

VILLAGE OF YELLOW SPRINGS  
PLANNING COMMISSION

The Village of Yellow Springs Planning Commission will meet in regular session on Monday, May 8, 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 April 10, 2017

**COMMUNICATIONS**

Charles and Charlene Buster re: Concerns Related to Minor Subdivision Request

**COUNCIL REPORT**

**CITIZEN COMMENTS**

**PUBLIC HEARINGS:**

- 1) **Minor Subdivision Application** 6 For an existing lot located at 745 Dayton Street. Micah David, Hashlamah Project Foundation, property owner 6 Parcel ID #F19000100030006300

- 2) **Conditional Use Application** – For an accessory dwelling unit located at 1118 Livermore Street (R-A, Low-Density Residential District). Parcel ID #F19000100070004300

- 3) **Text Amendments** -The Village of Yellow Springs is applying for an amendment to the zoning code for the addition of Pocket Neighborhood Developments (PNDs).

**Amend Chapter 1226.06 (7) (c)** – the addition of pocket neighborhood developments in design standards for tree plantings.

**Amend Table 1248.02 Schedule of Uses** 6 the addition of pocket neighborhood developments as a conditional use in Residential-A, Residential B, and Residential-C Districts.

**Amend Table 1248.03 Lot & Width Requirements: Residential Districts** 6 permitting pocket neighborhood developments in Residential-A, Residential-B and Residential-C Districts.

**Amend Chapter 1260.04 (d) Principal Use per Lot** 6 the addition of pocket neighborhood developments as an exception to principal use per lot.

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

**Amend Table 1264.02 Parking Requirements by Use-Residential** – the addition of pocket neighborhood developments with specific parking requirements.

**Amend Chapter 1284.03 Definitions: C-D** ó removing the definition of Cluster housing; adding the definition of Common open space; adding the definition of Dwelling, pocket neighborhood development (PND).

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

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

## **OLD BUSINESS**

Comprehensive Land Use Plan: Discussion of Update Process

## **NEW BUSINESS**

## **AGENDA PLANNING**

Short Term Rentals

## **ADJOURNMENT**

**Planning Commission  
Regular Meeting Minutes**

**Council Chambers 7:00pm**

**Monday, April 10, 2017**

**CALL TO ORDER**

The meeting was called to order at 7:02 P.M.

**ROLL CALL**

Planning Commission members present were Gerald Simms, Council Representative, Susan Stiles, Acting Chair, Chris Zurbuchen and Adam Abraham. Also present were Denise Swinger, Zoning Administrator, and Jessica Brockman, Village Solicitor. (Simms arrived at 7:05pm).

**REVIEW OF AGENDA**

There were no changes made.

**REVIEW OF MINUTES**

Stiles Moved and Simms Seconded a Motion to adopt the Minutes of March 13, 2017 as written. The MOTION PASSED 3-0 on a voice vote with Zurbuchen abstaining due to absence from that meeting.

**COMMUNICATIONS**

There were no communications. Zurbuchen reported fruitful attendance at a regional planning workshop.

**CITIZEN COMMENTS**

There were no comments made.

**PUBLIC HEARINGS:**

- 1) **Conditional Use Application** ó Yellow Springs Brewery ó 305 N. Walnut Street ó I-1 Industrial District. Ted Donnell, on behalf of the owners Lisa Wolters and Nate Cornett has made application for the addition of a fence to an outdoor patio area at the Yellow Springs Brewery, which requires a review of retail incidental to the manufacture or production of goods on the premises, not exceeding 30% of the total floor area of the principal building. Parcel ID# F19000100110025900

Ted Donnell has submitted plans to erect a fence around an outdoor patio area. Because this newly defined area potentially creates additional outdoor space, an application was made for a review of the retail incidental to the manufacture or production of goods on the premises, not exceeding 30% of the total floor area of the principal building, which is a conditional use requirement under section 1252.02 (Table) Schedule of Uses: Industrial Districts.

The property is located in the I-1, Light Industrial District at 305 N. Walnut St. It is a 2.997 acre commerce park owned by Millworks Development Corp. that contains an industrial complex with multiple tenants. The Yellow Springs Brewery is one of the tenants in the Millworks complex.

The Yellow Springs Brewery now encompasses 6,962 square feet of space within Millworks. The retail incidental to the production of goods on the premises cannot exceed 2,089 square feet. With the fenced in outdoor area, the total square feet designated now as retail is 2,087 square feet. The area defined by the fence is labeled patio, however staff has been told this will actually be a crushed gravel area for standing room only customers and not a traditional seating area with tables and chairs. The taproom hours beginning Memorial Day through Labor Day are M-F 3-10 PM, Sat 1-10 PM and Sun 1-8 PM, for a total of 51 hours per week.

Zurbuchen questioned the plan for a gravel-only space, stating that chairs and even tables might make the space more customer friendly.

Donnell responded that the idea was not to entice customers, but simply to provide an overflow space so that customers will not leave the property with alcoholic beverages as now happens on occasion.

Stiles OPENED THE PUBLIC HEARING.

Dianne Chiddester, a near neighbor, spoke positively about the Brewery, but noted that there is a öprice to be paid,ö that being primarily noise and a potential for that to increase with an increase in space and, thereby, clientele. Chiddester acknowledged that while at times disruptive, the noise of people socializing is not unpleasant. Chiddester went on to describe noise that she hears from her home which is, öa low-level industrial hum.ö Chiddester identified the source as a chiller associated with the Brewery, which, she said, runs continuously. This hum, she stated, is far more disturbing than the sound of patrons.

Chiddester noted that she has communicated concern this to co-owner Lisa Wolters, whom she described as responsive to her concerns, but she asked whether a more effective sound barrier could be installed, given that Wolters' solution of plantings was ineffective.

Chiddester noted that she lives in R-B, which is directly across the bike path from the Industrial district.

Stiles invited response from Wolters or Cornett.

Simms pointed out that the noise complaint brought forth is not the matter before the Planning Commission.

Swinger offered to address the complaint with Cornett and Wolters at a later date, but wondered if there were other ways to explore a sound barrier for the graveled area.

Donnell agreed that the shrubs had not served to abate the noise, and commented that the issue is one of determining how the sound is being directed, and then determining how best to redirect it.

Donnell commented that the district is zoned as industrial, and as such will at times produce noise in excess of that permitted in a residential district. He stated that he would not wish his client to be affected by a complaint based upon residential standards. Donnell noted that the Industrial district in that area preceded the Residential district, and that addressing a noise complaint based upon a residential standard may be "going down a slippery slope."

Simms invited Donnell's comment upon Chiddester's concern that the graveled area will bring in more patrons.

Donnell commented that the graveled area is not meant to bring in more patrons, and is only meant as an overflow area. He noted that patrons are already overflowing into the (now) grassy area with their alcoholic beverages, and the fencing plan is primarily to accommodate this without violating the terms of the liquor license.

Susan Harrison asked about what type of fence is planned, and Donnell responded that it would be chain link, four feet high.

Stiles CLOSED THE PUBLIC HEARING.

Simms MOVED THAT THE CONDITIONAL USE BE APPROVED AS SUBMITTED. Zurbuchen SECONDED, and the MOTION PASSED 4-0 on a roll call vote.

- 2) **Text Amendments** -The Village of Yellow Springs is applying for an amendment to the zoning code for the addition of Pocket Neighborhood Developments (PNDs).  
**Amend Chapter 1262.08 (e) (6) Conditional Use Requirements** to the addition of pocket neighborhood developments with specific conditional use requirements.

Swinger explained that at the Monday, April 3<sup>rd</sup> meeting of Council, she had presented the text amendments for spatial requirements and short-term rentals. There was considerable discussion among Council and citizens about short-term rentals, and Swinger suggested that PC look at these again.

Swinger noted that she was also asked to stay for a presentation on the Glass Farm presented at the Council meeting. It was during this presentation, made by Ken LeBlanc of the Regional Planning and Coordinating Commission of Greene County, that a discussion ensued regarding a housing needs study. Swinger shared concerns that with the changes in the zoning code allowing for increased infill, a comprehensive study of all of the lots in the Village of Yellow Springs seems in order. Such a study would ideally help determine what the Village could build out and project resulting population potential. Council agreed to have the Village Manager and staff consider the elements needed in such a survey and to seek proposals to implement it.

Because of this, Swinger opined that if PC chooses to move forward with the PND legislation, they may wish to consider limiting it to the high-density residential zoning district until completion of the proposed housing needs study.

Simms noted a concern regarding exceeding the 5,000 mark in terms of population, but also commented that a housing study makes sense in terms of making an informed approach to the issue.

Swinger commented that a land study, rather than just a housing study is required in this case.

Swinger commented that the question of increasing past the 5,000 mark is an important.

Zurbuchen asked whether Swinger is concerned that putting the PND legislation on the books would allow more growth with fewer constraints.

The group discussed the matter generally.

Donnell commented that if one plans around maximum densities, it is likely that there will be resistance to growth. He noted that simply having land that might be developed does not ensure that this will occur. He opined that adding something like PNDs to the zoning code merely adds another tool to the toolbox and gives a potential developer more options to work with.

Donnell stated that an increase in population to 4,500 would be a 25% increase in population, and that would not be accomplished with accessory structures or pocket neighborhoods.

Donnell stated that if the PND legislation works with the densities that already exist within each residential area, then potential growth is not being exponentially affected, but a developer is given more options as to what might be done with any given available piece of land. Donnell commented that he has been seeking a piece of land upon which to build a PND in the Village for 25 years, and has not yet been able to find such a parcel.

Abraham commented that he knows many persons who struggle to find housing in the Village, and agreed with Donnell that there seems no reason to fear overgrowth.

Donnell commented that review of the Comprehensive Plan is on the Agenda, and noted that this is the perfect place to look at the density issue holistically.

Swinger commented that there are many Village documents that need to be updated, the Comprehensive Plan foremost.

Swinger read through the requirements for the text amendments as listed above and discussed these with PC.

PC discussed whether or not to permit an existing structure with four additional structures, or whether the existing structure should be considered one of the four structures required for a PND.

Swinger noted that she would like to see a minimum of four detached single unit dwellings.

Abraham noted that if the existing dwelling is not considered one of the four dwelling units, its footprint may prohibit the ability to build four structures on the space.

Zurbuchen commented that she read the text as including the existing dwelling in the required total of four dwellings.

Stiles pointed out that if the dwelling is a duplex, then four detached single unit dwellings are still required.

Zurbuchen suggested changing the language to say a minimum of four dwelling units rather than detached dwelling units to cover the possibility of an existing duplex.

Swinger agreed to this change.

Swinger asked Donnell whether PNDs, in his experience, tend to be a mix of different types of dwelling, and he responded in the affirmative.

Swinger then informed PC that she had checked with Greene County Auditor, and that entity confirmed that they do use lot lines to determine taxation for each unit, so that the Home Owners' Association never receives a tax bill. Each unit is taxed for the land under the home and for an equal portion of the total land comprising the remainder of the lot.

Swinger asked for clarification regarding perimeter setbacks.

Donnell commented that frontage would be relative to the road, not relevant to the orientation of the home or homes to the road. He noted that the rear yard would be then in relation to the frontage, regardless of orientation of dwellings.

Swinger stated that she will need to bring the matter back because she has made a number of changes.

There were no comments from the public.

COUNCIL REPORT

Simms reported on Council’s response to the legislation regarding Short Term Rentals. PC discussed this. Simms noted that from a PC standpoint, they were primarily concerned with neighbor notification and with assurance that staff were aware of the presence of STRs.

Simms commented that some on Council and some citizens believed that the legislation was meant to limit STRs.

The Clerk commented on the response to the legislation, noting that there is a perception that a conditional use will place an undue burden upon anyone asking for a conditional use, and that they may be denied. This, she opined, changed the discussion regarding the legislation and obscured PC’s reason for initiating the change.

Stiles commented that Council is then saying that they do not want STRs to be regulated.

Swinger noted that the impetus for addressing the STR issue began with an anonymous complaint.

Swinger commented that no code had been created, but that Accessory Dwelling Unit language was duplicated in the STR section, and the condition was changed to “30 days or fewer”.

Abraham stated that he is more concerned with Air B&Bs which are operating without having an owner on the premises or even as a local resident.

Swinger made the point that the term “short term” is meaningless unless it captures the daily or weekly rentals.

Simms commented that there had been objection from residents wishing to rent one or two rooms who did not see any need to let the Village know of the rental situation. He commented that the reason to know about the rental capacity of the home would be for use by the emergency squad or the Police Department.

Abraham commented that knowledge of STR properties would be critical to the accuracy of a housing study. He commented further that the explosion of Air B&Bs has made a significant negative impact upon the availability of long-term rentals.

The Clerk suggested that Planning Commission represent their perspective at Council meeting.

