

**VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION**

The Village of Yellow Springs Planning Commission will meet in regular session on Monday, September 25, 2017 at 7PM in Village Council Chambers on the second floor of the Bryan Community Center, 100 Dayton Street, Yellow Springs, Ohio 45387

CALL TO ORDER

ROLL CALL

REVIEW OF AGENDA

REVIEW OF MINUTES

Minutes of August 14, 2017

COMMUNICATIONS

Chris Zurbuchan re: Silver Link Information from Complete Streets Workshop

COUNCIL REPORT

CITIZEN COMMENTS

PUBLIC HEARINGS:

1. Amend Chapter 1258.01 Table ó Schedule of Uses by District ó adding Pocket Neighborhood Developments (PNDs) to Residential Districts A, B and C
2. Text Amendments - The Village of Yellow Springs is applying for an amendment to the following zoning code for Short-Term Rentals:
 - Amend Chapter 1262.08 (e) (6) Conditional Use Specific Requirements ó changing short-term rentals to transient guest lodging and adding specific requirements
 - Amend Chapter 1246.02 Table ó Schedule of Uses: Educational Institution Districts ó changing short-term rentals to transient guest lodging
 - Amend Chapter 1248.02 Table ó Schedule of Uses: Residential Districts - changing short-term rentals to transient guest lodging
 - Amend Chapter 1250.02 Table ó Schedule of Uses: Business Districts ó changing short-term rentals to transient guest lodging
 - Amend Chapter 1258.01 Table ó Schedule of Uses by District ó changing short-term rentals to transient guest lodging
 - Amend Chapter 1284.08 Definitions: R-S ó removing the definition of short-term rentals
 - Amend Chapter 1284.09 Definitions: T-U ó adding the definition of transient guest lodging

3. Text Amendments -The Village of Yellow Springs is applying for amendments to the planning and zoning codes for the addition of Pocket Neighborhood Developments (PNDs).

Amend APPENDIX B of Village of Yellow Springs Recommended Trees of updating the list of recommended trees

OLD BUSINESS

NEW BUSINESS

AGENDA PLANNING

CBE/Commerce Park - Final Plan Phase One Replat of Planned Unit Development (PUD) District. The Village of Yellow Springs has submitted a replat application for the purpose of re-dedicating right-of-ways and parcels for the development of infrastructure to the proposed Cresco Labs medical marijuana cultivation and processing plant, and future mixed use PUD development. Parcel ID #F19000100200000300, F19000100200000600 and F19000100200000700

Cresco Labs Conditional Use and Site Plan Review

ADJOURNMENT

**Planning Commission
Regular Meeting Minutes**

Council Chambers 7:00pm

Monday, August 14, 2017

CALL TO ORDER

The meeting was called to order at 7:00 P.M.

ROLL CALL

Planning Commission members present were Chair, Matt Reed, Council Alternate Judith Hempfling, Susan Stiles, Rose Pelzl and Alternate Chris Zurbuchen sitting in for Adam Abraham. Also present were Denise Swinger, Zoning Administrator, and Jessica Brockman, Village Solicitor. Gerry Simms and Adam Abraham were not present.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Minutes of July 10, 2017 were reviewed. Zurbuchen MOVED to APPROVE THE MINUTES AS WRITTEN. Pelzl SECONDED and the MOTION PASSED 3-0 with Hempfling and Stiles abstaining.

COMMUNICATIONS

There was one communication stating support for the proposed PND addition to the zoning code.

OLD BUSINESS

NEW BUSINESS

There was no New Business.

COUNCIL REPORT

CITIZEN COMMENTS

PUBLIC HEARINGS:

- 1) Rezoning Application of Trish Gustafson and Carol Smith have applied for a rezoning of their property abutting 422 N. High Street of Parcel ID #F16000100090001700 to Residential B of Moderate Density Residential, upon approval by Village Council of their Type II Annexation application.

Swinger explained that Trish Gustafson and Carol Smith have applied for a map amendment to rezone their property to Residential B, Moderate Density Residential, and identified as Parcel ID F16000100090001700, which abuts their property identified as Parcel ID #F19000100010004800 and is zoned R-B.

The property identified as Parcel ID #F16000100090001700 is currently in Miami Township. After the Village of Yellow Springs annexed the Glass Farm, this property and another at 505 King Street became what is known as an island, which is unincorporated territory surrounded by annexed territory. This is no longer allowed when annexation is being considered under the current Ohio Revised Code. Because this annexation request does not expand Village borders, Village Council passed legislation saying they would provide the necessary safety services. The property owner then applied to Greene County for a Type II Annexation. Greene County held a public hearing, and after a waiting period to give the township and residents time to object, the County accepted the annexation. The final step to this annexation process is Council's approval, which will be voted on by resolution on August 21st.

When a property is annexed into the Village of Yellow Springs, it comes in as R-A, Low Density Residential. The abutting property owners along North High Street and Fairfield Pike are zoned R-B. The property owner wishes to rezone it to R-B.

With Planning Commission's recommendation, and Council's approval of the annexation, Council may then pass by Ordinance to accept this rezoning at their meeting on August 21st. After the annexation is approved, the property owner intends to file a replat application to combine the two lots, and a zoning permit can then be issued for the single family dwelling if all the requirements for R-B are met.

Staff recommends approval of this rezoning as it will not create a "spot zone" and by doing so will enable the applicant to replat so that the lot and its frontage on North High will enable access to this acreage without requiring an easement for ingress and egress. The property owner intends to build one single-family dwelling with a mother-in-law suite on this property and does not intend to subdivide the property during her ownership.

Staff have planned a meeting with Brentwood Builders, who will be building the desired structure.

Zurbuchen received confirmation that "Lot 13" is in the Village and that utilities can be extended to the property. (Swinger later corrected herself stating that she meant to say that Lot FOUR, which is in the Village will have utilities extended from the rear of the property)

Zurbuchen asked whether Gustafson had reached any agreement with the owner of the property to the north, with whom it appeared that she shared a driveway. Swinger opined that the neighbors had been in communication.

Hempfling voiced an objection to the zoning requirement that all property annexed into the Village default to come in as R-A. This was discussed as a potential future topic.

Reed OPENED THE PUBLIC HEARING.

Duard Headley, adjacent property owner, asked why it mattered how the zoning comes in to the Village, given the property owners intent for the property, but stated that he had no objection to the request.

Reed CLOSED THE PUBLIC HEARING.

Stiles received confirmation that there is an outbuilding on lot 4.

John Harkleroad of Brentwood Builders addressed a question posed by Pelzl, who wondered if the two lots would be combined after the annexation occurs. Harper opined that the lots were to be combined.

Harkleroad deflected a question from Pelzl regarding lot splits in the future, stating that his information was that the property owner intends the area to remain as a family home "for generations to come."

Harkleroad returned to the podium to retract his earlier opinion that the lots were to be combined. He stated that in looking at paperwork at present, it was not clear to him if the intention is to combine the lots.

Swinger stated that it is her understanding that the lots are to be combined, but that this is not a substantive issue, since both lots belong to the property owner.

Harkleroad addressed a question posed by Pelzl, stating that the property owner is not present due to family matters.

Jim Mayer posed a number of questions based upon his apparent concern that a pocket neighborhood could be built on the land if the PND legislation were to become part of the zoning code.

Zurbuchen pointed out that the property owner plans to build only one other home.

Mayer commented that the land has sold twice. He stated his concern as that he has a picture window and does not wish his view to be obstructed in the future.

Zurbuchen MOVED TO APPROVE THE REQUESTED ZONING CHANGE FROM R-A to R-B.
Hempfling SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

- 2) Amend Chapter 1262.08 (e) (6) Conditional Use Requirements to the addition of pocket neighborhood developments with specific conditional use requirements.

Reed noted the letter received from Jane Baker, Barbara Boettcher, Cindi Remm and Pat Stempfily in support of the addition of pocket neighborhood developments to the zoning code.

Swinger introduced the topic, explaining the process in general. She noted that a presentation was given to Council at their July 17th meeting. While showing images of pocket neighborhoods and examples of different types of site plans, she provided an overview of the pocket neighborhood concept, its definition, the HOA and common open spaces areas, in addition to highlighting the main conditions proposed in Chapter 1262.08 Conditional Use Requirements.

Swinger moved into the text amendments, first discussing B.7 as follows:

On a lot to be used for a PND, an existing single-family dwelling or duplex structure, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased, and the existing structure will factor into the maximum lot coverage permitted for that residential zoning district. An existing single-family dwelling or duplex structure will only count as one dwelling unit towards the minimum of 4 dwelling units as noted in section B.6. An existing accessory dwelling unit (ADU) will not be allowed in a PND. An existing ADU may be converted to another use such as a storage building or HOA community room.

Swinger asked for clarification as to what the existing dwelling can be used for. After a brief debate, PC agreed as a group to keep any restrictions to a bare minimum so as to not limit the developer in what he or she might be envisioning, and to allow an existing ADU to be converted to an HOA-owned facility.

A. Height Limit and Roof Pitch

1. The height limit permitted for structures in PNDs shall be a maximum of 35 feet for each dwelling unit, and rooflines must present a distinct profile and appearance and express the neighborhood character.

Regarding the height requirement, Swinger asked whether PC wanted to limit dwelling height and PC as a group again opined that the developer should not be limited.

Front and Rear Setbacks shall be equal to the setback requirements in the corresponding residential districts and will be measured from the perimeter property lot line. The front yard setback shall be measured by where the road frontage is and not the lot line of the land owned by each individual property owner within the PND. The side yard setback is a minimum of 10 feet between the eaves of each dwelling unit.

Swinger asked to add the words, “unless single family attached” to the last sentence, and this was approved.

A minimum of 400 square feet of common open space is required per dwelling unit with a minimum of 200 square feet of contiguous usable open space adjacent to each dwelling unit with no dimension less than 10 feet. Up to 200 square feet of the open space can be private. Front porches are not included in the private open space calculation, and no more than 50 percent of the private open space can be within an *unenclosed covered* patio. At least 50 percent of the dwelling units shall abut the common open space, all of the dwelling units shall be within 60 feet walking distance to the common open space, and the common open space shall have dwelling units abutting at least two sides.

Swinger asked for clarification of this condition, expressing confusion as to the nature of the private open space. She stated that dwelling units are typically clustered around a common open space, which would comprise the 200 square feet of contiguous open space. She expressed that she did not want so much private open space that homes are separated and become more like a traditional neighborhood.

Stiles suggested deletion of the word “common” in the first sentence. This was agreed-upon.

Pelzl suggested then deleting the sentence that “up to 200 square feet of the open space can be private.”

Stiles suggested that language stating that 400 square feet per unit be open space, of which 200 square feet must be open (common).

Zurbuchen read from one of the examples provided, and noted that to define open space without knowledge of the size of the property or the nature of the development seems odd.

Pelzl asked whether density is actually increased if the open space is required.

Stiles commented that it is difficult to know if the proposal will actually work.

Swinger noted that most of the examples she had provided have open/common space requirements.

Stiles suggested stating the requirement that there be 200 feet of contiguous open space provided per unit, and leaving the requirement at that.

This was generally agreed-upon.

Pelzl asked that the requirement of no dimension less than 10 feet be retained in the condition.

Swinger read through the condition as amended, as follows:

A minimum of 200 square feet of contiguous usable common open space is required per dwelling unit with no dimension less than 10 feet. At least 50 percent of the dwelling units shall abut the common open space, all of the dwelling units shall be within 60 feet walking distance to the common open space, and the common open space shall have dwelling units abutting at least two sides.

This was agreed upon by all present.

Swinger raised the issue of parking, and PC discussed this requirement as follows: *A question was raised about parking spaces being close enough to the units since garages will not be attached. Dwelling units must be within 60 feet of common open space, but there is no such requirement for parking. How many feet in walking distance should the parking spaces be? If we are not allowing accessory structures then should we state that a row of garages or carports are allowed in the parking area?*

Stiles wondered about loading and unloading of groceries and other items, particularly for senior citizens, stating that older citizens would be likely to want proximity.

Hempfling raised the possibility of a common carport, and the possibility of pulling into the common space if necessary.

The group determined that they wanted this left open, to be determined by the Planning Commission.

Parking shall be on the PND property with a plan approved by the Planning Commission to ensure that parking is as unobtrusive as possible. The parking requirements and landscape requirements in the PND shall be limited to that allowed in the Yellow Springs Planning and Zoning codes. Parking areas are excluded from the calculations of common open space.

Planning Commission decided to let the language stand as written.

PNDs are limited to detached single family dwelling units in R-A, Low Density Residential. In R-B, Moderate Density Residential and R-C, High Density Residential, up to 50 percent can be either two-family dwellings and/or single-family attached.

In other codes, a second cluster of homes can be added if the first cluster exceeds 12 units) in order to keep a neighborly feel to the common area. Typically, they do not exceed 2 clusters. If we add this, should we keep the definition of "cluster" housing?

Planning Commission discussed how this would look in practical terms, and decided to leave this section as is.

Accessory structures and accessory dwelling units are not allowed.

Should we say, unless it is a storage area attached to a dwelling unit or garages/carports in designated parking areas, or a storage area, community room or swimming pool under the control of the HOA?

The group discussed the above concept, noting that this does not eliminate the ability of the developer to provide common storage or even common guest areas.

Swinger suggested adding the language privately held as a clarifying prefix to the sentence. This was agreed-upon.

Planning Commission discussed the addition suggested below by Swinger, agreeing not to add additional language.

Homeowner's Association (HOA). A draft of the conditions, covenants and restrictions (CC&Rs) shall be provided to the Planning Commission during the Level B site plan review meeting, with final approval of the CC&R by staff. Once approved, the CC&Rs shall be recorded with Greene County. The CC&Rs must create a homeowner's association that will provide for maintenance of all common areas in the PND.

Swinger asked for input on the statement below, explaining the concern expressed by Council that the rental units could be purchased for the purpose of running AirBnB type establishments.

The dwelling units may be individually owned or rented with no more than 50 percent rentals.

Stiles suggested that the HOA would control this possibility.

Pelzl commented that if there is one owner for the property, they could control this language and thus the use of the rentals.

Hempfling asked whether PC could set conditions upon the HOA such that this use would not be permitted.

Pelzl suggested adding this language now.

Stiles commented that an AirBnB is antithetical to the notion of a PND.

Reed countered, noting that this could be used as a tool by owners to assist in affordability.

Hempfling commented that the matter may be addressed but that it is still trying to be figured out.

Pelzl stated that PC needs a definition of "short term" so that they can regulate it properly.

Reed commented that Council needs to address the issue Village-wide.

The topic was discussed generally.

Pelzl commented that limiting a homeowner's ability to rent their own property is "a stretch" and stated that she needs a definition of short term so that this can be fairly addressed by Planning Commission.

Stiles commented that mortgage providers will often refuse coverage or increase the rate if a property is used as a rental.

Zurbuchen suggested that the section be left as is and this was agreed-to.

Swinger suggested the following language be added, and PC agreed:

Prior to the Planning Commission conditional use hearing, a preliminary meeting with utilities and

planning staff to review the project must be held.

Mailboxes shall follow the US Postal Service requirements for cluster box units (CBUs).

The above was added without further comment.

Reed OPENED THE PUBLIC HEARING.

Barbara Boetcher asked whether or not a homeowner of a unit in a PND owns the underlying land.

Swinger responded that the Greene County Engineer will create lot lines if the developer does not do so, for taxation purposes (meaning that the unit and land are owned by the property owner), and stated that common areas are then totaled and divided equally among the property owners for taxation purposes.

Pat Stempfily commented upon the complexity of the process and stated her opinion that PNDs will be a positive addition to the Village.

Reed CLOSED THE PUBLIC HEARING.

Zurbuchen received clarification that porches will not be part of a calculation of open space, private or public.

Swinger noted that number (8) covers landscaping and green belt concerns.

