use of Regulated Substances: The total use, storage, handling and/or production of Regulated Substances may not exceed fifty (50) gallons or four hundred (400) pounds in any twelve (12) month period.

(b) A limited exclusion from the provision of Section 414.04, Paragraph (8)(a) is authorized for non-routine maintenance or repair of property or equipment. The use, storage, handling and/or production of Regulated Substances under this exclusion shall be limited to:

1. The aggregate of Regulated Substances in use, storage, handling and/or production may not exceed fifty (50) gallons or four hundred (400) pounds at any time.
2. The total use, storage, handling and/or production of Regulated Substances may not exceed one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period.

(c) A limited exclusion from the provisions of Section 414.04, Paragraph (8)(a) is authorized for each medical and research laboratory use, provided however, Regulated Substances shall be stored, handled or used in containers not to exceed five (5) gallons or forty (40) pounds of each substance and the aggregate inventory of Regulated Substances shall not exceed two-hundred and fifty (250) gallons or two thousand (2,000) pounds.

(d) A limited exclusion from the provisions of Section 414.04, Paragraph (8)(a) is authorized for Regulated Substances which are cleaning agents, provided however such cleaning agents are packaged for

personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided the aggregate inventory of such cleaning agents shall not exceed one hundred (100) gallons or eight hundred (800) pounds at any time. In no case shall Regulated Substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.

- (e) A limited exclusion from the provisions of Section 414.04, Paragraph (8)(a) is authorized for on-site storage of a maximum one-year supply of agricultural chemicals to be used for routine on-site agricultural operations, provided such chemicals are applied to cropland under Best Management Practices as indicated by soil tests, agricultural experts, or label directions approved by the United States Environmental Protection Agency (EPA) or the Ohio Department of Agriculture. This limited exclusion also applies to the application of agricultural chemicals to cropland where such chemicals are brought in from other locations. This provision does not exempt such agricultural chemicals either stored on-site or brought in from other locations from the inventory, spill reporting and underground storage tank protection requirements of the WP Well Field Protection Overlay District.

**NOTE: THIS REGULATION DOES NOT RESTRICT THE USE OF AGRICULTURAL CHEMICALS APPLIED IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES AND/OR LABEL DIRECTIONS.**

- (f) Unless regulated by the Ohio Fire Marshall, Bureau of Underground Storage Tank Regulations (BUSTR), and with the exception of residential use of heating fuels in tanks having a capacity equal to or less than five hundred (500) gallons, the underground storage of fuel and lubricants for vehicle operations and fuel for building and/or process heating in conjunction with permitted and conditional uses in this district shall be in tanks secondarily contained and monitored. Such installations shall be subject to approval by the Township Zoning Inspector or his designee.
- (g) Notwithstanding other provisions of this Section, non-conforming uses in this district presently utilizing underground storage tanks for fuel and lubricants for vehicle operations and fuel for building and/or process heating shall be permitted to replace existing tanks with those constructed as per the specifications of Section 414.04, Paragraph (8)(f) and not exceeding the capacity of existing tanks. Replacement of underground tanks for Regulated Substances other than the above noted fuels and lubricants is not permitted.
- (h) As part of the findings required under Article 10 of the Zoning Resolution prior to issuance of a Zoning Permit or a Certificate of

Zoning Compliance, the Township Zoning Inspector or his designee shall utilize the Hazard Potential Ranking System in Section 414..04, Paragraph (9) to assist in the determination of intensity of use within this district. No substitutions of a non-conforming use shall be permitted which result in an increase of the Hazard Potential Ranking on a parcel within this district. **If the quantities of Regulated Substances initially exceed the deminimis quantities above, they shall be considered legally non-conforming. Such legally non-conforming quantities cannot be increased.**

(9) Hazard Potential Rating System:

In order to assess the risk for potential groundwater contamination, a hazard rating has been developed for various activities categorized by their Standard Industrial Classification (SIC) code. This rating is based on the kind of materials commonly associated with each use looking only at the most critical hydrologic factors.

Appendix A, Table 1 below lists the site hazard potential by land use activity (source) on a scale of one (1) to nine (9), with one (1) being the low hazard and nine (9) a very high hazard. This rating is based on the intrinsic hazards posed by different land uses and is related to the materials commonly used or stored on the site or the types and amounts of wastes commonly discharged.

Appendix A, Table 2 below lists the hazard potential determined on the basis of materials known to be used, stored, or disposed of at a specific site.

**NOTE: TABLE 2 IS INTENDED TO BE USED AS A GUIDE FOR DEVELOPING A RATING FOR EACH USE AND IS NOT INTENDED NOR EXPECTED TO BE AN ALL-INCLUSIVE LIST OF REGULATED SUBSTANCES.**

If the two tables referenced above indicate different site hazard potential ratings for the SIC-coded land use activity and the materials found on-site, the higher of the two scores is the rating for the site.

(10) Enforcement Provisions:

(a) Scope.

1. The provisions of this Section shall be effective within the WP Well Field Protection District, except as otherwise provided. This Resolution provides for pollution control pertaining to the public water supply.
2. Nothing contained in this Section shall be construed so as to interfere with any existing or future lawful requirements that may

be, or heretofore were, imposed by any other public body authorized to enact sanitary, health or water pollution abatement restrictions so long as such requirements are consistent with, or more stringent than, the stated purpose of this Resolution.

- (b) Administration. Except as otherwise provided herein, the Township Zoning Inspector for Silvercreek Township or his designee, hereinafter referred to as the Administrative Officer, shall administer, implement, and enforce the provisions of this Section.
- (c) Notice of Violation.
  1. Any person found in violation of any provisions of this Section or any order, requirement, rule or regulation issued under the authority of this Section will be served with a written notice stating the nature of the violation and providing reasonable time for compliance; provided however, written notice of violation may be dispensed with under the conditions described in Section 414.04, Paragraph (10)(h)(2) and provided further, that if the Administrative Officer has previously promulgated a schedule of compliance or issued an order addressing the same type of or a similar violation and the time for compliance has passed, the Administrative Officer may dispense with establishing another time period for compliance.
  2. The notice shall be served in the manner provided by law for the service of civil process. Where the address of the violator is unknown, service may be made upon the owner of the property involved at the tax-mailing address of the owner as shown on the County tax record.
- (d) Inspections. Subject to applicable provisions of law, the Administrative Officer or authorized designee bearing proper identification, shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling, and records examination pertaining to the requirements of this Resolution to ensure that activities are in accordance with the provisions of this Section. Upon request of the entity which is the subject of the inspection, and if permitted by the State Public Records Law, information obtained as a result of the inspection shall be maintained as confidential. If the owner or tenant does not consent to the entry of the Administrative Officer for the above stated purposes, the Administrative Officer may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property.
- (e) Vandalism. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any



structure, appurtenance, property, or equipment which is a part of or used in conjunction with water facilities of any protected public water supply, or which results in the violation of the provisions of this Resolution.

(f) Severability. A finding by any court or other jurisdiction that any part or provision of this Resolution is invalid shall not affect the validity of any other part or provision of this Resolution which can be given effect without the invalid parts or provisions.

(g) Handling of Regulated Substances.

1. No person shall place, deposit, or permit to be deposited, store, process, use, produce, dispose of, transport, or discharge, hereinafter referred to as "handle," any Regulated Substance on public or private property in the WO WP Well Field Protection District of Silvercreek Township except as provided by law, statute, ordinance, rule or regulation.

2. Any violation of this paragraph is hereby determined to be a nuisance.

(h) Reporting Requirements.

1. Regulated Substance Activity Inventory.

A. Applicability

1) Except as provided in Section 414.04, Paragraph (10)(h)1)B, any owner or occupant of any land in the WP Well Field Protection Overlay District at the effective date of this Resolution, shall file a Regulated Substance Activity Inventory Report with the Administrative Officer. Said Report shall be filed within one hundred eighty (180) days of the effective date of this Resolution and at twenty-four (24) month intervals thereafter.

2) Except as provided in Section 414.04, Paragraph (10)(h)1)B, any new owner or occupant of any land in the WP Well Field Protection Overlay District shall file a Regulated Substance Activity Inventory Report prior to receipt of a Zoning Permit or a Certificate of Zoning Compliance and at twenty-four (24) month intervals following the date of occupancy. For purposes of this paragraph, "new" shall be defined as subsequent to the effective date of this Resolution.

3) Where a person owns, operates or occupies more than one location, Regulated Substance Activity Inventory Reports shall be made for each location.

- 4) Agricultural uses shall file a Regulated Substance Activity Inventory Report within one-hundred eighty (180) days of the effective date of this Resolution and at twelve (12) month intervals thereafter. Regulated Substance Inventory Activity Reports for agricultural uses shall include total annual on-site application of Regulated Substances for the reporting property.

B. Exclusions to Activity Inventory Reporting

- 1) Any exclusion set forth in this subsection shall apply provided that said exclusion does not substantially increase any risk or hazard to the public health or water supply, wells or well fields; and provided further that any spill, leak, discharge or mishandling shall be subject to the provisions of Section 414.04, Paragraph (10)(h)(2). Any exclusions granted herein shall not remove or limit the liability and responsibility of any person or activity involved.
- 2) A limited exclusion from Regulated Substance activity inventory reporting is hereby authorized for incidental uses of Regulated Substances provided the uses are limited as follows:
  - a. The aggregate of Regulated Substances in use may not exceed twenty (20) gallons or one-hundred and sixty (160) pounds at any time.
  - b. The total use of Regulated Substances may not exceed fifty (50) gallons or four hundred (400) pounds in any twelve (12) month period.
- 3) A limited exclusion from Regulated Substance activity inventory reporting is hereby authorized for non-routine maintenance or repair of property or equipment in the WP Well Field Protection Overlay District provided the uses are limited as follows:
  - a. The aggregate of Regulated Substances in use may not exceed fifty (50) gallons or four hundred (400) pounds at any time.
  - b. The total use of Regulated Substances may not exceed one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period.
- 4) A limited exclusion from Regulated Substance activity inventory reporting is hereby authorized for Regulated Substances which are cleaning agents, provided however, such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided the aggregate inventory of such cleaning agents shall not exceed one hundred (100) gallons or

eight hundred (800) pounds at any time. In no case shall Regulated Substances claimed under the exclusion include hydrocarbon or halogenated hydrocarbon solvents.

- 5) A limited exclusion from Regulated Substance activity inventory reporting is hereby authorized for medical and research laboratory uses in the WP Well Field Protection Overlay District, provided however, Regulated Substances shall be stored, handled or used in containers not to exceed five (5) gallons or forty (40) pounds of each substance and the aggregate inventory of Regulated Substances shall not exceed two-hundred and fifty (250) gallons or two thousand (2,000) pounds.
- 6) An exclusion from Regulated Substance activity inventory reporting is hereby authorized for the transportation of Regulated Substances through the WP Well Field Protection Overlay District provided that the transportation vehicle is in compliance with applicable local, State, and Federal laws and regulations; provided that the regulated substance is fueling the transportation vehicle is in continuous transit, making delivery, or is stopped for a period of time not to exceed seventy-two (72) hours.
- 7) A limited exclusion from Regulated Substance activity inventory reporting is hereby authorized for owners and occupants of single or two family residences, provided however, the storage and use of Regulated Substances are related to the maintenance of the residence or vehicles under control of the occupant and provided waste Regulated Substances are appropriately disposed of to a permitted solid waste facility or a permitted publicly-owned wastewater treatment works.

## 2. Spills, Leaks or Discharges.

- A. Any person with direct knowledge of a spill, leak or discharge of a Regulated Substance within the WP Well Field Protection Overlay District shall, if such spill, leak or discharge escapes containment or contacts a non-impervious ground surface and is not immediately and completely remediated, give notice to the Administrative Officer, the operator on duty at the affected or potentially affected water treatment facility by telephone within thirty (30) minutes. The notification shall include at a minimum, the location of the incident, name and telephone number, date and time thereof, type of substance(s) concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, State, and Federal reporting obligations as required by law.
- B. The application of agricultural chemicals, fertilizers, mineral acids, organic sulphur compounds, etc. used in routine

agricultural operations, including plant nutrients and crop protection materials, applies under Best Management Practices as indicated by soil tests, agricultural experts, or label directions approved by the United States EPA or the Ohio Department of Agriculture, **shall not be considered a spill, leak, or discharge subject to the reporting provisions of this paragraph.**

- C. Any entity or person who spills, leaks or discharges said substance(s) shall be liable for any reasonable expense, loss or damage incurred by Silvercreek Township in response to such an incident, in addition to the amount of any fines imposed on account thereof under State and Federal law; said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of reoccurrence of such spills, leaks or discharges as soon as practicable following the incident, but no later than one-hundred eighty (180) days after the incident.

3. Falsifying Information.

No person shall make any false statement, representation, or certification in any report or other document filed or required to be maintained pursuant to this Resolution.

4. Retention of Records.

Any reports or records compiled or submitted pursuant to this paragraph shall be maintained by the user for a minimum of five (5) years or so long as enforcement or judicial proceedings are being pursued, whichever is longer.

(i) Public Water Supply Protection Authorities.

- 1. Application. If any activity or use of Regulated Substance is deemed by the Administrative Officer to pose a real and present danger of contaminating surface and/or groundwater which would normally enter the public water supply, the Administrative Officer, in accordance with Section 519.24 of the Ohio Revised Code, is authorized to:
  - A. Cause cessation of said activity or use of the Regulated Substance;
  - B. Require the provision of administrative controls and/or facilities sufficient to mitigate said danger; and/or
  - C. Cause the provision of pollution control and/or abatement activities.

2. Considerations. When considering the exercise of any of the above authorities or actions, the Administrative Officer shall consult with the appropriate administrative official of any potentially affected protected public water supply. Such consultation shall determine what measures need to be taken to ensure the public water supply is reasonably and adequately protected from contamination for the present and the future. The Administrative Officer may take into consideration any evidence represented by the entity regarding cost effectiveness and the economic effectiveness and the economic impact imposed by the requirements or actions.
3. Exemption of Certain Regulated Substances. The Administrative Officer is authorized to exclude certain Regulated Substances, that pose no threat to groundwater, from the provisions of these regulations. Prior to authorizing the exemption of any Regulated Substance, the Administrative Officer shall have such request for exemption reviewed by the Environmental Advisory Board for recommendation.
4. Technical Consultants. Upon application for a Certificate of Zoning Compliance and/or Occupancy Certificate for a use within the WP Well Field Protection Overlay District, the Administrative Officer may employ such technical expertise as needed to ensure compliance with the provisions of these regulations. All reasonable costs as determined by the Board of Township Trustees incurred in the compliance review process shall be passed through to the applicant and shall be in addition to those fees normally charged by Silvercreek Township to review an application for a Certificate of Zoning Compliance and/or Occupancy Certificate.

(j) Well Field Protection Appeals Board.

1. Appeals. Any person may appeal an action of the Administrative Officer made pursuant to this Resolution as provided for under Article 10 by filing a Notice of Appeal within twenty (20) days of said action and a Statement of Appeal within thirty (30) days of the date that the order being appealed was issued. A Notice of Appeal shall include at a minimum, name, address, telephone number, date, and a statement of intent to appeal. A Statement of Appeal shall include all information contained in the Notice of Appeal, a description of the nature of the appeal, and any pertinent documentation.
2. Appeals Board. The Board of Appeals of Silvercreek Township shall hear Well Field Protection Overlay District appeals. Said

Board shall have the authority to take appeals, investigate matters related to said appeals, deny, uphold, or otherwise modify or waive, the Administrative Officer's actions on a case-by-case basis.

(k) Penalties for Violations.

1. Vandalism. A violation of the provisions of Section 414.04, Paragraph (10)(e) shall constitute a minor misdemeanor punishable as provided in Article 10 of the Zoning Resolution.
2. Other Violations. Any violation or continuing violation of the provisions of this Resolution other than Section 414.04, Paragraph (10)(e), beyond the time limit for compliance set forth by the Administrative Officer, Notice of Violation, or the compliance schedule established by the Administrative Officer, shall constitute a minor misdemeanor punishable as provided in Article 10 of the Zoning Resolution.

414.05 DEFINITIONS:

1. Aquifer: Is a glacial formation, group of glacial formations, or part of a glacial formation that contains enough saturated permeable material to yield significant quantities of water.
2. Deminimis Quantity: Means a specified amount of Regulated Substances, expressed in gallons and/or pounds, that is excluded from the provisions of the WO Wellhead Operation District and the WP Well Field Protection Overlay District regulations. Any use of Regulated Substances in excess of the deminimis quantities and not explicitly subject to exclusion is considered non-conforming.
3. Direct Recharge Area: Is that portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.
4. Non-Routine Maintenance: Means activities necessary not more frequently than every twenty-four (24) months to keep structures and equipment in good repair.
5. One Year Capture Area: Means the area around protected public water supply well fields delineated by the one-year travel time contour.
6. Overlay District: A district described on the zoning map within which, through super-imposition of a special designation, certain regulations and requirements apply, in addition to those of the underlying zoning district to which such designation is added.

7. Potable Water: Means water that is satisfactory for drinking, culinary and domestic purposes, meeting current drinking water standards.

8. Protected Public Water Supply: Means a public water system which services at least fifteen (15) service connections used by year-round residents or regularly services at least twenty-five (25) year-round residents, and having a one-year capture area defined through appropriate hydrologic studies.

9. Recharge Lagoon: Means a body of water designed and maintained by man to add water to the groundwater at a rate greater than that occurring naturally.