Donnell commented that there is a perception on the part of Council that the zoning code is broken because there has been a series of text amendments. He pointed out that these are to be expected as a new code is tailored to a specific community, and concluded that Council and citizens should be communicated with regarding the desired outcome of the change to the STR section, that is, better information for the Village, the YSPD and MTFR, and the ability to allow neighbors to express any concerns so that PC is able to address these, as needed, in any conditions applied to the use.

The possibility of recusals on the part of Council was briefly discussed, regarding the STRs.

Language limiting the number of adults to two in an ADU was briefly discussed

Simms gave information regarding the lawn care ordinance, and its discussion at Council table.

OLD BUSINESS

**Comprehensive Land Use Plan: Discussion of Update Process.** Swinger noted that she would like to look at the appendixes as a starting point.

AGENDA PLANNING

The next meeting of Planning Commission will take place on May 8<sup>th</sup>.  
Comprehensive Land Use Plan.  
Chapter 1248.02.

ADJOURNMENT

At 7:28pm, Zurbuchen MOVED and Simms SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 ON A VOICE VOTE.

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Susan Stiles, Acting Chair

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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: CLERK OF COUNCIL TO VILLAGE OF YELLOW SPRINGS

May 4, 2017

SUBJECT: Minor Sub-Division of The Dayton Street Plat, Lot 5, 745 Dayton St., Village

Charlene and I want to thank the Village Planning office for providing us, as neighbors abutting 745 Dayton Street, the opportunity to address the minor sub-division of Lot 5 of the Dayton Street Plat. We believe further discussion is necessary by the Planning Commission in order to satisfy the requirements of Section 1226.11a of the Village Code of Ordinance for a minor sub-division, paragraph 6 regarding separate and adequate water and sewage connections to laterals resulting in a potential adverse impact of the delivery of government services such as water and sanitary sewage collection.

Paragraph 6 requiring that "each lot will be provided with separate and adequate water and sewage connection lateral" should, in this case, include the spacing requirements/density of utilities allowable within the 40 available feet for health and safety purposes.

The Dayton Street Plat was created as a re-plat of three parcels (26, 30, & 31) into three newly configured lots all of which have frontage on Dayton Street. The trade-off being the elimination of one unusable parcel #26 (2 1/2 acres) in exchange for new lots only one of which (the existing home 745 Dayton Street) does not meet the frontage requirements. The Planning and Zoning codes in 1998, specifically 1121.05 Street Frontage Required, prohibited the creation of "new" lots that did not conform to the provisions of the Zoning Code, i.e. have frontage on a street. What has happened to the 1100 series of the Zoning Codes and what has replaced them? We couldn't find them in the revised codes. Why were they excluded from the revised codes? The exclusion of these provisions compound our issue. This minor subdivision will leave us with two non-conforming lots.

Our property, Lot 4, has 40-foot frontage onto Dayton Street and is the conduit through which all water, sewage, and gas lines pass by way of an easement for Lots 5 & 4 of the



Respectfully,

A handwritten signature in cursive script, appearing to read "Charles Buster".A handwritten signature in cursive script, appearing to read "Charlene Buster".

CHARLES AND CHARLENE BUSTER

759 Dayton Street, Lot 4 Dayton Street Plat, Yellow Springs, OH

cc: Denise Swinger, Planning Administrator



## **Staff Report – April 28, 2017**

### **Planning Commission Meeting – May 8, 2017**

**APPLICATION NUMBER:** PC17-17

**APPLICANT:** Micah David, Property Owner with Hashlamah Project Foundation

**TYPE OF REQUEST:** Minor Subdivision

**PARCEL ID NUMBER:** F19000100030006300

#### **BACKGROUND:**

Micah David purchased the property at 745 Dayton Street (# 5 in Exhibit A) in February, 2017. Unbeknownst to him, the two-family dwelling on this property is a non-conforming structure as it is located in the R-A, Low Density Residential District. This means he is not allowed to expand the structure's footprint. He is also not allowed to build an accessory dwelling unit as ADUs are only allowed on lots with single-family dwellings. Due to the size of the lot, he has submitted an application to make his one lot into two lots, following the lot area requirements of the zoning code for R-A. Because this lot is accessed by an easement to Dayton Street, we are exercising due diligence by noticing it in the Yellow Springs News, sending a public hearing notice to all abutting property owners and placing a sign on the property. Typically, this is not a requirement in the minor subdivision regulations. The applicant intends to build a single-family dwelling on the proposed new lot.

#### **REQUIREMENTS:**

Section 1226.11(a) of the Village Code of Ordinances highlights the decision criteria for a minor subdivision:

- (1) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road or public utilities.
- (2) The proposed subdivision is not contrary to applicable subdivision or zoning regulations.
- (3) No more than five lots will be created following division of the original parcel.
- (4) A tract of land proposed for minor subdivision has not been involved previously in minor subdivision approval during the last two years and appears unlikely to be further subdivided subsequently.
- (5) The Village is provided sufficient guarantee of necessary easements and the property owner has specifically dedicated the same.
- (6) The recording instrument has a notation stating that each buildable lot will be provided with separate and adequate water and sewerage connection laterals.
- (7) An appropriate recording instrument has been prepared by a registered surveyor showing the minor subdivision, a vicinity sketch of the location of the subdivision,

bearings and distances along each lot line and a certification that proper iron pins have been driven at each lot corner to delineate property boundaries.

- (8) A copy of the recording instrument has been submitted to the Planning Commission by the Zoning Administrator at least ten days prior to a regularly scheduled Planning Commission meeting, and, if the Planning Commission takes no action at that meeting, the minor subdivision is deemed approved.

### **PLANNING COMMISSION DUTIES**

Although the Planning Commission may take NO ACTION under the consent agenda if its members find that the proposed minor subdivision meet the requirements, staff has followed the procedures for a public hearing and requests that Planning Commission MAKE A MOTION to discuss the application and make a decision.

### **FINDINGS**

Staff has made the following analysis:

- (1) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road or public utilities.

*745 Dayton Street or Lot #5 is accessed by an easement to Dayton Street (Exhibit B). Greene County's map recognizes Dayton Street as the existing public road for this property (Exhibit C).*

- (2) The proposed subdivision is not contrary to applicable subdivision or zoning regulations.

*The Greene County Engineer has indicated he will accept this newly created lot without the need for a replat of the original Dayton Street Plat previously approved by the Village of Yellow Springs on July 31, 1990.*

*The two lots created from one lot created meets the minimum lot area and lot width requirements for R-A, Low Density Residential.*

*Tract 1 measures 0.2902 acres or 12,641.112 square feet and has a lot width of 71.28 feet on a straight line or 79.79 feet on an arc line.*

*Tract 2 measures 0.2163 acres or 9,422.028 square feet and has a lot width of 75 feet.*

<b><i>Table 1248.03 Lot and Width Requirements: Residential Districts</i></b>		
<b>Zoning District</b>	<b>Minimum Lot Area (Sq. Ft.)<sup>1</sup></b>	<b>Minimum Lot Width (Ft.)</b>
<b>R-A, Low-Density Residential</b>	<b>7,500</b>	<b>60*</b>

- (3) No more than five lots will be created following division of the original parcel.

*One lot will be divided into two lots.*

- (4) A tract of land proposed for minor subdivision has not been involved previously in minor subdivision approval during the last two years and appears unlikely to be further subdivided subsequently.

*This tract of land was last subdivided through a replat process whereby five existing lots' property lines were moved, which created two new lots (see minutes of Planning and BZA in 1988-Exhibit D), but without increasing the total number of lots, as five lots remained after the replat. This plat was named the Dayton Street Plat and identified as Lot 1, 2, 3, 4 and 5. The Dayton Street Plat was approved by the Village of Yellow Springs on July 31, 1990. The minor subdivision process was exercised for the creation of Lot 3, 4 and 5. The minor subdivision regulations in 1990 applied to three lots or less (Exhibit E).*

- (5) The Village is provided sufficient guarantee of necessary easements and the property owner has specifically dedicated the same.

*Easements for utilities and vehicle access to Lot 5 follow the original Dayton Street Plat dedication.*

- (6) The recording instrument has a notation stating that each buildable lot will be provided with separate and adequate water and sewerage connection laterals.

*The plat of survey has the notation stated above (Exhibit F).*

- (7) An appropriate recording instrument has been prepared by a registered surveyor showing the minor subdivision, a vicinity sketch of the location of the subdivision, bearings and distances along each lot line and a certification that proper iron pins have been driven at each lot corner to delineate property boundaries.

*The recording instrument has been prepared by a registered surveyor and meets the Village of Yellow Springs requirements as noted above (Exhibit F).*

- (8) A copy of the recording instrument has been submitted to the Planning Commission by the Zoning Administrator at least ten days prior to a regularly scheduled Planning Commission meeting, and, if the Planning Commission takes no action at that meeting, the minor subdivision is deemed approved.

*The recording instrument was sent to the Planning Commission on Friday, April 28, 2017. Because this existing subdivision has an access easement for vehicles and utilities, notification of this minor subdivision has been sent to abutting property owners.*

**RECOMMENDATION**

Staff recommends the Planning Commission consider the application for the proposed lot division with the findings noted above. The creation of another buildable lot will also further the Village's goal of providing infill development.

If you should have any further questions, please contact me at (937) 767-1702.

Respectfully submitted,

Denise Swinger  
Zoning Administrator  
Village of Yellow Springs



PC17-17

Application for Minor Subdivision

Applicant(s): Micah David

Applicant's mailing address: 745 Dayton St

Phone: 937-671-8334

Address(es) of property: 745 Dayton St

Greene County Parcel ID: \_\_\_\_\_

Zoning District: R-A Total number of lots after Subdivision: 2 = 1+1

Approval of a minor subdivision by an authorized representative of the Zoning Administrator, without formal action by the Planning Commission and Council, shall be granted if a record plan meets all of the following conditions:

- (1) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road or public utilities.
- (2) The proposed subdivision is not contrary to applicable subdivision or zoning regulations.
- (3) No more than five lots will be created following division of the original parcel.
- (4) A tract of land proposed for minor subdivision has not been involved previously in minor subdivision approval during the last two years and appears unlikely to be further subdivided subsequently.
- (5) The Village is provided sufficient guarantee of necessary easements and the property owner has specifically dedicated the same.
- (6) The recording instrument has a notation stating that each buildable lot will be provided with separate and adequate water and sewerage connection laterals.
- (7) An appropriate recording instrument has been prepared by a registered surveyor showing the minor subdivision, a vicinity sketch of the location of the subdivision, bearings and distances along each lot line and a certification that proper iron pins have been driven at each lot corner to delineate property boundaries.
- (8) A copy of the recording instrument has been submitted to the Planning Commission by the Zoning Administrator at least ten days prior to a regularly scheduled Planning Commission meeting, and, if the Planning Commission takes no action at that meeting, the minor subdivision is deemed approved.

If approval is given under terms of the above provisions, the authorized representative of the Planning Commission shall, within fourteen working days after submission, approve such proposed division of land and, upon presentation of a conveyance for said parcel and a properly prepared survey sheet of the property, shall sign the conveyance.

Applicant's Signature: [Signature] Date: 4/18/17  
The applicant hereby certifies that all information on and attached to this application is true and correct.

For Village use only:

Date filed: 4/18/17

☐ \$ \_\_\_\_\_ Fee Paid at \$50.00 per lot if action is required by Planning and Council. (Development or PUD)

☐ \$ \_\_\_\_\_ Fee Paid at \$50.00 + \$15 per lot if no action is required by Planning and Council.

Forwarded to Planning Commission 10 Days Prior to their 5/8/17 (date) Meeting.

Planning Commission Action:

☐ none ☐ approval ☐ denial ☐ modification

RECEIVED:



EXHIBIT A

Greene County, Ohio





# EXHIBIT B

## DAYTON ST. PLAT

### NOTES & RESTRICTIONS:

LOTS 3 & 4 MAY NOT BE FURTHER SUBDIVIDED FOR RESIDENTIAL PURPOSES.

LOT 5 SHALL HAVE A VEHICLE ACCESS AND UTILITY EASEMENT ON LOT 4 FROM LOT 5 TO DAYTON STREET. EXISTING UTILITIES ON LOT 4 WHICH SERVE LOT 5 WILL CONTINUE TO BE THE PROPERTY OF THE OWNERS OF LOT 5 AND SHALL BE INCLUDED IN THE EASEMENT.

### ACCEPTANCE AND APPROVAL:

APPROVED AND ACCEPTED ON THIS 31 DAY OF JULY 1990 BY THE ZONING AUTHORITY OF THE VILLAGE OF YELLOW SPRINGS.