Stiles MOVED TO AMEND CHAPTER 1262.08 WITH AMENDMENTS MADE AS HERE LISTED. Pelzl SECONDED and the MOTION PASSED 4-0 ON A ROLL CALL VOTE. Hempfling Abstained for reasons of not feeling fully informed.

- 3) Amend Chapter 1284.03 Definitions: C-D ó modifying or removing the definition of cluster housing; adding the definition of common open space.

Swinger suggested a change to the Common Open Space definition as follows in italics and strikethrough:

Common Open Space. A perpetual open space area of land to benefit all residents of a Pocket Neighborhood Development (PND) or Planned Unit Development (PUD), which is unoccupied by buildings, structures, storage or parking areas, street right-of-ways, exterior setbacks, driveways, required yards and utility easements, except for recreational structures, and which is outside of streams, wetlands and their buffers, and on slopes of 10 percent or less and developed and maintained so it is usable for active or passive recreation activities which is generally for the purpose of active or passive recreation.

Reed OPENED THE PUBLIC HEARING.

There being no comment, Reed CLOSED THE PUBLIC HEARING.

Stiles MOVED TO AMEND 1284.03 WITH STAFF-SUGGESTED CHANGES. SECONDED and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Amend Chapter 1284.05 Definitions: H-I-J-K ó adding the definition of a homeowners association (HOA).

Amend Chapter 1284.07 Definitions: O-P-Q ó adding the definition of a pocket neighborhood development (PND).

Swinger noted that changes had been approved to both sections in a prior meeting, but that she had included them as reference.

OLD BUSINESS

Process for Comprehensive Land Use Plan. Swinger commented that Planning Commission has too much on its plate at present to devote the needed time to this item.

NEW BUSINESS

Housing Needs Assessment Review. Swinger explained that Councilperson MacQueen had asked that the draft HNA review be presented to PC for their comment and information, noting that this will appear in the Council packet on September 5th.

Zurbuchen commented that she had some questions regarding the HNA, particularly the budget.

Pelzl expressed interest in joining any Housing Needs committee which may be formed.

Zurbuchen commented that the HNA process may be a good way to finally determine how many short term rental units there are in the Village.

Hempfling commented that that information should be available prior to the HNA regarding short term rentals, given that the proposed lodging tax should determine that information.

Zurbuchen received confirmation that no steering committee has yet been formed. She commented that some of the information requested seems to be the purview and job of the Planning Commission. She commented that PC should be made use of.

Pelzl stated that she liked the idea of a steering committee for a short term project and as aid to the Planning Commission's work.

Swinger commented that the RFP provider is expected to utilize local resources.

AGENDA PLANNING

Swinger noted that the next meeting of planning Commission will be held on September 25th, so that the Commission can hear a Final Plan Phase One for a portion of the CBE property.

Cresco will be in attendance on September 25 for a site plan review for their property.

Swinger shared that state licensing has been somewhat delayed, and that at this point a licensing determination is not expected until late October or November 2017. She noted that those selected companies are expected to be producing by fall of 2018.

Swinger noted that short term rentals will return to Planning Commission once Council makes a decision regarding lodging tax.

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ADJOURNMENT

At 8:28pm, Zurbuchen MOVED and Simms SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 ON A VOICE VOTE.

Matt Reed, Chair

Attest: Judy Kintner, Clerk

Please note: These minutes are not verbatim. A DVD copy of the meeting is available at the Yellow Springs Library during regular Library hours, and in the Clerk of Council's office between 9 and 3 Monday through Friday.



TO: Planning Commission
RE: Pocket Neighborhood Developments
DATE: September 21, 2017

Chapter 1258 Schedule of District Uses includes Table 1258.01, which is a listing of all the zoning districts and their uses. Although I had added Pocket Neighborhood Developments to this section of the zoning code early on in our discussion about PNDs, I omitted it from the public notification and public hearing process.

This will be a consent agenda item for Council at their next meeting since it not a significant change being that it was already approved as an addition to Chapter 1248, the Residential Districts zoning code.

Respectfully submitted,

Denise Swinger
Planning & Zoning Administrator

CHAPTER 1258

Schedule of District Uses

1258.01 District uses.

 1258.01 DISTRICT USES.

The following table summarizes the uses allowed within the respective zoning districts, either as permitted or conditional uses.

Table 1258.01 Schedule of Uses by District										
Use	C	E-I	R-A	R-B	R-C	B-1	B-2	I-1	I-2	Specific Conditions
Accessory Uses										
Accessory buildings, structures and uses *Pools and spas are not allowed in District C and I-2	P	P	P	P	P	P	P	P	P	1260.04
Accessory dwelling unit			C	C	C					1262.08 (e)(1)
Cafeteria facilities located within a principal use		P						P	P	
Caretaker residence		P						C	C	
Child care facilities located within a principal use		P						C	C	
Corporate offices incidental to the principal use								P	P	
Day care - Family			P	P	P					
Day care - Group		C	C	C	C					
Home occupations ¹		C	C	C	C	C				See footnote 1
Outdoor patio seating in conjunction with a permitted restaurant		P				C	C	C	C	
Outdoor storage related to a principal use		C						C	C	
Retail incidental to the manufacture or production of goods on the premises, not exceeding 30% of the total floor area of the principal building								C	C	
Vehicle wash facilities for trucks and trailers								P	P	
Agricultural and Animal-Related Uses										

Agribusiness		C						C	P	
Breweries, distilleries and bottling plants								P	C	
Community gardens	P	P	P	P	P					
Farm, including raising animals		C	C	C	C			C	C	
Food processing plants		C						C	P	
Greenhouse/nursery (not including retail sales)		P						C	P	
Kennels								C		
Produce and other food products terminals								C	P	
Riding stables	C	C								
Veterinary clinics					C		C			
Commercial Services										
Business machine sales & service							P	P		
Cleaning services							P	P		
Electric, plumbing supplies sales & service						P	P	P		
Glass sales & service							P	P		
HVAC sales & service							P	P		
Locksmith shops							P	P		
Machinery and equipment sales & service							P	P	P	
Mail order businesses and fulfillment centers							P	P	P	
Pest control services							P	P		
Petroleum products sales							C	P		
Printing, photocopying and publishing services		P				P	P	P	P	
Repair shops (non-automotive)							P	P		
Tool and equipment rental							P	P		
Construction										
Building material and lumber supply, including lumber yards								C	P	
Contractors' offices and shops (not including outdoor storage)								P	P	
Landscaping services								C	P	
Educational										

[illegible]

Tool and die shops								C	C	
Offices and Financial Services										
Banks, credit unions and similar financial institutions, excluding drive in and drive-thru facilities		P				P	P			
Offices for executive, administrative, professional, real estate, accounting and similar professional activities		P		C	C	P	P	P		
Personal Services										
Day care, nursery schools and child care establishments		P				P	P			
Health and fitness clubs		P				P	P			
Personal service establishments such as barber and beauty shops, tailors, photo studios, shoe repair and watch repair						P	P			
Tattoo parlor						P	–			
Public/Quasi-Public										
Cemeteries (green burial method only)	C									
Churches and customary related uses		P	C	C	C	C	P			1262.08(c)(1)
Government offices, buildings and facilities	P	P	C	C	C	P	P	P	P	
Libraries		P			C	C				
Recreation and Leisure										
Art galleries, museums and similar cultural facilities		P				P				
Assembly and performance halls		P				C				
Ball fields		C								
Community centers and senior centers		P				P				
Cultural buildings		P			C	C				
Field house		C								
Forest and wildlife preserves	P	P								
Golf courses and country clubs		C								
Indoor commercial recreation such as theaters, bowling lanes and skating rinks		C				C	C			
Interpretive centers	P	P								
Natatorium		P								

Outdoor commercial recreation such as mini-golf and batting cages							C			1262.08(d)(1)
Public parks/playgrounds/recreation areas	C	P	C	C	C					
Stadium		C								
Swimming pools and spas		P	P	P	P	P	P	P		
Research and Technical Facilities										
Research, development and testing laboratories and facilities		P						P	P	
Residential										
Boarding homes					C					1262.08(e)(3)
Continuing care retirement community		C		C	C					
Dormitories		P								
Dwellings, attached single-family		C		P	P					
Dwellings, multiple-family		C		C	P					
Dwellings, single-family detached		C	P	P	P	P				
Dwellings, two-family		C		P	P					
Dwelling units on the upper floors of buildings with nonresidential uses at street level						C				1262.08(e)(4)
<u>Pocket neighborhood developments</u>			C	C	C					1262.08(e)(6)
Short-term rental units		C	C	C	C	C	C			1262.08(e)(67)
Retail										
Artisan shops, such as glass blowers, metal sculptures, wood carvers and weavers producing their goods and selling them for retail on premises						C	P	C		
Bicycle sales, rental and repair						P		C		
Building supply and equipment sales, not including lumber yards							C			
General retail catering to the needs of the community, but less than 10,000 square feet of UFA		C				P	P			
General retail of 10,000 square feet UFA or more						C	P			1262.08(a)(3)
Outdoor market or covered bazaar		P								

Showrooms for home improvements, decorating and similar items, not including outdoor storage						P	P			
Transportation and Warehousing										
Bottled gas storage and distribution								C	C	
Cartage, express and parcel delivery facilities								C	C	1262.08(f)(1)
Heliports and helipads		C						C	C	
Mini-warehouse, self-storage facilities								C		1262.08(f)(2)
Storage of hazardous materials		C							C	1262.08(b)(1)
Warehouses and distribution centers								C	P	1262.08(f)(1)
Wholesale businesses								C	P	
Utilities										
Public utility buildings								P	P	
Solar facilities (nonresidential)		C						P	P	
Telephone exchange buildings								P	P	
Utility and public service buildings, not including outdoor storage							P			
Utility substations								P	P	
Wind energy conversion systems(single accessory)		C						C	C	
Wind energy conversion systems (commercial)		C								
Wireless communication facilities and towers	C	C						C	C	1262.08(g)(1)
Vehicle Sales, Service and Related										
Drive-in and drive-thru facility for banks, pharmacies, restaurants and dry cleaners						C	C			1262.08(a)(1) and 1262.08(d)(2)
Sales of new and used vehicles, boats, farm implements and similar vehicles and equipment							C			1262.08(h)(1)
Sale of vehicle parts, not including installation/repair							P			
Truck and heavy equipment repair									C	
Truck and trailer rental							C	C		
Vehicle and equipment rental							C	C		

Vehicle repair, major							C	C		1262.08(h)(2)
Vehicle repair, minor							C	C		1262.08(h)(3)
Vehicle service stations							C	C		1262.08(h)(4)
Vehicle wash facilities							C	C		1262.08(h)(5)
Waste Processing and Disposal										
Recycling collection and/or processing facility (non-hazardous)		C							C	
Other										
Mortuaries and funeral homes						C	C			1262.08(a)(2)
Outdoor market or covered bazaar		P								
Radio, television and recording studios		P				C	P	P	P	
Uses similar to other uses permitted in this district and consistent with the purpose of the district, as determined in accordance with Section 1242.06	C	C	C	C	C	C	C	C	C	1242.06
1 Home occupations are permitted in all Residential Districts and the E-I and B-1 Districts, subject to issuance of a permit by the Zoning Administrator to verify compliance with the conditions of Section 1262.08(e)(5) .										

(Ord. 2013-19. Passed 9-16-13; Ord. 2016-05. Passed 4-18-16; Ord. 2016-19. Passed 9-19-16.)



TO: PLANNING COMMISSION
DATE: THURSDAY, SEPTEMBER 21, 2017
RE: TRANSIENT GUEST LODGING

At their September 5th meeting, Council passed the second reading of an ordinance creating a lodging tax in the Village. The tax impacts operators of transient guest lodging establishments defined as rentals of properties for fewer than thirty days. Because of this new lodging tax, Council has decided to reconsider the Planning Commission's earlier proposal regarding the definition of a short term rental in order to regulate these types of lodging businesses with the new lodging tax ordinance.

After several staff meetings with the Village Manager, the Assistant Village Manager and Finance Director, and our legal representative Chris Conard, it was determined that we change the term short-term rentals to the term "transient guest lodging." Transient guest lodging is consistent with the definition used in the Ohio Revised Code.

Included with this report are the seven sections within the zoning code that are affected by the changed definition. Much of the work previously done by the Planning Commission is incorporated into 1262.08 Specific Requirements for conditional uses. One welcome addition in my opinion that was added by legal, was a set of standards for the Planning Commission to use in evaluating this conditional use. Much like the set of standards the Board of Zoning Appeals uses before granting a variance, these standards provide Planning Commission with guidance when considering a conditional use request by an applicant seeking to operate a transient guest lodging establishment. The standards include whether the conditional use will negatively impact affordable housing and/or whether the conditional use will decrease the potential income tax that the Village could collect. This was something some Planning Commission members voiced concern over, and this will enable the Planning Commission to consider those impacts in making a decision.

Please review the seven pieces of legislation which were published in the Yellow Springs News for public hearing at our meeting on September 25th.

Respectfully submitted,

Denise Swinger
Planning & Zoning Administrator

1262.08 SPECIFIC REQUIREMENTS.

In addition to the general standards of Section 1262.03 applicable to all conditional uses, additional requirements may be applicable to specific conditional uses and shall be satisfied in order to obtain approval. Conditional uses for which added requirements apply are:

(a) Commercial.

(1) Drive-through businesses, excluding restaurants.

A. The drive-up or drive-through facility must be attached to a building, except that an automated teller machine may be in a stand-alone structure with a canopy or similar roof to protect users from the elements.

B. The facility shall be screened from any adjacent residential district or use and lighting shall be limited and fully shielded to prevent glare and light trespass.

C. Drive-through and stacking lanes and parking lot access shall be clearly identified and delineated.

D. A drive-through shall have an escape lane to allow a vehicle to pass those waiting to be served.

E. All drive-through service windows shall be located on the side or rear of the building to minimize visibility from any abutting street.

F. Amplified speakers and sound equipment shall be located at least 50 feet from any adjoining residential property. Additional landscaping and fencing shall be installed between such equipment and the adjoining residential property to minimize associated noise impacts.

G. At least three stacking spaces shall be provided per each drive-through lane.

(2) Mortuaries and funeral homes.

A. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.

B. Minimum lot area shall be one acre and minimum lot width shall be 150 feet.

C. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

D. Access driveways shall be located no less than 100 feet from the centerline of the intersection of any street or other driveway.

(3) Retail of 10,000 square feet or more.

A. The building and site design shall be compatible with and complementary to the established character of the district with respect to scale, height, bulk, setbacks, building materials and pedestrian and bicycle transportation amenities.

B. Off-street parking areas shall be designed to minimize their visibility and obtrusiveness from the adjacent street(s).

C. No new driveways or other means of vehicular access shall be permitted on Xenia Avenue between Limestone and Corry Streets.

(b) Industrial.

(1) Chemical manufacturing and storage.

A. As part of the conditional use application, the applicant shall provide documentation, reports, studies and other materials required by the Village specifying the materials to be handled, safety measures, existing soil conditions, methods of protecting ground water and all other information required by the Village in the course of reviewing the proposed use and its location.

B. The facility shall at all times operate according to all applicable local, Greene County, State of Ohio and Federal regulations.

C. Adequate safety measures shall be implemented and in use at all times.

D. There shall be no storage of hazardous materials outdoors, except in tanks or containers designed for that purpose that are inaccessible to anyone not authorized to process or handle such materials, and that meet all applicable safety regulations.

E. The applicant shall provide a disaster mitigation plan and fire pre-plan, approved by the appropriate authorities, as part of the application for a conditional use.

F. Truck routes to and from the facility shall be subject to approval.

(c) Public/Quasi-Public.

(1) Churches, places of worship, schools (elementary, middle and high).

A. The use shall have frontage on and direct access to an arterial or collector street. Secondary access to a local street may be permitted if the applicant provides evidence satisfactory to the Planning Commission that the added traffic will not have a negative impact on the surrounding neighborhood.