10. Regulated Substances: Means chemicals and mixtures of chemicals which are health hazards. Materials packaged for personal or household use or food or drink for man or other animals are not Regulated Substances. Regulated Substances include:

a) Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.

b) Mixtures of chemicals which have been tested as a whole and have been determined to be a health hazard.

c) Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and which comprises one (1.0) percent or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include a carcinogen of the concentration of the carcinogen in the mixture is one tenth of one (0.1) percent or greater of the composition on a weight per unit weight basis.

d) Ingredients of mixtures prepared within the WP Well Field Protection Overlay District in cases where such ingredients are health hazards but comprise less than one tenth of one (0.1) percent of the mixture on a weight per unit weight bases if carcinogenic, or less than one (1.0) percent of the mixture on a weight per unit weight basis if non-carcinogenic.

e) Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).

11. Travel Time Contour: Means a locus of points from which water takes an equal amount of time to reach a given destination such as a well or well field.

12. Underground Storage Tank: Means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of Regulated Substances and the volume of which (including the

volume of underground pipes connected thereto) is ten (10) percent or more beneath the surface of the ground. Flow-Through process tanks and septic tanks approved by the Health Department or State Environmental Protection Agency, as applicable, are excluded from the definition of underground storage tanks.

13. Well Field: Means a tract of land that contains one or a number of wells for supplying water. This specifically excludes private wells.

14. Zone of Influence: Means a zone delineated by iso-travel time contours around well fields. The zone is calculated based on the rate of movement of groundwater in the vicinity of wells with an allowance for the dispersion of a pollutant entering into and moving with the groundwater.

414.06 ZONING DISTRICT MAP:

The Official Zoning District Map of Silvercreek Township, Greene County, Ohio is hereby amended to include the boundaries of the WO Wellhead Operation District and the boundaries of the WP Well Field Protection Overlay District as shown on the map accompanying this Resolution and marked Attachment A.

414.07 APPENDICES:

Each Appendix referred to herein has been adopted as a separate Resolution by the Silvercreek Township Board of Trustees. (See Silvercreek Township Board of Trustees, Resolution #\_\_\_\_\_, Dated \_\_\_\_\_.)



SCHEDULE OF PERMITTED PRINCIPAL USES:

TABLE 2

	TB	HB	LI	HI
Acetylene, oxygen manufacture				C
Agricultural Implement Sales & Service		C	X	X
Amphitheaters		C		
Amusement Parks		C		
Antiques & Secondhand Merchandise Stores	C	X	X	
Art & School Supply Stores	X	X		
Art Galleries	X	X		
Artist, Sculptor & Composer Studios	X	X		
Asphalt or asphalt products, manufacture or refining				C
Assembly plants except automobile assembly plants or plants of similar nature, limited to 100,000 square feet of floor space.			X	X
Auction Houses		C	C	
Auditoriums	X	X		
Automobile Wash Facilities	C	X	X	X
Automobile Parking Garages & Lots (Commercial)		X		
Automobile Parts & Accessories - Retail	X	X		
Automobile Repair Services & Service Stations	C	X	X	X
Automobile & Truck Sales & Service (new & Used)	C	X	X	X
Automobile Service Station (Gas, Lubricant, Coolants & Accessories Only)	X	X		
Automobile & Truck Rental Service	C	X		
Automotive wrecking, junk or salvage yard, if in a completely enclosed building, or the premises on which such use is conducted is entirely enclosed within a solid fence or masonry wall not less than six (6) feet in height.				X
Automotive, tractor, trailer, farm implement assembly or manufacture				X
Bakeries, wholesale		C	X	X
Banking & Bank Related Functions	X	X		
Barber & Beauty Service	X	X		
Bicycle Sales (Retail), rental & repair	X	X		
Billiard Rooms	C	X		
Bleaching, cleaning & dyeing plant				X
Boat & Marine equipment sales, rental & repair	C	X	X	X
Boiler Shops, structural steel fabricating shops, metal working shops				X
Bottling Works		X	X	X
Bowling Alleys		X		
Builder' supply store		X	X	X
	TB	HB	LI	HI
Bulk storage of corrosive acids and				

acid derivatives				C
Business Machine, Sales & Service	X	X		
Canvas, Tent & Awning Sales & Service		X	X	X
Carry Outs - Beer, Wine & Party Supply	X	X		
Carpet and rug cleaning plants			X	X
Catering Service	X	X	X	X
Cement products manufactured, including ready mix concrete batching plants				X
Cigars, Cigarette & Tobacco Stores - Retail	X	X		
China & Glassware Stores - Retail	X	X		
Clothing, Apparel & Accessory Stores	X	X		
Cold Storage plants			X	X
Commercial greenhouse			X	X
Contractor sales, storage & equipment yards service			X	X
Contract Constructions Services (General)		C	X	X
Crematory Service		C	X	X
Dairy products manufacture			X	X
Dance Halls		X		
Delicatessen	X	X		
Dental Services	X	X		
Dental Laboratory Services	X	X		
Department Stores including Discount Stores	X	X		
Dextrine, starch or glucose processing				X
Drapery Stores	X	X		
Dressmaking, seamstress	X	X		
Drive-In Movies		C		
Drug Stores	X	X		
Dry Cleaning & Laundry (Pick-up Stations)	X	X		
Dry Cleaning & Dyeing		C	X	X
Electrical Appliance Repair Services		X		
Electrical Appliances & Supplies - Retail		X		
Electric power manufacture			C	X
Emery Cloth or sandpaper manufacture				X
Enameling, lacquering or japanning				X
Equipment Rental & Leasing Service (except automobile, trucks & Trailers)		X	X	X
Excavation, storage, separation, clearing and marketing of sand and gravel			C	C
Excavation, processing and sale of minerals and stone				C
Exterminating Services		X	X	
Fabrication, processing, packaging and/or manufacture of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, textiles, tobacco, wax, wood & yarn			X	X
	TB	HB	LI	HI
Fabrication, processing, packaging and/or manufacture of cosmetics, drugs, perfumes, pharmaceuticals and toiletries			X	X

Fabrication, processing, packaging and/or manufacture of food products and condiments excluding slaughter houses and rendering and refining of fats, oils, fish, vinegar, yeast & sauerkraut			X	X
Fabrication, processing, packaging and/or manufacture of ice, cold storage plant, bottling plant			X	X
Fabrication, processing, packaging and/or manufacture of musical instruments, toys, novelties, rubber or metal stamps			X	X
Farm Implements and contractor equipment sales and service		C	X	X
Farm supply, hay, grain & feed stores		C	X	X
Feed lots - Commercial				C
Fertilizer, compost, manufacture or storage				C
Floor covering stores	X	X		
Florist - Retail	X	X		
Flour or grain mill				X
Foundry casting light weight non-ferrous metals, or electric foundry, not causing noxious fumes or odors			X	X
Fuel and Coal companies			X	X
Fuel oil sales and distribution		C	X	X
Funeral services	C			
Furniture, home furnishing & equipment - Retail	X	X		
Furniture re-upholstering and repair		C	X	X
Furriers & fur apparel sales, repair & storage	X	X		
Garbage, offal, dead animals, refuse, reduction				C
Garden stores, garden centers - Retail	X	X		
Glass products, pottery, figurines or manufacture of similar products using previously pulverized clay				X
Glass stores	X	X		
Gifts, novelties, greeting cards & stationary stores	X	X		
Golf driving ranges		C		
Golf - miniature		C		
Go-cart tracks		C		
Grocery stores - convenience	X	X		
Grocery stores - including specialty stores such as meat, candy, dairy, etc.	X	X		
Gymnasiums & athletic clubs		X		
Hardware stores	C	X		
Health studies		X		
	TB	HB	LI	HI
Heating, air conditioning & plumbing stores - Retail		X		
Heating, air conditioning & plumbing service & repair (excluding well drilling)		X		
Hobby Shops	X	X		

Hospitals		X		
Household appliances stores - Retail	X	X		
Household appliances repair services	X	X		
Ice skating (indoor)		X		
Industrial research laboratories			X	X
Interior decorating stores & services	X	X		
Janitorial services	X	X		
Jewelry stores - Retail	X	X		
Kennels		C		
Landfill or extraction of topsoil				C
Laundries, dry cleaning plants and linen supply			X	X
Laundry & dry cleaning - self service (coin-op)	X	X		
Lawn mower sales, service & repair		X		
Legitimate theater		X		
Locksmith	X	X		
Lumber & other building materials - Retail		X	X	X
Machine shops and tool & die shops			X	X
Machinery & heavy equipment sales & storage			X	X
Manufacture, sale & storage of building materials excluding cement Products			X	X
Manufacturing, assembling or repairing of electrical & electronic products, components and equipment			X	X
Mail order houses			X	X
Mail order catalogue stores - Retail		X		
Medical clinics - out patient services	X	X		
Medical laboratory	X	X		
Mobile home sales, rental & repair		X	X	X
Motels, hotels & tourist courts		X	X	X
Motion picture theaters (indoor)		X		
Motorcycles, sales & services	C	X		
Motor freight depot or trucking terminal; Provided the truck entrances and exits are onto streets whose pavement width is at least thirty (30) feet		C	X	X
Monument sales including incidental mechanical operations		C	X	X
Moving & storage companies		C	X	X
Music, musical instrument stores - Retail	X	X		
Newspaper, magazine & book stores - Retail	X	X		
Nursery/Daycare	X	X		

TB      HB      LI      HI

Offices are as follows:

Accounting, auditing & bookkeeping services	X	X		
Advertising services	X	X		
Business associates	X	X		
Civic, social & fraternal assoc. meeting rooms	X	X		

Civic, social & fraternal assoc. offices only	X	X		
Credit reporting, adjustment & collection service	X	X		
Detective & protective services	X	X		
Duplicating, mailing & stenographic services	X	X		
Educational & scientific research services	X	X		
Employment Services	X	X		
Engineering & architectural Services	X	X		
Engineering research & prototype development associated with offices	X	X		
Executive, administrative & similar enterprises	X	X		
Financial holding & investment services	X	X		
Insurance carriers, agent broker and services	X	X		
Labor unions & similar labor organizations (excluding hiring halls)	X	X		
Labor unions & similar labor organizations (hiring halls)	X	X		
Legal services	X	X		
Other professional services NEC	X	X		
Security & commodity brokers	X	X		
Professional & membership organizations	X	X		
Real estate & related services	X	X		
Office facilities relating directly to any of the other principal permitted uses of I-1 or I-2			X	X
Office furniture stores - Retail	X	X		
Office supply stores	X	X		
Optical services & sales	X	X		
Painting, varnishing shops			X	X
Paint, linseed oil, shellac, turpentine, lacquer or varnish manufacture				C
Paint & wallpaper stores	X	X		
Pawn shops		X		
Penny arcades		C		
Pet sale & supply stores	X	X		
Photographic supplies, services & studies	X	X		
Physician services	X	X		
	TB	HB	LI	HI
Plumbing supply and contracting shops including storage yards		C	X	X
Poultry killing and dressing				X
Printing services	X	X	X	X
Public garages, motor vehicle and bicycle repair shops, auto repair and body shop		C	X	X
Public buildings including Community Center Buildings and Libraries	X	X		

Reclamation of industrial wastes but not within 1000 feet of any residential district				C
Recreation facilities & customary accessory buildings		C	C	C
Recycling center - collection point only-on outside storage			X	X
Repair, rental & servicing for appliances and equipment's		X	X	X
Research and engineering laboratories		X	X	X
Restaurants - Inside service only		X		
Restaurants - Drive-in	C	X		
Rock crushing				X
Roller skating rinks		X		
Sales offices and service centers		X	X	X
Savings & loan	X	X		
Sawing and planing mills			C	X
Schools are as follows:				
Art & music schools	X	X		
Barber & beauty	X	X		
Business, stenographic, correspondence & typing	X	X		
Dancing	X	X		
Driver training	X	X		
Shoe repair, shoe shining & hat cleaning service	X	X		
Shoe stores	X	X		
Sign painting and manufacturing			X	X
Skeet or rifle shooting range (commercial) but not within 100 yards of any residential district			C	C
Sporting good stores - Retail	X	X		
Stone grinding, dressing, cutting				X
Storage yards for building supplies and equipment, contractors equipment, food, fabrics, hardware and similar goods when located entirely within a building provided, such buildings shall not be used for wrecking or dismantling of motor vehicles			X	X
Tailor shops	X	X		
Taxidermist services	X	X		
Television and radio broadcasting towers		C	C	C
	TB	HB	LI	HI
Tin and sheet metal shops			X	X
Tool and die shop, wrought iron shop, blacksmith or machine shop, providing they comply with the maximum permitted sound pressure levels specified in Section 18.24			X	X
Township Facilities, subject to the conditions Article 18.29			X	X
Trailer and mobile home rental, sales & storage		C	X	X
Trading stamp stores	X	X		

Trailer sales, services & rental		C	X	X
Travel bureaus & ticket sales	X	X		
Truck terminal		C	X	X
Variety stores - Retail	X	X		
Veterinarians with kennels (non-boarding)		X		
Veterinary clinic or kennels, animal hospitals, provided that all animals are housed in buildings or enclosures which are at least five hundred (500) feet from any "R" district		C		
Warehouses			X	X
Watch, clock & jewelry repair services	X	X		
Wig shops	X	X		
Welfare & charitable services	X	X		
Well drilling services			X	X
Wire or rod drawing, nut screw or bolt manufacture				X
Wholesale sales and distribution			X	X
Wholesale, storage of petroleum, gasoline, oil C12				C
Security Guards - live on premises	C	C	C	C

The Board of Appeals may allow any use similar in character to one of the specified uses listed above if such use is in harmony with the character of the district as a permitted use.

X - PERMITTED USES

C - CONDITIONAL USES

NEC - NOT ELSEWHERE CLASSIFIED

**ARTICLE 5**

**SUPPLEMENTARY  
DISTRICT REGULATIONS**



- SECTION 501      GENERAL PROVISIONS: The following supplementary regulations are applicable to all Zoning Districts within Silvercreek Township unless otherwise modified by the requirements of a specific Zoning District.
- SECTION 502      PUBLIC STREET FRONTAGE REQUIRED: No new lot shall be created nor shall any building be erected upon a lot which does not possess the required minimum frontage upon a public street established for the district in which such lot is located.
- SECTION 503      PRINCIPAL BUILDINGS PER LOT: No more than one principal building or structure may be constructed upon any one lot for the purposes of this Resolution. The construction of more than one principal building or structure upon any one lot shall require the approval of a variance from the Board of Zoning Appeals.
- SECTION 504      REDUCTION OF AREA OR SHAPE: No lot, yard, court, parking area, or other space shall be reduced in area or dimension, thus making said area or dimension less than the minimum required by this Resolution and, if said area or dimension is already less than the minimum required by this Resolution, it shall not be further reduced.
- SECTION 505      ARCHITECTURAL PROJECTIONS INTO REQUIRED YARDS: All architectural projections shall be in accordance with the following provisions:
- 505.1      Chimneys, flues, sills, pilasters, cornices, eaves, gutters, and other similar architectural features may project into any required yard a maximum of twenty-four inches.
- 505.2      Unroofed porches and steps may extend from the dwelling into the required front yard a maximum of ten (10) feet. Open structures such as roofed porches, canopies, balconies, decks, platforms, and carports, shall be considered parts of the building to which attached and shall not project into any required yard.
- 505.3      No structure may project into a required side yard except in the case of a single non-conforming lot of record which is of insufficient width to meet the side yard requirements of this Resolution. The Board of Zoning Appeals may grant a minimum specified variance to permit the construction of a one-family residence in such a case.
- SECTION 506      EXCEPTIONS TO HEIGHT REGULATIONS: The height limitations contained in the District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.
- SECTION 507      ACCESSORY BUILDINGS: All accessory buildings shall be in conformity with the following provisions:
- 507.1      No garage or other accessory building shall be erected within a required side yard or front yard within any Agricultural District or any Residential District.
- 507.2      When located at least sixty (60) feet from the front property line and completely to the rear of the main dwelling, the accessory buildings may be erected not less than ten (10) feet from the side or rear lot lines nor less than ten (10) feet from the main building.
- 507.3      When located less than sixty (60) feet from the front property line and not completely to the rear of the dwelling, garages shall be constructed as a part of the main building or connected thereto by a covered breezeway.
- 507.4      No detached accessory building in any Residential District shall exceed fifteen (15) feet in height.

SECTION 508

CONVERSION OF DWELLINGS TO MORE UNITS: A structure may not be converted to accommodate an increased number of dwelling units unless the following requirements are met:

- 508.1 The district is properly zoned for an increase in dwelling units.
- 508.2 The yard dimensions still meet the yard dimensions required by the Resolution for new comparable structures in such district.
- 508.3 The lot area shall be adequate to accommodate the required off-street parking for the converted unit as provided with Article 6.
- 508.4 The lot area per family equals the lots area requirements for new structures in such district.
- 508.5 The floor area per dwelling unit is not reduced to less than that which is required for new construction in such district.
- 508.6 The conversion is in compliance with all other applicable Federal, State, and local codes.