*J. Womeldorff*

VILLAGE OF YELLOW SPRINGS ZONING OFFICER

### TRANSFERRED:

TRANSFERRED Sept 21, 1990

### RECORDED:

RECEIVED September 21, 1990  
RECEIVED September 21, 1990  
PLAT BOOK 26 PAGES 17-18  
FEE \$ 33.00

*Dorothy L. Shaw-wls*  
AUDITOR, GREENE COUNTY, OHIO

*Lucy B. Morris*  
RECORDER, GREENE COUNTY, OHIO

### CERTIFICATION:

I HEREBY CERTIFY THAT ALL DISTANCES ARE CORRECT AND MONUMENTS ARE SET AS SHOWN.



*Michael L. Smith*  
MICHAEL L. SMITH  
REGISTERED SURVEYOR  
OHIO # 6590



DESCRIPTION:

THIS PLAT IS FORMED FROM FIVE PARCELS OF LAND IN THE VILLAGE OF YELLOW SPRINGS, GREENE COUNTY, OHIO. THESE PARCELS ARE NUMBERED 26, 28, 30, 31, AND 54 ON PAGE 3 OF THE VILLAGE OF YELLOW SPRINGS, GREENE COUNTY TAX MAPS. PARCELS 26, 30, AND 31 ARE EACH OWNED BY ELIZABETH PERRY, KINGSLEY PERRY, JR., PATRICIA PERRY, AND GENEVIEVE NIXON AS RECORDED IN DEED BOOK 554, PAGE 429. PARCEL 28 IS OWNED BY THOMAS AND EVELYN LAMERS AS RECORDED IN DEED BOOK 490, PAGE 938. PARCEL 54 IS OWNED BY PATRICIA L. PERRY AS RECORDED IN DEED BOOK 488, PAGE 564. AN EASEMENT ON PARCELS 26 AND 31 IS OWNED BY THE DAYTON POWER AND LIGHT COMPANY AS RECORDED IN DEED BOOK 309, PAGE 384.

DEDICATION:

THE UNDERSIGNED, WHO ARE ALL THE OWNERS AND SPOUSES OF OWNERS OF THE ABOVE DESCRIBED PROPERTY OR WHO OWN EASEMENTS WITHIN THE ABOVE DESCRIBED PROPERTY, VOLUNTARILY CONSENT TO THE PLAT DESCRIBED IN THIS DOCUMENT.

Elizabeth Perry  
ELIZABETH PERRY

Lunice Rebut - Josephine J. D  
WITNESSES

Kingsley Perry Jr.  
KINGSLEY PERRY, JR.

Lunice Rebut - Josephine J. D  
WITNESSES

Yvonne Perry  
YVONNE PERRY

Lunice Rebut - Josephine J. D  
WITNESSES

Patricia Perry  
PATRICIA PERRY

Lunice Rebut - Josephine J. D  
WITNESSES

Genevieve Nixon  
GENEVIEVE NIXON

Lunice Rebut - Josephine J. D  
WITNESSES

Evelyn Lamers  
EVELYN LAMERS

Betty H. Dawson - Joe  
WITNESSES

Thomas Lamers  
THOMAS LAMERS

Betty H. Dawson - Joe  
WITNESSES

# DAYTON ST. PLAT

DESCRIPTION CONTINUED:

THE PARCELS PREVIOUSLY DESCRIBED ARE LOCATED IN THE S.W. QUARTER, SECTION 20, TWP. 4, RANGE 8 OF THE STATE OF OHIO. THE ACREAGE OF EACH PARCEL AS DESCRIBED ON THE TAX MAPS OF GREENE COUNTY IS: PARCEL 26, 2.6775 ac. PARCEL 28, 0.456 ac. PARCEL 30, 0.20 ac. PARCEL 31, 0.425 ac. PARCEL 54, 0.210 ac. THE TOTAL ACREAGE OF THIS PLAT AS SURVEYED IS 4.0238 ac.

STATE OF OHIO, COUNTY OF GREENE SS:

BE IT REMEMBERED THAT ON THIS 16 DAY OF June 1990, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME ELIZABETH, KINGSLEY, JR., YVONNE, AND PATRICIA PERRY AND GENEVIEVE NIXON AND ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE WITHIN PLAT TO BE THEIR VOLUNTARY ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND NOTARY SEAL ON THE DAY AND DATE ABOVE WRITTEN.

*Josephine J. Dunphy*  
NOTARY PUBLIC IN AND FOR SAID  
GREENE COUNTY, OHIO

JOSEPHINE J. DUNPHY  
Notary Public, State of Ohio  
My commission expires May 28, 1993

STATE OF OHIO, COUNTY OF GREENE SS:

BE IT REMEMBERED THAT ON THIS 26 DAY OF June 1990, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME THOMAS AND EVELYN LAMERS AND ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE WITHIN PLAT TO BE THEIR VOLUNTARY ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND NOTARY SEAL ON THE DAY AND DATE ABOVE WRITTEN.

*Josephine J. Dunphy*  
NOTARY PUBLIC IN AND FOR SAID  
GREENE COUNTY, OHIO

JOSEPHINE J. DUNPHY  
Notary Public, State of Ohio  
My commission expires May 28, 1993

DAYTON ST

KE. & Y. PERRY

LAURA TAYLOR  
ET AL

S 69° 24' 30" W 19.15'

N 0° 40' 10" E 53.03'

[28] 0.456 ac.

(N 69° 24' 30" 81.75)  
0.104 ac

S 69° 44' 30" W 100.68'  
N 69° 44' 30" E 150.88'

[30] 0.20 ac.

R=145.00'  
I=18° 13' 40"  
A=46.13'  
C=45.94'

[31] 0.425 ac.

R=185.00'  
I=18° 13' 40"  
A=58.83'  
C=55.7'

[54] 0.210 ac.

5

0.216 ac

4

[26] 2.6775 ac

ELAINE BROWN

1" = 60'

1 NOV 89

LAURA TAYLOR ET AL

INDICATE  
FORMER  
PARCEL  
BOUNDARIES

INDICATE  
APPROXIMATE  
CENTERLINE  
5' GAS PIPELINE  
EASEMENT

EXHIBIT C

Greene County, Ohio

4/20/2017 2:42:06 PM

Parcel ID: F19-0001-0003-0-0063-00 Tax Year: 2016 Card: 1 of 1

Owner: HASHLAMAH PROJECT FOUNDATION

Mailing Name/Address:  
HASHLAMAH PROJECT FOUNDATIONPO BOX 62  
YELLOW SPRINGS OH 45387  
Tax District: F19 - YELLOW SPRINGS VILDescription: DAYTON ST PLAT  
LOT 5  
DAYTON STProperty Address: 745 DAYTON ST  
Class: R - SINGLE FAMILY, O-9.999 AC  
Map/Routing: 0003.00 016.00  
Neighborhood: 00127.000  
Parcel Tieback:

F19000100030006300 03/03/2012

LAND DATA	Desc	Type	Effective Frontage	Depth	Square Footage	Acres	Value
	Homesite	ACREAGE				0.4260	\$68,160.00

## SALES DATA

Sale Date	Type	Amount	Source
02/07/2017	LAND & BUILDING	\$87,000.00	OTHER
08/23/2016	LAND & BUILDING	\$90,000.00	OTHER
03/02/2004			
02/12/2003	LAND & BUILDING	\$0.00	AGENT

## DWELLING DATA

Style	RANCH	Total Rooms	8	Masonry Trim Area	
Story Hgt	1.00	Bedrooms	2	Unfin Area	
Construct	ALUMINUM/VINYL	Family Rms	0	Rec Room Area	
Year Blt	1960 Remod	Full Baths	2	Fin Bsmt Area	
SFLA	1490	Half Baths	0	WBFP Stacks	Open
GFLA	1248	Add'l Fixt	4	Bsmt Garage # Cars	
Basement	NONE	Total Fixt	10	Misc Desc	
Heating	CENTRAL	Bath Remod	NO	Misc Desc	
Heat Fuel	GAS	Kitch Remod	NO	Condo Level	
Attic	NONE			Condo Type	
Int vs Ext	2				

## VALUES

	Land Value	Bldg Value	Total Value	Value Date
Appraised	\$68,160.00	\$69,430.00	\$137,590.00	12/28/2016
Assessed (35%)	\$23,860.00	\$24,300.00	\$48,160.00	

## TAXES

	Delinquent	1st Half	2nd Half	Total
Real:	\$0.00	\$1,204.63	\$1,204.63	\$2,409.26
Special	\$0.00	\$0.00	\$0.00	\$0.00
Total:	\$0.00	\$1,204.63	\$1,204.63	
Total Tax:				\$2,409.26
Amount Due:				\$0.00

## PROPERTY FACTORS

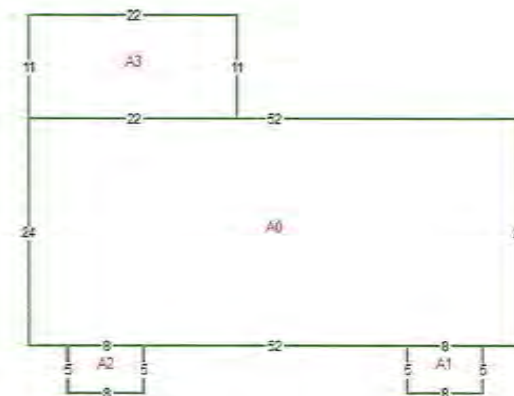
Topography	Utilities	Street/Road	Traffic
LEVEL	ALL PUBLIC	PAVED	MEDIUM

## ADDITION DATA

#	Lower	First	Second	Third	Area
A0		MAIN BUILDING			1248
A1		MAS STOOP/TERRACE			40
A2		MAS STOOP/TERRACE			40
A3		FRAME			242

## OTHER BUILDING &amp; YARD ITEMS

Description	Yr Blt	Area	Rate	Units	Value
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## RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION

Meeting

national  
graphics

National Graphics Corp., Cols., O. Form No. 1087

Held May 9, 1988

Following discussion on involvement of floor area, wholly or partly located within the roof, Commission agreed to accept this definition together with the following definition for height: "The height of a building shall be the vertical distance measured from the mean elevation of the finished grade of the front of the building".

## NEW BUSINESS

Cobbs/Buster Lot Development.

Bristol reported Mr. Buster and Miss Cobbs have asked about options for developing two parcels of land shown on page three of the Yellow Springs tax maps as parcels 26 and 30 consisting of 2.8 acres of land on the south side of Dayton Street west of Wright Street, with the intention to build two homes on the subject land and hold joint ownership. The land in question is presently zoned Residence A and Section 1121.05 of the code requires that each new dwelling have at least 60 feet of frontage on a public street indicating that parcel 30 could possibly be developed but would effectively landlock parcel 26. Section 1121.06 (d) and (e) prohibit more than one principal structure on a single parcel of ground.

Bristol presented options as:

- (1) subdivide into two or more lots, using the 50-foot frontage as a public street,
- (2) apply for a conditional use permit for a two family dwelling,
- (3) apply for a conditional use permit for cluster housing,
- (4) get a waiver of the rule allowing only one principal structure per lot.

-Pitstick stated need to come up with a practical solution for two practically landlocked lots - ideal goal would be to have two lots with a shared drive and a deeded restriction. He spoke to acquiring frontage variance from the Board of Appeals.

-Rauh requested the owners make an effort to make a case that will hold up to the Planning Commission and Board of Appeals review - suggested they take initiative to show how this would be justified - Rauh also requested a corrected map be prepared from the official tax maps with an overlay of the proposed plan, for the purpose of clarification. It was also suggested consideration be given to each party asking for a variance from the Board of Appeals for one-half of the frontage after working with the Village Manager to draw up a minor subdivision application.

-Issue tabled until new proposal comes forward.



# RECORD OF PROCEEDINGS

Minutes of

BOARD OF APPEALS

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

June 29, 19 88

-Newman justified the variance on the basis that the Church functions as a semi-public building where handicap accessibility is a factor and also stated this type request would not be of a recurring nature throughout the Village.

-Hillman stated the project is in total support of the rationale of "not detrimental to the public welfare" and is in harmony with the general purpose of the code. Hillman felt the project also agrees with the overall intent of the code on enlargement of existing non-conforming structures which is a variance from a special exception.

There being no further discussion, the roll was called upon the question of the granting of a 17 1/2 foot variance and the following vote was recorded: Yea: 4: Hart, Hillman, Newman, Tebbetts. Nay: 0. VARIANCE GRANTED.

The Chair declared open the hearing on a request for a variance in minimum lot frontage by Charles Buster and Carole Cobbs to permit division of undeveloped land on the south side of Dayton Street between existing dwellings at 755 and 775 Dayton Street. Charles Buster and Carole Cobbs were present for discussion.

It was noted the variance request is for 75 feet from the Residence "A" minimum requirement of 75-foot frontage for each lot. The plan is to divide a 2.8 acre parcel with limited frontage into two lots (each to contain a single family dwelling) under the Village's minor subdivision code.