B. All outdoor activity, parking areas and recreational space shall be screened from adjacent property in any residential district.

C. Exterior lighting shall be 90-degree style cut-off fixtures, directed away from adjacent property and the public right-of-way.

D. Parking areas shall not be located within the required front setback area and the building setback shall be consistent with the established average setback of adjacent properties, as provided in Section 1260.02(a).

(d) Recreation/Food/Entertainment.

(1) Mobile vending (food trucks).

A. Food trucks may be permitted to operate within the B-1, E-I, I-1 and I-2 zoning districts.

B. The food truck shall be located only within an approved off-street parking lot; provided, the food truck shall not displace any required parking spaces.

C. The food truck shall not be located closer than ten feet to any driveway.

D. Outdoor seating may be permitted; provided, written permission is obtained from the property owner and the seating area does not displace any required parking spaces.

E. Amplified sound and free-standing signs shall not be permitted.

F. The food truck shall be stationary at all times when open for business.

G. The owner or an employee shall be present within the vehicle at all times while open for business.

H. Access to restroom facilities must be available.

I. The owner or operator of the food truck shall provide trash receptacles, other than public receptacles.

J. All equipment, other than outdoor seating, shall be inside, attached to or within three feet of the food truck.

K. Evidence of Greene County health department approval shall be provided.

L. Disposal of wastewater shall be into the sanitary sewer system. The use of storm drains or any other form of discharge is prohibited.

M. The conditional use approval shall be reviewed annually by the Village Manager to ensure compliance with all standards of this section and any other conditions that may have been imposed upon the original approval.

(2) Internet sweepstakes café.

A. A license shall be obtained in accordance with Village Ordinance 2011-12.

B. An internet sweepstakes café shall be located no closer than 500 feet from any school, church, public park, library or other internet sweepstakes café, as measured from nearest property line to nearest property line.

C. Hours of operation shall be limited to 9:00 a.m. to 11:00 p.m., Monday through Saturday.

(3) Outdoor commercial recreation.

A. The front, side and rear yard minimum setbacks shall be 50 feet for all buildings and outdoor components of the recreational facility.

B. The parking setback shall be 20 feet from lot lines in the front, side and rear yards in nonresidential zoning districts and 50 feet from lot lines in residential districts.

C. Building design and materials shall be compatible with the existing or intended character of the surrounding area.

D. An operations plan describing the nature of the use, hours of operation, etc. shall be provided.

E. The Planning Commission may also establish conditions to minimize negative impacts on nearby uses and traffic operations along public streets, such as, but not limited to hours of operation, noise buffering and location of waste receptacles.

(4) Restaurants, drive-through.

A. Sufficient vehicular stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of eight stacking spaces for each service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation, parking spaces and egress from the property by vehicles not using the drive-through portion of the facility.

B. A minimum of two parking spaces shall be provided in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.

C. Public access to the site shall be located at least 100 feet from any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the access.

D. Internal circulation and access to egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.

E. Amplified speakers and sound equipment shall be located at least 50 feet from any adjoining residential property. Additional landscaping and fencing shall be installed between such equipment and the adjoining residential property to minimize associated noise impacts. Noise levels must comply with the Village noise ordinance (Chapter 634).

(5) Sexually oriented business.

A. Intent. In the development and execution of these zoning regulations, it is recognized that some uses, because of their very nature, may have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. The proximity of sexually oriented businesses to certain uses considered particularly susceptible to the negative impacts of the concentration of sexually oriented uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime, and contribute to a blighting effect on the surrounding

area. There is convincing documented evidence of the deleterious effect that sexually oriented businesses have on both existing businesses around them and the surrounding residential areas to which they may be adjacent. Therefore, the following intents are served by these regulations:

1. This subsection describes the uses regulated and the specific standards necessary to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses, and to require sufficient spacing from uses considered most susceptible to negative impacts.

2. These provisions are not intended, nor shall they have the effect of, imposing a limitation or restriction on the content of any communicative materials including, but not limited to, sexually oriented materials that are protected by the First Amendment to the United States Constitution.

3. Additionally, it is not the intent of the provisions of this section, nor shall it have the effect of, restricting or denying access by adults to sexually oriented materials that are protected by said Federal and State constitutions.

4. Further, it is not the intent of these provisions, nor shall they have the effect of, denying access by the distributors and exhibitors of sexually oriented entertainment to their target market.

5. These regulations shall not be interpreted as intending to legitimize any activities that are prohibited by Federal or State law, or by any other code of the Village.

B. Uses regulated. The following uses are regulated by this subsection and defined for purposes of regulating sexually oriented businesses:

1. Adult arcade.
2. Adult book store.
3. Adult cabaret, club, bar or lounge.
4. Adult motel.
5. Adult motion picture theater.

C. Regulations.

1. No sexually oriented business shall be permitted in a location in which any principal building or accessory structure, including signs, is within 1,320 feet of any principal building or accessory structure of another sexually oriented business.

2. No sexually oriented business shall be established on a parcel within 500 feet of any parcel in a residential district or any parcel used for a single-family, two-family or multiple-family residence, public park, school, child care facility, church or similar place of worship, public library, Village office, police department or fire department, youth center, or commercially operated school attended by children such as, for example, dance schools, gymnastic centers, etc. The distance between a proposed sexually oriented business and any such zoned area or existing use shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of that zoned area or existing use.

3. Any sign or advertising for the sexually oriented business must comply with the provisions of this code. No sign or advertising may include photographs, silhouettes, or drawings of any specified anatomical areas or specified sexual activities, or obscene representations of the human form and may not include animated or flashing illumination.

4. The entrances to the proposed sexually oriented business at both the exterior and interior walls, in a location visible to those entering and exiting the business, must be clearly marked with lettering at least two inches in height stating:

- a. "Persons under the age of 18 are not permitted to enter the premises;" and
 - b. "No alcoholic beverages of any type are permitted within the premises."
5. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining roadway or a neighboring property.
6. Hours of operation shall be limited to 9:00 a.m. to 11:00 p.m., Monday through Saturday.
7. All off street and on-site parking areas shall comply with this code, based on the primary use (i.e., retail, assembly, etc.) and shall additionally be illuminated at all times.
8. Any booth, room or cubical available in any sexually oriented business that is used by patrons for the viewing of any entertainment shall:
- a. Be unobstructed by any door, lock or other entrance and exit control device;
 - b. Have at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - c. Be illuminated such that a person of normal visual acuity looking into the booth, room or cubical from its entrance adjoining the public lighted aisle can clearly determine the number of people within;
 - d. Have no holes or openings in any side or rear wall not relating to utility, ventilation or temperature control services or otherwise required by any governmental code or authority.
- D. Conditions of approval. Prior to granting approval for the establishment of any sexually oriented business, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the sexually oriented business which is necessary for the protection of the public interest. Any evidence, bond, or other performance guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
- E. Access to minors. No person operating a sexually oriented business shall permit any person under the age of 18 to be on the premises of the business as an employee, customer, or otherwise.
- (e) Residential.
- (1) Accessory dwelling units.
- A. An accessory dwelling unit may be located within a principal single-family detached dwelling or a detached accessory building on the same lot as a principal dwelling.
- B. The accessory dwelling unit shall share all public utilities (water/ sewer/electric) with the principal dwelling unit. Accessory dwelling units will not be separately metered.
- C. A minimum of one off-street parking space shall be provided on the lot for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.
- D. The accessory dwelling unit shall be limited in size to a maximum of 50% of the total living area of the principal dwelling or 750 square feet, whichever is less.
- E. The accessory dwelling shall contain a living area, one bath and a kitchenette (including a refrigerator, microwave oven, stove and sink) and may contain not more than one bedroom.
- F. No more than two adults shall occupy the accessory dwelling unit.
- G. No new access points or driveways shall be created or installed for access to the accessory dwelling unit.
- (2) Bed and breakfasts.

A. A bed and breakfast shall not provide more than six guest rooms plus a common area for use by all guests.

B. A bed and breakfast establishment shall be located only in a detached single-family dwelling, designed and constructed for single family use, which shall contain at least 1,500 square feet of useable floor area. For each guest room in excess of two, an additional 100 square feet of floor area shall be required.

C. The bed and breakfast shall be the principal residence of the owner or manager, who shall reside there when the bed and breakfast is in operation.

D. Meals shall be limited to breakfast and evening snack, and shall be served only to guests of the facility and members and guests of the owner's family.

E. There shall be at least one off-street parking space provided for each guest room, in addition to the parking spaces required to serve the principal residence.

F. One sign, not exceeding four square feet, shall be allowed for identification purposes only and shall either be mounted on the front wall of the dwelling or placed within the front yard no closer than ten feet to the front lot line. Sign lighting shall be indirect and shielded from view off-site. Internally lighted signs are not permitted.

G. Cooking facilities shall not be permitted in bed and breakfast guest rooms.

H. Exterior refuse storage facilities shall be screened from view on all sides by a six-foot solid decorative fence, wall, vegetation or similar visual barrier.

I. In addition to the site plan required by this chapter, a floor plan of the dwelling unit and the use of each room shall be submitted with the conditional use application.

(3) Boarding houses.

A. The boarding house shall front on and have direct access to an arterial or collector street.

B. A maximum of ten guest rooms may be permitted.

C. Off-street parking shall be provided at a ratio of one space per guest room. The parking area shall be located in the rear yard and screened from adjoining properties.

D. One sign, not exceeding four square feet, shall be allowed for identification purposes only, and shall either be mounted on the front wall of the dwelling or placed within the front yard no closer than ten feet to the front lot line. Sign lighting shall be indirect and shielded from view off-site. Internally lighted signs are not permitted.

(4) Dwelling units on upper floors with nonresidential at street level.

A. Dwelling units shall not be located on the street level of a mixed use building.

B. Nonresidential uses, including storage, shall not be located on the same floor as a dwelling unit.

(5) Home occupation.

A. Permit. Application for a home occupation permit shall be made to the Zoning Administrator, together with payment of such fee as may be established by Village Council. The requirement for a permit shall be waived if all of the following conditions apply to the home occupation: the proposed home occupation will not employ any persons other than residents of the dwelling; the home occupation is such that it will not generate customers, clients or visitors to the home; there will be no sign on the property identifying the home occupation and all other provisions of this section shall be met.

B. If the Zoning Administrator cannot determine if the home occupation conditional use requirements are met, in his or her sole discretion the Zoning Administrator may refer the matter

to the Planning Commission for a conditional use hearing in accordance with the procedures of this chapter.

C. The use shall be conducted entirely within the dwelling, with the following exception(s):

1. The use may be conducted entirely within a garage or accessory building unattached to the dwelling in property zoned R-A or R-B as long as the use is not prohibited in a Planned Unit Development, recorded deed restrictions or other similar applicable recorded restrictions upon the parcel.

2. Any dwelling, garage or accessory building used in the home occupation shall comply with all other applicable Village ordinances and requirements and shall not be nonconforming with respect to lot, width and dimensional requirements.

D. The use shall be carried on only by the residents of the dwelling and not more than one other person.

E. The use of the dwelling for a home occupation must be clearly accessory, incidental and subordinate to the permitted principal residential use, and shall not utilize more than 20% of the usable floor area of the principal dwelling or its equivalent if conducted within an accessory building, or 250 square feet, whichever is less.

F. The appearance of the dwelling shall not be altered, nor shall the occupation within the dwelling be conducted in any manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or the emission of sounds, vibrations or light that carry beyond the premises.

G. No outdoor storage, activities or displays shall be permitted.

H. No combustible, toxic or hazardous materials may be used or stored on the premises, except in a safe manner and in full compliance with all Federal, State and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.

I. There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line. The use shall not create a nuisance for the public and any surrounding property.

J. Traffic generated by the combined home and home occupation shall be compatible with traffic normally expected in a residential district. Vehicles used in the home occupation or making deliveries shall be no larger than utility vehicles commonly used for noncommercial purposes, i.e., pick-up trucks, vans, panel trucks and the like and parcel package delivery trucks.

K. The home occupation shall not entail more than eight client visits per day or 40 per week. The operator of the home occupation is responsible for maintaining a log of such visits.

L. Parking of motor vehicles shall be limited to one vehicle used for the home occupation per parcel. Parking generated by the conduct of the home occupation shall be provided for on the lot's driveway, which shall meet the minimum size requirements for off-street parking set forth in Chapter 1264. Parking of motor vehicles generated by the home occupation are not allowed on the street or on any unpaved area of the lot.

M. In the event any of the above conditions or other conditions required by the Planning Commission are not met, the revocation process as set forth in Section 1262.06 shall take place.

(6) ~~Short term rentals.~~ **Transient Guest Lodging.**

A. Permit. Upon approval of the conditional use, the owner shall submit to the Zoning Administrator the name and emergency contact information for the owner or property manager

who can be contacted and will respond within a reasonable time period to any complaints, violations, emergencies or other concerns related to the short-term rental property or tenants.

B. Location. The Planning Commission shall consider the proposed location relative to its proximity to other such uses in the vicinity in order to avoid an undue concentration that could have a negative effect on the surrounding neighborhood. Transient guest lodging may be located in a dwelling unit, a room within a dwelling unit, or a detached accessory dwelling unit subordinate to the principal dwelling, but no more than one transient guest lodging per dwelling, including any accessory dwelling unit, is allowed.

C. Maximum occupancy. The maximum number of tenants permitted shall be determined by applicable Health Department requirements. If the transient guest lodging is located in an accessory dwelling unit (ADU) no more than two adults shall occupy the accessory dwelling unit.

D. Utilities. The transient guest lodging shall share all public utilities (water/sewer/electric) with the principal dwelling unit. Transient guest lodging will not be separately metered.

E. Parking. A minimum of one off-street parking space shall be provided on the lot for the transient guest lodging in addition to the off-street parking spaces required for the principal dwelling unit.

F. Size. If the transient guest lodging is located in an accessory dwelling unit, it shall be limited in size to a maximum of 66% of the total living area of the principal dwelling or 800 square feet, whichever is less.

G. Ingress/Egress. No new access points or driveways shall be created or installed for access to the transient guest lodging.

H. Standards. When determining if the conditional use should be granted, the Planning Commission shall consider and weigh the following factors:

(1) whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the conditional use;

(2) whether the conditional use would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

(3) whether the conditional use will negatively impact affordable housing and/or whether the conditional use will decrease the potential income tax that the Village could collect;

(4) whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the conditional use.

(f) Storage and Distribution.

(1) Cartage, express and parcel delivery facilities, freight terminals, warehousing and storage.

A. The site shall have a minimum area of ten acres, provided the Planning Commission, may reduce the site area to no less than five acres where it is demonstrated to its satisfaction that the truck terminal operation will be compatible with other surrounding uses.

B. All ingress and egress from the site shall be directly onto an arterial street.

C. The site shall be designed so all vehicles are able to enter and leave the site without having to back out onto the street. Driveways shall be curbed for their full length in the front yard.

D. The Planning Commission shall determine that traffic will be no more hazardous nor the volume of traffic any greater than the capacity for the street involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and adequacy of intersections. All access to the site shall be from arterial streets built to a standard to accommodate heavy trucks.

(2) Mini-warehouse and self-storage facilities.

A. The minimum size of the site shall be not less than two acres.

B. All ingress and egress from the site shall be directly onto an arterial or collector street.

C. No storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined in the Fire Prevention Code, or toxic materials, shall be permitted within the self-storage buildings or upon the premises. However, storage of recreational vehicles containing fuel and other automotive fluids is permitted.

D. The use of the premises shall be limited to storage of personal items and business items and shall not be used for operating any other business, maintaining or repairing vehicles or for any recreational activity or hobby.

E. Limited retail sales of products and supplies incidental to the principal use, such as packing materials, packing labels, tape, rope, protective covers, locks and chains shall be permitted.