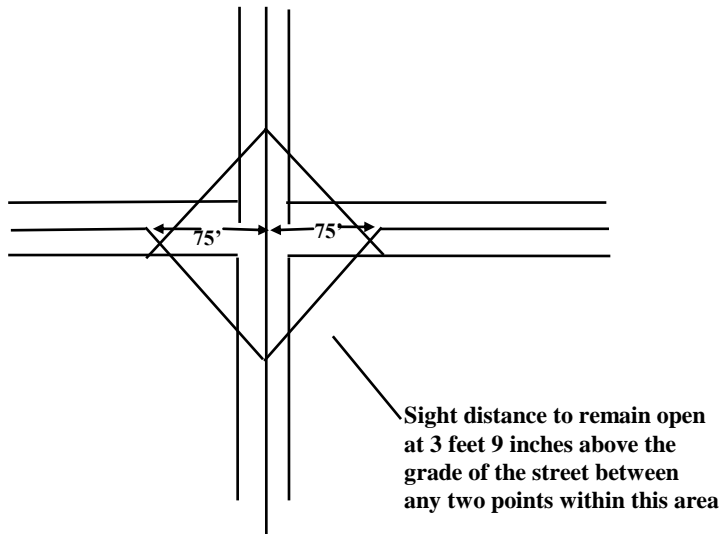
SECTION 509

SETBACK REQUIREMENTS FOR CORNER LOTS OR THROUGH LOTS: On a corner lot or through lot, the principal building and all accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

SECTION 510

FENCES, WALLS, AND VEGETATION: The location and height of all fences, walls, and vegetation shall be in accordance with the following provisions:

- 510.1 Partition Fences and Livestock Fences in Agricultural Districts: Partition fences and livestock fences may be permitted within any required yard within any Agricultural District and within any required side or rear yard in any other district, provided that adequate sight distance is maintained at all intersections and driveway entrances. All such partition fences and livestock fences shall be constructed and maintained in accordance with Chapter 971 of the Ohio Revised Code.
- 510.2 Fences, Walls, and Vegetation in Front Yards: No fence, wall or hedge shall be permitted within any required front yard above the height of two and one-half (2 1/2) feet.
- 510.3 VISIBILITY AT INTERSECTIONS: No structure, fill or vegetation shall be erected, placed, planted, or allowed to grow on any corner lot so as to create a sight impediment within seventy-five (75) feet of the intersecting centerlines of any tow or more streets. In determining if any sight impediment exists, the zoning inspector shall measure the sight distance between the centerlines of such streets at a height of three feet, nine inches (3'9") above the actual grades of the streets. (See Illustration)



- 510.4 Fences, Walls and Vegetation in Side and Rear Yards: No fence wall shall be permitted within any side or rear yard which exceeds six (6) feet in height. Dense evergreen plantings, deciduous trees, shrubs, or hedges, or other vegetation may exceed six (6) feet in height within any side or rear yard.
- 510.5 Screening: Fences, walls, or vegetation used for required screening as outlined in Article 5, Section 515, may exceed six (6) feet in height upon approval by the Zoning Inspector or Board of Zoning Appeals.
- 510.6 Security Fences: Security Fences for uses within non-residential districts may exceed six (6) feet in height.
- 510.7 Barbed Wire and Electric Fences: Barbed wire and electric fences shall be prohibited within any residential district; barbed wire and electrified sections of fences when used for security purposes within any non-residential district, shall be a minimum of eight (8) feet above the ground.
- 510.8 Fences Prohibited Within Right-of-Way: Fences and walls shall not be permitted within any right-of-way.

#### SECTION 511

REQUIRED TRASH AREAS: All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall have such areas enclosed on at least three sides by a solid wall or fence adequate in height to screen the containers, if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

#### SECTION 512

OUTDOOR STORAGE AND WASTE DISPOSAL: All outdoor storage and waste disposal shall be in accordance with the following provisions:

- 512.1 Highly flammable or explosive liquids, solids, or gases shall not be stored in bulk above ground except within an HI Heavy Industrial District or as otherwise approved by the appropriate fire officials. The storage areas of such materials shall be completely enclosed by a solid wall or fence adequate to ensure the safety of surrounding land uses. Fuel products stored for use on bona-fide farms are excluded from this Provision.
- 512.2 The storage of hazardous or toxic materials shall not be permitted without documented approval by the Ohio Environmental Protection Agency.
- 512.3 All outdoor storage areas shall be adequately screened from view from any residential district by an appropriate wall, fence, or vegetative planting in accordance with Section 515.
- 512.4 Materials or wastes which might cause fumes, dust, which constitute a fire hazard, or which may be edible or attractive to rodents or insects shall be stored outdoors only in closed containers constructed of impervious material.
- 512.5 No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by wind, flood, or natural causes or forces.

#### SECTION 513

PRIVATE ACCESSORY SWIMMING POOLS: Private accessory swimming pools may be permitted in any district, provided the following provisions are met:

- 513.1 The pool is intended solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located.

- 513.2 It may not be located closer than ten (10) feet to any property line and may not encroach upon any required front yard, side yard, or any required on-site wastewater leaching areas or replacement areas designated by the Greene County Health Department.
- 513.3 The swimming pool shall be walled or fenced in order to prevent uncontrolled access by children from any street or adjacent property. Any such fence shall not be less than five (5) feet in height and maintained in good condition with a gate and lock.
- 513.4 Exterior lighting shall be shaded wherever necessary in order to avoid casting direct light upon any other property or any public street.

#### SECTION 514

PRIVATE RECREATION FACILITIES: All private recreation facilities shall be in accordance with the following provisions in addition to any conditions required by the Board of Zoning Appeals.

- 514.1 Community swimming pools may be permitted provided the following conditions are met.
- a. The pool and accessory structures, including the areas used by the bathers and the required parking areas, shall not be located closer than fifty (50) feet to any residential district and must be screened in accordance with Section 515.
  - b. The swimming pool and all of the areas used by bathers shall be walled or fenced in order to prevent uncontrolled access by children from the streets or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.
  - c. Loudspeakers, juke boxes, public address systems, and electric amplifiers shall be permitted insofar as they do not create a nuisance and/or disturb the peace of persons on any other properties within any district.
  - d. Exterior lighting shall be shaded wherever necessary in order to avoid casting direct light upon any other property or a public street.
- 514.2 Recreational vehicle parks and campgrounds may be permitted as a conditional use within any designated district in accordance with the following minimum provisions:
- a. The minimum total area of the park or campground shall be five (5) acres. The maximum density of the park or campground shall be established by the Board of Zoning Appeals, but in no case shall the overall density exceed twelve (12) campsites per acre. In determining the overall density limit, the capability of the land to accommodate adequate campsites with a minimum of 1,500 square feet of nearly level and well drained area shall be considered.
  - b. The thoroughfare upon which the park or campground is located shall be of adequate width and base to accommodate the type of traffic generated by such park or campground, as determined by the Board of Zoning Appeals. No entrance or exit from the park or campground shall require movement of traffic through a residential district.
  - c. Each campsite within the park or campground shall be provided with a minimum of one adequately sized parking space for the type of vehicle intended to use the site. In order to guarantee stability, the parking pad shall be composed of concrete, gravel, or other approved material.
  - d. All recreational vehicle sites, other camping sites, and all off-street parking spaces shall be located a minimum of twenty feet from any side or rear property line, and the minimum front yard setback from any public street. The minimum side or rear setbacks shall be fifty feet when adjacent to any residential district.
  - e. The Board of Zoning Appeals may require fencing, walls, landscaping, earth mounds, or other suitable efforts in accordance with Section 515 where it is determined that buffering or screening is necessary to minimize land use conflicts and/or protect the public safety.
  - f. Management structures, recreational facilities, toilets, showers dumping stations, or other similar uses shall be located within the park or campground in such a manner that they will not attract customers other than occupants of the park or campground.
  - g. The park or campground shall provide water supply and wastewater disposal facilities which meet the needs of the intended clientele, either independent recreational vehicles

or dependent campers and primitive campsites. At a minimum, a service building with showers and toilets shall be required where not provided separately. All water supply, wastewater disposal, and refuse disposal facilities shall be located and designed subject to the approval of the Greene County Health Department.

- h. No recreational vehicle shall be used as a permanent place of residence or business within the park or campground. Continuous occupancy for longer than any ninety (90) day period within any twelve (12) month period shall be deemed permanent occupancy.
- i. All traffic into and out of the park or campground shall be through entrances and exits designed for safe and convenient movement of traffic. No entrance or exit shall require an acute angle turn for vehicles moving into or out of the park. The radii of curbs and pavements at intersections shall facilitate easy turning movements. No material impediment to visibility shall be created or maintained which violates the requirements of Section 510.3.

514.3 Other private recreation facilities shall be in accordance with the following:

- a. Loudspeakers, juke boxes, public address systems, and electric amplifiers shall be permitted insofar as they do not create a nuisance within any district.
- b. Exterior lighting shall be shaded wherever necessary in order to avoid casting direct light upon any other property or a public street.
- c. Firing lines used by gun clubs shall be located a minimum of five hundred (500) feet from the nearest property line. All target areas shall be protected by natural or artificial embankments approved by the Board of Zoning Appeals.
- d. All water activities shall be adequately protected by fences, walls, or other suitable barriers in order to prevent uncontrolled access by unauthorized persons.

## SECTION 515

**SCREENING:** No buildings or structures shall be erected, altered, or enlarged nor shall land for any non-residential use on a lot that adjoins or faces any Residential District be used, nor shall any multiple family use be established adjoining any single family development, until a plan for screening has been submitted, approved by the Zoning Inspector, or the Board of Zoning Appeals in case of Conditional Uses, except in accordance with the following provisions:

515.1 Screening shall be provided for one or more of the following purposes:

- a. A visual barrier to partially or completely obstruct the view of structures or activities.
- b. As an acoustic screen to aid in absorbing or deflecting noise.
- c. For the containment of debris and litter.

515.2 Screening may be one of the following or a combination of two or more, as determined by the Zoning Inspector.

- a. A solid masonry wall.
- b. A solidly constructed decorative fence.
- c. Louvered fence.
- d. Dense evergreen plantings.
- e. Landscaped mounding.

515.3 Whenever any non-residential use abuts a residential district, a visual screening wall, fence, planting and/or a landscaped mound shall be erected or placed beside such mutual boundary lines, except where the Zoning Inspector has determined that a traffic hazard will be created.

515.4 Height of screening shall be in accordance with the following:

- a. Visual screening walls, fences, plantings, or mounds shall be a minimum of five and one half (5 1/2) feet high in order to accomplish the desired screening effect, except in required front yards when maximum height shall be not greater than two and one half (2

1/2) feet. Exception to the height of screening in the front yard may be provided for by the Board of Zoning Appeals.

- b. A dense evergreen planting with a minimum height of four (4) feet at planting and a mature height of at least five and one half (5 1/2) feet or greater or solidly constructed decorative fence shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses except for the portion of such boundary located within a required front yard.

515.5 Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense planting or a solid masonry wall in combination with decorative plantings.

515.6 Whenever required screening is adjacent to parking areas or driveways such screening shall be protected by bumper blocks, post, or curbing to avoid damage by vehicles. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs.

## SECTION 516

DRIVE-IN SERVICE: Establishments, which by their nature create lines of customers waiting to be served within automobiles, shall provide off-street storage areas in accordance with the following requirements

516.1 Photo pick-ups, restaurants, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three minutes or less shall provide no less than five (5) storage spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of five (5) storage spaces for each such stopping point.

516.2 Commercial establishments which require a transaction time in excess of three (3) minutes such as banks, savings and loan offices, or other similar money windows shall provide no less than seven (7) storage spaces per window.

516.3 Self-serve automobile washing facilities shall provide no less than five (5) storage spaces per stall. All other automobile washing facilities shall provide a minimum of ten (10) storage spaces per entrance.

516.4 Automobile service stations shall provide no less than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line, nor within fifteen (15) feet of a reserved sight distance area as required in Article 5, Section 510.

## SECTION 517

PARKING AND STORAGE OF MOBILE HOMES AND VEHICLES OTHER THAN PASSENGER CARS: The parking and/or storage of mobile homes, recreational vehicles, or other vehicles other than passenger cars upon any lot shall be in accordance with the following provisions:

517.1 Mobile Homes: Mobile homes shall not be stored or parked outside of any mobile home park unless the storage of mobile homes is a permitted or a conditional use within such a district. No living quarters shall be maintained or any business conducted within any mobile home located outside of any Mobile Home Park District.

517.2 Recreational Vehicles: The outdoor storage or parking of any recreational vehicle shall not be permitted within any front yard within any district in which residential dwellings are permitted. No dwelling unit shall be maintained and no business shall be conducted within any recreational vehicle while such vehicle is parked outside of any approved camping area. The wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall any recreational vehicle be permanently attached to the ground.

517.3 Construction Equipment Within Residential Districts: Outdoor storage or parking of backhoes, bulldozers, well rigs, and other similar construction equipment, other than equipment temporarily used for construction upon the site, shall not be permitted within any residential district.

517.4 Construction Equipment Within Agriculture Districts: The outdoor storage or parking of backhoes, bulldozers, well rigs, and other similar construction equipment may be permitted as a conditional use within any Agricultural District. In considering such requests, the Board of Zoning Appeals shall consider the size of the lot, location, topography, screening, road condition, and surrounding land uses, and may limit the number of equipment pieces and where they are stored.

517.5 Other Vehicles: The storage or parking of any vehicle having a gross vehicle weight rating greater than 10,000 pounds or an overall vehicle length greater than 21 feet shall not be permitted within any Residential District, excluding vehicles making temporary service or delivery calls.

## SECTION 518

COMMUNITY BASED RESIDENTIAL SOCIAL SERVICE FACILITIES: Residential facilities providing resident services for the care and/or rehabilitation of groups of individuals who require protective supervision within a residential environment shall be permitted only in accordance with the following provisions:

518.1 Foster Homes may be permitted within any district in which residential dwellings are permitted, provided such homes possess a valid, appropriate license.

518.2 Family Care Homes may be permitted within an adequately sized unattached residential dwelling, provided that:

- a. The home shall possess a valid license from the appropriate state agency.
- b. The home shall be required to meet the district regulations applicable to single family residences within the district in which such home is located.
- c. The home shall provide adequate off-street parking area for each resident and/or resident supervisor who is permitted to own or operate an automobile.
- d. The Zoning permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.

518.3 Group Care Homes may be permitted within an adequately sized unattached residential dwelling within designated residential districts subject to the Board of Zoning Appeals. The Board of Zoning Appeals shall determine whether to permit such requests and any conditions which it feels may be necessary to insure compatibility with the neighborhood, using the following criteria as a minimum:

- a. No group care home may be permitted unless the agency supervising such a facility satisfies the Board of Zoning Appeals that the home complies with all licensing requirements of the state of Ohio.
- b. The home shall not be located closer than 20,000 feet to another Family Care Home, Group Care Home, Home for Adjustment or Institution. Variances of more than ten percent (10%) of this requirement may not be considered.
- c. The home shall be reasonably accessible, by means of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.
- d. Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable floor area for each occupant.
- e. The operator or agency applying for a conditional use permit to operate such a facility shall provide the Board of Zoning Appeals with a plan which documents the need for the home in relation to the specific clientele served, describes the program objectives and nature of the facility, identifies the location and type of other community based residential social service facilities operated by such operator or agency, and lists the standards of the State of Ohio, and the sponsoring agency for the operation of the desired facility.
- f. The home shall provide adequate off-street parking area for each resident and/or resident supervisor who is permitted to own or operate an automobile.

- g. The proposed use of the site as a group care home shall be compatible with the present character of the neighborhood, considering noise, traffic, lights, exterior alterations of the structure, or other potentially offensive characteristics.
- h. The conditional use permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.

518.4 Homes for Adjustment may be conditionally permitted within an adequately sized unattached residential structure subject to the approval of the Board of Zoning Appeals. The Board of Zoning Appeals shall determine whether to permit such requests and any conditions which it feels may be necessary to insure compatibility with the neighborhood, using the following criteria as a minimum:

- a. No Home for Adjustment may be permitted unless the court or agency supervising such a facility satisfies the Board of Appeals that the home complies with all licensing requirements of the State on Ohio.
- b. The home shall not be located closer than 20,000 feet to another Family Care Home, Group Care Home, Home for Adjustment, or Institution. Variances of more than ten percent (10%) of this requirement may not be considered.
- c. The home shall be reasonably accessible, by reason of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.
- d. Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet or habitable floor area for each occupant.
- e. The operator or agency applying for a conditional use permit to operate such a facility shall provide the Board of Zoning Appeals with a plan which documents the need for the home in relation to the specific clientele served, describes the program objectives and nature of the facility, identifies the location and type of other community-based residential social service facilities operated by such operator or agency, and lists the standards of the State of Ohio and the desired facility.
- f. The home shall provide adequate off-street parking area for each resident and/or resident supervisor who is permitted to own or operate an automobile.
- g. The proposed use of the site as a home for adjustment shall be compatible with the present character of the neighborhood, considering noise, traffic, lights, exterior alterations of the structure, or other potentially offensive characteristics.
- h. The conditional use permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.

518.5 Institutions may be conditionally permitted in an unattached structure within any designated district, subject to approval by the Board of Zoning Appeals.

## SECTION 519

AGRIBUSINESS OPERATIONS: No conditional use permit shall be issued for any agribusiness operation unless the following conditions have been satisfied:

- 519.1 The agribusiness establishment shall be incidental and necessary to the conduct of agriculture within the agricultural district and shall not be a business which is not dependent upon the surrounding agricultural community.
- 519.2 The minimum distance permitted between the agribusiness establishment and any existing dwelling unit or existing residential district shall be established by the Board of Zoning Appeals based upon the character of the agribusiness.
- 519.3 The agribusiness establishment shall have approval from the Ohio Environmental Protection Agency for any on-site water supply and/or wastewater disposal system.
- 519.4 The agribusiness shall not emit noise, odor, dust, or chemical residues which result in the creation of a nuisance or trespass to surrounding properties.