Following discussion on:

- Pat Perry's deeded right-of-way for her duplex,
- the prohibitive cost of providing public improvements for a public street under the subdivision code and the desire of property owners not to have a high density development,
- the unavailability of additional land to provide the required frontage,
- the suggestion that if one lot owns the right-of-way and deeds use to the other lot, no variance would be required.

--the proper division of lots so access can be provided to both,

--justification of frontage when access can be granted through properly deeded and recorded right-of-way in the manner currently existing for a duplex located in the same area,

the appellants were advised to pursue the direction of creating a private right-of-way to parcel 26 and then apply for minor subdivision. NO VARIANCE REQUIRED.

I. MOTION was made by Mrs. Newman and seconded by Mr. Hillman to approve minutes dated February 24, 1988 as presented. MOTION CARRIED.

## II OLD BUSINESS

In discussing the change of the Board of Appeals quorum required to establish a meeting date, it was Board consensus that a change of quorum to three is acceptable as long and the vote required to grant a variance remains at 3 with the appellant being fully aware that in this case a unanimous vote is necessary to receive a variance.

It was noted the manager will be requested to follow-up on the conditions of past variances granted.

IV. There being no further business to come before the Board, meeting was ADJOURNED.

CHAIR

*Joe Tebbetts*

CLERK

Codified  
Ordinances  
of  
Yellow Springs  
Ohio



Complete to September 1, 1986

Revised January 1, 1991

Updated April, 1993



sufficient evidence for the release by the Village of Yellow Springs of performance bond.

- (f) When the Village Manager, following inspection of a subdivision, certifies to the Village Council that all improvements have been constructed in accordance with Village specifications, the Vill-Council may proceed to accept the public improvements. Improvements will only be accepted after a bond or other sufficient surety has been posted guaranteeing maintenance, to installation specifications, for one year of the required subdivision improvements. Such maintenance bond shall be in an amount equal to ten (10) percent of estimated construction cost, and shall run from the date of acceptance of improvements by Vill-Council to one year thereafter. Maintenance bonds may be released by Council after receiving certification from the Village Manager that improvements continue to meet specifications after one full year beyond their acceptance.
- (g) Whenever public improvements have not been constructed in accordance with specifications as established, the Village Council may exercise its rights of foreclosure under the bond. If, in the opinion of the Village's authorized inspector, installations are improper or inadequate, he shall issue a stop order. The developer may appeal the inspector's findings to the Village Manager within forty-eight (48) hours. Failure to comply will be deemed a violation of these regulations.

#### 1101.10 VARIATIONS. (ORD. 84-08. Passed 7/16/84).

- (a) The Planning Commission may grant variations from these regulations by the affirmative vote of three (3) members subject to limitations as follows:
- (1) that specific conditions and circumstances exist which are particular to the land and which are not generally applicable to other lands within the Village.
  - (2) that literal interpretations of the provisions of this subdivision regulation would deprive the applicant of rights commonly enjoyed by other properties.
  - (3) that special conditions and circumstances do not result from the actions of the applicant.
  - (4) that granting of the variation requested would provide the minimum necessary to grant relief from the special circumstances.
  - (5) that granting of the variation will be in harmony with the general purpose and intent of this subdivision regulation and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (b) In granting variations or modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

1984 Replacement

#### 1101.11 MINOR SUBDIVISIONS.

- (a) Approval of a minor subdivision by an authorized representative of the Planning Commission, without formal action by the Planning Commission and Council, may be granted if a record plan meets all of the following conditions:
- (1) The proposed subdivision is located along an existing public road and involves no opening, widening, or extension of any street or road or public utilities;
  - (2) The proposed subdivision is not contrary to applicable subdivision or zoning regulations;
  - (3) No more than three (3) lots will be created following division of the original parcel;
  - (4) A tract of land proposed for minor subdivision has not been involved previously in minor subdivision approval during the last two (2) years and appears unlikely to be further subdivided subsequently;
  - (5) The Village is provided sufficient guarantee of necessary easements and the property owner has specifically dedicated same;
  - (6) Each buildable lot is provided separate and adequate water and sewerage connection laterals;
  - (7) An appropriate recording instrument has been prepared by a registered surveyor showing the minor subdivision, a vicinity sketch of the location of the subdivision, bearings and distances along each lot line, and a certification that proper iron pins have been driven at each lot corner to delineate property boundaries;
  - (8) A copy of the recording instrument has been submitted to the Planning Commission by the Zoning Administrator at least ten (10) days prior to a regularly scheduled Planning Commission meeting, and if the Planning Commission takes no action at that meeting, the minor subdivision is deemed approved.
- (b) If approval is given under terms of the above provisions, the authorized representative of the Planning Commission shall, within fourteen (14) working days after submission, approve such proposed division of land and, upon presentation of a conveyance for said parcel and properly prepared survey sheet of property, shall stamp "Approved by the Yellow Springs Planning Commission, No Plat Required," and the authorized representative of the Commission shall sign the conveyance.

1984 Replacement



the minimum necessary to grant relief from the special circumstances;

(5) that granting of the variation will be in harmony with the general purpose and intent of this subdivision regulation and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(b) In granting variations or modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

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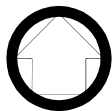
(5) The Village is provided sufficient guarantee of necessary easements and the property owner has specifically dedicated same;

(6) The recording instrument has a notation stating that each buildable lot will be provided with separate and adequate water and sewerage connection laterals. (ord. 92-16. Passed 11/2/92.)

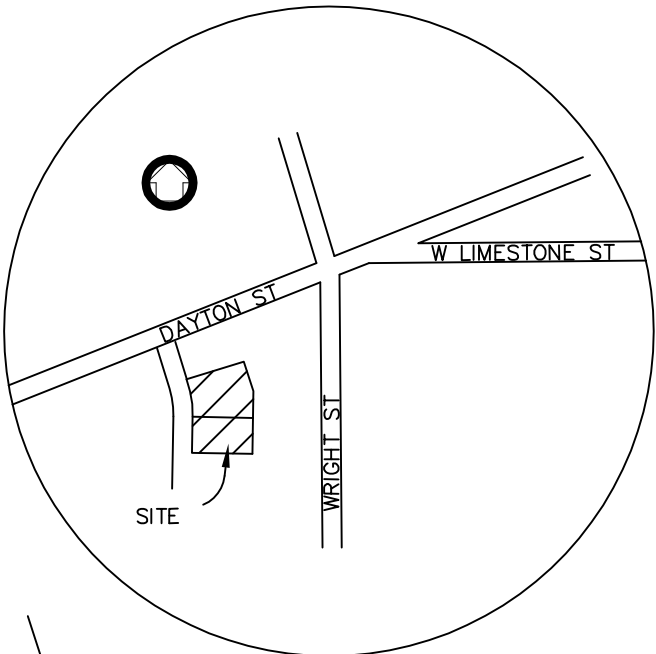
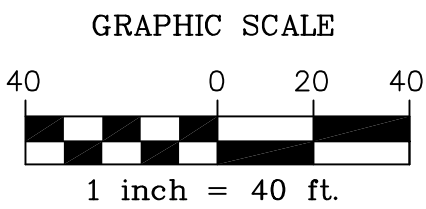
(7) An appropriate recording instrument has been prepared by a registered surveyor showing the minor subdivision, a vicinity sketch of the location of the subdivision, bearings and distances along each lot line, and a certification that proper iron pins have been driven at each lot corner to delineate property boundaries;

1992 Replacement

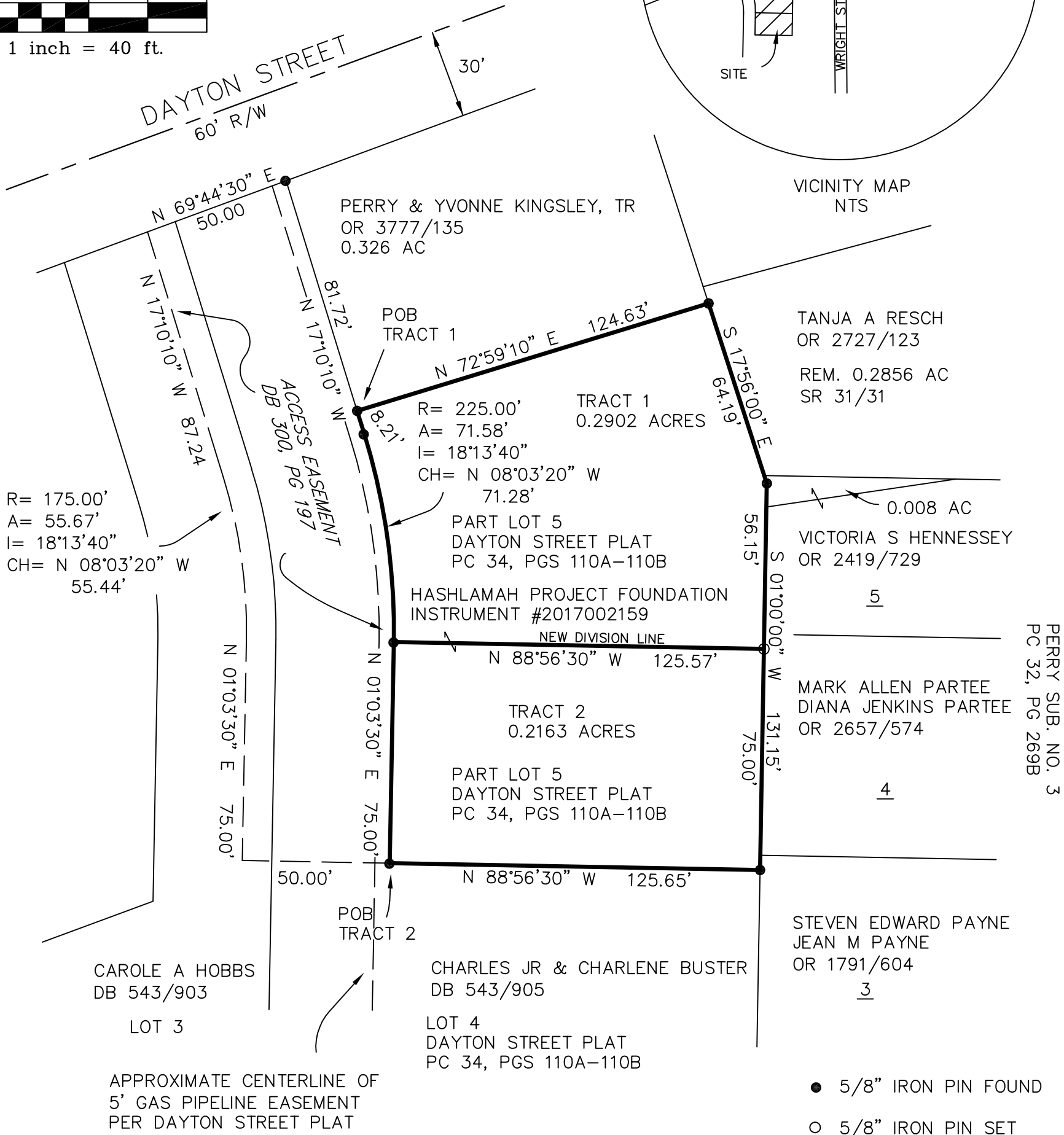
GREENE COUNTY SURVEYOR'S RECORD No. \_\_\_\_\_, PAGE \_\_\_\_\_



BEARINGS BASED ON THE NORTH  
LINE OF LOT 5, DAYTON STREET PLAT  
PC 34, PGS 110A-110B  
N 72°59'10" E



VICINITY MAP  
NTS



NOTE:  
EACH BUILDABLE LOT WILL BE PROVIDED WITH  
SEPARATE AND ADEQUATE WATER AND  
SEWERAGE CONNECTION LATERALS

- 5/8" IRON PIN FOUND
- 5/8" IRON PIN SET

Prepared By:



SURVEYED BY

RAYMOND B MEFFORD REG. SURVEYOR NO. 7367

APPROVED GREENE COUNTY ENGINEER

By \_\_\_\_\_ Date \_\_\_\_\_

APPROVED BY

ZONING \_\_\_\_\_ DATE \_\_\_\_\_

RPCC, CITY, OR VILLAGE

DATE

GRANTOR HASHLAMAH PROJECT FOUNDATION

GRANTEE

LOCATION

Section 20, Town 4, Range 8

or Survey No.

