

**ORDINANCE NO. 21-3666**

**AN ORDINANCE ESTABLISHING §153.092 (13), AMENDING §153.090 OF THE CODE OF ORDINANCES TO ALLOW GARDEN LEVEL APARTMENTS AS A CONDITIONAL USE IN THE C-1 NEIGHBORHOOD COMMERCIAL DISTRICT, AND AMENDING §153.007 OF THE CODE OF ORDINANCES TO DEFINE GARDEN-LEVEL**

**WHEREAS**, the Village of Silverton regulates land use through the Zoning Code, which includes regulating types of land uses allowed in different established zoning districts inside the corporate limits of Silverton; and

**WHEREAS**, the Village of Silverton has established a C-1 Neighborhood Commercial District in the center of the corporate limits which includes most portions of the Silverton community along Montgomery and Plainfield Roads; and

**WHEREAS**, §153.091 (F) allows dwelling units when located on the second or third floor of a structure that contains a first-floor permitted retail, service or office use as provided for under this section. First floor residential dwelling units are prohibited in this district; and

**WHEREAS**, §153.092 (A) (8) allows dwelling units occupied by owner-operators of attached permitted uses in the district provided the building was originally designed for residential use, including accessory uses appropriate to the dwelling unit; and

**WHEREAS**, a property owner in the C-1 Neighborhood Commercial District with a permitted retail use on the first floor and a second story dwelling unit in a building originally designed for residential use wished to convert a basement into a residential unit, but such proposed use has been denied by the Zoning Enforcement Officer and the Board of Zoning Appeals because the Silverton Zoning Code does not permit garden-level dwelling units; and

**WHEREAS**, Village Council adopted a resolution on February 18, 2021 to refer a zoning text amendment to the Planning Commission that would allow a property in the C-1 District originally designed for residential use to convert a garden-level basement into a separate residential dwelling unit in the C-1; and

**WHEREAS**, the Planning Commission conducted a public hearing on a proposed amendment to the Zoning Code to allow garden-level dwelling units as a conditional use in the C-1 Neighborhood Commercial District. The Planning Commission's public hearing was held on April 15, 2021, and afterwards the Commission recommended to Village Council on April 15, 2021 to allow garden-level apartments in the C-1 Neighborhood Commercial District as a conditional use; and

**WHEREAS**, Village Council conducted a public hearing on the Planning Commission's recommendation on May 6, 2021.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Village of Silverton, Ohio, that:

**SECTION I. To add a section:** "Section 153.092 (13) of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows:

(13) A garden-level residential dwelling unit occupied by owner-operators of attached permitted uses in the district, provided the building was originally designed for residential use, including accessory uses appropriate to the dwelling unit;

**SECTION II.** Section 153.090 of the Municipal Code of Ordinances, is amended as follows:

**153.090 PURPOSE.**

The purpose of the G-1 Neighborhood Commercial District is to provide a planned, mixed-use and pedestrian-oriented commercial district. This district shall be organized to function as a cohesive destination-based shopping, entertainment and employment center serving a local and semi-regional market area. Thus, retail uses shall be encouraged which provide specialty and some major purchase goods, and which individually complement other uses in the district to allow maximum lot coverage for clustered sales space and utilization of shared parking facilities. Land uses within this district shall also include personal services, professional services and office uses that may attract a non-local customer base while maintaining the appropriate development scale and intensity desired for this district. Residential dwelling units located above or beneath first floor retail or office uses shall also be encouraged to assist in creating a residential critical market mass within the district. Areas included in this district will be readily accessible via major and minor arterial streets and shall be organized to facilitate nuisance-free circulation of traffic and to avoid adverse impact on the utilization of adjacent areas.

**SECTION III.** Section 153.007 of the Municipal Code of Ordinances, is amended to include:

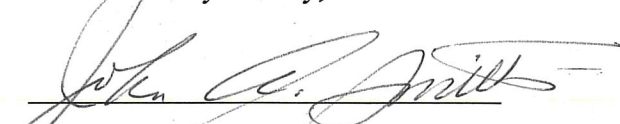
**GARDEN-LEVEL.** A level situated between a basement and first floor, so that people standing up inside it would find their heads at or around street level, and with a wholly separate entranceway from the first floor.

**SECTION IV.** This Ordinance shall take effect and be in force from and after its passage and approval at the earliest time provided by law.


*First reading May 6, 2021.*

*Second reading May 20, 2021.*


*PASSED this 20<sup>th</sup> day of May, 2021.*

  
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John A. Smith, Mayor

**ATTEST:**

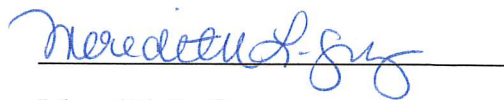
  
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Thomas M. Carroll, Village Manager

*Approved as to form:*

  
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Bryan E. Pacheco, Village Solicitor

**CERTIFICATION:**

I, Meredith L. George, Clerk of Council of the Village of Silverton, County of Hamilton, State of Ohio; do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing Ordinance No. 21-3666 has been duly made by posting true copies in two (2) places that are accessible by the public in said municipality, as determined by Council as follows: 1) Silverton Town Hall lobby area and Council Chambers foyer; and 2) Silverton's official website. Said posting was for a period of fifteen days commencing May 21, 2021.

  
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Meredith L. George  
Clerk of Council of Silverton, Ohio