- 519.5 The agribusiness shall be located upon a thoroughfare which the Board of Zoning Appeals determines is adequate to accommodate any traffic which is generated by the agribusiness establishment.
- 519.6 Where deemed necessary by the Board of Zoning Appeals, the applicant shall provide:
1. A plan for the control of insects, rodents, and other disease vectors.
  2. Area for outdoor storage shall be completely enclosed by a fence or other suitable means to prevent any uncontrolled access by unauthorized persons.
  3. Outdoor storage areas shall be adequately screened from view. The area shall contain mounding, screening, or natural vegetation adequate to obscure the view of materials from any public street or surrounding property as determined by the Board of Zoning Appeals.
  4. Any fence required for screening purpose shall be in accordance with the following:
    - a. It shall be neatly constructed of opaque material.
    - b. It shall not be less than six (6) feet in height.
    - c. It shall be maintained in a condition so as to insure opaqueness.
    - d. It shall contain no advertising.

## SECTION 520

HORSE CARE AND RIDING OPERATIONS: Private or commercial horse care and riding operations may be permitted as a conditional use within any designated district subject to the following conditions, at a minimum:

- 520.1 The Board of Zoning Appeals may place a limit on the number of stock after consultation with the Greene County Extension Agent and the Greene County Health Department. The limit shall be based upon the ratio of total acreage to the grazing requirements of horses, the method of feeding, and upon the method and frequency of waste disposal. The location of all structures shall be subject to approval by the Board of Zoning Appeals.
- 520.2 The owner or operator shall construct and maintain adequate fencing to contain the stock within the premises.
- 520.3 The owner or operator shall utilize every reasonable means to minimize the number of insects, rodents or other vermin which may naturally be propagated as a result of operating the facility.
- 520.4 Animal wastes shall be handled in such a manner as to eliminate or minimize the detection of offensive odors by surrounding property owners.
- 520.5 The areas around buildings and in horse grooming and exercise areas shall be graded so that water does not stand in pools. The owner or operator shall employ every reasonable means of reducing the encroachment of dust upon surrounding properties.
- 520.6 In order to avoid unreasonable disturbance of the neighborhood, all shows, exhibitions, or other similar special events shall be required to obtain advanced approval from the Zoning Inspector. The owner shall furnish the Zoning Inspector with information on hours of operation, traffic control, off-street parking, hygiene, noise control, and other similar characteristics of the event before any Temporary Zoning Permit is used.

## SECTION 521

JUNK: The accumulation of trash, junk vehicles, vehicle parts, rags, or any other debris in any district shall be a nuisance per se and shall be prohibited outside of an approved junk yard. The purpose of this

section is to promote the health, safety and welfare of Silvercreek Township by eliminating environments for breeding of vermin, rodents, insects, and infestations.

## SECTION 522

JUNK YARDS: Junk yards may be permitted as a Conditional Use within specified districts upon the submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties. No junk yard shall be located, operated, or maintained within Silvercreek Township unless it is located within the proper district and the following conditions have been guaranteed by the applicant:

- 522.1 The operator of the junk yard shall possess a license from the Greene County Auditor.
- 522.2 The junk yard operation shall possess a plan for the control of insects, rodents, and other disease vectors.
- 522.3 The area of the site used for the storage of junk shall be completely enclosed by a fence or other suitable means to prevent any uncontrolled access by unauthorized persons.
- 522.4 The site shall contain mounding, screening, or natural vegetation adequate to obscure the view of junk from any public street or surrounding property as determined by the Board of Zoning Appeals.
- 522.5 Any fence required for screening purposes shall be in accordance with the following requirements:
  - a. It shall be neatly constructed of opaque material.
  - b. It shall not be less than six (6) feet in height.
  - c. It shall be maintained in a condition so as to insure its opacity.
  - d. It shall contain no advertising.
- 522.6 All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed, and so that they will not constitute a place or places in which mice or other vermin may be harbored, reared, or propagated.
- 522.7 Because of the tendency for junk yards to promote the breeding of mosquitoes and vermin and the Potential volatile nature of certain materials, no operation shall be permitted closer than five hundred (500) feet from any established residential or rural center district.

## SECTION 523

SANITARY LANDFILLS: Sanitary landfills may be permitted as a Conditional Use within specified districts upon submission of satisfactory proof that such operations will not be detrimental to surrounding properties or to the environment. The following conditions shall be guaranteed by the applicant:

- 523.1 All zoning permit applications for sanitary landfills within Silvercreek Township shall be accompanied by the following information, at a minimum:
  - a. Vicinity maps, drawn at a scale of one (1) inch equal to one thousand (1,000) feet, illustrating the proposed site in relation to surrounding existing and proposed land uses, existing and proposed roads, surrounding zoning districts, and Perspectives: A Future Land Use Plan for Greene County, Ohio;
  - b. Topographic maps, drawn at a scale no greater than one (1) inch equal to two hundred (200) feet with five (5) foot contour intervals, showing the existing and the proposed final physiographic layout of the site;
  - c. A hydrogeologic and surface drainage study of the site conducted by a qualified professional engineer registered in the State of Ohio, illustrating the various depths, thicknesses, and hydrologic characteristics of underlying geologic deposits and the depth, direction of flow, and potential for contamination of the underground water supply;

- d. A transportation plan for the site illustrating any proposed external routes or access to the landfill site and any proposed internal circulation routes within the landfill site;
  - e. Proposed methods of control for insects, rodents and other disease vectors;
  - f. Proposed methods of controlling odor, dust, and/or blowing debris such as paper;
  - g. Proposed methods for screening;
  - h. Proposed hours of operation;
  - i. The location and size of proposed shelters for landfill personnel and equipment; and
  - j. A proposed plan for future use of the site.
- 523.2 All proposed sanitary landfill operations shall be required to secure a "Permit to Install" from the Ohio Environmental Protection Agency prior to the issuance of a Conditional Use Permit.
- 523.3 The site shall contain mounding or screening adequate to obscure the view of the landfilling operation from any public street, existing dwelling unit, or any residentially zoned property.
- 523.4 The site shall be limited to areas where surface or underground water pollution will not occur.
- 523.5 The site shall not be accessible from any established residential area.
- 523.6 The site shall be so located as to minimize the effects of winds carrying objectionable odors to urbanized or urbanizing areas.
- 523.7 An attendant shall be on duty during the time the sanitary landfill site is open to supervise the unloading of refuse.
- 523.8 Blowing paper shall be controlled by providing a portable fence near the working area. The fence and area shall be policed regularly.
- 523.9 There shall be no open storage or burning of refuse or garbage.
- 523.10 Conditions unfavorable for the production of insects, rodents, and other disease vectors shall be maintained by carrying out routine landfill operations promptly in a systematic manner.
- 523.11 Domestic animals shall be excluded from the site.
- 523.12 A compacted layer of at least six (6) inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.
- 523.13 Other conditions which the Board of Zoning Appeals deems necessary to insure that the sanitary landfill operation will not be detrimental to surrounding properties or to the environment.

## SECTION 524

**MINERAL EXTRACTION OPERATIONS:** The purpose of this Section is to insure that the mineral resources of Silvercreek Township are properly managed, and that all land used for mineral extraction be properly located, screened, and reclaimed so as not to create a hazard or nuisance which may adversely affect the health, safety, or general welfare of the community, either immediately or in the future. Quarries, sand and gravel operations, or other mineral extraction operations may be permitted as a conditional Use within specified districts upon submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties. The following conditions shall be guaranteed by the applicant:

- 524.1 All conditional use applications for mineral extraction operations within Silvercreek Township shall be accompanied by the following information, at a minimum:
- a. Vicinity maps, drawn at a scale of one (1) inch equal to one thousand (1,000) feet, illustrating the extraction in relation to surrounding existing and proposed land uses, existing and proposed roads, surrounding zoning districts, and Perspectives: A Future Land Use Plan For Greene County, Ohio;

- b. A map at a scale or at least one (1) inch equals one hundred (100) feet showing existing contours at intervals of five (5) feet or less, any existing building structures, and any public utilities or easements on the property;
- c. Name and address of the applicant, including all partners and officers of the corporation;
- d. Name and address of the owner of the surface rights of the property;
- e. The location, description, and size of the areas to be excavated during the first year as well as an estimate of the total anticipated area of excavating;
- f. A list of the types of resources or minerals to be extracted;
- g. The proposed method of removal of such resources and whether or not blasting or other use of explosives will be required;
- h. A study of the anticipated depth of excavations and the probable effect to the existing water table conducted by a qualified professional engineer registered in the State of Ohio. If the water table is to be affected, the operator shall provide proof, before permission for excavation is given, that the source of any public or private water supply shall not be adversely affected due to a lowering of the water table or contamination of the supply;
- i. The location of any processing plant to be used, and any accessory or kindred operations that may be utilized in connection with the operation of a processing plant by the mining processor or any other firm, person, or corporation;
- j. A general description of the equipment to be used for excavating, processing, and/or transporting excavated mineral resources;
- k. A transportation plan for the site illustrating any proposed external routes of access to the site and any proposed internal circulation routes within the site;
- l. A plan for the rehabilitation and reclamation of the excavated area as specified in this Section; and
- m. Any other information the Board of Zoning Appeals may deem necessary in order to determine if the proposed extraction operation will not be detrimental to surrounding land uses and the community in general.

524.2 All proposed mineral extraction operations shall be required to secure a permit for such activities from the Chief of the Division of Reclamation, Ohio Department of Natural Resources prior to the issuance of a Conditional Use Permit.

524.3 Adequate operational controls shall be used to minimize the creation of detrimental ground vibrations, sound, pressure, smoke, noise, odors, or dust which would injure or be a nuisance to any persons living or working in the vicinity.

524.4 The location of any storage or processing activities upon the site shall be subject to approval by the Board of Zoning Appeals because of possible detrimental external effects such as air or water contamination. All such activities shall be naturally or artificially screened from any public street, existing dwelling unit, or any residentially zoned property.

524.5 Mineral extraction to a depth not exceeding six (6) feet may be conducted up to one-hundred (100) feet of any residential district, provided the operation is conducted over a temporary period not to exceed twelve (12) months and the operation of equipment is limited to the extraction process. All other mineral operations shall not be conducted closer than five hundred (500) feet from an existing residential district.

524.6 Temporary operational roads shall not be located closer than two hundred (200) feet from any Residential District or any existing dwelling.

524.7 Buildings and structures designed and constructed exclusively for mineral extraction, storage, or processing, for which no future use is contemplated and no other use is practical or feasible, shall be demolished and removed at expiration of the Conditional Use Permit.

524.8 The operator shall maintain complete records on a daily basis of all blasting operations including records of the time, the date, the location, and complete description of weather conditions relating to each such blast. Such records shall be available to the Zoning Inspector

upon request. At the request of the Board of Zoning Appeals, the operator shall fully cooperate in any investigation by the Board of Zoning Appeals of the conditions of the operation. In the event that it is established as a matter of fact that there has been a failure to adequately comply with the provisions of this Section, said operator shall take immediate steps to provide full compliance herewith.

- 524.9 In order to insure adequate lateral support for public roads in the vicinity of mineral extraction operations:
- a. All sand and gravel excavations shall be located at least 100 feet and backfilled to at least 150 feet from a street right-of-way line.
  - b. All quarrying or blasting shall be located at least 100 feet from the right-of-way line of any existing or platted street, road, highway or railway.
  - c. Such excavation or quarrying may be permitted within these limits to the point of reducing the ground elevation to the grade of the existing or platted street, road, or highway where officially approved by the authority charged with maintenance of such platted street, road, or highway.
- 524.10 All excavations of gravel or sand shall either be (1) made to a depth not less than five (5) feet below a water-producing level, or (2) graded and/or backfilled with non-noxious and non-flammable solids, to assure that the excavated area will not collect and retain stagnant water. The graded or backfilled surface shall create an adequate finished topography to minimize erosion by wind or rain and substantially conform with the contours of the surrounding area.
- 524.11 The underwater banks of all excavations which are not backfilled shall be sloped at a grade of not less than 3 feet horizontal to 1 foot vertical a minimum of six (6) feet below the water line. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where revegetation is possible.
- 524.12 Whenever the floor of a quarry is greater than (5) feet below the average grade of an adjacent public street or any adjacent property, the property containing such quarry shall be completely enclosed by a mound of earth not less than six (6) feet in height, and planted with suitable landscaping, or a fence not less than six (6) feet in height. All plantings or fences shall be sufficient in either case to prevent persons from trespassing upon the property and shall be subject to approval by the Board of Zoning Appeals. Such mound shall be located not less than twenty-five (25) feet from any street right-of-way or boundary of the quarry property. Such barriers may be excluded where deemed unnecessary by the Board of Zoning Appeals because of the presence of a lake, stream, or other existing natural barrier.
- 524.13 When any quarrying has been completed, such excavated area shall either be left as a permanent spring-fed lake, or the bottom floor thereof shall be leveled to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion. Said floor shall be covered with soil of adequate thickness for the growing of turf or other ground cover.
- 524.14 To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted permission by the Board of Zoning Appeals to conduct a mineral extraction operation as herein provided shall furnish a reclamation plan and a performance bond running to the Clerk of Silvercreek Township, Greene County, Ohio. The amount of the performance bond shall be based upon an estimate of costs to meet the aforementioned requirements prepared by a professional civil engineer registered in the State of Ohio and submitted by the applicant. The amount of the performance bond shall be established by Resolution of the Township Trustees, depending upon the type and extent of restoration required. The performance bond shall be a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board of Zoning Appeals meet the requirements of this section.
- 524.15 The reclamation plan for the extracted area shall contain, at a minimum, the following information:

- a. A map at a scale of one (1) inch equals one hundred (100) feet showing the existing contours at intervals of five (5) feet or less, any existing buildings or structures, and any public utilities or easements on the property.
- b. The depth of the proposed cover which shall be at least as great as the depth of the unusable overburden which existed at the commencement of operations but which in no event need be more than 18 inches.
- c. The angle of slope of all earthen banks, which shall be no greater than one (1) foot vertical to three (3) feet horizontal. In areas where at the commencement of excavation a greater angle existed, the angle of slope shall be no greater than that which existed at the commencement of excavation.
- d. The angle of slope of all banks consisting of rock and the required cover.
- e. The location of fences or effective plantings in those locations where the Board of Zoning Appeals determines that such angles of slope are not physically or economically feasible to reduce.
- f. The number of trees and shrubs, and the type, ground cover to be provided. The type and number per acre of trees, shrubs ground cover, or legume to plant shall be determined in consultation with the Greene County Agricultural Extension Agent.
- g. The location of proposed ultimate land uses, and physical improvements such as roads, drives, drainage courses, utilities and other improvements as determined in consultation with the Regional Planning and Coordinating Commission, the County Engineer, the Sanitary Engineer, and the Zoning Commission.
- h. A statement that vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said reclamation area where the same is not submerged under water.
- i. A grading plan showing the proposed final topography of the area indicated by contour lines of no greater interval than five (5) feet.

## SECTION 525

**TEMPORARY USES:** The following regulations are necessary to govern the operation of certain uses which are non-permanent in nature. Application for a Temporary Zoning Permit shall be made to the Zoning Inspector, containing a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

- 525.1 Carnivals, Circuses, Tent Meetings, Bazaars, Festivals, Art Shows, or Other Similar Public Events may be permitted within any non-residential district and upon church, school or other similar sites within any residential district. No permit shall be issued unless the written consent of fifty-one percent (51%) of the owners of all residentially used property within four-hundred (400) feet of the temporary use site is first filed with the Zoning Inspector at least forty-eight (48) hours prior to commencement of the event. Such uses shall only be permitted on lots where adequate off-street parking can be provided and shall not be permitted for a period longer than fifteen (15) days.
- 525.2 Christmas Trees Sales may be permitted within any non-residential district for a period not exceeding thirty-five (35) days.
- 525.3 Real Estate Sales Offices may be permitted within any district for any new subdivision which has been approved by the Regional Planning and Coordinating Commission under the Subdivision Regulations for Greene County. Such office shall contain no living accommodations. The permit shall be valid for one (1) year, but may be granted two (2) six-month extensions if conditions warrant such renewal. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Zoning Permit, whichever occurs sooner.
- 525.4 Temporary offices for contractors and equipment sheds incidental to a construction project may be permitted within any district. The permit shall not be valid for more than one (1) year but may be renewed for six-month extensions if construction is substantially underway. Such

uses shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Zoning Permit, whichever occurs sooner.

- 525.5 The seasonal sale of agricultural produce grown on the premises may be permitted within any district upon the issuance of a Temporary Zoning Permit. Structures utilized for such sales shall be removed upon expiration of the permit, which shall be issued for a five-month period. All structures must be set back from the roadway pavement a minimum of thirty-five (35) feet and the site shall contain adequate off-street parking area so as not to create a traffic hazard.
- 525.6 Garage sales may be permitted within any district in which dwellings are permitted. A Temporary Zoning Permit for such activities shall only be issued three times for any particular lot within any twelve (12) month period and shall not exceed a period of seven (7) consecutive days. Accessory parking shall be provided upon the lot in such a manner as to not create a traffic hazard.
- 525.7 The temporary placement of mobile homes upon a lot which already contains a residential structure may be permitted where the Board of Zoning Appeals finds that special circumstances or conditions such as fires, windstorms, or other similar events which are fully described in the findings of the Board, exist, such that the use of a temporary residential structure is necessary in order to prevent an exception hardship on the applicant, provided that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

The applicant for a Temporary Zoning Permit under 525.7 must produce a written statement for the Greene County Health Department approving the water supply and wastewater disposal system of the temporary mobile home location. Such permit may be initially issued for nine (9) months, renewable for up to three (3) months time for all permits, not exceeding a total of twelve (12) months.