VILLAGE OF YELLOW SPRINGS

GREENE COUNTY, OHIO

DATE APRIL 19, 2017

JOB NUMBER 6909





## Judge Engineering Company

Professional Engineers and Surveyors • Consultants

Description Tract 1  
Part of Lot 5, Dayton Street Plat  
Village of Yellow Springs, Greene County, Ohio

Situate in Section 20, Town 4, Range 8, Village of Yellow Springs, Greene County, Ohio, and being part of Lot 5 of Dayton Street Plat as recorded in Plat Cabinet 34, Pages 110A-110B of the plat records of said county and conveyed to Hashlamah Project Foundation by deed recorded Instrument # 2017002159 of the deed records of said county and being a 0.2902 acre tract more particularly described as follows;

Beginning at a  $\frac{5}{8}$ " iron pin found at the southwest corner of a 0.326 acre tract conveyed to Perry Kingsley and Yvonne Kingsley, Trustee by deed recorded in Volume 3777, Page 135 of the official records of said county and being the northwest corner of aforementioned Lot 5;

thence from said point of beginning N 72° 59' 10" E with the south line of said 0.326 acre tract a distance of 124.63 feet to a  $\frac{5}{8}$ " iron pin found at the northeast corner of Lot 5 and the west line of a 0.2776 acre tract conveyed to Tanja A. Resch by deed recorded in Volume 2727, Page 123 of the official deed records of said county;

thence S 17° 56' 00" E with said west line and the west line of Lot 5, Perry Subdivision No. 3, as recorded in Plat Cabinet 32, Page 269B of the plat records of said county, as conveyed to Victoria Hennessey by deed recorded in Volume 2419, Page 729 of the official records of said county and a distance of 64.19 feet to a  $\frac{5}{8}$ " iron pin found at an angle point;

thence S 01° 00' 00" W with the west line of said Lot 5 and the west line of Lot 4, Perry Subdivision No. 3 as conveyed to Mark Allen Partee and Diana Jenkins Partee by deed recorded in Volume 2657, Page 574 of the official records of said county, a distance of 56.15 feet to a  $\frac{5}{8}$ " iron pin set;

thence on a new division line N 88° 56' 30" W a distance of 125.57 feet to a  $\frac{5}{8}$ " iron pin found on the east line of Lot 4, Dayton Street Plat as conveyed to Charles Buster Jr. and Charlene Buster by deed recorded in Book 543, Page 905 of the deed records of said county;

thence with the said east line the following 2 courses;

1. Northwesterly on a curve to the left having a radius of 225.00 feet and an arc distance of 71.58 feet (said curve having a central angle of  $18^{\circ} 13' 40''$  and a chord bearing of  $N 08^{\circ} 03' 20'' W$  for 71.28 feet) to a  $\frac{5}{8}$ " iron pin found;
2.  $N 17^{\circ} 10' 10'' W$  a distance of 8.21 feet to the point of beginning containing 0.2902 acres more or less, subject, however to all legal highways, easements and restrictions of records;

This is the result of a field survey prepared by Raymond B. Mefford, Ohio Registered Surveyor No. 7367, and Judge Engineering Company dated April 20, 2017.

And conveying a right of access easement previously described in Book 300, Page 197 of the deed records of said county and being more particularly described as follows:

Beginning at the northeast corner of Lot 4, Dayton Street Plat;

Thence with the east line of said Lot 4 the following 3 courses;

1.  $S 17^{\circ} 10' 10'' E$  a distance of 89.93 feet to a point;
2. Southeasterly on a curve to the right having a radius of 225.00 feet and an arc distance of 71.58 feet (said curve having a central angle of  $18^{\circ} 13' 40''$  and a chord bearing of  $S 08^{\circ} 03' 20'' E$  for 71.28 feet) to a point;
3.  $S 01^{\circ} 03' 30'' W$  a distance of 75.00 feet to a point;

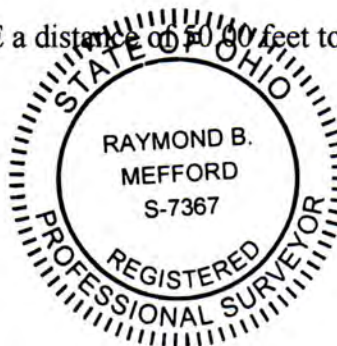
Thence  $N 88^{\circ} 56' 30'' W$  a distance of 50.00 feet to a point;

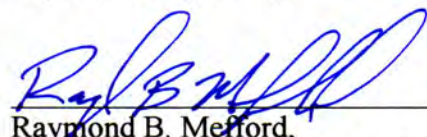
Thence  $N 01^{\circ} 03' 03'' W$  a distance of 75.00 feet to a point;

Thence northwesterly on a curve to the left having a radius of 175.00 feet and an arc distance of 55.67 feet (said curve having a central angle of  $18^{\circ} 13' 40''$  and a chord bearing of  $N 08^{\circ} 03' 20'' W$  for 55.44 feet) to a point;

Thence  $N 17^{\circ} 10' 10'' W$  a distance of 87.24 feet to a point on the south line of Dayton Street;

Thence  $N 69^{\circ} 44' 30'' E$  a distance of 50.80 feet to the point of beginning.



  
Raymond B. Mefford,  
Professional Surveyor No. 7367

6909 Tract I





## Judge Engineering Company

Professional Engineers and Surveyors • Consultants

Description Tract 2  
Part of Lot 5, Dayton Street Plat  
Village of Yellow Springs, Greene County, Ohio

Situate in Section 20, Town 4, Range 8, Village of Yellow Springs, Greene County, Ohio, and being part of Lot 5 of Dayton Street Plat as recorded in Plat Cabinet 34, Pages 110A-110B of the plat records of said county and conveyed to Hashlamah Project Foundation by deed recorded Instrument # 2017002159 of the deed records of said county and being a 0.2163 acre tract more particularly described as follows;

Beginning at a  $\frac{5}{8}$ " iron pin found at a northerly corner of Lot 4, Dayton Street Plat as conveyed to Charles Buster Jr. and Charlene Buster by deed recorded in Book 543, Page 905 of the deed records of said county, said point also being the southwest corner of said Lot 5;

thence from said point of beginning N  $01^{\circ} 03' 30''$  E with an east line of said Lot 3, a distance of 75.00 feet to a  $\frac{5}{8}$ " iron pin found;

thence on a new division line S  $88^{\circ} 56' 30''$  E a distance of 125.57 feet to a  $\frac{5}{8}$ " iron pin set on the west line of Lot 3, Perry Subdivision No. 3 as recorded in Plat Cabinet 32, Page 269B of the plat records of said county and conveyed to Mark Allen Partee and Diana Jenkins Partee by deed recorded in Volume 2657, Page 574 of the official records of said county.

thence S  $01^{\circ} 00' 00''$  W with said west line and the west line of Lot 5, Perry Subdivision No. 3 as conveyed to Steven Edward Payne and Jean M. Payne by deed recorded in Volume 1791, Page 604 of the official records of said county, a distance of 75.00 feet to a  $\frac{5}{8}$ " iron pin found at northeast corner of aforementioned Buster tract;

thence N  $88^{\circ} 56' 30''$  W with the north line of said tract a distance of 125.65 feet to the point of beginning containing 0.2163 acres more or less, subject, to all legal highways, easements and restrictions of record.

This is the result of a field survey prepared by Raymond B. Mefford, Ohio Registered Surveyor No. 7367, and Judge Engineering Company dated April 20, 2017.

and conveying a right of access easement previously described in Book 300, Page 197 of the deed records of said county and being more particularly described as follows:

Beginning at the northeast corner of Lot 4, Dayton Street Plat;

Thence with the east line of said Lot 4 the following 3 courses;

1. S 17° 10' 10" E a distance of 89.93 feet to a point;
2. Southeasterly on a curve to the right having a radius of 225.00 feet and an arc distance of 71.58 feet (said curve having a central angle of 18° 13' 40" and a chord bearing of S 08° 03' 20" E for 71.28 feet) to a point;
3. S 01° 03' 30" W a distance of 75.00 feet to a point;

Thence N 88° 56' 30" W a distance of 50.00 feet to a point;

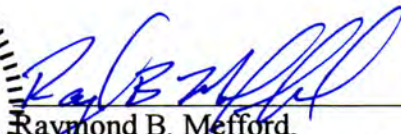
Thence N 01° 03' 03" W a distance of 75.00 feet to a point;

Thence northwesterly on a curve to the left having a radius of 175.00 feet and an arc distance of 55.67 feet (said curve having a central angle of 18° 13' 40" and a chord bearing of N 08° 03' 20" W for 55.44 feet) to a point;

Thence N 17° 10' 10" W a distance of 87.24 feet to a point on the south line of Dayton Street;

Thence N 69° 44' 44" E a distance of 50.00 feet to the point of beginning.



  
Raymond B. Mefford,  
Professional Surveyor No. 7367



## PLANNING COMMISSION STAFF REPORT

May 4, 2017

**APPLICATION NUMBER:** PC17-18  
**APPLICANT:** Laura Curliss, property owner  
**TYPE OF REQUEST:** Conditional Use 6- ADU/Short Term Rental  
**LOCATION:** 1118 Livermore Street 6 R-A Low Density Residential  
**PARCEL ID NUMBER:**

### **BACKGROUND:**

Laura Curliss has submitted an application for an accessory dwelling unit and short-term rental. Ms. Curliss purchased the property in May, 2015. One of the features of the property is the accessory structure, which contains the garage and a gutted apartment space at the rear. The apartment has a separate electric meter that Ms. Curliss continues to pay for. She plans to remodel the interior for her son to live there, and later use it as a short-term rental. Although the use is grandfathered in, she has agreed to come before the Planning Commission for a conditional use hearing to reduce the non-conformities in order to bring as much as possible in line with the current zoning code requirements.

### **REQUIREMENTS:**

Section 1262 of the Zoning Code highlights the requirements for Conditional Uses which include:

- (a) The proposed use will be consistent with the intent and purposes of this zoning code and the vision, goals and recommendations of the *Yellow Springs Comprehensive Plan and Vision: Yellow Springs and Miami Township*.
- (b) The proposed use will comply with all applicable requirements of this code, except as specifically altered in the approved conditional use.
- (c) The proposed use will be compatible with the character of the general vicinity.
- (d) The area and proposed use will be adequately served by essential public facilities and services, as applicable, such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools. The applicant or landowner will be required to install public utilities, streets or other public infrastructure as required by the Village, state or other agencies to applicable specifications. Dedication of said public infrastructure may be required.
- (e) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the zoning district.
- (f) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (g) The proposed use will not block sight lines from the right of way to existing signs or windows on the front or side of a building.

Additionally, Section 1262.04(E) (1) highlights further conditions that must be met for the application to receive approval. They are:

- (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 66 percent of the total living area of the principal dwelling or 800 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. The owner of the property shall live on the property in the principal dwelling or accessory dwelling.
  - G. No more than two adults shall occupy the accessory dwelling unit.
  - H. No new access points or driveways shall be created or installed for access to the accessory dwelling unit.

### **PLANNING COMMISSION DUTIES**

Section 1262 gives the Planning Commission the power to hear and decide applications for conditional use permits to allow proper integration into the community.

The Planning Commission may approve, modify, or deny any application. If the Commission approves the permit, it may impose time limitations and/or require that one or more things are done before the request is initiated.

### **Detailed Findings**

The accessory structure measures 958 sq. ft. which is over the 800 sq. ft. maximum, however it is grandfathered in as it was built in 1950 as a masonry garage with an attached room. At some point, utilities were run to it with a separate electric meter. It was also addressed as 1118 ½ Livermore Street. This accessory dwelling unit measures 508 sq. ft. which meets the new zoning code's size requirement. It has a separate bathroom, kitchen area and an open living room/bedroom area.

### **Conformance with Village Plans:**

The proposed Conditional Use is in conformance with Principles of Section 4.1 of the 2010 Comprehensive Plan. Those principles are:

Principle 1 ó Make land use provisions and decisions that make possible the restoration, maintenance, and retention of a population, employment and economic base that is capable of sustaining the community.

Principle 2 ó Make provisions for a range of housing opportunities, costs, and choices that provide safe, quality housing for current and potential residents of all income levels, paying particular attention to modest cost housing to ensure maintenance of income diversity in our town.

Principle 3 ó Support land use developments in which residents can live, walk, and bicycle ó to work, to learn, to shop, to worship, and to play.



The Vision plan does not address the specific nature of the application.

Conformance with Village Zoning Code:

The accessory structure sets back at least five feet from the side yard and ten feet from the rear.

Total square footage of lot: 22,400 sq. ft.

Maximum allowable lot coverage: 7,840 (35%)

Total square footage of all structures: 3,289

Garage/ADU = 958 sq. ft. with the ADU measuring 508 sq. ft.

The size of the accessory structure is non-conforming to the zoning code, however the accessory dwelling unit's size conforms.

The accessory structure is architecturally integrated with the primary structure.

The electric meter will be removed and all utilities to the accessory dwelling will be metered from the primary dwelling.

Staff does not anticipate any noxious fumes, noises, or any other activity that is not associated with residential dwellings as part of this proposal. The ADU meets the requirements of the Village's Zoning Code which was developed to protect the character of properties within the zone and ensure that this type of use is integrated properly.

Staff anticipates the ADU will not have significant impact on neighboring properties due to its setback in the rear yard.