F. All yards abutting a street shall be screened from view in accordance with the requirements of Section 1270.02(b).

G. A security manager may be permitted to reside on the premises. A minimum of two parking spaces shall be provided for the dwelling unit.

H. This use shall not be permitted within the Gateway Overlay District.

(g) Utility.

(1) Wireless communication facilities.

A. Required approvals. The placement of wireless communications facilities and towers shall meet the following approval requirements:

1. Installation of new antenna. The installation of new antenna(s) on existing towers, including legal nonconforming towers, and existing alternative structures (such as water towers, buildings, or church steeples) may be approved by the Zoning Administrator, subject to all requirements of this section. Any new antenna that will add either 10% or 20 feet, whichever is less, above the highest point of any existing tower or alternative structure shall be subject to the provisions of this chapter for the installation of new towers as described below.

2. Installation of new accessory structures. The installation of new accessory structure(s), such as equipment buildings, to support the installation of additional antennas on existing towers or alternative structures may be approved by the Zoning Administrator.

B. Removal. Any tower unused or left abandoned for 12 consecutive months shall be removed by the property owner at his or her expense. Regardless of the tower ownership, the property owner shall be responsible for removal. Upon the request of the Zoning Administrator, the operator of any facility to which this provision applies shall provide documentation of the use of that facility for the purpose of verifying any abandonment.

C. Interference with public safety facilities. No new wireless communications facilities or tower shall result in any interference with public safety telecommunications.

D. Required documentation for all facilities. In addition to the requirements provided in this chapter for the receipt of conditional use approval, applications for new towers, new

antenna, and new related facilities shall include the following: Where the equipment is mounted on an existing building, the comparable information for that structure shall be provided.

1. Engineer's report. A report from a professional engineer licensed in the State of Ohio that:

- a. Describes the height and design of any new tower and/or antenna including a cross-section, latitude, longitude, and elevation;
- b. Describes or updates (in the case of new antenna) the tower's capacity, including the type and number of antennas it can accommodate;
- c. Certifies compliance of the construction specifications with all applicable building codes (including but not limited to the foundation for the tower, anchors for the guy wires if used, co-location, and strength requirements for natural forces: ice, wind, earth movements, etc.);
- d. Certifies that the facility will not interfere with established public safety telecommunication facilities; and
- e. Includes the engineer's seal and registration number.

2. Letter of intent. A letter of intent committing the tower owner, property owner, antenna owners, and their successors to allow the shared use of the tower.

3. Proof of compliance. Copies of any required approvals from the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and all other appropriate State and Federal agencies.

4. Removal affidavit. A letter committing all parties, including the property owner and his or her successors, to remove the tower and all related accessory structures, fences, landscaping, and equipment if the tower is abandoned (unused for a period of 12 consecutive months). The removal affidavit shall be recorded in Greene County, with a copy of the recorded affidavit provided to the Zoning Administrator.

E. Determination of new tower need. Any proposal for a new telecommunications tower shall only be approved if the applicant submits verification from a professional engineer licensed in the State of Ohio that the antenna(s) planned for the proposed tower cannot be accommodated on any existing or approved towers or other structures within a two-mile radius of the proposed tower location due to one or more of the following reasons:

1. Existing public site. There are no existing publicly- owned towers or sites suitable to accommodate the proposed tower or antennas.

2. Inadequate structural capacity. The antenna(s) would exceed the structural capacity of an existing or approved tower or other structure.

3. Interference. The antennas would cause interference impacting the usability of other existing or planned equipment at the tower site.

4. Inadequate height. The existing or approved towers or structures within the search radius cannot accommodate the planned equipment at the height necessary.

5. Land availability. Additional land area is not available (when necessary).

F. Design requirements for new towers and related facilities. All telecommunications facilities shall meet the following design requirements:

1. Lighting. Tower lighting shall only be as required for safety or security reasons or as required by the FAA or other Federal or State authority. All ground-level security lighting shall be oriented inward so as not to project onto surrounding properties, and shall have 90-degree cut-off luminaries (shielded down lighting).

2. Co-location. All telecommunication towers shall be designed, and engineered structurally, electrically and in all other respects to accommodate both the applicant's equipment and at least one additional user for every 50 feet in total tower height in excess of 75 feet.

a. Each additional user shall be assumed to have an antenna loading equal to that of the initial user.

b. Towers must be designed to allow for rearrangement of antennas and to accept antennas mounted at varying heights.

3. Height. All towers and antenna shall conform to FAA tall structure requirements. The maximum height of accessory structures shall be 15 feet.

4. Signs. Signs for all telecommunications facilities shall be permitted up to a total of four square feet per user and mounted on the fence.

G. Site requirements for new towers and related facilities. All telecommunications facilities shall meet the following site requirements:

1. Vehicular access. Vehicle access drives may be gravel or paved and shall be located within an access easement that is a minimum of 20 feet in width. Any portion of the entrance located in a public right-of-way shall meet the applicable public street design, construction, and pavement requirements.

2. Site area. The lot (or lease area) where the tower is located shall be large enough to accommodate all future anticipated accessory structures needed by future antenna users. The size of the site shall also be of sufficient area to allow the location of one additional tower and associated support facilities.

a. The arrangement of the initial tower and the topography of the site shall be considered in determining the sufficiency of the site area.

b. At a minimum, the width and depth of the tower site shall be a distance equal to the tower height. The tower shall be placed within the property so it is no closer to any lot line than one-half the tower height.

c. All tower supporting and stabilizing wires shall be located within the site area.

3. Setback. The required setbacks for the tower and related facilities shall be as follows:

a. Side and rear setback. The minimum side and rear setback for all facilities, including the security fence, shall be 25 feet.

b. Front setback. The minimum front setback for all facilities shall be as specified by this code for the zoning district in which it is located. No part of a wireless telecommunications facility, including the security fence, and any required guide wires or bracing shall be permitted in the required front setback.

c. Additional setback from residential districts. No facility shall be placed closer than one and one-half times the total height of the tower or 200 feet, whichever is greater, to any property included in a residential district.

d. Additional landscaping. Landscape screening, in addition to the requirements of this chapter, may be provided in the setback area.

4. Encroachment. No part of any telecommunications facility nor associated lines, cables, equipment, wires or braces shall at any time extend across or over any part of a public right-of-way, sidewalk, or property line.

5. Fencing. An eight-foot high security fence shall completely surround the tower and accessory equipment building site. Any deterrents, such as barbed wire, shall be at least eight feet above grade.

a. An area ten feet in width shall remain outside of the fence for the purpose of providing the landscape screening described in subsection (g)(1)H., below.

b. In the residential districts, the required security fence enclosing the facility shall be 100% opaque and of wood, brick, or stone construction. Opaque, eight-foot-tall gates shall be provided for access. In no instance shall the use of chain link fencing or gates with screening inserts be considered as opaque.

H. Landscape screening. Evergreen buffer plantings shall be located and maintained around the outermost perimeter of the security fence of all wireless communications facilities. The landscape plan for the site shall provide plants in a number and design to provide a screen of the fence, all equipment and the base of the tower, as determined by the Planning Commission.

1. If evergreen shrubs are used they shall be planted a maximum of five feet apart on center.

2. If evergreen trees are used they shall be planted a maximum of ten feet apart on center.

(h) Vehicle and Transportation.

(1) New and used vehicle sales.

A. The minimum lot size shall be one-half acre with a minimum lot width of 200 feet.

B. Signs shall conform to the requirements of Chapter 1266. Flags, pennants, balloons, ribbons, or other attention getting devices are not permitted.

C. Temporary or portable structures are not permitted.

D. Outdoor display.

1. Vehicles, for sale or otherwise, shall be parked on approved hard surfaces.

2. Vehicle display areas shall meet the setback requirements for parking areas as required in the B-2 District.

3. Vehicle display or storage shall not be allowed in areas required for visitor, employee or service parking, as required by Chapter 1264.

4. All other merchandise available for sale, including, but not limited to, clothing, accessories, collectibles etc. shall be sold and displayed within an enclosed building.

E. All service work, including car washing, repair and general maintenance, shall be conducted entirely within an enclosed building.

F. Audible paging systems or outdoor speakers are not permitted.

G. The use of spotlights or similar equipment is prohibited.

(2) Vehicle repair, major.

A. All main and accessory structures shall be set back a minimum of 75 feet from any residential district.

B. There shall be a minimum lot frontage of 100 feet or the zoning district requirement, whichever is greater, on an arterial or collector street, and all access to the property shall be from that street.

C. Driveways or curb openings shall be located at least 100 feet from any intersection and 50 feet from any adjacent residential district boundary line. No drive shall be located nearer than 75 feet, as measured along the property line, to any other driveway.

D. A raised curb of six inches in height shall be constructed along the perimeter of all paved and landscaped areas.

E. Overhead doors shall not face a public street or residential district. The Planning Commission may modify this requirement upon a determination that there is no reasonable

alternative and the poor visual impact will be diminished through use of building materials, architectural features and landscaping.

F. All maintenance and repair work shall be conducted completely within an enclosed building.

G. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.

H. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck shall be permitted up to 30 days in a designated area. Such area shall be screened from public rights-of-way by a solid, sight-obscuring fence or wall six feet in height.

I. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent ground water contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut-off valves, as approved by the Fire Department.

(3) Vehicle repair, minor.

A. A building or structure shall be located at least 40 feet from any side or rear lot line abutting a residential district.

B. Driveways or curb openings shall be located at least 100 feet from any intersection and 50 feet from any adjacent residential district boundary line. No drive shall be located nearer than 75 feet, as measured along the property line, to any other driveway.

C. Equipment, including hydraulic hoists, pits, and lubrication, greasing, and other automobile repairing equipment shall be located entirely within an enclosed building. Outdoor storage or display of merchandise, such as tires, lubricants and other accessory equipment is not permitted.

D. All activities shall occur inside a building. No vehicle may be stored outside on the property for more than five days.

E. Storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gas above ground shall not be permitted.

F. Floor drains shall not connect to the sanitary sewer system.

G. The minimum required lot frontage shall be on an arterial or collector street and all access to the property shall be from that street.

H. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent ground water contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut-off valves, as approved by the Fire Department.

I. If the use includes fuel sales, the requirements for a vehicle service station shall also be met.

(4) Vehicle service stations.

A. There shall be a minimum lot area of one acre and minimum lot width of 150 feet on an arterial street.

B. Only one driveway shall be permitted from each street, unless the Planning Commission determines additional driveways will be necessary to ensure safe and efficient access to the site. Driveways or curb openings shall be located at least 100 feet from any

intersection and 50 feet from any adjacent residential district boundary line. No drive shall be located nearer than 75 feet, as measured along the property line, to any other driveway.

C. Pump islands shall be a minimum of 30 feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least 15 feet from any lot line.

D. Overhead canopies shall be setback at least 20 feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. All signs, logos, or identifying paint scheme shall be in accordance with Chapter 1266. The canopy shall not exceed 18 feet in height. Lighting in the canopy shall be recessed, fully shielded, and directed downward to prevent off-site glare.

E. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent ground water contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut-off valves, as approved by the Fire Department.

F. In the event that a service station use has been abandoned or terminated for a period of more than 12 months, all underground gasoline storage tanks shall be removed from the premises, in accordance with State requirements.

G. A vehicle service station may be combined with other uses, such as convenience store, vehicle wash, and/or restaurants; provided all requirements, including parking, are met for each use and the most restrictive requirements applicable to any single use shall apply.

(5) Vehicle wash facilities.

A. All washing activities must occur inside a building.

B. The building exit for washed vehicles must be at least 75 feet from the entrance drive that accesses the site.

C. Required stacking spaces for waiting vehicles shall not be located within a public or private right-of-way and shall not conflict with maneuvering areas, parking spaces and other activities. Stacking lanes shall be designed to prevent vehicle queues from extending beyond the property.

D. Wastewater must be recycled, filtered or otherwise cleansed to minimize discharge of soap, wax and solid matter into public sewers. All such water shall be discharged only into the public sanitary sewer system.

E. Only one driveway shall be permitted from any street, unless the Planning Commission determines additional driveways will be necessary to ensure safe and efficient access to the site.

F. Driveways or curb openings shall be located at least 100 feet from any intersection and 50 feet from any adjacent residential district boundary line. No drive shall be located nearer than 75 feet, as measured along the property line, to any other driveway.

G. For automated drive-through wash facilities, a by-pass lane is required that allows by-passing waiting vehicles.

H. Overhead doors shall not face a street, except if approved by the Planning Commission in these circumstances:

1. When the doors of a through garage are located at the front and rear of a building; or
2. When a garage is located on a corner or through lot; or
3. When determined that a rear garage door would negatively affect an abutting residential use or district.

I. A vehicle wash facility building and any accessory buildings and uses, including vacuums, shall be located at least 50 feet from a street right-of-way line and 100 feet from any residential district boundary.

J. The property owner or operator must comply with all applicable noise regulations. Air handling equipment shall be located on a roof, be equipped with intervening noise reduction baffles, be in proper working condition and must also comply with this provision.

1246.02 SCHEDULE OF USES.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of Table 1246.02 may be used for the purposes denoted by the following abbreviations:

- (a) Permitted Use (P). Land and/or buildings in this district may be used by right.
- (b) Conditional Use (C). Land and/or buildings in this district may be permitted only if conditional use approval is granted, upon a finding that the general requirements of Chapter 1262 are met.
- (c) Specific Conditions. Indicates requirements or conditions, as listed in Chapter 1262, are applicable to specific uses.

Table 1246.02 <i>Schedule of Uses: Educational Institution District</i>		
<i>Use</i>	<i>E-I</i>	<i>Specific Conditions</i>
Accessory Uses		
Accessory buildings, structures and uses	P	<u>1260.04</u>
Cafeteria facilities located within a principal use	P	
Child care facilities located within a principal use	P	
Community gardens	P	
Day care - group	C	
Outdoor patio seating in conjunction with a permitted restaurant	P	
Outdoor storage related to a principal use	C	
Educational		
Auditorium buildings	P	
Classroom buildings	P	
Commercial schools and studios including art, dance, martial arts, and music	P	
Office/Research		
Administrative offices	P	
Banks, credit unions and similar financial institutions, excluding drive-in and drive- thru facilities	P	
Medical and dental offices and clinics	C	

Offices for executive, administrative, professional, real estate, accounting and similar professional activities	P	
Research, development and testing laboratories and facilities	P	
Public/Quasi-public		
Churches and customary related uses	P	<u>1262.08(c)(1)</u>
Government offices, buildings and facilities	P	
Libraries	P	
Recreation		
Art galleries, museums and similar cultural facilities	P	
Assembly and performance halls	P	
Ball fields	C	
Community centers and senior centers	P	
Cultural buildings	P	
Field house	C	
Forest and wildlife preserves	P	
Golf courses and country clubs	C	
Health and fitness clubs	P	
Indoor commercial recreation such as theaters, bowling lanes and skating rinks	C	
Interpretive center	P	
Natatorium	P	
Public parks/playgrounds/recreation areas	P	
Riding stables	C	
Stadium	C	
Residential		
Bed & breakfast	C	<u>1262.08(e)(2)</u>
Caretaker residence	P	
Continuing care retirement community	C	
Dormitories	P	
Dwellings, attached single-family	C	
Dwellings, multiple-family	C	

Dwellings, single-family detached	C	
Dwellings, two-family	C	
Short-term rentals <u>Transient Guest Lodging</u>	C	<u>1262.08(e)(6)</u>
Other		
Agribusiness	C	
Bars, taverns, clubs and restaurants serving alcoholic beverages	C	
Brew pubs and similar establishments	C	
Day care, nursery schools and child care establishments	P	
Sustainable farming, including raising animals	C	
Farmers market	P	
Food processing plants	C	
General retail catering to the needs of the community, but less than 10,000 square feet of UFA	C	
Greenhouse/nursery (not including retail sales)	P	
Heliports and helipads	C	
Hotels and motels	C	
Mobile vending (food trucks)	C	<u>1262.08(d)(1)</u>
Outdoor market or covered bazaar	P	
Printing, photocopying and publishing services	P	
Radio, television and recording studios	P	
Recycling collection and/or processing facility (non-hazardous)	C	
Restaurants, excluding drive-in or drive-thru facilities	C	
Solar facilities (nonresidential)	C	
Storage of hazardous materials	C	<u>1262.08(b)(1)</u>
Wind energy conversion systems (single accessory)	C	
Wind energy conversion systems (commercial)	C	
Wireless communication facilities and towers	C	<u>1262.08(g)(1)</u>
Uses similar to other uses permitted in this district and consistent with the purpose of the district, as determined in accordance with Section <u>1242.06</u>	C	<u>1242.06</u>

1248.02 SCHEDULE OF USES.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of Table 1248.02 may be used for the purposes denoted by the following abbreviations:

- (a) Permitted Use (P). Land and/or buildings in this district may be used by right.
- (b) Conditional Use (C). Land and/or buildings in this district may be permitted only if conditional use approval is granted, upon a finding that the general requirements of Chapter 1262 are met.
- (c) Specific Conditions. Indicates requirements or conditions, as listed in Chapter 1262, are applicable to specific uses.