- 525.8 Temporary sales may be permitted within parking lots within any business district. A temporary Zoning Permit for such sales shall only be issued once within any four (4) month period and shall not exceed a period of seven (7) consecutive days unless otherwise approved by the Board of Zoning Appeals. A temporary use permit shall not be issued if it is determined by the Zoning Inspector that encroachment of more than twenty-five percent (25%) of the required storage or parking areas will take place.

## SECTION 526

CEMETERIES: The following standards shall apply to the development and construction of cemeteries within Silvercreek Township.

- 526.1 The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of facility proposed.
- 526.2 Any new cemetery shall be located on a site containing not less than twenty (20) acres.
- 526.3 All buildings, including but not limited to mausoleums and maintenance buildings, shall respect the required yard setback of the district in which it is located.
- 526.4 All graves or burial lots shall be set back not less than twenty-five (25) feet from any street right-of-way line.
- 526.5 All required yards shall be landscaped and maintained in good order in accordance with state and local regulations. A plan for perpetual care of the grounds shall be required.

SECTION 527

EXISTING FARM DWELLINGS ON NON-CONFORMING LOTS: In order to permit the transfer of existing dwellings which are no longer useful to a farming operation and to conserve prime farm soils for their best use, lots which do not conform to the minimum lot area and frontage requirements of the A-10 Prime Agricultural District may be permitted within such district provided the following conditions are met:

- 527.1 The lot is being created for the transfer of a farm dwelling which was issued a building permit and/or constructed prior to the effective date of this amendment.
- 527.2 The lot size and configuration has been approved by the Greene County Health Department for the location of on-site water supply and wastewater disposal systems.
- 527.3 The minimum lot area and lot width shall conform to the sliding-scale area and width requirements for the E-3 Rural Residential Estate District.

SECTION 528

TENANT FARM DWELLINGS: A certificate of zoning exemption may be issued for the erection of a bonified tenant farm dwelling provided the land owner presents an affidavit to the zoning inspector that the purpose of the dwelling is to house a person (tenant farmer) who is to be engaged in assisting them with farming the land in question and/or maintaining it and protecting it in their absence.

SECTION 529

HOME OCCUPATIONS: All home occupations shall be in accordance with the following provisions:

- 529.1 No person or persons shall operate a home occupation or be employed thereunder other than a resident of the premises;
- 529.2 All home occupations shall be conducted entirely within the dwellings unit, and the use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants;
- 529.3 Not more than twenty-five percent (25%) of the gross floor area of any dwelling unit shall be used for a home occupation;
- 529.4 Home occupation shall not be permitted in any accessory building within any district except the A-10 or A-3 Agricultural District. Where permitted within the A-10 or A-3 Agricultural District, the home occupation shall not be located within an accessory building exceeding 600 square feet in floor area.
- 529.5 There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the building in which the home occupation is located;
- 529.6 There shall be no sale on the premises of commodities not produced as a result of the home occupation;
- 529.7 No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution, and shall not be located in a required front yard; and

Equipment or processes shall not be used in such home occupation which create noise, vibrations, glare, fumes, odors, or electrical interference detectable off the lot if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or



process shall be used which creates visual or audible interference in any radio or television receiver off the premises, or cause fluctuations in voltage off the premises.

SECTION 530      MINIMUM FLOOR AREA PER DWELLING UNIT: The minimum residential floor area per dwelling unit within Silvercreek Township shall be in accordance with the following table. These requirements shall be applicable to all districts.

	Single-Family and Two-Family Dwellings	Multiple Family Dwellings
0 Bedroom	1,000 sq. ft.	600 sq. ft.
1 Bedroom	1,000 sq. ft.	750 sq. ft.
2 Bedroom	1,100 sq. ft.	900 sq. ft.
3 Bedroom	1,250 sq. ft.	1,050 sq. ft.
4 Bedroom	1,400 sq. ft.	1,200 sq. ft.
5 Bedroom	1,550 sq. ft.	1,350 sq. ft. plus 150 sq. ft. for each additional bedroom over 5
6+ Bedrooms	1,700 sq. ft. plus 150 sq. ft. for each additional bedroom over 6	

SECTION 531      CHURCHES WITHIN RESIDENTIAL DISTRICT: Churches and their accessory uses shall be permitted within residential districts only under the following requirements:

- 531.1      The minimum lot area shall be two (2) acres and the minimum lot width shall be two hundred (200) feet. The lot area shall be adequate to accommodate the required off-street parking requirements of the church.
- 531.2      The church building shall be set back from any adjacent residential property line a distance equal to or greater than the height of the structure exclusive of the steeple or spire.
- 531.3      The church lot shall be accessible to a major thoroughfare in a manner that does not require the passage of traffic through local residential streets.
- 531.4      Accessory living quarters may be provided on the church lot as a Conditional Use. The location, density, and the additional lot area required for such uses shall be subject to approval by Board of Zoning Appeals.
- 531.5      Adequate screening shall be provided along all property lines bordering residential lots. Such screening shall be subject to approval by the Board of Zoning Appeals.

SECTION 532

AIRPORTS AND LANDING STRIPS: All airports and landing strips shall be in accordance with the following requirements:

- 532.1 In order to maintain the safety of the occupants of surrounding properties, all private helicopter landing areas shall be located a minimum of five hundred (500) feet from any adjacent property or shall be screened by a wall, solid fence, mound, or evergreen planting a minimum of six (6) feet in height. In order to maintain the safety of the occupants of surrounding properties, all such sites shall be approved by the Ohio Department of Transportation, Division of Aviation.
- 532.2 All private landing strips shall be approved by the Ohio Department of Transportation, Division of Aviation and shall be situated so as to not create a nuisance or hazard to residential dwellings or other structures within the vicinity.
- 532.3 Commercial airports may be permitted as Conditional Uses within specified districts subject to the following conditions:
- a. The applicant shall present sufficient evidence to the Board of Zoning Appeals that the design and location of the airport satisfies all the applicable requirements of the Federal Aviation Administration and the Ohio Department of Transportation, Division of Aviation.
  - b. The applicant shall provide proof to the Board of Zoning Appeals that all appropriate air rights and/or easements have been secured from surrounding property owners.
  - c. The location of buildings, hangars, or other structures shall meet or exceed the minimum setback requirements of the district in which the airport is located.
  - d. The location and capacity of all off-street parking and loading areas and the location of vehicular access to public streets shall be subject to approval by the Board of Zoning Appeals.
  - e. All airports shall have water supply and wastewater disposal facilities approved by the Ohio EPA.
  - f. Appropriate visual and noise screening of the hanger and terminal areas from existing surrounding development shall be provided. Such screening shall be subject to approval by the Board of Zoning Appeals.

SECTION 533

EXOTIC, HARMFUL OR OTHER NON-AGRICULTURAL ANIMAL-KEEPING: The harboring, keeping, confining, breeding, selling or importing of any exotic animal or other non-agricultural animal as defined by this Resolution that constitutes a potential danger to human inhabitants may only be allowed in accordance with the following:

- 533.01 Secure Confines Required: The animal(s) must be confined in the principal building or accessory facility on a lot such that contact therewith is only by the owner/occupant. Such confinement facility must be of a design found acceptable by a certified recognized authority on the care and handling of the type animal sought to be kept and shall be located no less than twenty feet (20) from the boundary of the property on which it is to be located.
- 533.02 Health, Safety, & Liability: The owner/occupant of the animal(s) must provide evidence in the form of a plan, policy, and/or record of previous experience that their care and handling of such animal(s) will not in any way endanger the public or the animal(s) being kept. Proof of insurance coverage as to potential liability associated with keeping such animal(s) is necessary for zoning permit.
- 533.03 Institutional Handling Exempt: Such animals held by a zoo or for other similar exhibit or legally-authorized purposes, such as a visiting circus or wildlife management agency, or by a bonafide private or government laboratory for scientific testing are exempt from needing a zoning permit.

**ARTICLE 6**  
**OFF-STREET PARKING**  
**& LOADING REGULATION**

SECTION 601

**OFF-STREET PARKING AND LOADING REQUIRED:** No building or structure shall be erected, substantially altered, changed in use, or any land used or changed in use unless adequately maintained off-street parking spaces, either in garages or open parking areas, and off-street loading spaces have been provided in accordance with the provisions of this Article. The provisions of this Article shall not apply to any building, structure, or land use existing before the effective date of this Resolution or any amendment thereto unless such building, structure, or use is altered or changed. However, the number of off-street parking or loading spaces shall not be reduced to an amount less than required for a new land use as specified in this Article.

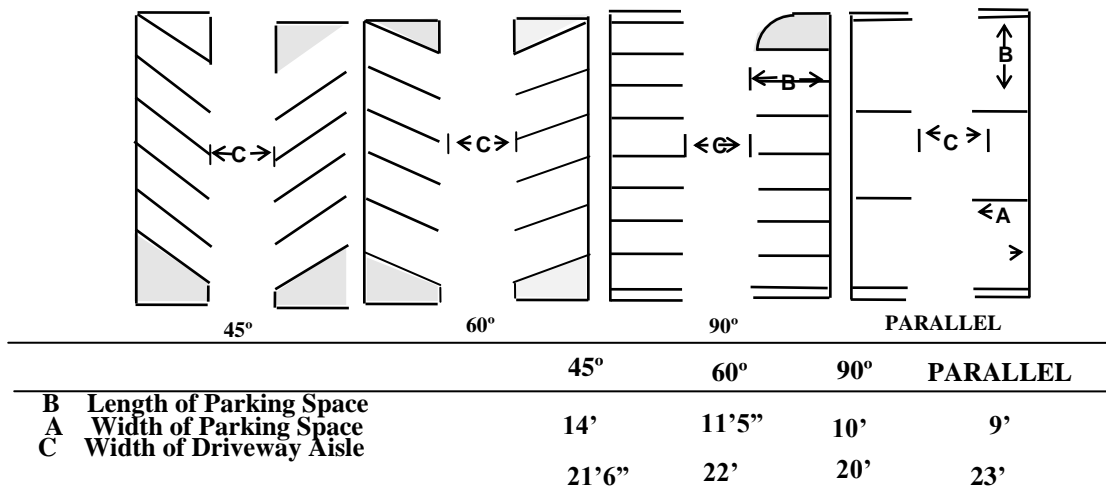
SECTION 602

**REQUIRED PARKING AND LOADING PLAN:** A parking and loading plan shall not be required for single-family or two-family residential uses. All other land uses shall submit a parking and loading plan to the Zoning Inspector as part of the application for a Zoning Permit. The parking and loading plan shall show boundaries of the property, parking spaces, loading areas, circulation patterns, drainage plans, construction plans for any boundary walls of fences, a screening plan, and the location of adjacent houses or buildings.

SECTION 603

**OFF-STREET PARKING DESIGN STANDARDS:** All parking facilities, including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following specifications.

603.1 **Parking Space Dimensions:** All parking spaces shall be in accordance with the following design requirements:



603.2 **Access:** All parking spaces, except those required for single family or two family uses not fronting upon an arterial or collector street, shall have access to a public street in such a manner that any vehicle leaving or entering the parking area from or into a public street or private interior drive shall be traveling in a forward motion.

603.3 **Paving:** All required parking spaces other than for single family dwellings, together with driveways, and other circulation areas, shall be hard-surfaced with a pavement having an asphalt or concrete binder.

603.4 **Drainage:** All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water on to adjacent properties or walkways and damage to public streets.

603.5 **Barriers:** Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.

- 603.6     Screening: Screening shall be required as provided in Article 5, Section 515.
- 603.7     Access to Required Trash Areas: Trash and/or garbage collection areas for commercial, industrial, and multi-family residential uses that provide such services, shall be enclosed on at least three sides by a solid wall or fence of at least four (4) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such areas for collection of trash and/or garbage shall be required.
- 603.8     Other Uses Within Required Parking Areas: No motor vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or associated with any off-street parking area. Display or sales of any merchandise within any parking area shall be permitted only by the Zoning Inspector in accordance with Article 5, Section 525.
- 603.9     Landscaping: All parts of open off-street parking areas which are unusable, either for parking or for traffic, shall be landscaped with plantings of grass, flowers, shrubs, and/or trees, which shall be continuously maintained.
- 603.10    Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street.
- 603.11    Marking: All parking spaces shall be marked with paint lines, curb stones, or in any other manner approved by the Board of Zoning Appeals and maintained in clearly visible condition.
- 603.12    Maintenance: The owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.
- 603.13    Lighting: Any parking area which is intended to be used during non-day hours shall be properly illuminated as to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.
- 603.14    Separation From Right-of-Way: All parking facilities located within required front or side yards shall be separated from sidewalks and streets in public right-of-way by a strip of land which shall be at least five (5) feet in width and which shall be reserved as open space and planted in grass.
- 603.15    Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation patten of the parking area shall be clearly marked.
- 603.16    Joint Use of Facilities: Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that such an arrangement is provided within the deeds or other written legal documents approved by the Board of Zoning Appeals.
- 603.17    Collective Parking Areas: Two or more non-residential uses may collectively provide the required off-street parking area, provided the required number of parking spaces shall not be less than the sum of the requirements for the individual uses computed separately.

SECTION 604

PARKING SPACE REQUIREMENTS: For the purposes of this Resolution the following parking space requirements shall apply. The number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals:

**RESIDENTIAL**

TYPE OF USE

PARKING SPACES REQUIRED

Single family or two family	Two for each unit which may include the driveway
Apartment hotels, apartments, or multi-family dwellings	Two for each unit
Mobile homes	Two for each unit
Boarding Houses, rooming houses dormitories and fraternity house which have sleeping rooms	Two for each sleeping room or two for each permanent occupant, whichever is greater

**COMMERCIAL AND INSTITUTIONAL**

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
Animal hospitals and kennels	One for each 400 square feet of floor area and one for each two employees
Automobile repair station	One for each 800 square feet of floor area and one for each employee
Automobile salesrooms, wholesale stores, machinery or other large items sales, and similar uses	One for each 400 square feet of floor area and one for each employee

**COMMERCIAL AND INSTITUTIONAL (CONT.)**

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
Automobile service station	One for each employee
Banks, financial institutions, post offices, and similar uses	One for each 200 square feet of floor area and one for each employee
Barber and Beauty shops	Three for each barber or beauty operator
Carry-out restaurants	One for each 200 square feet of floor area and one for each two employees, with a minimum total of eight (8) spaces
Churches and other places of religious assembly	One for each 300 square feet of floor area
Drive-In restaurants	One for each 125 square feet of floor area and one per each two employees
Funeral parlors, mortuaries	One for each 50 square feet of

and similar uses	floor area in slumber rooms, parlors, or service rooms
Hospitals	One for each two beds, and one for each staff doctor, and one for each two employees
Hotels, motels	One per each sleeping room, one for each employee, and one for each 100 square feet used for restaurant, cocktail lounge, or similar purpose
Laundromats	One for each washing or dry cleaning machine

**COMMERCIAL AND INSTITUTIONAL (CONT.)**

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
Libraries, museums, and art galleries	One for each 400 square feet of floor area
Medical and dental offices and clinics	Three for every examination or treatment room and one for each employee
Offices, public or professional administration, or service building	One for each 300 square feet of floor area
Restaurants, taverns, night clubs, or similar uses	One for each three persons capacity, and one for each three employees
Retail stores	One for each 250 square feet of floor area
Sanitariums, homes for the aged, nursing homes, children's homes, and similar uses	One for each two beds

**INDUSTRIAL**

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
Manufacturing, storage uses, warehouse and wholesale uses, parcel delivery, freight terminals, and similar uses	Two for each three employees on the largest shift for which the building is designed and one for each motor vehicle used in the business and maintained on the premises

**SCHOOLS**

<u>TYPE OF USES</u>	<u>PARKING SPACES REQUIRED</u>
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Business, technical, and trade schools

One for each two students and one for each teacher

**SCHOOLS (CONT.)**

**TYPE OF USES**

**PARKING SPACES REQUIRED**

Colleges and universities

One for each four students

Elementary and junior high schools

Two for each classroom and one for every eight seats in auditoriums or assembly halls

High schools

One for each two persons capacity of the largest assembly area including: One for every ten students, one for every teacher, and one for every other employee or administrator

Kindergartens, child care centers, nursery schools and similar uses

One for each 400 square feet of floor area and one for each employee, but not less than six for the building

**RECREATIONAL**

**TYPE OF USE**

**PARKING SPACES REQUIRED**

Bowling alleys

Six for each alley or land plus one additional space for each 100 square feet used for restaurant, cocktail lounge, or similar use

Dance halls, skating rinks

One for each two persons capacity

Swimming pools

One for each two member families or one for each five persons capacity, whichever is greater

**RECREATIONAL (CONTD.)**

**TYPE OF USE**

**PARKING SPACES REQUIRED**

Auditoriums, sport arenas, theaters, and similar uses

One for each four persons capacity

Golf courses open to the general public

Five for each hole, one for each employee, and one space for each 100 square feet of area used for restaurant,



	cocktail lounge, or similar purpose
Miniature golf courses	Two for each hole and one for each employee
Private clubs and lodges	One for each three persons capacity
Tennis facilities, racquetball facilities or similar uses	Two for each three playing areas and one for each employee

SECTION 605      OFF-STREET LOADING DESIGN STANDARDS: A permanently maintained area for standing, loading, and unloading services shall be provided for erected and occupied for commercial, institutional, and/or distribution of materials or merchandise by vehicles. These off-street loading areas shall be required in order to avoid undue interference with public use of streets and alleys. All loading facilities shall be in accordance with the following specifications:

- 605.1      Loading Space Dimensions: Each loading space shall have minimum dimensions not less than twelve (12) feet in width, fifty (50) feet in length, and a vertical clearance of not less than fifteen (15) feet.
- 605.2      Projection Into Yards: Off-street loading spaces may occupy any part of a required rear or side yard, but shall not project into any front yard.
- 605.3      Access: All required, off-street loading spaces shall have access to public street or alley in such a manner that any vehicle leaving or entering the premises shall be traveling in a forward motion. This requirement may be waived upon approval by the Board of Appeals.
- 605.4      Paving: All required loading spaces, together with driveways, aisles, and other circulation areas, shall be surfaced with an asphaltic or portland cement binder pavement in order to provide a durable or dust free surface.
- 605.5      Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the drainage of surface water on to adjacent properties or walkways and damage to public streets.
- 605.6      Screening: Screening shall be required as provided in Article 5, Section 515.
- 605.7      Lighting: Any loading area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.
- 605.8      Distance From Residential District: No loading ramp, dock, door, or space, nor any portion thereof, shall be located closer than fifty (50) feet from any lot zoned for any residential use unless located completely within an enclosed building.