The accessory structure with an accessory dwelling unit (ADU) is one-story and is below the maximum height of 24 feet allowed by the zoning code for ADUs. The structure will not block sight lines from the right-of-way to existing signs or windows on the front or side of a building due to its placement in the rear yard.

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.  
The ADU is located in a detached accessory building on the same lot as the 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.  
The applicant has agreed to run a new electric line from the house so the ADU will no longer 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.  
There is space for two vehicles in front of the accessory structure.
- D. The accessory dwelling unit shall be limited in size to a maximum of 66 percent of the total living area of the principal dwelling or 800 square feet, whichever is less.  
The accessory structure is 958 sq. ft. with the ADU measuring 508 sq. ft. in size. The accessory structure was built in 1950 and is grandfathered in. The accessory structure's non-conformity will not increase as a result of this remodel.
- 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.

The ADU, when remodeled, will have a living area/bedroom combination, a bathroom and a kitchen area.

F. The owner of the property shall live on the property in the principal dwelling or accessory dwelling.

The owner of the property shall live on the property in the principal dwelling and her son will live in the ADU. At some point in the future, she will use the ADU as a short-term rental.

G. No more than two adults shall occupy the accessory dwelling unit.

The unit is designed to be occupied by no more than two people.

H. No new access points or driveways shall be created or installed for access to the accessory dwelling unit.

The ADU will be accessed by the existing driveway. No new access points will be created.

#### Short-term rentals.

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.

As a condition of approval, the applicant will need to notify the Zoning Administrator when the ADU converts to a short-term rental, and provide the required emergency contact information.

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.

The ADU as a short-term rental is located at the rear of the property and should not have a negative impact on the neighbors.

C. Maximum occupancy. The maximum number of tenants permitted shall be determined by applicable Health Department requirements.

The ADU as a short-term rental in an accessory dwelling unit is designed for a maximum of two adults.

#### **RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** the accessory dwelling unit/short-term rental as it is consistent with section 1262 of the Zoning Code's Conditional Use Requirements.

If you should have any further questions, please feel free to contact me at 767-1702 or by email at dswinger@vil.yellowsprings.oh.us.

Respectfully submitted,

Denise Swinger



Case #: PC17-18 [OFFICE USE]

**Village of Yellow Springs**  
100 Dayton Street, 45387  
PHONE: (937) 767-1702  
FAX: (937) 767-3720  
**Planning Commission**  
**Application**

TYPE OF REQUEST: (Check one)  
☐ DEVELOPMENT PLAN ☐ TEXT AMENDMENT  
☒ CONDITIONAL USE ☐ MAP AMENDMENT  
☐ OTHER (Please Specify): \_\_\_\_\_

1. Property Address and/or Parcel ID: 1118 1/2 Livermore Street, Yellow Springs, OH 45387  
2. Property Owner: Laura A. Curliss  
Address: 1118 Livermore St., Yellow Springs, OH 45387 Phone: 513-600-7171

3. Description of request: This is a conditional use request for an accessory dwelling unit and short-term rental.

I bought the property at 1118 Livermore Street in May 2015. One of the attractive features about the property was the gutted apartment space (580 s.f. floor space) at the rear of the detached garage (separately metered building – electric). The “apartment” as I call it has a separate bathroom, a kitchen area and then an open area for a bed and living room furniture. It would make a nice “studio style” dwelling unit. Utilities were at one time operational to this area. Sewer and electric are there but a new waterline and gas line would have to be extended into the space. Why it was gutted or when I do not know. I get a separate electric bill for the building and the address is 1118 1/2 Livermore St. Todd Van Lehn is coming tomorrow to give me an estimate on running a new electric line so that we can remove the separate meter on the garage/apartment building.

My hope is to remodel the apartment for my adult 20-year old son for the time that he lives with me. If he moves then it could be used for Air BNB (if permitted) or guests. I have two off street parking spaces on asphalt near my detached garage. Thank you for considering.

The owner of this property and undersigned do hereby certify that the information and statements given on this application, drawings, and specifications are to the best of their knowledge, true and correct.

Signature of Applicant *Laura A. Curliss* Title: Owner  
Address: 1118 Livermore St., Yellow Springs, OH 45387 Date: April 18, 2017  
E-mail: lauracurliss@gmail.com

**DO NOT WRITE BELOW THIS LINE [OFFICE USE]**

Zoning Classification: R-A Fee: \_\_\_\_\_ Date Paid: \_\_\_\_\_  
Hearing Date: 5/8/2017  
Request Denied or Approved: \_\_\_\_\_  
Zoning Official Name & Title: \_\_\_\_\_



Accessory structure /ADU



PRIMARY DWELLING

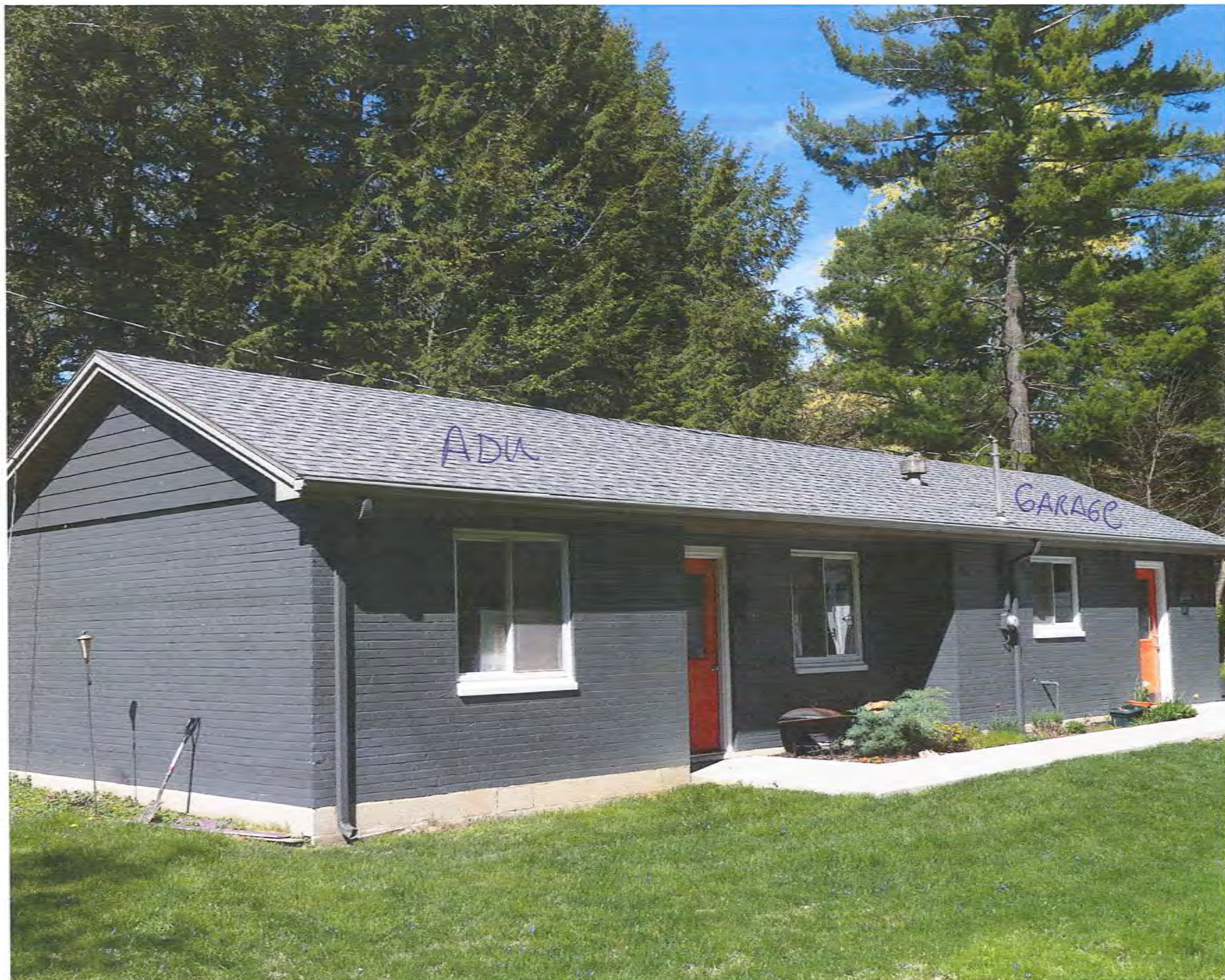
Accessory structure /ADU









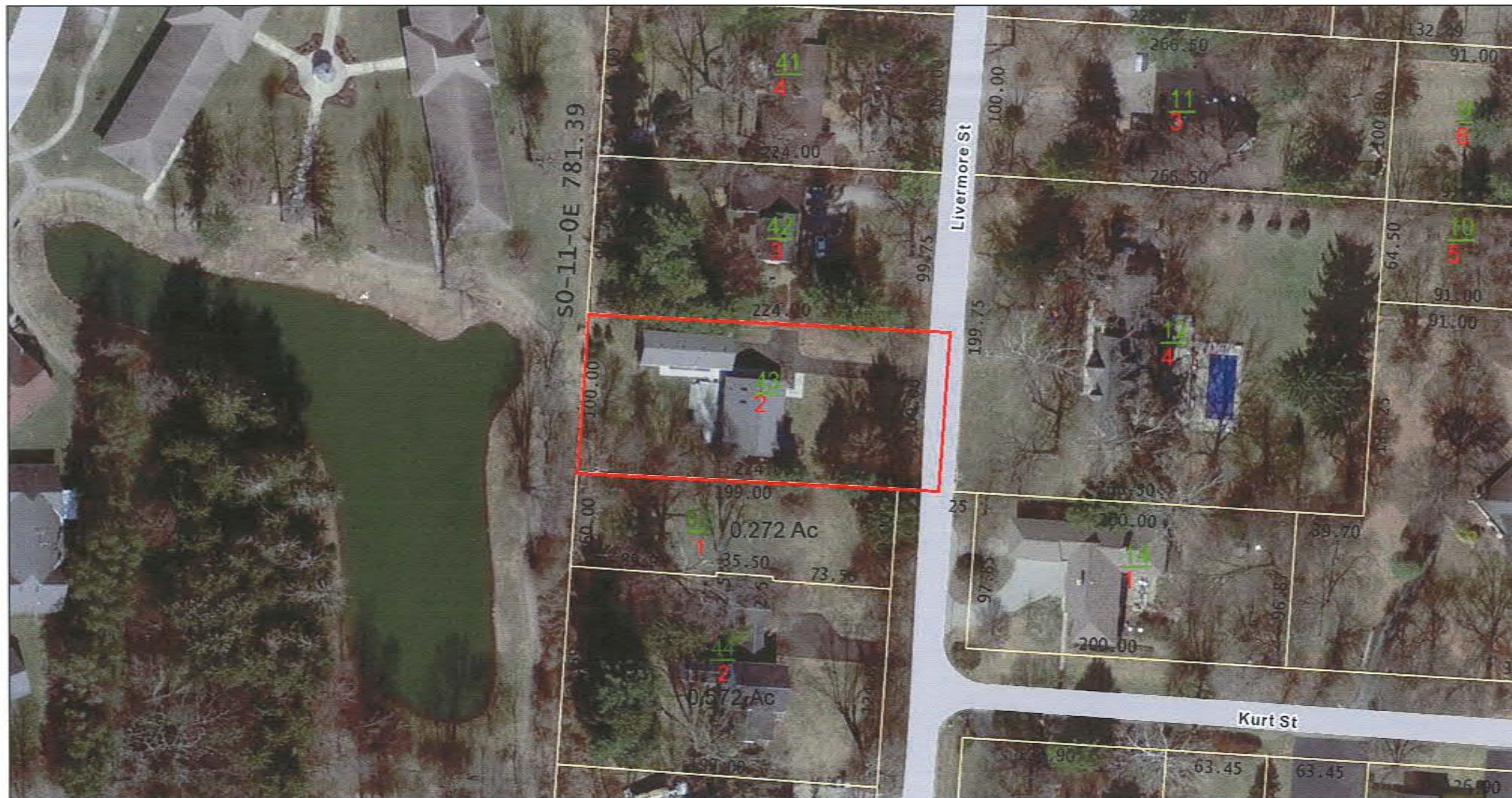


(F)



5

# Greene County, Ohio



Parcel ID: F19-0001-0007-0-0043-00

Tax Year: 2016

Card: 2 of 2

Owner: CURLISS LAURA A

Mailing Name/Address:

CURLISS LAURA A

1118 LIVERMORE ST

YELLOW SPRINGS OH 45387

Tax District: F19 - YELLOW SPRINGS VIL

Description: RICHARDS 1 ALL .514A

LOT 2

1118 LIVERMORE ST

Property Address: 1118 LIVERMORE ST

Class: R - SINGLE FAMILY DWELLING, PLATTED LOT

Map/Routing: 0007.00 061.00

Neighborhood: 00128.000

Parcel Tieback:

## LAND DATA

Desc	Type	Effective Frontage	Depth	Square Footage	Acres	Value
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## SALES DATA

Sale Date	Type	Amount	Source
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## DWELLING DATA

Style	RANCH	Total Rooms	2	Masonry Trim Area	
Story Hgt	1.00	Bedrooms	1	Unfin Area	
Construct	BRICK	Family Rms	0	Rec Room Area	
Year Blt	1950	Full Baths	0	Fin Bsmt Area	
SFLA	508	Half Baths	0	WBFP Stacks	Open
GFLA	508	Add'l Fixt	0	Bsmt Garage # Cars	
Basement	NONE	Total Fixt	0	Misc Desc	
Heating	NONE	Bath Remod	NO	Misc Desc	
Heat Fuel	NONE	Kitch Remod	NO	Condo Level	
Attic	NONE			Condo Type	
Int vs Ext	2				

## VALUES

Land Value	Bldg Value	Total Value	Value Date
------------	------------	-------------	------------

Appraised  
Assessed (35%)

## TAXES

Delinquent	1st Half	2nd Half	Total
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## PROPERTY FACTORS

Topography	Utilities	Street/Road	Traffic
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LEVEL ALL PUBLIC PAVED LIGHT

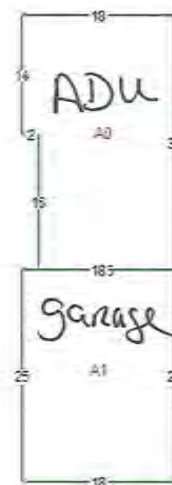
## ADDITION DATA

#	Lower	First	Second	Third	Area
---	-------	-------	--------	-------	------

A0 MAIN BUILDING 508  
A1 MASONRY GARAGE 450

## OTHER BUILDING &amp; YARD ITEMS

Description	Yr Blt	Area	Rate	Units	Value
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TO: Planning Commission  
RE: Pocket Neighborhood Developments  
DATE: May 1, 2017

Attached are the final changes to the text language for Pocket Neighborhood Developments as a conditional use in the zoning code.

This has been a long process, beginning last September, when it was first introduced to the Planning Commission. Your work on this over the last seven months is much appreciated. Once the various sections of the code have been approved by the Planning Commission, an ordinance will be created for each specific section. It will then be placed on Council's agenda.

I would like to suggest having at least one or more representatives from the Planning Commission present at this Council meeting when it is introduced. I am not certain of the date of this Council meeting, but will be sure to let all members know when it is on Council's agenda for a first reading. In the meantime, we might want to have a brief discussion with our Council representative to the Planning Commission, Gerry Simms, regarding the introduction of this proposed legislation to Council ahead of time.

Respectfully submitted,

Denise Swinger  
Planning & Zoning Administrator

## **1226.06 DESIGN STANDARDS.**

### **(a) Undeveloped Land.**

(1) **Streets.** Streets shall conform to the Official Thoroughfare Plan of the Village of Yellow Springs and shall be dedicated by the owner. Pavements of streets and construction of curbs, gutters, associated storm sewers, driveway aprons and water and sanitary sewer systems, shall be according to Greene County specifications, especially those found in Article 8 of the Subdivision Regulations of Greene County, Ohio, as amended. Calculation of potential runoffs and the storm sewer system so dictated shall be arrived at using the methods provided for in the "Run-off Control/Sediment Abatement Resolution, Greene County, Ohio."

Estate streets, as designed according to Appendix A following the text of these Subdivision Regulations and by the applicable specifications contained in the Subdivision Regulations of Greene County, Ohio, as amended, may be authorized by the Planning Commission as a variation, in accordance with Section [1226.10](#), for the construction of local streets, when the following conditions can be met:

A. All lots fronting on the proposed estate street must collectively average 100 feet of frontage.

B. A storm water plan for the entire subdivision, prepared by a licensed engineer at the expense of the subdivider, shall be formally approved by a Village- designated engineer;

C. Driveway connections crossing drainage swales must conform to Greene County specifications complete with concrete headwalls as called for by Sections 816 and 817 of the Greene County Subdivision Regulations, as amended. These crossings are to be an integral part of the stormwater management plan as to location, grade and size.

(2) **Alleys.** Alleys shall be twenty feet in width. Alleys shall be paved and constructed according to Greene County specifications. Dead-end alleys are prohibited.

(3) **Sidewalks.** Sidewalks at least four feet in width shall be required along all public streets unless the estate street design is being utilized. The Planning Commission may require sidewalks along estate streets if they are deemed necessary.

Sidewalks along local streets shall be provided as required by the Commission and may include use of "black top" in lieu of concrete and of one-side-of-the-street installation. Such sidewalks shall meet sidewalk construction specifications approved by the Village of Yellow Springs.

(4) **Easements.** Easements with right-of-way widths up to ten feet, as required, shall be provided on rear lot lines and along side lot lines in addition to those required by the developer.

(5) **Lots.** Every lot shall abut on a street and double frontage lots shall be avoided except where such lots will reduce curb cuts on heavily traveled thoroughfares. Area, dimensions and layout of lots shall be in conformity with the Zoning Code and applicable provisions of Article 5 of the Subdivision Regulations of Greene County, Ohio, as amended, excluding Section 518(G). Uncommon lot configurations may be incorporated into a development where such division poses no apparent nuisance and the Commission deems it appropriate. Approval of such lots shall be granted upon review of the following additional criteria:

A. Adequate access to such lots is provided and poses no nuisance to adjoining lots. Adequate access shall accommodate emergency needs, parking and any other requirements specific to the location.

B. The relation to the adjoining lots is acceptable in that required setbacks can be maintained, adequate privacy is preserved and apparent nuisances (light, noise) are avoided.

C. A minimum frontage of twenty feet shall be required for all such lots.

D. Uncommon lot configurations are permitted access on local streets only.

(6) Street trees. All subdivisions shall contain plans for tree planting along public streets of the new development. The following guidelines shall be followed:

A. Tree selection shall be taken from the Yellow Springs street tree recommended list, contained in Appendix B following the text of these Subdivision Regulations.

B. Existing trees over two inches in caliper may be used to satisfy these requirements.

C. The minimum size (trunk caliper) for new trees shall be no less than one and one-half inches.

D. The developer shall be required to maintain the trees for one year after the trees are planted and to replace any tree that dies within such one-year period. At the end of one year, the trees become the responsibility of the Village of Yellow Springs.

E. The spacing between large trees (a mature height of fifty feet) shall be forty-five to fifty feet; the spacing between medium trees (a mature height of thirty feet to fifty feet) shall be thirty-five to forty feet, and the spacing between small trees (a mature height of ten to thirty feet) shall be twenty-five to thirty feet.

F. Tree location shall be at least twenty feet from street intersections, twenty-five feet from utility poles and ten feet from fire hydrants.

G. Tree lawns shall be a minimum of six feet.

(7) Interior landscaping. All subdivisions shall include an interior landscaping plan that shall consist primarily of new tree planting or the preservation of existing trees and/or hedges within the development site.

A. Preservation of existing landscaping materials. All trees having a trunk diameter of six inches or greater, as measured twenty-four inches from ground level, shall be preserved unless such trees are exempted as follows:

1. Trees within public rights-of-way or utility easements, or a temporary construction easement as approved by the Planning Commission;

2. Trees within the ground coverage of proposed structures or within twelve feet from the perimeter of such structures;

3. Trees within the driveway access to parking or service areas or proposed areas to service a single-family home;

4. Trees that, in the judgment of the Village Tree Committee or some other agent with similar expertise, are damaged, diseased or overmature, interfere with utility lines or are an inappropriate or undesirable species for the specific location.

B. Preservation of exempted trees. It is encouraged that exempted trees subject to destruction be preserved by relocation and replanting whenever possible.

C. Tree planting requirements for all new developments. The following landscape requirements shall apply:

Use	Requirements
All residential, residential <b>PUD</b> and PND, and residential site plan review districts.	Tree plantings equal to one-half inch in tree trunk size for every 150 square feet in ground coverage by a single-family structure. Such plantings shall be required within the property lines of each structure.
Educational Institution, Office/ Research and General Business Districts.	In addition to the requirements of <a href="#">Ch. 1264</a> , landscaped areas equal to 100 square feet for 1,000 square feet of building ground coverage or fraction thereof. Such landscaped areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches or other materials designed and located complementary to the structures.
Light Industrial, commercial and industrial <b>PUD</b> .	In addition to the requirements of <a href="#">Chs. 1254</a> and <a href="#">1264</a> , there shall be plantings equal to one inch in tree size for every 2,000 square feet of building ground coverage or fraction thereof.

D. New tree plantings. If new tree plantings are required for conformance to the landscaping requirements of this chapter, the applicant shall indicate on the landscape plan the location and size of such tree plantings. If such landscape plan is approved, the applicant shall plant such trees within one year or at the next planting season after issuance of a building permit.

(b) Land Abutting Existing Streets. Where lots are platted along an existing street, the developer may be required to improve the street and storm sewer, water and sanitary sewer systems and facilities and to provide sidewalks and street trees as specified in subsection (a) hereof insofar as such improvements are applicable.

(Ord. 91-12. Passed 12-2-91; Ord. 94-9. Passed 6-6-94.)

**TEXT AMENDMENT – ADDING POCKET NEIGHBORHOOD DEVELOPMENTS TO  
RESIDENTIAL A, B AND C**

<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>
<b>Residential</b>				
Accessory dwelling unit	C	C	C	Section <a href="#">1262.08</a> (e)(1)
Accessory buildings, structures and uses	P	P	P	Section <a href="#">1260.04</a>
Bed and breakfasts	C	C	C	Section <a href="#">1262.08</a> (e)(2)
Boarding homes			C	Section <a href="#">1262.08</a> (e)(3)
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	
<u>Dwellings, Pocket Neighborhood Developments</u>	<u>C</u>	<u>C</u>	<u>C</u>	Section 1262.08 (e)(7)
Dwellings, single-family detached	P	P	P	
Dwellings, two-family		P	P	
Short-term rental units	C	C	C	Section <a href="#">1262.08</a> (e)(6)

# **TEXT AMENDMENTS FOR SPATIAL REQUIREMENTS OF CERTAIN DWELLINGS AND POCKET NEIGHBORHOOD DEVELOPMENTS**

## **1248.03 SPATIAL REQUIREMENTS.**

(a) All lots and buildings shall meet the minimum area and width requirements of [Table 1248.03](#). New lots shall not be created, except in conformance with these requirements.

<i>Table 1248.03 Lot and Width Requirements: Residential Districts</i>		
<b>Zoning District</b>	<b>Minimum Lot Area (Sq. Ft.)<sup>1</sup></b>	<b>Minimum Lot Width (Ft.)</b>
<b>R-A, Low-Density Residential</b>	<b>7,500<sup>2</sup></b>	<b>60</b>
<b>R-B, Moderate-Density Residential</b>	<b>6,000<sup>23</sup></b>	<b>50</b>
<b>R-C, High-Density Residential</b>	<b>4,800<sup>34</sup></b>	<b>40</b>
<p>1 Public water and sanitary sewer is required for all property in these districts.</p> <p>2 <u>Pocket neighborhood developments are permitted a density up to 6 units per acre.</u></p> <p>23 <u>Two-family, attached single-family dwellings, multi-family dwellings and pocket neighborhood developments</u> are permitted a density up to 8 units per acre.</p> <p>34 <u>Two-family, attached single-family, multi-family dwellings and pocket neighborhood developments</u> are permitted a density up to 14 units per acre.</p>		



## TEXT AMENDMENT FOR POCKET NEIGHBORHOOD DEVELOPMENTS

### 1260.04 USES.

(d) Principal Use per Lot. A lot or parcel shall not be devoted to more than one principal use, or contain more than one principal building, except for groups of multiple family dwellings, agricultural buildings, approved mixed use developments, Planned Unit Developments (PUDs), Pocket neighborhood developments (PNDs), or commercial or industrial buildings determined by the Planning Commission to be a principal use collectively, based on meeting all of the following criteria:

- (1) Individual buildings share common parking areas, signs, access and similar features;
- (2) Buildings are under single ownership;
- (3) Individual activities support one another (such as auto sales/vehicle repair or gas station/restaurant/convenience store); or
- (4) Buildings are architecturally unified and compatible.

## **CHAPTER 1262**

### **Conditional Use Requirements**

#### **1262.08 SPECIFIC REQUIREMENTS.**

(e) Residential.

(6) Pocket Neighborhood Developments (PNDs).

The following regulations apply to Pocket Neighborhood Developments (PNDs):

A. Location:

1. Pocket Neighborhood Developments may be considered in only the three residential districts; Residential A ó Low Density Residential District.
2. Residential B ó Moderate Density Residential District
3. Residential C ó High Density Residential District.