<i>Table 1248.02 Schedule of Uses: Residential Districts</i>				
<i>Use</i>	<i>R-A</i>	<i>R-B</i>	<i>R-C</i>	<i>Specific Conditions</i>
Residential				
Accessory dwelling unit	C	C	C	Section <u>1262.08(e)(1)</u>
Accessory buildings, structures and uses	P	P	P	Section <u>1260.04</u>
Bed and breakfasts	C	C	C	Section <u>1262.08(e)(2)</u>
Boarding homes			C	Section <u>1262.08(e)(3)</u>
Continuing care retirement community		C	C	
Day care, family	P	P	P	
Day care, group	C	C	C	
Dwellings, attached single-family		P	P	
Dwellings, Multiple-family		C	P	
Dwellings, single-family detached	P	P	P	
Dwellings, two-family		P	P	
Short-term rental units <u>Transient Guest Lodging</u>	C	C	C	Section <u>1262.08(e)(6)</u>
Nonresidential				
Community gardens	P	P	P	
Farm, including raising animals	C	C	C	
Home occupations ¹	C	C	C	Section <u>1262.08(e)(5)</u>

Offices for executive, administrative, professional, real estate, accounting and similar professional activities		C	C	
Veterinary clinics			C	
Public/Quasi-public				
Churches and customary related uses	C	C	C	Section <u>1262.08(c)(1)</u>
Cultural buildings			C	
Government offices and buildings	C	C	C	
Libraries			C	
Schools (elementary, middle and high)	C	C	C	Section <u>1262.08(c)(2)</u>
Recreation				
Public parks/playgrounds/recreation areas	C	C	C	
Other				
Uses similar to other uses permitted in this district and consistent with the purpose of the district, as determined in accordance with Section <u>1242.06</u>	C	C	C	Section <u>1242.06</u>
1 Home occupations are permitted by right in all Residential Districts, subject to issuance of a permit by the Village, if applicable, to verify compliance with the conditions of Section <u>1262.08(e)(5)</u> .				

1250.02 SCHEDULE OF USES.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of Table 1250.02 may be used for the purposes denoted by the following abbreviations:

- (a) Permitted Use (P). Land and/or buildings in this district may be used by right.
- (b) Conditional Use (C). Land and/or buildings in this district may be permitted only if conditional use approval is granted, upon a finding that the general requirements of Chapter 1262 are met.
- (c) Specific Conditions. Indicates requirements or conditions, as listed in Chapter 1262, are applicable to specific uses.

<i>Table 1250.02 Schedule of Uses: Business Districts</i>			
<i>Use</i>	<i>B-1</i>	<i>B-2</i>	<i>Specific Conditions</i>
Accessory Uses			
Accessory buildings, structures, and uses	P	P	Section <u>1260.04</u>
Home occupations	C		Section <u>1262.08(e)(5)</u>
Outdoor patio seating in conjunction with a permitted restaurant	C	C	
Food, Drink, Entertainment and Hospitality			
Art galleries, museums and similar cultural facilities	P		
Assembly and performance halls	C		
Bars, taverns, clubs and restaurants serving alcoholic beverages	C	C	
Bed and breakfasts	C		Section <u>1262.08(e)(2)</u>
Brew pubs and similar establishments	C	C	
Community centers and senior centers	P		
Cultural buildings	C		
Farmers' market	C	C	
Hotels and motels	C	C	
Indoor commercial recreation such as theaters, bowling lanes and skating rinks	C	C	

Internet sweepstakes café	C		
Mobile vending (food trucks)	C		Section <u>1268.08</u> (d)(1)
Outdoor commercial recreation such as mini-golf and batting cages		C	Section <u>1262.08</u> (d)(3)
Restaurants, excluding drive-in or drive-thru facilities	P	P	
Health Care and Social Assistance			
Hospitals		C	
Medical and dental laboratories		C	
Medical and dental offices and clinics	C	P	
Office, Financial and Commercial Services			
Banks, credit unions and similar financial institutions, excluding drive-in and drive-thru facilities	P	P	
Business machine sales & service		P	
Cleaning services		P	
Electric, plumbing supplies sales & service	P	P	
Glass sales & service		P	
HVAC sales & service		P	
Locksmith shops		P	
Machinery and equipment sales & service		P	
Mail order businesses and fulfillment centers		P	
Offices for executive, administrative, professional, real estate, accounting and similar professional activities	P	P	
Pest control services		P	
Petroleum products sales		C	
Printing, photocopying and publishing services	P	P	
Repair shops (non-automotive)		P	
Tool and equipment rental		P	
Personal Service			
Commercial schools and studios including art, dance, martial arts, and music	P	C	
Day care, nursery schools and child care establishments	P	P	

Health and fitness clubs	P	P	
Personal service establishments such as barber and beauty shops, tailors, photo studios, shoe repair and watch repair	P	P	
Tattoo parlor	C	C	
Public/Quasi-Public			
Churches and customary related uses	C	P	
Government offices and facilities	P	P	
Libraries	C		
Residential			
Dwellings, single-family detached	P		
Dwelling units on the upper floors of buildings with nonresidential uses at street level	C		Section <u>1262.08</u> (e)(4)
Short term rentals <u>Transient Guest Lodging</u>	C	C	Section <u>1262.08</u> (e)(6)
Retail			
Artisan shops, such as glass blowers, metal sculptors, wood carvers and weavers producing their goods and selling them for retail on premises	C	P	
Bicycle sales, rental and repair	P		
Building supply and equipment sales, not including lumber yards		C	
General retail catering to the needs of the community, but less than 10,000 square feet of UFA	P	P	
General retail of 10,000 square feet UFA or more	C	P	Section <u>1262.08</u> (a)(3)
Vehicle Sales, Service and Related Uses			
Drive-in and drive-thru facility for banks, pharmacies, restaurants and dry cleaners	C	C	Section <u>1262.08</u> (a)(1) and <u>1262.08</u> (d)(2)
Sales of new and used vehicles, boats, farm implements and similar vehicles and equipment		C	Section <u>1262.08</u> (h)(1)
Sale of new vehicle parts, not including installation/repair		P	
Truck and trailer rental		C	
Vehicle and equipment rental		C	
Vehicle repair, major		C	Section <u>1262.08</u> (h)(2)
Vehicle repair, minor		C	Section <u>1262.08</u> (h)(3)

Vehicle service stations		C	Section <u>1262.08</u> (h)(4)
Vehicle wash facilities		C	Section <u>1262.08</u> (h)(5)
Other			
Mortuaries and funeral homes	C	C	Section <u>1262.08</u> (a)(2)
Showrooms for home improvements, decorations and similar items, not including outdoor storage	P	P	
Radio, television and recording studios	C	P	
Utility and public service buildings, not including outdoor storage		P	
Uses similar to other uses permitted in this district and consistent with the purpose of the district, as determined in accordance with Section <u>1242.06</u>	C	C	Section <u>1242.06</u>
Veterinary clinics		C	

1258.01 DISTRICT USES.

The following table summarizes the uses allowed within the respective zoning districts, either as permitted or conditional uses.

<i>Table 1258.01 Schedule of Uses by District</i>										
<i>Use</i>	<i>C</i>	<i>E-I</i>	<i>R-A</i>	<i>R-B</i>	<i>R-C</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>	<i>Specific Conditions</i>
Accessory Uses										
Accessory buildings, structures and uses *Pools and spas are not allowed in District C and I-2	P	P	P	P	P	P	P	P	P	<u>1260.04</u>
Accessory dwelling unit			C	C	C					<u>1262.08(e)(1)</u>
Cafeteria facilities located within a principal use		P						P	P	
Caretaker residence		P						C	C	
Child care facilities located within a principal use		P						C	C	
Corporate offices incidental to the principal use								P	P	
Day care - Family			P	P	P					
Day care - Group		C	C	C	C					
Home occupations ¹		C	C	C	C	C				See footnote 1
Outdoor patio seating in conjunction with a permitted restaurant		P				C	C	C	C	
Outdoor storage related to a principal use		C						C	C	
Retail incidental to the manufacture or production of goods on the premises, not exceeding 30% of the total floor area of the principal building								C	C	
Vehicle wash facilities for trucks and trailers								P	P	
Agricultural and Animal-Related Uses										
Agribusiness		C						C	P	
Breweries, distilleries and bottling plants								P	C	
Community gardens	P	P	P	P	P					
Farm, including raising animals		C	C	C	C			C	C	

Food processing plants		C						C	P	
Greenhouse/nursery (not including retail sales)		P						C	P	
Kennels								C		
Produce and other food products terminals								C	P	
Riding stables	C	C								
Veterinary clinics					C		C			
Commercial Services										
Business machine sales & service							P	P		
Cleaning services							P	P		
Electric, plumbing supplies sales & service						P	P	P		
Glass sales & service							P	P		
HVAC sales & service							P	P		
Locksmith shops							P	P		
Machinery and equipment sales & service							P	P	P	
Mail order businesses and fulfillment centers							P	P	P	
Pest control services							P	P		
Petroleum products sales							C	P		
Printing, photocopying and publishing services		P				P	P	P	P	
Repair shops (non-automotive)							P	P		
Tool and equipment rental							P	P		
Construction										
Building material and lumber supply, including lumber yards								C	P	
Contractors' offices and shops (not including outdoor storage)								P	P	
Landscaping services								C	P	
Educational										
Administrative offices		P								
Auditorium buildings		P								
Classroom buildings		P								
Commercial schools and studios including art, dance, martial arts, and music		P				P	C	C		

Schools (elementary, middle, high)			C	C	C						1262.08(c)(2)
Trade schools								P	P		
Training centers, engineering or sales								P	P		
Food, Drink, Entertainment and Hospitality											
Bars, taverns, clubs and restaurants serving alcoholic beverages		C				C	C	C			
Bed and breakfasts		C	C	C	C	C					1262.08(e)(2)
Brew pubs and similar establishments		C				C	C	C			
Farmers market		P				C	C	C			
Hotels and motels		C				C	C				
Internet sweepstakes café							C				
Mobile vending (food trucks)		C				C		C	C		
Restaurants, excluding drive-in or drive-thru facilities		C				P	P	C			
Sexually oriented businesses								P			1262.08(d)(3)
Health Care and Social Assistance											
Hospitals							C				
Medical and dental laboratories							C	C	C		
Medical and dental offices and clinics		C				C	P				
Manufacturing											
Building material manufacturing including milling, planning and joining								C	C		
Chemical manufacturing and storage								C	C		1262.08(b)(1)
Machine, sheet metal and welding shops								C	C		
Manufacturing, compounding, processing, packaging, treating or assembly from previously prepared materials								P	C		
Metal stamping, pressing and buffing								C	C		
Paint, rust proofing and rust coating								C	C		
Tool and die shops								C	C		
Offices and Financial Services											
Banks, credit unions and similar financial institutions, excluding drive in and drive-thru facilities		P					P	P			

Research and Technical Facilities										
Research, development and testing laboratories and facilities		P						P	P	
Residential										
Boarding homes					C					<u>1262.08(e)(3)</u>
Continuing care retirement community		C		C	C					
Dormitories		P								
Dwellings, attached single-family		C		P	P					
Dwellings, multiple-family		C		C	P					
Dwellings, single-family detached		C	P	P	P	P				
Dwellings, two-family		C		P	P					
Dwelling units on the upper floors of buildings with nonresidential uses at street level						C				<u>1262.08(e)(4)</u>
Short term rental units <u>Transient Guest Lodging</u>		C	C	C	C	C	C			<u>1262.08(e)(6)</u>
Retail										
Artisan shops, such as glass blowers, metal sculptures, wood carvers and weavers producing their goods and selling them for retail on premises						C	P	C		
Bicycle sales, rental and repair						P		C		
Building supply and equipment sales, not including lumber yards							C			
General retail catering to the needs of the community, but less than 10,000 square feet of UFA		C				P	P			
General retail of 10,000 square feet UFA or more						C	P			<u>1262.08(a)(3)</u>
Outdoor market or covered bazaar		P								
Showrooms for home improvements, decorating and similar items, not including outdoor storage						P	P			
Transportation and Warehousing										
Bottled gas storage and distribution								C	C	
Cartage, express and parcel delivery facilities								C	C	<u>1262.08(f)(1)</u>
Heliports and helipads		C						C	C	

Mini-warehouse, self-storage facilities							C		<u>1262.08(f)(2)</u>
Storage of hazardous materials		C						C	<u>1262.08(b)(1)</u>
Warehouses and distribution centers							C	P	<u>1262.08(f)(1)</u>
Wholesale businesses							C	P	
Utilities									
Public utility buildings							P	P	
Solar facilities (nonresidential)		C					P	P	
Telephone exchange buildings							P	P	
Utility and public service buildings, not including outdoor storage						P			
Utility substations							P	P	
Wind energy conversion systems(single accessory)		C					C	C	
Wind energy conversion systems (commercial)		C							
Wireless communication facilities and towers	C	C					C	C	<u>1262.08(g)(1)</u>
Vehicle Sales, Service and Related									
Drive-in and drive-thru facility for banks, pharmacies, restaurants and dry cleaners						C	C		<u>1262.08(a)(1) and 1262.08(d)(2)</u>
Sales of new and used vehicles, boats, farm implements and similar vehicles and equipment							C		<u>1262.08(h)(1)</u>
Sale of vehicle parts, not including installation/repair							P		
Truck and heavy equipment repair								C	
Truck and trailer rental							C	C	
Vehicle and equipment rental							C	C	
Vehicle repair, major							C	C	<u>1262.08(h)(2)</u>
Vehicle repair, minor							C	C	<u>1262.08(h)(3)</u>
Vehicle service stations							C	C	<u>1262.08(h)(4)</u>
Vehicle wash facilities							C	C	<u>1262.08(h)(5)</u>
Waste Processing and Disposal									
Recycling collection and/or processing facility (non-hazardous)		C						C	
Other									

Mortuaries and funeral homes						C	C			<u>1262.08(a)(2)</u>
Outdoor market or covered bazaar		P								
Radio, television and recording studios		P				C	P	P	P	
Uses similar to other uses permitted in this district and consistent with the purpose of the district, as determined in accordance with Section <u>1242.06</u>	C	C	C	C	C	C	C	C	C	<u>1242.06</u>
1 Home occupations are permitted in all Residential Districts and the E-I and B-1 Districts, subject to issuance of a permit by the Zoning Administrator to verify compliance with the conditions of Section <u>1262.08(e)(5)</u> .										

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1284.08 DEFINITIONS: R-S.

Recreational vehicle. Vehicles or equipment used primarily for recreational or leisure purposes including, but not limited to, motor homes, camper trailers, travel trailers, pop-up campers, boats, snowmobiles, motorcycles, dune buggies and similar vehicles and the trailers used to transport them.