SECTION 606      OFF-STREET LOADING SPACES REQUIREMENTS: The minimum number of off-street loading spaces shall be provided in accordance with this section unless otherwise approved by the Board of Zoning Appeals. An area adequate for maneuvering, ingress, and egress shall be provided in addition to the following required loading spaces:

<u>TYPE OF USE</u>	<u>REQUIRED LOADING SPACES</u>
Retail operations, including restaurant and dining facilities within hotels and office buildings	1 loading berth for every 40,000 square feet of floor area or fraction thereof; 1

with a total usable floor area of 20,000 square feet or more devoted to such purposes

loading space for every 20,000 square feet of floor area or fraction thereof

TYPE OF USE

REQUIRED LOADING SPACES

Retail operations, and all first floor non-residential uses, with a gross floor area of less than 20,000 square feet, and all wholesale and light industrial operations with a gross floor area of less than 10,000 square feet

1 loading space

Office buildings and hotels with total usable floor area of 100,000 square feet or more devoted to such purposes

1 loading berth for every 100,000 square feet of floor area or fraction thereof

Industrial and wholesale operations with a gross floor area of 10,000 square feet or over as follows:

Minimum number of loading berths required

10,000 to 39,999 square feet .....	1
40,000 to 99,999 square feet .....	2
100,000 to 159,999 square feet .....	3
160,000 to 239,999 square feet .....	4
240,000 to 319,999 square feet .....	5
320,000 to 399,999 square feet .....	6
Each 90,000 square feet above	
399,999 square feet .....	1

## ARTICLE 7

### SIGNS

- SECTION 701      INTENT AND PURPOSE: The intent of this Article is to provide a comprehensive system of sign regulation for Silvercreek Township that recognized the necessity and desirability of communication by outdoor signs while promoting an order to signage which eliminates visual clutter and confusion within the physical environment. The purpose of this article is to protect the safety and general welfare of the public within Silvercreek Township by encouraging compatibility between the design and functional nature of the sign and its location within the physical environment, thus reducing the propensity for traffic accidents and personal hazards caused by distractions, sight obstructions, and unsafe structures.
- SECTION 702      ZONING PERMIT REQUIRED: The erection or location of any sign within Silvercreek Township shall require a permit unless otherwise specified within this article. Signs erected for the purpose of traffic control, civil defense, or other similar public function, signs which cannot be viewed or are not intended to be viewed from any street or other property, and signs required by any law, ordinance or governmental regulation shall be exempt from the provisions of this article.
- SECTION 703      GENERAL LOCATION AND SAFETY REQUIREMENTS: All signs erected or located within Silvercreek Township shall be in conformance with the following requirements:
- 703.1      Signs shall not prevent free ingress to or free egress from any door, window, or fire escape.
  - 703.2      Signs shall not obstruct free and clear visibility at any intersection in accordance with Article 5, Section 510.
  - 703.3      Signs shall not be located or designed so as to interfere with, obstruct the view of, or be confused with any authorized traffic control sign, signal, or device.
  - 703.4      Signs shall not make use of colors, rotating lights, the words "STOP," "LOOK," "DANGER," or other similar words, devices, or symbols which may mislead or confuse traffic.
  - 703.5      Signs shall not be erected within nor project into any public right-of-way unless otherwise specified, and shall not be posted in any manner that is destructive to public property.
  - 703.6      Signs shall not be erected or located upon any property or building without the consent of the owner(s) or an authorized representative.
  - 703.7      Any illuminated sign which is clearly visible from any residential district shall not be illuminated between the hours of 11 P.M. and 7 A.M. unless it is accessory to a business or commercial use open for business during such hours and located upon the same lot.
  - 703.8      Streamers, spinners, banners, strings of lights, and other similar devices which do not serve the function of a sign shall not be permitted.
  - 703.9      All lighting, indirect or internal, shall consist of constant illumination which is uniform in intensity except for time and temperature displays. All lighting shall be properly directed so as to not create a nuisance to surrounding properties because of glare.
  - 703.10      Changeable copy shall not be permitted on any sign unless specifically permitted in this article.

- 703.11 The bottom of all freestanding signs shall maintain a minimum clearance of eight (8) feet above any pedestrian area and twelve (12) feet above any parking or loading area.
- 703.12 Wall signs shall not extend above the junction of any roof and wall.
- 703.13 Projecting signs shall not project into any right-of-way and not more than thirty-six (36) inches over any setback line.

SECTION 704 REAL ESTATE SIGNS: Signs identifying a property for sale, for rent, or for lease may be placed on-site until ten (10) days after the property has been closed, sold, rented, or leases. Real estate signs shall not exceed six (6) square feet in area per side within any residential district and shall not exceed twenty (20) square feet within any other district. All such signs shall be set back from the street right-of-way a minimum of ten (10) feet or the equivalent to the number of square feet of sign area, whichever is greater. No zoning permit shall be required for any real estate sign six (6) square feet or less in area.

SECTION 705 SUBDIVISION SALE SIGNS: Signs providing information on the sale of lots within an approved and recorded subdivision may be placed upon the property until such time as seventy-five percent (75%) of the lots within the subdivision are sold. Subdivision sale signs shall contain only the name of the subdivision, the name of the owner, the name of the developer, and information regarding the price, terms, and the location and phone number of the sales office. All such signs shall be set back a minimum of ten (10) feet or the total number of square feet of sign area, whichever is greater. The maximum sign area shall be twenty (20) square feet.

SECTION 706 POLITICAL SIGNS: Signs involving any issue or candidate for public elective office may be temporarily erected for a period not to exceed sixty (60) days before or seven (7) days after an election. Political signs shall be permitted as free standing signs in all districts, and shall not be attached to any structures providing essential services or located in any manner destructive to public property. The maximum sign area shall be six (6) square feet within any residential district or public right-of-way and twenty (20) square feet upon private property in any other district. No zoning permit shall be required for political signs. However, each candidate or governmental authority responsible for an issue shall post a bond to the Clerk of Silvercreek Township in the amount of fifty dollars (\$50.00) to insure the removal of the political signs within seven days after the election. The bond shall be refunded in full within fourteen (14) days of the election upon certification by the Zoning Inspector that all signs have been removed.

SECTION 707 CONSTRUCTION SIGNS: Signs identifying a construction project may be temporarily erected upon the same lot as the project. Such signs shall be permitted only for the length of the construction project or for one year, whichever is shorter. Any extension past the one year time shall be subject to approval by the Board of Zoning Appeals. Construction signs shall contain only the name of the construction project, the construction firm(s), the engineer, the architect, and/or the subcontractors involved in the project. Only one (1) construction sign shall be permitted per street frontage. Maximum sign area permitted shall be three (3) square feet for each dwelling unit for residential structures up to a maximum of twenty (20) square feet for all principal structures. All signs shall be set back from the street right-of-way a minimum number of feet equal to the square feet of sign area of the sign.

SECTION 708 AGRICULTURAL PRODUCT SIGNS: Signs identifying the sale of agricultural products such as vegetables, eggs, straw, hay, and seeds grown or produced upon the premises may be temporarily erected upon any lot during the season in which they are available. The maximum sign area permitted for an agricultural product sign shall be six (6) square feet. All signs shall be set back from the street right-of-way a minimum of ten (10) feet.

SECTION 709 SPECIAL EVENT SIGNS: Information signs advertising a grand opening, a seasonal event, a special sale, or any other similar special event may be temporarily located upon the premises on which the event is to take place for a period not to exceed seven (7) days within any thirteen (13) week period. The maximum sign area permitted for special event signs shall be six (6) square feet in any residential district and twelve (12) square feet in any other district. All signs shall be set back from the street right-of-way a minimum of ten (10) feet.

## SECTION 710

**BILLBOARDS:** Billboards may be erected on free-standing structures only in Agricultural or Industrial Districts and on any side or rear building wall in Agriculture, Business, and Industrial Districts. All billboards shall be subject to the following provisions.

- 710.1 The billboards can be double-faced and each side shall be considered as facing traffic flowing in the opposite direction;
- 710.2 Billboards on the same street facing the same traffic flow shall not be placed closer together than 1,000 feet;
- 710.3 No billboard structure shall be located closer than 1,000 feet to another billboard structure facing traffic flowing in the same direction in the vicinity of an intersection;
- 710.4 The maximum permitted area of a billboard shall not exceed two-hundred fifty (250) square feet of total area at the required setback as designated in Section 710.7. Larger signs may be permitted provided that for each additional square foot the required set back shall be increased by three (3) feet;
- 710.5 Structures for billboards shall be of vertical (cantilever) construction and where the back of the sign is visible it shall be suitably painted or otherwise covered to present a neat and clean appearance;
- 710.6 All lighting used in the illumination of billboards shall be adequately shielded or shaded, and properly directed so as to not be objectionable to adjacent and surrounding properties;
- 710.7 All billboards shall be set back from right-of-way lines a minimum distance of one hundred (100) feet along all state highways designated as such on the Official Zoning District Map, and the required front yard setback along all other streets; and
- 710.8 No billboard shall be located closer than one hundred (100) feet to any residential district.

## SECTION 711

**IDENTIFICATION SIGNS:** Signs which identify any residential subdivision, any multiple-family development, and/or any non-residential use may be erected upon the same property as such use in accordance with the following provisions:

- 711.1 Identification signs shall pertain only to the use or uses conducted upon the same property and shall not contain any advertising of products or changeable copy.
- 711.2 Identification signs shall be considered permanent installations and shall be either freestanding or attached to the structure which houses the use or uses identified on the sign.
- 711.3 Recorded residential subdivisions or multiple-family developments may be permitted freestanding identification signs as a Conditional Use subject to the following:
  - a. Such signs shall be limited to one (1) or two (2) entrances along major thoroughfares and shall not obstruct the visibility at any intersection as regulated in Article 5, Section 510.
  - b. Such signs shall contain only the name of the subdivision or multiple-family development which they identify, shall not exceed six (6) feet in height, and shall be landscaped.
  - c. The applicant shall submit a plan for the perpetual maintenance of such signs, identifying the responsibilities of the applicant, the public, the land owner, or other parties. Such plans shall be subject to approval by the Board of Zoning Appeals.
  - d. The Board of Zoning Appeals may limit the size of such signs so as to insure the scale of such signs is compatible with the residential character of the area.
- 711.4 Identification signs for non-residential uses within any residential district shall be attached and shall not project more than fifteen (15) inches from the structure. Such signs shall be non-illuminated and shall not exceed five percent (5%) of the total area of the building elevation upon which the sign is placed.
- 711.5 Identification signs for non-residential uses within any business or industrial district shall be in accordance with the following:
  - a. Each principal structure shall be entitled to two identification signs in the following combinations: one freestanding sign and one wall sign; one projecting sign and one wall sign; or two wall signs. Two freestanding signs, two projecting signs, or both a

projecting and a freestanding sign shall not be permitted upon the same property unless otherwise specified in this Article.

- b. The maximum sign area for a freestanding sign or a projecting sign shall be twenty-five (25) square feet.
- c. The maximum sign area for a wall sign shall be one (1) square foot per linear foot of building frontage up to a maximum of one-hundred (100) square feet.
- d. Freestanding signs shall not exceed sixteen (16) feet in height and shall be set back a minimum of ten (10) feet from any street right-of-way line.

711.6 Identification signs for non-residential uses within any agricultural or flood plain district shall be in accordance with the provisions of Section 711.5 except that each principal structure shall be entitled to only one (1) identification, sign.

## SECTION 712

REMOVAL OF SIGNS BY THE ZONING INSPECTOR: The Zoning Inspector shall cause to be removed: any sign that endangers the public safety by reason of its location and placement; and abandoned sign that no longer applies to the property on which it is situated; a dangerous or materially, electrically or structurally defective sign; or a sign for which no required permit has been issued. The Zoning Inspector shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten (10) days, the sign shall be removed in accordance with the provisions of this Section.

- a. All notices mailed by the Zoning Inspector shall be sent by certified mail. Any time period shall be deemed to commence on the date of the receipt of the certified mail.
- b. The notice shall be mailed to the owner of the property on which the sign is located as shown on the last tax assessment roll if known, or with reasonable care should be known, and shall be mailed to or delivered to the occupant of the property.
- c. Any person having an interest in the sign or the property may appeal the determination of the Zoning Inspector ordering removal or compliance by filing a written notice of appeal with the Board of Zoning Appeals within 30 days after the date of mailing the notice, or 30 days after receipt of the notice if the notice was not mailed.

## ARTICLE 8

### NONCONFORMITIES

- SECTION 801      INTENT: Within the districts established by this Resolution or amendments that may later be adopted, there exist lots, structures, or uses of land and structures which are lawful before this Resolution was passed or amended, but would be prohibited or more restricted under the terms of this Resolution or amendment thereto. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their continuance. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- SECTION 802      NON-CONFORMING LOTS OF RECORD: All non-conforming lots of record shall be in accordance with the following provisions:
- 802.1      Single Non-Conforming Lots of Record: In any district in which single-family dwellings are permitted, a single-family dwelling may be erected on any single lot of record at the effective date of adoption of this amendment, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements of area or width, or both, that are generally applicable in the district. Yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements from the required standards shall be obtained only through action of the Board of Zoning Appeals.
- SECTION 803      NON-CONFORMING USES OF LAND: Where, at the time of adoption or amendment of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:
- 803.1      No such non-conforming uses shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution;
- 803.2      Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this resolution, but no use shall be extended to occupy any land outside such building.
- 803.3      No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution unless it increases conformity with these regulations;

803.4 If any such non-conforming uses of land are voluntarily discontinued for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.

803.5 Additional structures not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.

#### SECTION 804

NON-CONFORMING STRUCTURES: Where a lawful structure exists at the effective date of adoption of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following regulations:

804.1 No such non-conforming structure may be enlarged or altered in a way which increases its non-conforming, but any structure or portion thereof may be altered to decrease its non-conformity;

804.2 Should such non-conforming structure be destroyed by any means, for two hundred percent (200%) or more of its most current assessed value as recorded in the Office of the Greene County Auditor, it shall not be reconstructed except in conformity with the provisions of this Resolution;

804.3 Should such non-conforming structure be destroyed, by any means, for less than two hundred percent (200%) of its most current assessed value as recorded in the Office of the Greene County Auditor, the destroyed portion may be reconstructed provided that the bulk, height, and area requirements shall not be in excess of those which existed prior to said damage;

804.4 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved;

804.5 To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently;

804.6 On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repairs or replacement of non-bearing walls, fixtures, wiring, or plumbing provided that the cubic content existing when it became non-conforming shall not be increased. Upon the order of any official charged with protecting the public safety, nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by such official;

804.7 When a non-conforming use of a structure, or structure and premises in combination, is voluntarily discontinued or abandoned for more than two (2) years, except when government action impedes access to the premises, the structure or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located and all other applicable provisions of this Resolution.



## ARTICLE 9

### ADMINISTRATIVE BODIES AND THEIR DUTIES

#### SECTION 901

TOWNSHIP ZONING INSPECTOR: The Township Trustees shall appoint a Township Zoning Inspector, together with such assistants as the Trustees deem necessary, and designate him as the enforcing officer of this Resolution. Any official or employee of the Township may assist the Zoning Inspector by reporting to him any new construction, reconstruction, land use changes, or suspected violation.

901.1 Duties: The Township Zoning Inspector shall be responsible for the following duties;

- a. The Zoning Inspector shall review all applications within the Township for Zoning Permits as outlined in Section 1001 within the Township to insure they conform to all applicable provisions of this Resolution are met, then a Zoning Permit shall be issued within 30 days and a record of all such permits maintained;
- b. The Zoning Inspector may periodically conduct on-site inspections to insure the actual construction will conform to the Zoning Permit;
- c. The Zoning Inspector, upon finding that any of the provisions of this Resolution are being violated, shall notify, in writing, the person responsible for such violations and order the action necessary to correct such violation;
- d. The Zoning Inspector may order discontinuance of illegal uses of land, building, or structures;

- e. The Zoning Inspector may order removal of illegal buildings or structures or illegal additions or structural alterations;
- f. The Zoning Inspector shall review all applicable subdivision plats and lot splits which are submitted to the Regional Planning and Coordinating Commission of Greene County in order to determine if the plat or lot split conforms to all applicable provisions of this Resolution.

SECTION 902

**TOWNSHIP ZONING COMMISSION:** The Township Trustees shall establish a Township Zoning Commission, consisting of five citizens of the Township to be appointed by the Township Trustees. None of the members shall concurrently serve as a member of the Board of Zoning Appeals.