B. Density and Minimum Lot Area:

1. In Residential A, the permitted density shall be a maximum of 6 units per acre.
2. In Residential B, the permitted density shall be a maximum of 8 units per acre.
3. In Residential C, the permitted density shall be a maximum of 14 units per acre.
4. The minimum lot area for a PND is equal to the minimum lot requirements for the corresponding residential district.
5. On a lot to be used for a PND, the lot size maximum must be under five acres.
6. On a lot to be used for a PND, a minimum of 4 dwelling units around a common open space area are required.
7. 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 count towards the minimum of 4 dwelling units as noted in section B. 6.*

C. 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.

D. Lot Coverage

1. The maximum lot coverage permitted for principal and accessory structures in PNDs shall be limited to that allowed in the corresponding residential zoning district. *Because PNDs shall be located on one lot under the control of a Home Owner's Association (HOA), and the developer and/or the Greene County Engineer determines the lot area for each individual dwelling unit, these individual lot area measurements will be used to determine future accessory structures.*

E. Yard Setbacks

1. 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.
2. Frontage on a public street is not required for individual lots in a PND provided that the Planning Commission determines through the site review process that the development provides for adequate access to the lot via easements, shared driveways or other means.

F. Required Common Open Space

1. 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.

G. Parking

1. One and one-half spaces per dwelling unit shall be required.
2. Location:
  - a. 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 Zoning Code. Parking areas are excluded from the calculations of common open space.

H. Lighting

1. Lighting fixtures shall be equipped with cutoff elements to direct light downwards and prevent light spill or trespass beyond the boundaries of the individual dwelling unit lot areas.

I. Utilities

1. A Utility Vault will be required where all meters can be located.

J. Other PND Standards:

1. 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 two-family dwellings.
2. Accessory structures shall be allowed and must not exceed 66 percent of the primary dwelling unit or 800 square feet, whichever is less, and must be outside of the required exterior setback. Accessory structures cannot be located between road frontages and dwelling units.
3. Accessory Dwelling Units (ADUs) shall not be allowed in PNDs.
4. A PND shall be located on one lot with all common open space under the control of a Homeowner's Association (HOA). Prior to final plat approval, the developer will provide a set of conditions, covenants and restrictions (CC&Rs) for the Pocket Neighborhood Development, which shall be reviewed and if approved by the Village of Yellow Springs, 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 Pocket Neighborhood Development.
5. The dwelling units may be individually owned or rented with no more than 50 percent rentals.
  6. A Level B site plan review is required for approval of the Pocket Neighborhood Development conditional use. *Prior to submittal to the Planning Commission, the Level B site plan shall be reviewed by a designated Village of Yellow Springs engineer with a written report of findings submitted to the Planning Commission.*
  7. Pedestrian pathways must be included to provide for movement of residents and guests from parking areas to homes and other amenities. These pathways must be shown on the site plan and be part of the common areas/tracts.
  8. Other considerations not addressed specifically, shall follow the requirements of the Yellow Springs Zoning Code.



## TEXT AMENDMENT FOR POCKET NEIGHBORHOOD DEVELOPMENTS

<i>Table 1264.02 Parking Requirements by Use</i>	
<i>Use</i>	<i>Number of Parking Spaces</i>
<b>Residential Uses</b>	
Accessory dwellings	1 space per dwelling unit.
Bed and breakfast	2 for the owner/operator and 1 per leasable room.
Boarding or rooming house	1 space per 2 beds, plus 2 additional spaces for owner or employees.
Dormitories, fraternities and similar student housing	1 per 3 occupants, plus 1 per 2 full-time equivalent employees.
Group homes, juvenile and adult	1 per 4 occupants.
Multiple-family residential dwellings	2 spaces per dwelling unit, except in B-1 District (downtown) where 1 per dwelling unit is required.
<u>Pocket Neighborhood Development</u>	<u>1.5 spaces per dwelling unit.</u>
Senior apartments and senior independent living	1.25 spaces per unit. Should units revert to general occupancy, the requirements for multiple family dwellings shall apply.
Single-family and two-family dwellings	2 spaces per dwelling unit.

## TEXT AMENDMENTS FOR POCKET NEIGHBORHOOD DEVELOPMENTS

### 1284.03 DEFINITIONS: C-D.

**Canopy.** A rigid, permanent cover over a walkway, attached to a building (see "awning").

**Carport.** An accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides and designed or used for the storage of motor vehicles.

**Certificate of occupancy.** A permit authorized and issued by the Zoning Administrator certifying that the use of the building or land in question is in conformity with this code or that a legal variance has been approved.

**Church (place of worship).** A building or structure or group of buildings or structures that, by design and construction, are primarily intended for conducting organized religious worship services. Associated accessory uses include, but are not limited to, classrooms, meeting halls, indoor and outdoor recreational facilities, day care, counseling and kitchens.

**Clinic.** An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical professionals, psychologists or social workers.

~~**Cluster housing.** An arrangement that allows detached dwelling units to be grouped in such a way as to trade the open space usually surrounding individual structures for common open space.~~

**Code.** The Zoning Code of the Village of Yellow Springs, Title Four, Zoning, of Part Twelve, the Planning and Zoning Code of the Yellow Springs, Ohio Code of Ordinances.

**Cohousing.** A type of intentionally developed community composed of private dwellings, supplemented with shared facilities such as common open space, parking, cooking, dining, recreation, gardening, child care, offices and internet access. Decisions are generally made by consensus of the owners within the cohousing community.

#### **Commercial vehicle.**

(1) Vehicles, owned by and registered to a business or organization, used to transport commercial goods or materials or used to provide a commercial service;

(2) Tractor cabs used for hauling semi-trailers;

(3) All vehicles, including passenger vehicles, affixed with signs advertising or identifying an establishment, product, service or activity;

(4) Mobile mechanized equipment, such as cranes, bulldozers, trenchers, tractors, compressors and similar equipment.

**Commission.** The Planning Commission.

**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, streets right-of-way, exterior setbacks, driveways, required yards and utility easements, except for recreational structures, and which is outside of streams, wetlands and their buffers, and which is generally for the purpose of active or passive recreation.

**Community garden.** One or more plots of land gardened collectively by a group of people.

**Comprehensive Plan.** The document adopted by the Planning Commission and/or Village Council which establishes the goals, objectives and policies related to future land use and the general location and extent of present and proposed community facilities.

**Conditional use.** A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the Planning Commission and subject to special requirements which are in addition to those usual requirements for the district in which the conditional use may be located.

**Conservation area.** An environmentally sensitive land protected from activities that would significantly alter its ecological integrity, balance or character.

**Conservation easement.** An easement granting the right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open or wooded condition.

**Continuing care retirement community.** A facility or complex of buildings and structures designed for and occupied by persons 55 years or older and persons with disabilities that provides a range of housing and lifestyle choices, including independent living, assisted living and skilled nursing care in an integrated system.

**Council.** The Village Council.

**Day care, family.** A private home in which one, but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption.

**Day care, group.** A private home in which seven, but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption.

**Density, gross.** The number of dwelling units meeting the minimum area requirements of the district to be located on a parcel of property, divided by the total acreage of that property.

**Density, net.** The dwelling unit density of a particular area measured by the number of dwelling units meeting the minimum area requirements of the district divided by the total number of acres, excluding public rights-of-way and private easements.

**Dormitory.** A building used as group living quarters for a student body, religious order or other group as an accessory use to a college, university, boarding school, orphanage, convent or

other similar use. Kitchen facilities are not provided in each room/unit but there may be a group kitchen facility to serve all residents.

**Drain.** A watercourse, gully, dry stream, creek, ditch or pipe which carries storm water runoff.

**Drive-in or drive-thru facility.** An accessory use for a business (such as a bank, restaurant, dry cleaners or pharmacy) where the delivery of customer services is done, usually from within the building via a service window while patrons are in their motor vehicle.

**Dwelling:**

(1) Dwelling, multiple family. A building designed for occupancy by three or more families living independently of one another.

(2) Dwelling, single-family. A detached building designed exclusively for and occupied exclusively by one family.

(3) Dwelling, single-family attached. A multiple-family building containing at least three dwelling units; in which each unit has its own front and rear access to the outside on the ground floor; and where units share one or more common walls but not a common floor/ceiling

(4) Dwelling, two-family. A building consisting of two dwelling units or designed for or used by two families or housekeeping units living independently of one another. May also be referred to as a duplex.

(5) Dwelling, manufactured home. See "manufactured home."

(6) Dwelling, Pocket Neighborhood Development (PND). A detached building designed as part of a group of dwelling units that are individually owned, trading individual open space for common open space and for which each unit is occupied exclusively by one family.

**Dwelling unit.** A permanent building or portion of a building, having cooking and sanitary facilities, designed or used exclusively for residential occupancy by one family as a single housekeeping unit, but not including hotels/motels, recreational vehicles, tents or portable buildings.

(Ord. 2013-19. Passed 9-16-13.)



## TEXT AMENDMENTS FOR POCKET NEIGHBORHOOD DEVELOPMENTS

### 1284.05 DEFINITIONS: H-I-J-K.

**Hazardous substances.** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or coming in contact with the material that is regulated by a governmental agency.

**Historic structure.** Any structure that is:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by:

A. An approved state program, as determined by the Secretary of the Interior; or

B. Directly by the Secretary of the Interior in states without approved programs.

**Home occupation.** An occupation or profession conducted, as an accessory use in a dwelling or a detached accessory building on the same lot as a principal dwelling, by a member or members of the resident family and which is clearly accessory and incidental to the residential use of the lot. Also referred to as a "home-based business."

**Homeowners Association (HOA).** An organization of homeowners of a particular subdivision, condominium, planned unit development or pocket neighborhood development whose purpose is to provide a common basis for preserving maintaining and enhancing their homes and property.

**Hotel/motel.** A building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. A hotel (as distinct from a motel) contains a central interior lobby and provides daily room cleaning and linen changes. Other supportive facilities may also be included such as, but not limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities and similar facilities/services intended principally to serve registered guests.

**Impervious surface.** Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land.

**Junk.** Any motor vehicles, machinery, appliances, products or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

**Junk yard.** An establishment or place of business which is maintained or operated for the purpose of storing, keeping, buying or selling scrap or salvageable materials, including dismantled vehicles, or for the maintenance or operation of an automobile graveyard.

**Kennel.** Any premises used to board, breed, sell, train or treat more than three dogs, cats or other domestic pets who are more than six months old.

(Ord. 2013-19. Passed 9-16-13.)

## TEXT AMENDMENTS FOR POCKET NEIGHBORHOOD DEVELOPMENTS

### 1284.07 DEFINITIONS: O-P-Q.

**Open space.** An area of land unoccupied by buildings, structures, storage or parking areas, except for recreational structures and which is generally for the purpose of active or passive recreation, environmental protection, preservation of scenic views or similar purposes. "Open space" does not include street rights-of-way or easements, or required yards.

**Outdoor storage.** Storing equipment, supplies, material, goods, products, inventory or other such items on property in a commercial or industrial district. This shall not apply to storage or keeping of yard equipment, firewood, play equipment or other items normally incidental to a residential use on the same property.

**Overlay zone.** A special purpose zoning district that encompasses all or a portion of one or more underlying zones and imposes additional requirements beyond those of the underlying zone(s).

**Parking lot.** An area not within a building where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking.

**Parking space, off-street.** An area of required size, exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one motor vehicle and having direct unobstructed access to a street or alley, but located totally outside of any street or alley right-of-way.

**Permitted use.** A use by right which is specifically authorized in a particular zoning district.

**Person.** A firm, association, organization, partnership, trust, company or corporation, as well as an individual.

**Personal services.** An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, barber and beauty shops, watch repair, tailors and shoe repair shops.

**Planned unit development.** A lot or parcel of land, developed as a unit under single ownership or unified control that is unique and incorporates one or more of the following: a variety of uses, varied density of development, dedicated open space, preservation of significant natural features, reduced lot sizes or similar attributes.

**Planning Commission.** The Planning Commission of the Village.

**Pocket Neighborhood Development.** - a type of planned community which consists of a clustering of smaller residences or dwelling units that are individually owned, around a courtyard or common open space area, and designed to promote a sense of community and neighborliness through an increased level of contact on a single lot under the control of a Homeowners Association (HOA).

**Principal use.** The main or primary use of land or structures, as distinguished from a secondary or accessory use.

**Public utility.** Any person, firm, corporation, municipality, board or commission duly authorized to furnish, under Federal, State or Municipal regulations, to the public electricity, gas, steam, communications (excluding wireless communications), telephone, transportation, sewer or water services; provided that this definition shall not include any person, firm or corporation engaged in radio or television broadcasting.

(Ord. 2013-19. Passed 9-16-13.)