Recycling center. A facility or location in which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products.

Residential districts. The R-A, R-B and R-C Districts.

Restaurant. An establishment principally operated for the sale of food and beverages to be served for consumption on the premises, which may also include carry-out service or delivery of food through a drive-in and drive-thru facility for consumption off the premises.

Right-of-way. A strip of land dedicated for public use and occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or other essential services.

Screen. A visual barrier that surrounds a potentially offensive or incompatible activity.

Screening. The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Techniques include fences, hedges, walls, berms or other such features.

Setback. The required minimum horizontal distance between the line at which the building may be built and the related front, rear and side property lines.

Sexually oriented business. Those businesses defined, as follows:

(1) Adult arcade. An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, or other visual representations, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(2) Adult bookstore, adult novelty store or adult video store.

A. A commercial establishment which has as a significant or substantial (i.e., 50% or more) portion of its stock-in-trade or derives a significant or substantial (i.e., 50% or more) portion of revenues or devotes a significant or substantial (i.e., 50% or more) portion of its interior business or advertising to the sale or rental for any form of consideration, of any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, digital video discs, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas;

2. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

B. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as the definition above is met.

(3) Adult cabaret. A nightclub, bar, restaurant, private club, bottle club, juice bar or similar commercial establishment, whether or not alcoholic beverages are served, which features: (a) persons who appear nude or semi-nude or in a state of nudity or semi-nudity; (b) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or (c) films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. "Private club" shall mean an establishment where patrons may bring in their own bottle or other container of alcohol (including beer, wine or liquor) and purchase a mixture for the same or use of a glass from the club or business.

(4) Adult motel. A motel, hotel or similar commercial establishment which offers public accommodation, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, digital video discs, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off- premises advertising, including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television.

(5) Adult motion picture theater. A commercial establishment where films, motion pictures, video cassettes, digital video discs, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are shown for any form of consideration.

(6) Adult theater. A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration features persons who appear in a state of nudity or semi-nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities which is not customarily open to the general public during such features because it excludes minors by reason of age.

(7) Escort agency. A person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. "Escort" means a person who, for any form of consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person or to privately appear in the state of nudity or semi-nudity for another person.

(8) Massage parlor. Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of or in connection with specified sexual activities is offered, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder, nor by any other individual licensed by the State of Ohio to perform massages.

(9) Semi-nude model studio. Any place where a person regularly appears in a state of nudity or semi-nudity or displays specified anatomical areas for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons. This definition does not include an accredited state licensed public or private educational institution or bona-fide art organization offering instruction, which may involve the exposure of the human body for purposes of drawing, filming or photographing as part of a course.

(10) Sexual encounter establishment. A business or commercial establishment that as one of its principal business purposes offers for any form of consideration:

A. A place where two or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas; or

B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Ohio engages in medically approved and recognized sexual therapy.

(11) Simulated. To assume the mere appearance of something, without the reality, to imitate or pretend.

(12) Specified anatomical areas. Includes any of the following:

A. Less than completely and opaquely covered human genitals, pubic region, anus or any portion of the female breast below the top of the areola or nipple; or

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(13) Specified sexual activities. Includes any of the following:

A. The fondling or other intentional touching of human genitals, pubic region, anus, or female breast;

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

C. Masturbation, actual or simulated;

D. Human genitals in a state of sexual stimulation, arousal or tumescence; or

E. Excretory functions as part of or in connection with any specified sexual activities defined in this section.

~~**Short-term rental unit.** A dwelling unit that is rented or leased to one person, family or entity on a weekly or monthly basis, but typically less than one year.~~

Sign. A device, structure, display, exhibit, poster, fixture or placard which may or may not use graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service or activity.

(1) **Sign, awning.** A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements (see canopy and projecting sign).

(2) **Sign, business center.** A sign advertising a shopping or business center, strip center, mall or any multi-tenant commercial, industrial or office use.

(3) **Sign, canopy.** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover (excluding a marquee) over a door, entrance, window, or outdoor service area (see awning and projecting sign).

(4) **Sign, community special event.** A temporary sign calling attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other non-profit charitable, philanthropic, religious or benevolent organizations.

(5) **Sign, construction.** A temporary sign, typically freestanding, displayed at construction site to promote and provide information about the company or companies involved in the project. These can include the contractor, architect, developer, etc.

(6) **Sign, development.** A temporary or otherwise limited-term sign for the purpose of identifying multiple lots or new homes in a subdivision, including single-family and/or multi-family dwelling units.

(7) **Sign, free-standing.** Any sign not attached to a building or wall which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground (see ground sign).

(8) **Sign, gateway.** A sign marking the entrance to a town, neighborhood, development, park or other public area. A sign placed at the street entrance to a single-family subdivision, multiple-family development, planned unit development, industrial park or similar consolidated development, containing only the name of the subdivision or development.

(9) **Sign, ground.** A free-standing sign supported by a base which rests directly on the ground. The width of the base shall be at least 50% of the width of the sign to be considered a ground sign (see free-standing sign).

(10) Sign, home occupation. One non-illuminated sign identifying the home occupation.

(11) Sign, marquee. A sign that is part of or attached to a permanent roof-like structure or canopy of rigid materials supported by and extending from the building front.

(12) Sign, projecting. Any sign attached to a building or other structure and extending in whole or in part more than 12 inches from such structure (see awning and canopy sign).

(13) Sign, temporary. A sign that is not permanent or affixed to a building or structure and, by its nature, may be or is intended to be moved from one location to another, such as "frame signs or signs on a movable trailer, whether rented or owned."

(14) Sign, wall. A sign painted, attached to or erected in a plane parallel to a wall, extending no more than 12 inches from the exterior face of the wall to which it is attached.

(15) Sign, window. A sign affixed to the glass on the outside or inside of a window, or erected within three feet of a window on the inside of a building so as to be seen from the outside of the building.

Site plan. A drawing, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific land parcel.

Skilled nursing care. Procedures that require technical skills and knowledge beyond those of an untrained individual and commonly employed in providing for the physical, mental and emotional needs of the ill or otherwise incapacitated.

Spot zone. Singling out of a lot or small area for discriminatory or different treatment from that accorded surrounding land which is similar in character.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, and also any portion of a building used for human occupancy between the topmost floor and the roof.

Street. A public right-of-way 50 feet or more in width which provides a public means of primary access to abutting property, or any such right-of-way more than 30 and less than 50 feet in width, provided that it existed prior to November 18, 1971. The term "street" includes avenue, drive, lane, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

Street classification. A hierarchy of street types denoting their relative function and traffic-carrying capability.

(1) Arterial. A connected network of continuous routes serving intra- and interstate travel, as well as interurban travel. Arterials accommodate high traffic volumes generally at higher speeds. Access to abutting land is subordinate to moving through traffic. The following streets are classified as arterials:

A. Dayton-Yellow Springs Road /Dayton Street.

B. Fairfield Pike.

C. Xenia Avenue.

(2) Collector. Those streets which collect traffic from local streets and channel it to arterial streets. Collector streets carry moderate traffic volumes and primarily provide for local traffic movements with a minor amount of through traffic. While traffic movement is an important function, collectors also provide for a higher degree of land access than arterials. The following streets are classified as collectors:

- A. Allen.
- B. Corry.
- C. Enon.
- D. High.
- E. King.
- F. Limestone.
- G. Livermore.
- H. South College.
- I. Spillan.
- J. Walnut.

(3) Local. A street that provides direct access to adjacent land and access to higher street classifications. All streets not otherwise classified are local.

Structure. Anything constructed, erected or placed which requires location on the ground or attachment to something having location on the ground including, but not limited to: buildings, accessory buildings, sheds, patios, gazebos, tennis courts, swimming pools, radio and television towers, decks and platforms; provided, however, that patios shall not be deemed structures if no part is above the ground and if it is located outside the minimum front, side and rear yard setback area. Lawful fences or walls, utility poles, basketball goals, mailboxes, sidewalks, driveways, streets, parking areas or retaining walls shall not be considered as structures for purposes of this code.

Subdivision. Shall mean:

(1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall not be considered a subdivision for purposes of this code; or

(2) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets except private streets serving industrial structures, and the division or allocation of land as open spaces for common use by owners,

occupants or lease holders, or as easements for the extension and maintenance of public sanitary sewers, water lines, storm drainage or other public features.

Swimming pools and spas. Any structure or container, either permanent or portable, and either above or below ground, designed to hold water to a depth of 24 inches or greater at any point, intended for the immersion of the human body, whether for swimming, wading or sitting, used by the occupants thereof and guests, without payment of any fee, and as an accessory use to a residence. This includes hot tubs, steam baths and other hydrotherapy devices. Pools that are less than 24 inches in depth, are portable or temporary, are exempted from the requirement of a zoning permit.

1284.09 DEFINITIONS: T-U.

Temporary structure. A structure erected for a period of time not to exceed 18 months for such use as construction offices or storage buildings at a construction site.

Transient Guest Lodging. A dwelling unit, a room or rooms in a dwelling unit, or an accessory dwelling unit where sleeping accommodations are offered for consideration to persons occupying a room or rooms for less than thirty (30) consecutive days.

Use. The specific purposes for which land or a building is designed, arranged or intended, or for which it is or may be occupied or maintained.



TO: PLANNING COMMISSION

DATE: September 21, 2017

RE: TEXT AMENDMENT IN PLANNING CODE

APPENDIX B 6 VILLAGE OF YELLOW SPRINGS RECOMMENDED TREES

At the September 18, 2017 meeting of Council, the second reading of the ordinances pertaining to the Pocket Neighborhood Development legislation passed. There was only one edit to the Pocket Neighborhood Developments legislation which was in the planning code in Chapter 1226.06 DESIGN STANDARDS. In section 1226.06 C. (3) the text was changed to include the words "ADA-compliant" for sidewalks and striking out the measurement of at least four feet in width. A recent update to ODOT standards for ADA compliancy is five feet, or in certain cases four feet with a five by five foot turning radius every 200 feet.

Council passed Chapter 1226.06 with this one edit to the text and with the understanding that the Planning Commission would make recommendations for Appendix B, also referenced in this Chapter. Council member Brian Housh, after taking a look at Appendix B, realized that some of the trees on this list are no longer recommended and he asked Planning Commission to review the list for possible updates to the text.

Along with this memo is a listing of the trees in *Appendix B – Village of Yellow Springs Recommended Trees* (ATTACHMENT A), which includes both a draft of suggested amendments and a clean version as it currently exists in the Planning Code. Also included is an email of recommended amendments by Nick Boutis, executive director of the Glen Helen Ecology Institute (ATTACHMENT B), a *Street Tree Planting in Upper Arlington* document (Attachment C), and an excerpt from a memo to Council by a former Village manager regarding recommended trees for the Village's 2012 downtown streetscape project, with suggestions from the Yellow Springs Tree Committee and Nick Boutis (Attachment D). Many of the suggestions in Attachments B, C and D have been incorporated into Attachment A.

I also reached out to Wendi Van Buren, Urban Forester at the Ohio Dept. of Natural Resources and asked for her input, which is also incorporated into *Appendix B – Village of Yellow Springs Recommended Trees* (ATTACHMENT A). She divided the trees by native and non-native, and created a third category for suggested removal of existing trees, which Nick Boutis had mentioned we consider for the Tree of Heaven species. Ms. Van Buren also provided a shortened list for the Planning Commission to consider (ATTACHMENT E).

Appendix B – Village Of Yellow Springs Recommended Trees was definitely in need of an update. The Subdivision Regulations section of the Planning Code was last reviewed in 1991. When considering these recommended changes, please keep in mind that the goal of Appendix B is to provide a list of trees "for use by developers, businesses and individuals seeking advice on the types of trees to use." This

means that the list is not just for street trees in new developments, but suggested tree plantings throughout the Village of Yellow Springs. With the new amendment to sidewalks, we will at some point need to consider our requirements for street tree plantings to determine if we are requiring enough right-of-way access for the larger types of trees given the amount of tree lawn space they need, coupled with the new ADA compliancy amendment for five foot sidewalks. These are things to consider when the Planning Code goes through an update.

At some point in the future, an update of the Planning Code will need to be accomplished so we can incorporate things like ADA-compliant sidewalks and Complete Streets policies. Such a review should by no means be as comprehensive an undertaking as the Zoning Code was, and I am confident Planning Commission can accomplish this without a consultant. For now, I will add it to our to-do list, and will confirm with Council if and when we are ready to take on this task.

Respectfully submitted,

Denise Swinger
Planning & Zoning Administrator

ATTACHMENT A

OF

Yellow Springs, OH Code of Ordinances

APPENDIX B

VILLAGE OF YELLOW SPRINGS RECOMMENDED TREES

The following list of trees have been placed on file with the Village for use by developers, businesses and individuals seeking advice on the types of trees to use:

~~As a rule, Some consider~~ streets ~~are~~ more attractive when they contain only one kind of tree species. However, the pest risk is multiplied in that situation; therefore, such plantings should be made with caution. (remove?)

NOTE: Nick Boutis did not agree with this statement (see Attachment B). Wendi Van Buren ODNR Regional Urban Forester noted that in small communities where you don't have an in-house crew of certified arborists, proper tree maintenance is easier to maintain when you have a single tree species per block to manage in-house crew tree work or contractor work, but multiple tree species can be mixed when you have a trained staff to properly maintain the tree population. She also suggested the following underlined text be added:

Tree selection is extremely important in ensuring survivability and long-term health of trees. The most important thing to remember when selecting trees is to match the tree to the site, not the site to the tree. Where you have space for a large species always plant a large species. It is the large tree species that will give Yellow Springs the most benefits in the long run. In addition, they tend to be longer lived than smaller species when planted in the right location.

Tree species diversity is important to a healthy, resilient community tree population, as well as age diversity. A good rule to follow for the community urban forest as a whole is the 10-20-30 Rule. The breakdown to shoot for is no more than 30% of a single family, 20% of a single genus (maple, oak, etc.), and no more than 10% of a single species. This can be accomplished by street or by the community as a whole.

The trees suggested in this list were selected because their characteristics make them suitable for urban and home use. The criteria used include: deep roots, minimal fruit or leaf litter, regular and predictable form, stress tolerance, disease and insect resistance, transplanting facility, availability and ornamental value.

Due to the culture and goals set forth by the Yellow Springs community, native tree species should be given preference where a native species will thrive within the constraints of diversity goals.