The terms of the members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Member of the Zoning Commission may be removed for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, upon written charges being filed with the Township Trustees, after a public hearing has been held regarding such charges and after a copy of the charges has been served upon the member so charged at least ten days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Township Trustees and shall be for the unexpired term.

902.1 **Meetings:** The Zoning Commission shall elect its own officers annually and shall adopt the rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairman and such other times as the Zoning Commission may determine. The Chairman or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Zoning Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be a public record.

902.2 **Actions:** The Zoning Commission shall act by resolution or motion. The concurring vote of a majority of quorum shall be necessary to pass any motion to recommend the approval, disapproval, or modification of any proposed amendment to this Resolution. The results of such resolution or motion shall be forwarded to the Township Trustees for their action, except as may otherwise be provided herein.

902.3 **Duties:** The Township Zoning Commission shall be responsible for the following duties:

- a. The Township Zoning Commission shall initiate or review all proposed amendments to this Resolution and make recommendations to the Township Trustees in accordance with Section 1004.

SECTION 903

**BOARD OF ZONING APPEALS:** The Township Trustees shall appoint five (5) residents of the Township to the Board of Zoning Appeals. The terms of all members shall be so arranged that the term of one member shall expire every year. Each member shall serve until his successor is appointed and qualified. Members of the Board of Zoning Appeals may be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served either personally, by registered mail, or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by resolution of the Township Trustees and shall be for the unexpired term.

903.1 **Meetings:** The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairman and at such other times as the Board of Zoning Appeals may determine. The

Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Board of Zoning Appeals.

903.2 Action: In exercising its duties, the Board of Zoning Appeals may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the power of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution.

903.3 Duties: For the purpose of this Resolution, the Board of Zoning Appeals has the following specific responsibilities:

- a. To hear and decide appeals in accordance with Article 10, Section 1003 where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector;
- b. Where the applicant has provided sufficient evidence to warrant the granting of a variance, to authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done. The consideration of such variances shall be in accordance with Article 10, Section 1003;
- c. To grant Conditional Use Permits as specified in Article 10, Section 1002, and such additional safeguards as will uphold the intent of the Resolution;
- d. To determine if uses not specifically mentioned in this Resolution are similar to uses permitted within a district in accordance with Section 401;
- e. To determine the exact location of any district boundary in accordance with Article 3, Section 303 if there is uncertainty as to the exact location involved.

## SECTION 904

TOWNSHIP TRUSTEES: It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees, in connection with this Resolution, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in Article 10, Section 1003.

904.1 Duties: The Township Trustees shall be responsible for the following duties:

- a. To appoint a Zoning Inspector, members of the Township Zoning Commission, and members of the Board of Zoning Appeals;
- b. To establish a schedule of fees for issuing zoning permits, appeals, variances, conditional use permits, processing amendments, and any other zoning actions requiring postage, legal advertising, inspections, or general process of applications;
- c. To consider and adopt, reject or modify all proposed amendments to this Resolution as provided in Article 10, Section 1004.

## **ARTICLE 10**

### **ADMINISTRATIVE PROCEDURES**

#### **SECTION 1001**

**ZONING PERMIT REQUIRED:** No person shall change any use of land, locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure within Silvercreek Township without first obtaining a Zoning Permit. No Zoning Permit shall be issued unless the plans for the proposed building or structure or use of land fully comply with the provisions of this Resolution, unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, a variance, or conditional use. A Zoning Permit shall be required for all dwellings, all principal structures and uses, all accessory uses, and all temporary uses. A Zoning Permit shall not be required for the use of land for agricultural purposes, for buildings or structures exclusively used for agricultural purposes, or for structures, not including buildings, required in the provision of essential services.

1001.1 ACCOMPANYING INFORMATION: A written application and site plan for a Zoning Permit shall be submitted to the Zoning Inspector of Silvercreek Township on forms provided by the Zoning Inspector. The following information shall be required:

- a. Name, address, and phone number of applicant;
- b. Date;
- c. The name of the subdivision and the lot number or other information necessary to establish the location of the lot;
- d. The actual dimensions of the lot based on actual survey, including square footage and/or acreage, the yard and other open space dimensions thereof, and the location and size of any existing structures thereon;
- e. The location on the lot and size of any proposed structure and/or the proposed alteration of any existing structure, indication dimensions, including building height;
- f. The number of proposed dwelling units, and the total residential floor area and the number of bedrooms to be included in each dwelling unit;
- g. A permit from the Greene County Health Department or Ohio Environmental Protection Agency for on-site wastewater disposal, where applicable, illustrating the location of primary and secondary leaching field locations;
- h. The proposed parking plan and number and location of proposed off-street parking or loading spaces;
- i. A plan for screening when applicable;
- j. A statement by the applicant attesting to the truth and exactness of all information supplied on the application;
- k. A statement that the permit shall expire and shall be revoked if work has not been started and substantially pursued within one (1) year of its issue date;
- l. Such other information as may be necessary to determine conformance with this Resolution; and
- m. A fee as established by the Township Trustees.

1001.2 Processing of Permit: Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. If the application is approved, the Zoning Inspector shall issue a Zoning Permit. One copy of the application shall be returned to the applicant by the Zoning Inspector after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of the application similarly marked shall be retained by the Zoning Inspector and filed. After the Zoning Inspector issues a Zoning Permit he shall issue a placard to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

In the event an application involves land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification of local officials by the Director of the Ohio Department of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall require a third application for a Zoning Permit and send it to the Director of the Ohio Department of Transportation by registered mail for review. If the Director of the Ohio Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning Permit. If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one-hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the Zoning Permit.

## SECTION 1002

**CONDITIONAL USE PERMITS:** Conditional uses shall be permitted only upon issuance of a Conditional Use Permit by the Zoning Inspector after approval by the Board of Zoning Appeals. At a minimum, the application shall contain the following information:

1002.1 **Application:** An application for a Conditional Use Permit by at least one owner of the property is required prior to any authorization by the Board of Zoning Appeals. At a minimum, the application shall contain the following information.

- a. Name, address, and telephone number of applicant;
- b. Date;
- c. The lot, name, and number or legal description of the property;
- d. Description of existing zoning district;
- e. Description of the proposed Conditional Use;
- f. A site plan of the proposed site for the Conditional Use showing the scale, north arrow, location of all buildings, parking and loading areas, traffic access and traffic circulation, sidewalks, curbs, open spaces, landscaping, refuse and service areas, fire hydrants, utilities, rights-of-way, signs, yards, and such other information as the Board of Zoning Appeals may require to determine if the proposed Conditional Use meets the intent and requirements of this Resolution;
- g. A plan for screening when applicable;
- h. A narrative statement discussing the merits of the proposal;
- i. Such other information as may be required by the Board of Zoning Appeals; and
- j. A fee as established by the Township Trustees.

1002.2 **Conditional Use Standards:** Conditional Uses may be permitted provided that such uses shall be found to comply with the following requirements and all other applicable requirements as set forth in this Resolution:

- a. The use is so designed, located and proposed to be operated so that the public health safety, welfare and convenience will be protected;
- b. The use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;
- c. The use will be designed, constructed, operated, and maintained so that it shall not cause substantial injury to the value of the property in the area or neighborhood where it is to be located;
- d. The use shall be compatible with adjoining development and the proposed character of the zoning district where it is to be located;
- e. The use will be served adequately by essential public facilities and services such as highways, streets police and fire protection, drainage structures, refuse disposal, water and sewers, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide any such services adequately;
- f. The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- g. Adequate landscaping and screening are provided, as required under Article 5, Section 515;
- h. Adequate off-street parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets;
- i. The use conforms with all applicable regulations governing the district in which it is located, except as may otherwise be determined for planned unit development;
- j. The use is compatible with the standards, objectives, and policies of Perspectives: A Future Land Use Plan for Greene County Ohio;
- k. The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or vibrations; and
- l. Any other supplementary requirements as prescribed by the Board of Zoning Appeals.

- 1002.3 Processing of Conditional Uses: The Board of Zoning Appeals shall hold a public hearing within thirty (30) days from the receipt of the application. Before holding the public hearing, notice of such hearing shall be given in one (1) or more newspapers of general circulation within the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed Conditional Use. Before holding the public hearing, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest and all property owners within 500 feet of the parcel(s). The notice shall contain the same information as required of notices published in newspapers. Within thirty (30) days after the hearing, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is disapproved by the Board of Zoning Appeals the applicant may seek relief through the Court of Common Pleas.
- 1002.4 Expiration of Conditional Use Permits: A conditional use permit shall be deemed to authorize only one particular conditional use. The Conditional Use Permit shall automatically expire if, for any reason, the conditional use shall cease for more than six (6) months, or construction is not begun within the amount of time indicated on the Conditional Use Permit.

## SECTION 1003

APPEALS AND VARIANCES: It is the purpose of this Section to establish procedures and requirements for the hearing of appeals and variances. As is specified in Article 9, Section 903, The Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

- 1003.1 Appeals: Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.
- 1003.2 Stay of Proceedings: An appeal stays all proceeding in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.
- 1003.3 Variance: The Board of Zoning Appeals may authorize, upon appeal in specific cases, such variance from the terms of this Resolution as will not be contrary to the public interest or the intent of this Resolution, but only where strict interpretation would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance.
- 1003.4 Application: A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless the applicant has provided sufficient evidence to warrant the granting of a variance, and a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing, at a minimum, the following information:
- a. Name, address, and telephone number of applicant;
  - b. Legal description of the property;
  - c. Description of nature of variance requested;

d. A narrative statement demonstrating that the requested variance conforms to the following standards:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
2. That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution.
3. That special conditions and circumstances do not result from the actions of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.
5. That an economic hardship, requesting a more intensive use of the property than would normally be permitted, is not the only nor the primary factor for requesting the variance; and

e. A fee as established by the Township Trustees.

1003.5 Granting of Variances: The burden of proof for granting a variance, shall rest with applicant. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Resolution and punishable under Article 10, Section 1005 of this Resolution. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

1003.6 Processing Appeals and Variances: The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

Before holding the required public hearing, notice of such hearing shall be given in one or more newspapers of general circulation within the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

Before holding the required public hearing, written notice of such hiring shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all owners within 500 feet. The notice shall contain the same information as required of notices published in newspapers.

## SECTION 1004

AMENDMENTS and DISTRICT CHANGES: Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may, by resolution after receipt of recommendations from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and district boundaries or classification of property.

1004.1 Initiation of Amendments: Amendments to this Resolution may be initiated in one of the following ways:

- a. By adoption of a motion by the Zoning Commission;
- b. By adoption of a resolution by the Board of Township Trustees; or
- c. By the filing of an application by at least one (1) owner or his designee of property within the area proposed to be changed or affected by said amendment.



1004.2 Application for Amendments: The application for amendment shall contain at a minimum the following information in triplicate:

- a. Name, address, and telephone number of applicant;
- b. Date;
- c. Legal description of the property;
- d. Present use;
- e. Present zoning district;
- f. Proposed use;
- g. Proposed zoning district;
- h. A vicinity map at a scale approved by the Zoning Commission showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Commission may require;
- i. Proposed amendment to the text;
- j. A list of all property owners within five hundred (500) feet of, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and others that may have a substantial interest in the case;
- k. A statement on how the proposed amendment relates to Perspectives: A Future Land Use Plan for Greene County, Ohio; and
- l. A fee as established by the Township Trustees.

All applicants submitting requests for change in district boundaries on the Official Zoning District Map shall be required to post a sign upon the property in question within five (5) days after the submission of an application. Such sign shall be clearly visible from the street, or in the case of two or more streets, that street with the greater average traffic flow.

Such sign shall state "THIS PROPERTY IS BEING CONSIDERED FOR REZONING". "FOR INFORMATION CALL SILVERCREEK TOWNSHIP." and shall also denote the present and proposed zoning district classification for the site. No zoning permit shall be required. However, the location and size of such sign shall be subject to approval by the Zoning Inspector.

1004.3 Procedure for Amendments: Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner, or his designee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the Regional Planning and Coordinating Commission of Greene County. The Regional Planning and Coordinating Commission shall recommend the approval, denial, or modification to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

In the event that a proposed rezoning is located adjacent to another political jurisdiction, an additional copy of the application shall be provided and forwarded to the chairman of the Planning Commission or the Zoning Commission of that jurisdiction. Any comments provided by the adjoining jurisdiction shall be considered at the public hearing of the Zoning Commission.

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of the Ohio Department of Transportation. The Zoning Commission may proceed as required by law, however, for one-hundred twenty (120) days from the date the notice is received by the Director of the Ohio Department of Transportation. If the Director of the Ohio Department of Transportation notifies the Board of Township Trustees that he shall proceed to acquire any land needed, then the Board of Township Trustees shall refuse to approve the zoning. If the Director of the Ohio

Department of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon expiration of the one-hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

The Zoning Commission shall schedule a public hearing after the adoption of their motion, a transmittal of a resolution from the Board of Township Trustees, or the filing of an application for Zoning amendment. Said hearing shall not be less than twenty (20) no more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

Before the required public hearing, notice shall be given by the Zoning Commission by at least one (1) publication in a newspaper of general circulation within the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees of further determination.

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty days before the date of the public hearing to all owners of property within five hundred (500) feet of, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

Within thirty (30) days after the required public hearing, the Zoning Commission shall forward with reasons for such recommendation to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted.

Upon receipt of the recommendation the Zoning Commission, the Board of Township Trustees shall schedule a public hearing. The date of said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.

Notice of the required public hearing shall be given by the Board of Township Trustees by at least one (1) publication in a newspaper of general circulation within the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. Such notice shall be mailed by the Clerk of the Board of Township Trustees, by first class mail, at least fifteen (15) days before the day of the hearing to all owners of property within five hundred (500) feet of, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Board of Trustees. The failure to deliver the notice as provided in this section shall not invalidate any such amendment.

Within twenty (20) days after the required public hearing the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees is required.

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was as elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

#### SECTION 1005

VIOLATIONS AND PENALTIES: Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Resolution, including those established by the Board of Zoning Appeals for Conditional Uses, shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating full the causes and basis thereof shall be filed with the Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereof as provided in this section.

## **ARTICLE 11**

### **WIRELESS TELECOMMUNICATIONS**

#### **SECTION 1101**

##### **LEGISLATIVE PURPOSES AND INTENT OF WIRELESS TELECOMMUNICATION REGULATIONS**

The purpose of this Resolution is to regulate the placement, construction, and modification facilities and their support structures in order to protect the public health, safety, and welfare of the community, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the Miami Valley Region.

This article 11 does not unreasonably discriminate among providers of functionally equivalent services nor shall it prohibit or have the effect of prohibiting the provision of personal wireless services. Any requests for authorization to place, construct, or modify personal wireless service facilities shall be acted upon as deemed by the Silvercreek Township Zoning Inspector. Any decision to deny a request to place, construct, or modify wireless telecommunication facilities shall be in writing and supported by substantial evidence contained in a written

record. This Article shall not regulate the placement, construction, and modification of wireless telecommunication facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC) regulations concerning such emissions.

- a. To direct the location of various types of towers and wireless telecommunications facilities into appropriate areas of Silvercreek Township
- b. To protect residential areas and land uses from the potential adverse impacts of towers and wireless telecommunication facilities.
- c. To minimize adverse visual impacts of towers and wireless telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques.
- d. To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers.
- e. To avoid potential damage to adjacent properties caused by towers of wireless telecommunications facilities by ensuring such structures are soundly designed, constructed, and modified, and that they are appropriately maintained and are fully removed. In the case of abandonment.
- f. To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are compatible with surrounding land uses.
- g. To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

## **SECTION 1102 APPLICABILITY**

All towers, antenna support structures, and wireless telecommunication facilities, any portion of which are located in Silvercreek Township, which meet any of the following requirements are subject to this Resolution:

- ◆ A written notice has to be received by Silvercreek Township from a property owner under section [519.21] (B)(4) [303.21] (B)(4) of the Ohio
- ◆ Revised Code requesting that Silvercreek Township Zoning Authority apply to such facility.
- ◆ A Township Trustee objects to such wireless telecommunication facility under section [519.211] (B) (4) [303.21] (B) (4), thus triggering application of such zoning authority.
- ◆ A written notice has been received by Silvercreek Township from a property owner under section [519.21] (E) (1) [303.21] (E) (I) of the Ohio Revised Code requesting that Silvercreek Township Zoning Authority apply to such a facility.

Except as provided in this Resolution, any use of an existing tower or antenna support structure on the effective date of this Resolution shall be deemed a nonconforming structure and allowed to continue, even if in conflict with the terms of this Resolution. Any tower site that has received approval in the form of a building permit by Silvercreek Township, but has not yet been constructed or located, shall be considered a nonconforming structure so long as such approval is current and not expired.

## SECTION 1103 DEFINITIONS

For the purpose of this, Resolution, the following terms, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. All capitalized terms in the definition of any other term shall have their meaning as otherwise defined in this section. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their customary meaning as defined in Webster's New World Dictionary

- 1103.01 **Antenna** - Any panel, whip, dish, or other apparatus designed for communications through the sending and/ or receiving of electromagnetic waves, excluding any support structure other than brackets.
- 1103.02 **Antenna Support Structure** - Any building or other structure other than a tower which can be used for location of wireless telecommunications facilities.
- 1103.03 **Applicant** - Any person that applies for a permit pursuant to this Zoning Resolution.
- 1103.04 **Application** - The process by which an applicant submits a request and indicates a desire to be granted a conditional use permit **under** the provisions of this Zoning Resolution - An application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to Silvercreek Township concerning such a request.
- 1103.05 **Co- location** - The use of a wireless telecommunications facility by more than one wireless telecommunications provider.
- 1103.06 **Silvercreek Township** - The jurisdiction controlled by this resolution.
- 1103.7 **Emergency** - A reasonably unforeseen occurrence with the potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.
- 1103.8 **Engineer** - Any engineer licensed by the State of Ohio.
- 1103.09 **Equipment Shelter** - The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
- 1103.10 **FAA** - The Federal Aviation Administration and any legally appointed, designated, or elected agent or successor.
- 1103.11 **FCC** - The Federal Communications Commission and any legally appointed, designated, or elected agent or successor,
- 1103.12 **Monopole** - A support structure constructed to a single, self- supporting hollow metal tube securely anchored to a foundation.
- 1103.13 **Person** - Any natural person, firm, partnership, association, corporation, or other legal entity, private or public, whether for profit or not- for- profit.
- 1103.14 **Tower** - A self-supporting lattice, guyed or monopole structure constructed from grade which supports wireless telecommunications facilities. The term *tower* shall not include amateur radio operator's equipment, as licensed by the FCC.
- 1103.15 **Wireless Telecommunications Facility** - Any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or have installed upon a tower antenna support structure. However, the term wireless telecommunications facilities shall not include:
- a. Any satellite earth station antenna two (2) meter in diameter or less, and personal television antennas.

- b. Antennas used by amateur radio operators.

1103.16 **Zoning Resolution** - The Zoning Resolution of Silvercreek Township.

**SECTION 1104**

**LOCATION OF WIRELESS TELECOMMUNICATION FACILITIES**

1104.1 **PERMITTED USES IN DISTRICTS ZONED FOR RESIDENTIAL USE, A-10, A-3, E-3, RS-2, RM-8, R-MH**

The erection, construction or replacement of a wireless telecommunication antenna(s) on a lawfully existing wireless telecommunication tower and with the necessary wireless telecommunication equipment shelter may be a permitted use as a co-location only on an existing wireless telecommunication tower.

1104.2 **ACCESSORY USES, IN DISTRICTS ZONED FOR RESIDENTIAL USE, A-10, A-3, E-3, RS-2, RM-8, R-MH**

- 1. An antenna for a wireless telecommunication facility may be attached to an existing residential building four (4) or more stories in height or to an existing nonresidential structure, excluding residential accessory structures, subject to the following conditions:

- A. **Maximum Height.** The antenna shall not extend more than ten (10) feet above the roof of the existing building or top of the existing structure.

- B. **Separate Wireless Telecommunication Equipment Shelter.** If the applicant proposes to locate the wireless telecommunications equipment in a separate wireless telecommunications equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district and shall be located below existing grade.

- C. **Vehicular Access.** Vehicular access to the equipment shelter shall be via the existing circulation system.

- 2. Failure to meet the above conditions the applicant can apply for a conditional use.

1104.3 **CONDITIONAL USES, IN DISTRICTS ZONED FOR RESIDENTIAL USE, A-10, A-3, E-3, RS-2, RM-8, R-MH**

A wireless telecommunication facility is permitted as a conditional use upon a parcel in districts zoned for residential uses, subject to the following conditions.

- A. The minimum parcel size shall comply with the parcel requirements of the district.

- B. The minimum setback from the nearest lot line to the base of the wireless telecommunication tower shall be the height of the tower plus 25 feet, from the nearest lot line and any structure. The equipment shelter shall comply with minimum setback requirements for the established Zoning District.

- C. The maximum height shall be less than two hundred (200) feet from the existing grade to the highest point of the wireless telecommunication facility.

- D. There is no feasible co-locatable tower site available for the applicants antenna(s) and related facilities within the geographic area to be served as provided by a radio frequency (R.F.) Engineer and subject to 1107.7.

- E. As a condition of issuing a conditional zoning certificate to construct and operate a wireless telecommunication facility in the Township, the owner/operator is required to allow and agree to such co-location until said tower has reached full antenna capacity. In no event shall fewer than two (2) additional antenna platforms of equal loading capacity to the owner's/operator's antenna platform be provided for two (2) additional wireless telecommunication providers. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the Zoning Inspector evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of co-location as well as all other applicable requirements, regulations and standards set forth in this Article and the parcel owner understands the taxing implications that the wireless telecommunication facility may have on the parcel.
  
- F. The Silvercreek Township Board of Zoning Appeals may require a bond for tower removal and site restoration.

**SECTION 1105  
STANDARDS APPLICABLE TO ALL WIRELESS  
TELECOMMUNICATIONS FACILITIES**

**1105.01 CONSTRUCTION STANDARDS**

All wireless telecommunications facilities and support structures shall be certified by an engineer licensed by the State of Ohio to be structurally sound and at a minimum, in conformance with Ohio Basic Building Code.

**1105.02 NATURAL RESOURCE PROTECTION STANDARDS**

The location of the wireless telecommunications facility shall comply with all natural resource protection standards established either in this Zoning Resolution or in other applicable regulations, including those for flood plains, wetlands, groundwater protection, and steep slopes.

**1105.03 HISTORIC OR ARCHITECTURAL STANDARDS COMPLIANCE**

Any application to locate a wireless telecommunication facility on a building or structure that is listed on a federal, state, or local historic register, or is in an historic district established by Silvercreek Township, shall be subject to review by the Silvercreek Township Trustees, or Zoning Inspector, to insure architectural and design standards are maintained.

**1105.04 COLOR AND APPEARANCE STANDARDS**

All wireless telecommunications facilities shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission, Federal Aviation Administration, and/or by historical or architectural standards imposed under Section 1105.03 of the Zoning Resolution. All Appurtenances shall be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by Silvercreek Township.

**1105.05 ADVERTISING PROHIBITED**

No advertising is permitted anywhere upon or attached to the wireless telecommunication facility or tower.

**1105.06 ARTIFICIAL LIGHTING RESTRICTED**

An antenna or the tower top shall be illuminated with a red light unless other requirements are mandated by the Federal Aviation Administration (FAA).



1105.07 **CO-LOCATION**

All wireless telecommunication facilities shall be subject to the co-location requirements set forth in Section 1106 of this Zoning Resolution.

1105.08 **ABANDONMENT**

All wireless telecommunication facilities shall be subject to the abandonment requirements set forth in Section 1108 of this Zoning Resolution.

1105.09 **SETBACK FROM EDGE OF ROOF**

Any wireless telecommunication facility and its appurtenances permitted on the roof of a building shall be set back one (1) foot from the edge of the roof for each one (1) foot in height of the wireless telecommunication facility. However, this setback requirement shall not apply to antennas that are less than two (2) inches in thickness mounted to, the sides of antenna support structures and so not protrude more than six (6) inches from the side of such an antenna support structure. This requirement is subject to change by the Silvercreek Township upon the review of the photo simulation provided in compliance with Section 1110.4.

1105.10 **SECURITY ENCLOSURE REQUIRED**

All towers and equipment shelters located at grade shall be enclosed by security fence not less than eight (8) feet in height and shall be fully enclosed the base of the wireless telecommunication facility including anchors for guy wires. Gates shall be locked at all times when the facility is unattended by an agent of the wireless telecommunication provider.

1105.11 **EXISTING VEGETATION AND BUFFER PLANTINGS**

Existing vegetation (trees, shrubs, etc.) shall be preserved to the maximum extent possible. Buffer plantings shall be located around the perimeter of the security enclosure as deemed appropriate by the Silvercreek Township. An evergreen screen may be required around the perimeter of the property in lieu of such buffer plantings.

1105.12 **ACCESS CONTROL AND EMERGENCY CONTACT**

"No Trespassing" signs shall be clearly posted on all sides of wireless telecommunication facility, along with a telephone number of who to contact in the event of an emergency.

**1106 SECTION 1106  
CO-LOCATION REQUIREMENTS**

1106.1 **JURISDICTION STUDY OF POTENTIAL PUBLIC SITES**

In order to encourage the location of a wireless telecommunication facility on publicly-owned property, Silvercreek Township shall undertake an identification of publicly-owned properties that Silvercreek Township determines are suitable for such use. Silvercreek Township shall regularly update such identification and make the results of such identification available to the public.

1106.2 **EXEMPTION FROM PROOF OF CO-LOCATION AVAILABILITY**

Persons locating a wireless telecommunication facility upon a publicly-owned property identified in the study mentioned in Section 1105.1 above shall be exempted from the requirements herein

regarding presentation of proof that co-location is not available. However, persons locating wireless telecommunication facility on publicly-owned properties shall be subject to the requirements contained in Section 1105.4 below.

**1106.3 EXEMPTION FROM CERTAIN REQUIREMENTS**

Persons locating a wireless telecommunication facility on a publicly-owned property identified by Silvercreek Township to be suitable for such purposes shall be exempt from the requirements of Sections 1106, 1107, 1108, and 1109 of this resolution.

**1106.4 CO-LOCATION DESIGN REQUIRED**

No new tower shall be constructed in Silvercreek Township unless such tower is capable of accommodating at least two (2) additional wireless telecommunication facilities owned by another person.

**1106.5 TECHNICALLY SUITABLE SPACE**

Authorization for a tower shall be issued only after the applicant has demonstrated that there is not a technically suitable space reasonably available on an existing tower or structure within the geographic area to be served.

**1106.6 APPLICATION REQUIREMENTS**

With the permit application, the applicant shall list the location of every tower, building, or structure within a reasonable proximity that could support the proposed antenna.

**1107 SECTION 1107 APPLICATION AND REVIEW REQUIREMENTS**

**1107.1 APPLICATION FEES AND BONDING**

Application fees and bonding for zoning certificates as required by this section, shall be specified by the trustees

**1107.2 REQUIRED INFORMATION FOR APPLICATIONS**

All applications for wireless telecommunication facilities, including towers, shall include the information required under this Section.

**1107.3 PLOT PLAN REQUIRED**

When a proposed wireless telecommunications facility or antenna support structure is to include a new tower, a plot plan at a scale of not less than one (1) inch equals ten (10) feet shall be submitted. This plot plan shall indicate all building and land uses within two hundred(200) feet of the proposed facility. Aerial photos and/or rendering may augment the plot plan.

**1107.4 PHOTO SIMULATIONS REQUIRED**

Photo simulations of the proposed wireless telecommunication facility from affected residential properties and public right-of-way taken at designated locations shall be provided.

**1107.5 PROOF WHY NONRESIDENTIAL TOWER LOCATION NOT FEASIBLE**

In applying for authorization to erect a tower within any residential district, that applicant must present sufficient evidence as to why it is not technically feasible to locate such tower in a more appropriate nonresidential zone. This evidence shall be reviewed by Silvercreek Township. If Silvercreek Township refutes the evidence, then the tower is not permitted.

**1107.6 TECHNICAL NECESSITY**

The applicant shall demonstrate that the telecommunication tower must be located where it is proposed in order to provide adequate coverage to the applicant's service area. There shall be an explanation of why a tower and the proposed site is technically necessary.

- 1107.7 **REVIEW BY RADIO FREQUENCY ENGINEER** The evidence submitted by the applicant shall be reviewed by a radio frequency engineer, who will support or refute the evidence.
- 1107.8 **LAND OWNER SUPPORT AND ACCESS**  
Where the wireless telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports that application and vehicular access is provided to the facility.
- 1107.9 **REQUIRED SITE AND LANDSCAPING PLAN**  
The applicant shall present a site and landscaping plan showing the following:
- A. Specific placement of the wireless telecommunication facility on the site.
  - B. The location of existing structures, trees, and other significant site features.
  - C. Type and locations of plant materials used to screen the facilities.
  - D. The proposed color of the facilities.
  - E. Security and closure plan.
- 1107.10 **CO-LOCATION AND REMOVAL AGREEMENT** The applicant shall present a site and landscaping plan showing the following:
- a. The applicant agrees to allow for the potential co-location of additional wireless telecommunication facilities by other providers on the applicant's structure or within the same site location; and
  - b. The applicants agree to remove the facility per Section 1108.1.

## **SECTION 1108 ABANDONMENT OF TOWER**

- 1108.1 **REQUIRED NOTIFICATION**  
All providers utilizing towers shall present a report to Silvercreek Township notifying it of any tower facility located in Silvercreek Township whose use will be discontinued and the date this use will cease. Such report shall be filed with Silvercreek Township thirty (30) days prior to the cessation date. If at any time the use of the facility is discontinued for one hundred and eighty (180) days, the zoning inspector may declare the facility abandoned. The one hundred eighty (180) day period excludes any dormancy between period construction and the initial use of the facility. The owner/operator of the facility will receive written notice from the zoning inspector and be instructed to either reactivate use of the facility within one hundred eighty (180) days or dismantle and remove facility. If reactivation or dismantling does not occur, Silvercreek Township will either remove the facility or will contract to have the facility removed and assess the owner/operator the costs.
- 1108.2 **REQUIRED NOTICE TO OWNER**  
Silvercreek Township must provide the tower owner thirty (30) day notice and an opportunity to be heard before the Board of Zoning Appeals before initiating such action. After such notice has been provided, Silvercreek Township, shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the current fair market value at that time, or in the alternative, order the demolition of the tower and all appurtenances.
- 1108.3 **RIGHT TO PUBLIC HEARING BY OWNER**  
Silvercreek Township shall provide the tower owner with the right to a public hearing before the Board of Zoning Appeals, which public hearing shall follow the thirty (30)day notice required in Section 1108.2. All interested parties shall be allowed an opportunity to be heard at the public hearing.
- 1108.4 **ORDER OF ABATEMENT OR DEMOLITION**

After a public hearing is held pursuant to Section 1108.3, Silvercreek Township may order the abatement or demolition of the tower. Silvercreek Township will require the owner/operator to pay for all expenses necessary to acquire or demolish the tower.

**SECTION 1109  
VARIANCES**

Any request to deviate from any of the requirements of this Resolution shall require approval of a variance in conformance with the procedures set forth in the Silvercreek Township Zoning Resolution.

**SECTION 1110  
SEPARABILITY**

Should any section, clause, paragraph, sentence, item, phrase, or provision of this Resolution be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this resolution as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

## ARTICLE 12

### ADULT ENTERTAINMENT

#### SECTION 1201

An adult entertainment facility is a conditional use within Article 4 Sections 408 & 409. A conditional use permit shall not be authorized unless the following conditions and the provisions of Article 10 Section 1002.2., at a minimum, shall be complied with:

- A. Minimum setback from the Residential District:** No adult entertainment facility shall be established within Two Thousand (2000) Feet of any residential district.
- B. Minimum setback from Library and School:** No adult entertainment facility shall be established within a radius Two Thousand (2000) Feet from any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library or teaching facility is attended by persons under eighteen (18) years of age.
- C. Minimum setback from Park or Recreational Facility:** No adult entertainment facility shall be established within a radius of Two Thousand (2000) Feet from any park or recreational facility attended by persons under eighteen (18) years of age.
- D. Minimum setback from Churches:** No adult entertainment facility shall be established within a radius of Two Thousand (2000) Feet from any church, synagogue, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.
- E. Minimum setback from other Adult Entertainment Facilities:** No adult entertainment facility shall be established within a radius of Two Thousand (2000) Feet of any other adult entertainment facility or within

the radius of Two Thousand (2000) Feet of any two (2) of the following establishments: or of any one (1) establishment which combines to any degree two (2) of the following activities whether in the township or in any other political subdivisions:

1. Cabarets, Clubs, or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
2. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
3. Pool or Billiard hall.
4. Pinball palaces or halls.
5. Video arcades or establishments known by other descriptions but which provide video games and/or other games or entertainment attended or participated by persons under eighteen (18) years of age.
6. Dance halls or discotheques.

**F. Prohibited Public Display:** No advertisements, displays or other promotional material shall be shown or exhibited as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.

**G. Public View to be Prevented:** All building openings, entries, windows etc. for adult uses shall be located, covered, or serviced in such a manner to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

**H. External Audio and Visual Impact:** No screens, loudspeakers or sound equipment shall be used for motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas

## SECTION 1202

### DEFINITIONS

**Accessory use or building or structure** - Is a use or building or structure on the same lot with, and of a nature customarily incident and subordinate, to this of the main use or building.

**Adult Entertainment Facility** - A facility having a significant portion of its functions as adult entertainment which includes the following listed categories:

- a. **Adult Book Store** - An establishment having a substantial or significant portion of its stock in trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to “specified sexual activities” or “specified anatomical areas” as herein defined or an establishment with a segment or section devoted to the sale or display of such material.
- b. **Adult Mini Motion Picture Theater** - A facility with a capability for less than Fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “or specified sexual activities” or “specified anatomical areas” for observations by patrons therein.
- c. **Adult Motion Picture Theater** - A facility with a capability of Fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein
- d. **Adult Entertainment Business** - Any establishment involved in the sales of services or products characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons, the exposure or presentation of “specified sexual activities” or “specified anatomical areas” and/or physical contact of living males and females, and is characterized and/or portrayed by either photography, dancing, stripping, reading, massage, male or female impersonation, or similar activities or medium.
- e. **Specified Sexual Activities** - (1) Human genitals in a stimulation or arousal, state of sexual (2) acts, real or stimulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; and/or (3) fondling or other erotic touching of human genitals, public region, buttock or female breasts.

**Specified Anatomical Areas** - (1) Less than completely and opaquely covered human genitals, public region, buttocks, and female breasts below a point immediately above the top of the areola; and/or (2) human genitals in a discernibly turgid state even if completely and opaquely covered.