Small Trees with single-stem forms (under 25 feet at maturity) tree lawn width of at least 4 feet to 6 feet

Native

Serviceberry (*Amelachier canadensis*)

Pawpaw (*Asimina triloba*)

American hornbeam (*Carpinus caroliniana*)

Redbud (*Cercis canadensis*)

Washington Hawthorn (*Crataegus phaenopyrum*)

Sweet bay magnolia (*Magnolia virginiana*)

Non-Native

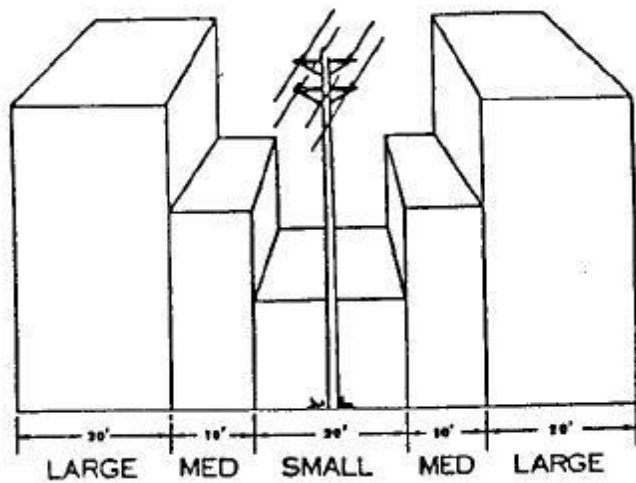
Amur Maple (*Acer ginnala*)

Paperbark Maple (*Acer griseum*)

Cornelian cherry (*Cornus mas*)

Flowering Crabapple (*Malus sp.*) Selected cultivars with small or minimal fruit and disease resistance

Japanese Tree Lilac (*Syringa reticulata*)



Medium Trees (under 40 feet at maturity) tree lawn width under 8 feet

Flowering Pear (*Pyrus calleryana*) Selected cultivars *Nick recommended striking from list. Agreed Wendi Van Buren*

Lacebark Elm (*Ulmus parvifolia*)

Japanese Zelkova (*Zelkova serrata*) Selected cultivars

Native

Persimmon (*Diospyros virginiana*)

Eastern hornbeam (*Ostrya virginiana*)

Canada Red Chokecherry (*Prunus virginiana*)

Sassafras (*Sassafras albidum*)

Non-Native

State Street Maple (*Acer miyabi*)

Sargent Cherry (*Prunus sargentii*)

Japanese pagoda (*Sophora japonica*)

Littleleaf Linden (*Tilia cordata*)

Silver Linden (*Tilia tormentosa*)

Large Trees (no wires) tree lawn width at least 8 feet

Native

Red Maple (*Acer rubrum*)

Sugar Maple (*Acer saccharum*) Hackberry (*Celtis occidentalis*)

White ash (*Fraxinus Americana*)*

Green Ash (*Fraxinus pennsylvanica lanceolata*)

Yellowwood (*Cladrastis lutea*)

Beech (*Fagus grandifolia*)

Thornless Honeylocust (*Gleditsia triacanthos* var. *inermis*) such as ~~Sunburst~~ or ~~Imperial~~

Kentucky Coffeetree (*Gymnocladus dioica*)

Sweetgum (*Liquidambar styraciflua*) Seedless cultivars

Tuliptree (*Liriodendron tulipifera*)

Cucumbertree (*Magnolia acuminata*)

Blackgum (*Nyssa sylvatica*)

White Oak (*Quercus alba*)

Swamp White Oak (*Quercus bicolor*)

Scarlet Oak (*Quercus coccinea*)

Shingle Oak (*Quercus imbricaria*)

Bur Oak (*Quercus macrocarpa*)

Chinkapin Oak (*Quercus muehlenbergii*)

Chestnut Oak (*Quercus prinus*)

Red Oak (*Quercus rubra*)

Shumard Oak (*Quercus shumardii*)

Baldcypress (*Taxodium distichum*)

Basswood (*Tilia americana*)

Non Native

Ginkgo (*Ginkgo biloba*) male Cultivar tree species only! *Nick Boutis said we may not know whether male or female for 20-30 years. You can know if it is a cultivar such as 'Magyar', 'Autumn Gold' – Wendi Van Buren*

London Planetree (*Platanus x acerfolia*)

Lacebark Elm (*Ulmus parvifolia*)

Japanese Zelkova (*Zelkova serrata*) such as 'Green Vase'

White Ash (*Fraxinus americana*)**

Green Ash (*Fraxinus pennsylvanica lanceolata*) *Nick recommended removing since they have been largely eliminated thanks to the Emerald Ash Borer. He suggested Blue Ash as an alternative. – All Fraxinus get EAB – even blue ash – do not recommend – Wendi Van Buren*

Trees Not Recommended for Street Use

Box Elder (*Acer negundo*)

Silver Maple (*Acer saccharinum*)

Buckeye or Horsechestnut (*Aesculus* species)

Birch (*Betula* species) (**why? Wendi Van Buren**)

Northern Catalpa (*Catalpa*)

Ginkgo-female (*Ginkgo biloba*) *see Ginkgo – male tree only note*

Osage Orange (*Maclura pomifera*)

Common fruit trees

Mulberry (*Morus*)

Poplar (*Populus* species)

Willow (*Salix* species)

European Mountain Ash (*Sorbus aucuparia*)

Siberian Elm (*Ulmus pumila*)

Norway Maple *Streetscape Research 2012*

Dogwood (*Cornus* sp.) *City of Upper Arlington OH (all cornus? Why? Wendi Van Buren)*

Black Walnut (*Juglans nigra*) *City of Upper Arlington OH*

Flowering Pear (*Pyrus calleryana*) *Selected cultivars*

Ash (*Fraxinus* sp.) *City of Upper Arlington OH*

Program to Remove Invasive Species to Protect the Health of your Mature Trees:

Ailanthus (*Ailanthus altissima*) *City of Upper Arlington OH*

Tree of Heaven (*Ailanthus altissima*) *Nick mentioned owners can be compelled to remove. Wendi Van Buren suggested this category in response.*

Bush Honeysuckle

Autumn Olive

Buckthorn

APPENDIX B
VILLAGE OF YELLOW SPRINGS
RECOMMENDED TREES

The following list of trees has been placed on file with the Village for use by developers, businesses and individuals seeking advice on the types of trees to use:

As a rule, streets are more attractive when they contain only one kind of tree. However, the pest risk is multiplied in that situation; therefore, such plantings should be made with caution.

The trees suggested in this list were selected because their characteristics make them suitable for urban and home use. The criteria used include: deep roots, minimal fruit or leaf litter, regular and predictable form, stress tolerance, disease and insect resistance, transplanting facility, availability and ornamental value.

Small Trees

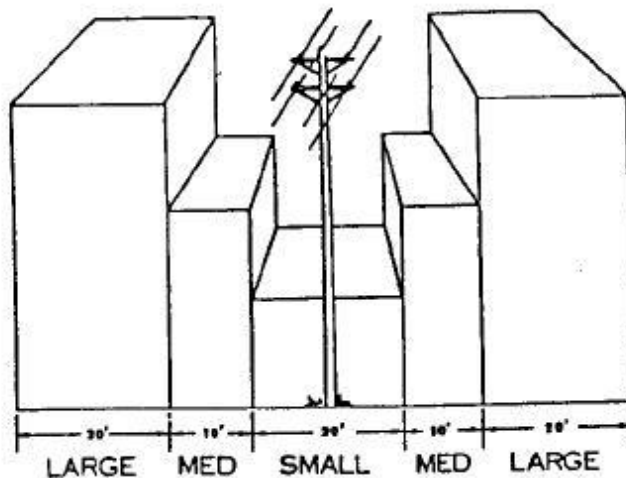
Amur Maple (*Acer ginnala*) single-stem form

Paperbark Maple (*Acer griseum*)

Serviceberry (*Amelachier canadensis*)

Japanese Tree Lilac (*Syringa reticulata*)

Flowering Crabapple (*Malus*) Selected cultivars with small or minimal fruit



Medium Trees

Sargent Cherry (*Prunus sargentii*)

Canada Red Chokecherry (*Prunus virginiana*)

Flowering Pear (*Pyrus calleryana*) Selected cultivars

Lacebark Elm (*Ulmus parvifolia*)

Japanese Zelkova (*Zelkova serrata*) Selected cultivars

Large Trees

Red Maple (*Acer rubrum*)* **

Sugar Maple (*Acer saccharum*)**

White Ash (*Fraxinus americana*)**

Green Ash (*Fraxinus pennsylvanica lanceolata*)

Ginkgo (*Ginkgo biloba*) male tree only!

Thornless Honeylocust (*Gleditsia triacanthos inermis*)

Sweetgum (*Liquidambar styraciflua*)

London Planetree (*Platanus acerfolia*)

Scarlet Oak (*Quercus coccinea*)*

Shingle Oak (*Quercus Imbricaria*)

Red Oak (*Quercus rubra*)

Shumard Oak (*Quercus shumardi*)

Littleleaf Linden (*Tilia cordata*)

Silver Linden (*Tilia tomentosa*)

*Special soil requirements

**Cultivars should be selected for fall color

Trees Not Recommended for Street Use

Box Elder (*Acer negundo*)

Silver Maple (*Acer saccharinum*)

Buckeye or Horsechestnut (*Aesculus species*)

Tree of Heaven (*Ailanthus altissima*)

Birch (*Betula species*)

Northern Catalpa (*Catalpa*)

Ginkgo-female (*Ginkgo biloba*)

Osage Orange (*Maclura pomifera*)

Common fruit trees

Mulberry (*Morus*)


Poplar (*Populus species*)

Willow (*Salix species*)

European Mountain Ash (*Sorbus aucuparia*)

Siberian Elm (*Ulmus pumila*)

ATTACHMENT B



Nick Boutis | Executive Director
Glen Helen Ecology Institute | 405 Corry St. | Yellow Springs, OH 45387
Antioch's Natural Sanctuary | Outdoor Classroom | Living Laboratory
Telephone: 937-769-1902 | Mobile: 937-286-6884

[WEBSITE](#) [EMAIL](#) [VCARD](#) [MAP](#) [f](#)

----- Forwarded message -----

From: **Boutis, Nick** <nboutis@glenhelen.org>

Date: Tue, Sep 5, 2017 at 12:39 PM

Subject: Re: Fw: Documents from amlegal.com

To: "Brian Housh, Village Council" <BHoush@vil.yellowsprings.oh.us>

Hi Brian,

Yes, *Pyrus calleryana* is the latin binomial for Callery Pear. That should definitely come off the list.

The list also includes white and green ash, which are largely now eliminated thanks the Emerald Ash Borer. Both should come off the list. Perhaps Blue Ash could be added as an alternate, resistant (but also native) ash?

My understanding is that it is that ginkgo trees can't easily be sexed. So, one doesn't know for 20-30 years whether a planted tree is male or female...

In the not-recommended list is Tree-of-Heaven. Council has now included that on the list of species that landowners can be compelled to remove, so perhaps it deserves some special designation on any updated version of this list?

A couple other editorial notes:

My bias is that our recommended tree list be comprised solely of native species rather than a mix of natives, cultivars, and exotics. Fred Anliot's book on the plants of Glen Helen and John Bryan is a good source for defining what species have historically been found locally. I can get a copy to you if you don't have one already.

I would also steer clear blanket subjective statements like "streets are more attractive when they contain only one kind of tree."

It is worth knowing (with a degree of humility) that there are streets in YSO line primarily with species on the not recommended list, including Osage orange, Northern catalpa, and Silver maple.

From some prior research, I am aware that there are multiple cities and universities that have developed extensive lists on appropriate trees for urban settings. Those (I recall Cornell University and the City of Chicago offhand) might provide additional insight.

Be aware that there has been some recent discussion/research on trees and climate change. One risk-averse takeaway from that is that it may be worth thinking about what trees are more likely to do well if we find ourselves one or two hardiness zones south of the present conditions.

Hope that helps.

Nick

Street Tree Planting in Upper Arlington

From the City of Upper Arlington Parks & Forestry Division

Under the guidance of the Upper Arlington City Tree Commission, the City of Upper Arlington maintains over 16,000 trees within the public right-of-way. These trees enhance our quality of life by shading pavement, slowing traffic, increasing property values, and improving the local environment in numerous other ways.

The City encourages residents to plant trees within the public right-of-way, in accordance with the guidelines outlined in this brochure. Residents can purchase street trees and have them planted through the Cost Share Street Tree Program. More information about this program is available at www.uaoh.net or by calling 614-583-5340 for a brochure and order form.

Street trees should be chosen, planted and maintained in such a way that they can thrive in spite of exhaust fumes, a narrow planting bed, road salt, pedestrians, utilities and other challenges.

Planning Your Streetscape

Residents must contact the City to obtain a permit before planting, pruning, or removing any tree in a public street right-of-way. The right-of-way includes the tree lawn between the curb and sidewalk, and on most streets extends well beyond the sidewalk. Public right-of-way available for tree planting is also present on streets without sidewalks or curbs.

Trees should be planted at least seven feet from fire hydrants and street lights, driveways and street signs, six feet from underground utility line valves or drain pipes, and 35 feet from the corner curb of street intersections. In addition, the following spacing guidelines generally apply:



- **Small Species:** at least 24 inches from the edge of curb or walk and 10 feet from the nearest tree.
- **Medium Species:** at least 30 inches from the edge of curb or walk and 20 feet from the nearest tree.
- **Large Species:** at least 36 inches from the edge of curb or walk and 30 feet from the nearest tree.

If trees are purchased through the Cost Share Street Tree Program, the City will plant the trees, taking responsibility for proper tree placement and the location of underground utilities. Residents or contractors who plant trees after obtaining a permit must call the Ohio Utilities Protection Service to have utilities located (800-362-2764 or www.oups.org). Neighborhoods are encouraged to work together on group planting projects.



CITY OF | **UPPER
ARLINGTON**

Parks & Forestry Division

3600 Tremont Road, Upper Arlington, OH 43221

Phone: 614-583-5340 | www.uaoh.net



Care of Street Trees

Residents are encouraged to provide routine care for street trees. New trees should be watered regularly. Once per week (one inch of water) for at least the first two summers and falls is recommended. Keeping a two-to-three foot circle of mulch, no more than three-inches deep, over the root zone is also important to avoid damaging trunks with mowers and string trimmers. Most other tree maintenance, including pruning on a six-year cycle, is provided by the City. The City will also remove dying or unsafe trees and plant replacements as needed, or repair sidewalks damaged by street tree roots.

Recommended Street Trees

The following trees should be successful in the situations specified. However, every site should be evaluated carefully. Tree species and site must be carefully matched. The City's certified Arborists can help identify which trees are appropriate for a given location, and species not on this list may be considered.

Many species include named cultivars, which can vary greatly in appearance and other qualities. Do your homework before purchasing cultivars to be sure you know what you are buying. More detailed information about species and recommended cultivars is available at www.uaoh.net. Residents may also see many of these trees on our City Park Tree Treks – self-guided tree walks through Fancyburg, Northam, Thompson and Miller parks.

Large Species

Over 45 feet tall at maturity. Suitable for tree lawns at least seven feet wide, with no overhead utility lines.

Norway Maple	<i>Acer platanoides</i>
Red Maple	<i>Acer rubrum</i> (or <i>freemanii</i> hybrids)

Sugar Maple	<i>Acer saccharum</i>
Black Maple	<i>Acer nigrum</i>
Yellow Buckeye	<i>Aesculus octandra</i>
Black Alder	<i>Alnus glutinosa</i>
Sugar Hackberry	<i>Celtis laevigata</i>
Hackberry	<i>Celtis occidentalis</i>
Turkish Filbert/Hazel	<i>Corylus colurna</i>
European Beech	<i>Fagus sylvatica</i>
Ginkgo (males only)	<i>Ginkgo biloba</i>
Honeylocust (thornless)	<i>Gleditsia triacanthos</i> var. <i>inermis</i>
Kentucky Coffeetree	<i>Gymnocladus dioica</i>
Sweet Gum	<i>Liquidambar styraciflua</i>
Tulip Tree	<i>Liriodendron tulipifera</i>
Cucumber Magnolia	<i>Magnolia acuminata</i>
Dawn Redwood	<i>Metasequoia glyptostroboides</i>
Black Tupelo (Black Gum)	<i>Nyssa sylvatica</i>
London Planetree	<i>Platanus x acerifolia</i>
White Oak	<i>Quercus alba</i>
Swamp White Oak	<i>Quercus bicolor</i>
Scarlet Oak	<i>Quercus coccinea</i>
Shingle Oak	<i>Quercus imbricaria</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinkapin Oak	<i>Quercus muehlenbergii</i>
Willow Oak	<i>Quercus phellos</i>
Chestnut Oak	<i>Quercus prinus</i>
English Oak	<i>Quercus robur</i>
Red Oak	<i>Quercus rubra</i>
Shumard Oak	<i>Quercus shumardii</i>
Black Oak	<i>Quercus velutina</i>
Japanese Pagoda Tree	<i>Styphnolobium japonicum</i>
Baldcypress	<i>Taxodium distichum</i>
American Linden	<i>Tilia americana</i>
Littleleaf Linden	<i>Tilia cordata</i>
Crimean Linden	<i>Tilia x euchlora</i>
Silver Linden	<i>Tilia tomentosa</i>
Hybrid Elm	<i>Ulmus x sp.</i>
Japanese Zelkova	<i>Zelkova serrata</i>



Medium Species

Reaching 30–45 feet. For tree lawns at least five feet wide with no low overhead wires.

Miyabe Maple	<i>Acer miyabe</i>
Hedge Maple	<i>Acer campestre</i>
Hybrid Shantung Maple	<i>Acer truncatum x platanooides</i>
Manchurian Alder	<i>Alnus hirsuta</i>
Red Horsechestnut	<i>Aesculus x carnea</i>
River Birch	<i>Betula nigra</i>
European Hornbeam	<i>Carpinus betulus</i>
Katsura Tree	<i>Cercidiphyllum japonicum</i>
American Yellowwood	<i>Cladrastis kentukea</i>
Hardy Rubber Tree	<i>Eucommia ulmoides</i>
Goldenraintree	<i>Koelreuteria paniculata</i>
Magnolia Hybrids (tree form)	<i>Magnolia sp.</i>
American Hophornbeam	<i>Ostrya virginiana</i>
Amur Cork Tree	<i>Phellodendron amurense</i>
Sargent Cherry	<i>Prunus sargentii</i>
Sawtooth Oak	<i>Quercus acutissima</i>
Lacebark Chinese	<i>Elm Ulmus parvifolia</i> (or hybrids)
Zelkova-Wireless	<i>Zelkova serrata</i> 'Schmidtlow'

Small Species

Reaching 15–30 feet. For tree lawns at least four feet wide or with overhead wires.

Trident Maple	<i>Acer buergerianum</i>
Amur Maple	<i>Acer ginnala</i>
Paperbark Maple	<i>Acer griseum</i>
Tatarian Maple	<i>Acer tataricum</i>
Red Buckeye	<i>Aesculus pavia</i>
Serviceberry (tree form)	<i>Amelanchier sp.</i>
Lavalle Hawthorn	<i>Crataegus x lavallei</i>
Green Hawthorn	<i>Crataegus viridis</i> 'Winter King'
Amur Maackia	<i>Maackia amurensis</i>
Crabapple	<i>Malus sp.</i> (oval or upright forms and cultivars only)
Persian Parrotia (tree form)	<i>Parrotia persica</i>
Japanese Tree Lilac	<i>Syringa reticulata</i>

Undesirable Street Trees

Under most circumstances, the following species are not suitable for planting as street trees. Those marked with an asterisk (*) may be acceptable for site specific use, such as in yards and open spaces, or on wooded or large open rights-of-way areas. The City is also happy to consider any species selection or streetscape design proposal on a case-by-case basis, even if the proposal deviates from these guidelines, or includes unusual species. In general, shrubs and evergreens are prohibited in the right-of-way.

Fir*	<i>Abies sp.</i>
Boxelder	<i>Acer negundo</i>
Silver Maple	<i>Acer saccharinum</i>
Ohio Buckeye*	<i>Aesculus glabra</i>
Horsechestnut*	<i>Aesculus hippocastanum</i>
Ailanthus	<i>Ailanthus altissima</i>
Northern Catalpa	<i>Catalpa speciosa</i>
Ash	<i>Fraxinus sp.</i>
Birch (except River Birch)	<i>Betula sp.</i> (except <i>B. nigra</i>)
Dogwood*	<i>Cornus sp.</i>
Black Walnut*	<i>Juglans nigra</i>
Osage Orange	<i>Maclura pomifera</i> (Thornless male cultivars may be considered)

Mulberry	Morus sp.
Spruce*	Picea sp.
Pine*	Pinus sp.
American Sycamore	Platanus occidentalis
Poplar, Cottonwood	Populus sp.
Douglas Fir	Pseudotsuga menziesii
Purpleleaf Plum	Prunus cerasifera
Black Cherry	Prunus serotina
'Bradford' Pear	Pyrus calleryana 'Bradford'
Black Locust	Robinia pseudoacacia
Willow	Salix sp.
European Mountain Ash	Sorbus aucuparia
Hemlock*	Tsuga sp.
Siberian Elm	Ulmus pumila

Fruit tree varieties bred for production (apple, peach, pear, plum, cherry, etc. *)

Shrubs, evergreens, or weeping varieties of any tree species*

Upper Arlington Tree Commission

The Upper Arlington Tree Commission is a group of seven residents appointed by the



President of Council. The Commission's purpose is to advise City Council on urban forestry issues, to educate residents and to work with professional staff in support of a comprehensive municipal forestry program. Members serve three-year terms, and meetings are held the first Tuesday of every other month.

The goal of the Upper Arlington Tree Commission is to guide and facilitate the operation of a comprehensive municipal forestry program which enhances the quality of life for all Upper Arlington residents. Programs include:

- Cost Share Street Tree Program
- Commemorative Tree Program
- Tree Treks
- Arbor Day Celebration
- Volunteer planting projects
- Street tree maintenance and replacement
- Park tree maintenance and replacement
- Emerald ash borer management

Upper Arlington has recieved the National Tree City USA award each year since 1990. Thank you for your interest in a greener Upper Arlington.



CITY OF | **UPPER ARLINGTON**

Parks & Forestry Division

3600 Tremont Road
Upper Arlington, OH 43221

Phone: 614-583-5340

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ATTACHMENT D

The most frequently asked question I've heard is "What type of tree will be planted?" The following suggestions have been made by the Tree Committee and others:

Sunburst Honeylocust – *Gleditsia Ticanthos inermis* "Suncole" Leaves are a bright yellow year-round which would add color to Xenia Ave.

Imperial Honeylocust – *Gleditsia Tricanthos inermis* "Impcole"

Green Vase Zelkova – *Zelkova serrate* "Green Vase"

— Sun valley red Maple – *Acer rubrum* "Sun Valley" – a seedless red maple

— Spring Snow Crabapple – *Malus x "Spring snow"* -- white flowering but no fruit

— Gingko – male – Autumn Gold, Lakeview or Fairmount

"State Street" Maple – *Acer Miyabi*



Sunburst
Honeylocust



Green Vase Zelkova



Sun Valley Red Maple



Snow Crab



Imperial Honeylocust



Gingko



State Street Maple – fall
color is yellow

Nick Boutis, Director of Glen Helen, writes the following: "I regard it as good ecological stewardship to replace non-native, invasive trees with native ones. In the Glen, we are having increasing problems with Callery pears. Pears weren't planted in the Glen, but birds are a common vector for transporting the fruit from landscaped plantings.

As you evaluate what trees to plant to replace the pears, I'm hopeful that as many of the following conditions as possible can be met:

- *Local phenotype of native species
- *Sufficiently fast-growing so that we don't have many years without substantial shade
- *Taproot trees so that sidewalk upheaval is minimal
- *Ability to survive with minimal and compacted soil

*Low mess (minimal branch, bark, fruit shedding)

Not sure there is a perfect option, but I would encourage a look at: American elm (Princeton variety), Chinkapin oak (local), Kentucky coffee tree (local)

Please don't plant Norway maple, which is another common landscaping tree taking over the Glen. Also, to the extent possible, I would encourage you to see if there are any ways to enlarge the amount of soil available for the trees, and to protect the soil from compaction."

Many other letters have been received or published and public comments have been taken by Council.

RECOMMENDATION: That we proceed with to prepare for the "next generation" of street trees. That we provide oversized tree cut outs (5x 10), that we provide permeable pavers in a two-foot band next to the curb, that we amend the topsoil before planting, that we plant 2 inch caliper trees (about 10 feet tall), that we ask citizens to assist with watering them this fall after planting (if we have a dry spell). Local tree professionals and Tree Committee have offered to assist in choosing the trees for these spots, finding sponsors/donors. This plan will put *five more trees* in the downtown when the plan is complete.

STREETLIGHTING

Improved streetlighting including energy efficient fixtures, better placement and design (from a lighting perspective). We are recommending new streetlights and placement per the design. The new street lights will provide a smaller visual footprint but more light on the street and sidewalks. There will be *15% more foot lumens than we have now*. The light will have a softer quality to it, more "warm" than "cool." The basic design of the lights was approved for the Dayton Street project in 2006 (see examples below).

Regarding electric, this plan proposes:

- 1) The overhead electric line will be buried, removing it visually from the streetscape and providing access to electricity for tree and street lighting from the bottom of the tree cut outs rather than the tops;
- 2) Create a more visually pleasing lighting design that is "dark skies" considerate, focusing light where it should be – on the first floor level of the storefronts, sidewalks and street – instead of creating unnecessary light pollution or impact to second floor residents;
- 3) Increasing the lightpoles/fixtures from 4 to 10 on the east side, and from 5 to 10 on the westside. Include banner poles.



ATTACHMENT E

Small Trees with single-stem forms (under 25 feet at maturity) treelawn width of at least 4 feet to 6 feet

Serviceberry (*Amelachier canadensis*)
Pawpaw (*Asimina triloba*)
American hornbeam (*Carpinus caroliniana*)
Redbud (*Cercis canadensis*)
Washington Hawthorn (*Crataegus phaenopyrum*)
Sweet bay magnolia (*Magnolia virginiana*)
Paperbark Maple (*Acer griseum*)
Cornelian cherry (*Cornus mas*)
Flowering Crabapple (*Malus sp.*) Selected cultivars with small or minimal fruit and disease resistance
Japanese Tree Lilac (*Syringa reticulata*)

Medium Trees (under 40 feet at maturity) treelawn width under 8 feet

Yellowwood (*Cladrastis lutea*)
Persimmon (*Diospyros virginiana*)
Eastern hornbeam (*Ostrya virginiana*)
Canada Red Chokecherry (*Prunus virginiana*)
Sassafras (*Sassafras albidum*)
State Street Maple (*Acer miyabi*)
Sargent Cherry (*Prunus sargentii*)
Japanese pagoda (*Sophora japonica*)
Littleleaf Linden (*Tilia cordata*)
Silver Linden (*Tilia tormentosa*)

Large Trees (no wires) treelawn width at least 8 feet

Thornless Honeylocust (*Gleditsia triacanthos* var. *inermis*) such as 'Sunburst' or 'Imperial'
Kentucky Coffeetree (*Gymnocladus dioica*)
Tuliptree (*Liriodendron tulipifera*)
Cucumbertree (*Magnolia acuminata*)
Blackgum (*Nyssa sylvatica*)
Swamp White Oak (*Quercus bicolor*)
Shingle Oak (*Quercus imbricaria*)
Bur Oak (*Quercus macrocarpa*)
Baldcypress (*Taxodium distichum*)
Basswood (*Tilia americana*)

Wendi Van Buren

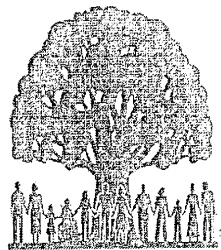
ODNR Urban Forester

Caesar Creek State Park, 8570 East State Route 73, Waynesville, OH 45068

Cell (614) 670-2653

An Assessment of Information and
Service Needs of People 60+ in Four
Ohio Communities:
Centerville, Dayton, Huber Heights
and Kettering

*This grant has
been made
from the DMH-
Dayton, Inc.
Fund of The Da
yton Foundatio
n.*



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FOUNDATION

We help you help others.

Presented By:



In Partnership With:



Purpose:

- What are the unmet needs of people 60+?
- What services are people using?
- What resources are communities relying on to meet needs?
- What additional resources are needed?
- What are people's knowledge of and experience with HelpLink 2-1-1 and SilverLink?

All with an eye toward "aging in place."

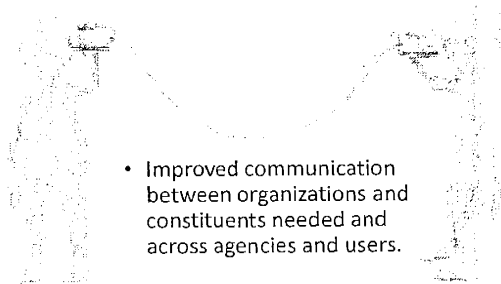
"Nearly 90% of people over age 65 want to stay in their home for as long as possible, and 80% believe their current residence is where they will always live."

*- National Conference of State Legislatures and
AARP Public Policy Institute*

Study Approach:

- Review of other community needs assessments for people 60+
- Interviews and focus groups with key stakeholders = people age 60 and over, first responders, caregivers, other professionals
- Purpose was NOT:
 - to evaluate services of any agency, entity, individual or community.
 - To generate statistical data (e.g., frequency)

Findings from other studies¹:

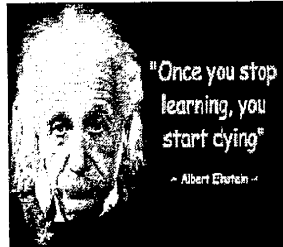


- Improved communication between organizations and constituents needed and across agencies and users.

¹ Kettering, Santa Monica, Denver, Virginia Tech.
Image from: iStock.com

Findings from other studies¹:

- Employment, community engagement, social interaction, and lifelong learning opportunities are needed.



¹ Kettering, Santa Monica, Denver, Virginia Tech.

Findings from other studies¹:

- Need for multiple transportation to include companion ride programs.



¹ Kettering, Santa Monica, Denver, Virginia Tech.

"We're in the Pre-graveyard I guess."

"I just think they figure, you know,
once you become a certain age,
we're just not as important as we
used to be when we worked."

"We get the feeling that we just
don't count anymore."

Top Transportation Requests



#1
Medical
Transportation

#2
General
Transportation

#3
Driver Safety
Programs

Transportation

- Reliable rides
- Affordable cost
- Accessibility
- Safe cross walks
- Safe places to wait
- Accessible
schedules



The Family of Transportation Options

Modes:

- Driving
- Public Transit: Fixed Route, Dial-a-Ride
- Paratransit
- Private Options: Taxi, Uber, Lyft
- Volunteer Driver Programs
- Walking/Biking

Transportation is both a personal and a community concern

- Individuals need to know:
 - Who provides information about transportation?
 - What transportation options are available?
 - What is the cost? Are there programs available to pay some or all of the cost?
 - Is help available to guide you through the choices and make the best decision to fit your needs?
 - What if you have a bad experience?

Transportation is both a personal and a community concern

- Organizations that work with older adults and people with disabilities need to know:
 - Why is transportation critical?
 - What transportation services are available?
 - Are there gaps in service?
 - Who has information about transportation?
 - Who provides transportation services?
 - What can you do to improve transportation for the clients you serve?

Approaches that work....

- Travel Training - find new transportation options, plan a trip, learn more about public transportation, participate in driver assessments and learn better driving techniques
- Mobility Management - find tools to promote stronger social connections and inclusion and improve health and well-being
- Work with Options Counselors, Travel Counselors, Employment Counselors and personal Advisors on solving mobility and other challenges to life quality
- Engage in a variety of interactive programming from information and referral to transportation counseling
- One-Call/One-Click Transportation Resource Centers

Transportation Future Efforts

Advocate for:

- Transportation alternatives.
- Highly visible signs, pavement marking and traffic signals.
- Increased widths of pavement lane markings.
- Improved pedestrian features at intersections.
- Increased size of signs and lettering.
- Better driver testing.
- Education and outreach to seniors who choose to drive, as well as, those who choose to no longer drive.

17

Action steps

1. Recognize differences in the 60+ group.
2. Educate and re-educate about services.
3. Understand that fear prevents many from asking for help.
4. Improve communication across agencies.
5. Communities need a centralized source of information.
6. There are many issues with transportation.
7. Socializing and interacting with others is key.
8. Caregivers need support.
9. SilverLink should expand its information and referral database.

8/21/2017

Questions?

SilverLink
United Way of the
Greater Dayton Area



CatherineM@Dayton-UnitedWay.org

937.225.3020

Connect with us @DaytonUnitedWay

www.LiveUnitedDayton.org
