

**VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION**

The Village of Yellow Springs Planning Commission will meet in regular session on Monday, May 14, 2018 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 9, 2018

Minutes of April 24, 2018 Special Work Session

CONSENT AGENDA

Minor Subdivision and replat of two properties located at 450 Allen Street -Parcel ID #F19000100160001300, property owner: Mary Jane Short, and 1212 Corry Street-Parcel ID #F19000100160008000, property owners: Timothy Barhorst and Barbara Zulliger.

COMMUNICATIONS

Antioch Proposal for PND

Housing Documents from Housing Advisory Board (3 items which were compiled and presented to Council on 5/7/18)

COUNCIL REPORT

CITIZEN COMMENTS

PUBLIC HEARINGS:

Conditional Use Application – Carol Gifford and Daniel Merfeld, owners of 102 Pleasant Street in the R-B, Moderate Density Residential District, are seeking approval for an accessory dwelling unit. Parcel ID #F19000100110014400

Conditional Use Application ó Steven and Stacey Wirrig, owners of 335 Orton Road in the R-A, Low Density Residential District, are seeking approval for an accessory dwelling unit. Parcel ID#F19000100160003100

OLD BUSINESS

Minimum Lot Frontages

RVs/Tiny Homes/Mobile Homes

RV parking

Review of the Comprehensive Land Use Plan

NEW BUSINESS

AGENDA PLANNING

ADJOURNMENT

**Planning Commission
Regular Meeting Minutes**

Council Chambers 7:00pm

Monday, April 9, 2018

CALL TO ORDER

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

ROLL CALL

Planning Commission members present were Rose Pelzl, Chair, Council Representative Marianne MacQueen, Frank Doden, Susan Stiles and Ted Donnell. Also present were Denise Swinger, Zoning Administrator, and Chris Conard, Village Solicitor.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Minutes of March 12, 2018 were reviewed. Stiles MOVED to ADOPT THE MINUTES AS WRITTEN. Doden SECONDED and the MOTION PASSED 5-0.

COMMUNICATIONS

There were no communications.

COUNCIL REPORT

MacQueen noted that Council had heard the first reading of three ordinances related to mobile food trucks. She also noted Council's emergency reading of an ordinance setting underground utility locations for the purpose of limiting small cell tower placement within the Village.

Conard expanded upon this information, explaining the purpose of the legislation, noting that the emergency reading had to do with the timing of the passage of the bill in the Ohio legislature.

MacQueen noted the housing initiative, noting that the Community Conversations are underway. She asked that PC hold a discussion soon as to what aspects of the housing initiative PC would weigh in on.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS:

Conditional Use Application of Jake Brummett of Trail Town Brewing at 101 Corry Street in the B-1, Central Business District, is seeking approval for a mobile vending food truck. Parcel ID # F19000100100005100.

Swinger introduced the hearing, noting that Brummett has encountered a number of delays as he seeks to prepare 101 Corry Street for his new business.

Mr. Brummett is leasing the building for a new brew pub, Trail Town Brewing. While waiting for the renovations to meet Greene County's health and building codes, he wishes to showcase the menu established with the owner of the Flying Pepper. As stated in his application, "Due to additional plans wanted by Greene County, we will be delayed a couple more months." Mr. Brummett is asking to have the Flying Pepper food truck available during the hours he previously requested for his brew pub, which is seven days a week from 11:00AM to 10:00 PM. The food truck will leave the premises each evening after closing. He does not expect it to operate that often but wants the flexibility of that time frame. According to Mr. Brummett, the Red Pepper food truck will not be parked overnight.

Brummett described some of the delays he has encountered, all due to longstanding maintenance and upgrade needs.

Brummett described the location in which the truck would be parked, and asked whether the truck could be present during Street Fair. Brummett confirmed that the truck would be removed each night.

PC members asked about the use of the food truck during Street Fair, opining generally that there should be no difference on Street Fair day than on any other day, if permission is granted for the truck.

Donnell commented that Brummett should not put a time limit on his request, and simply ask permission for a food truck at that location.

Pelzl OPENED THE PUBLIC HEARING. There being no comment, Pelzl CLOSED THE PUBLIC HEARING.

Stiles MOVED TO APPROVE THE CONDITIONAL USE PERMIT AS REQUESTED, FOR A MOBILE VENDING FOOD TRUCK. MacQueen SECONDED, and then MOTION PASSED 5-0 on a ROLL CALL VOTE.

Text Amendment ó The Village of Yellow Springs is applying for an amendment to the Streets, Utilities and Public Service Code for the use and maintenance of Village rights-of-way:

Amend Chapter 1020.04 Maintenance Requirements ó changing the maximum height of plant growth.

Swinger described the amendment as follows:

Owners of property adjoining any right-of-way are hereby required to maintain such right-of-way in a clean, sanitary and safe condition. This shall include, but not be limited to:

- (a) Keeping all plant growth cut to a height not to exceed twelve nine inches;
- (b) Keeping all trees and shrubs trimmed to permit free use of streets, sidewalks and bikepaths and to avoid obstruction of the vision of users of such facilities;
- (c) Maintaining in good condition and to original grade, all drainage swales, culverts under private drives and related storm drainage facilities.

Swinger explained that the nine inch requirement was changed in the weed ordinance in 2017. This was recently discovered in the Right of Way section of the codified ordinances. The text amendment will keep the language consistent throughout the Codified Ordinances.

Pelzl OPENED THE PUBLIC HEARING. There being no comment, Pelzl CLOSED THE PUBLIC HEARING

Donnell MOVED to APPROVE the TEXT AMENDMENT AS PROPOSED. Stiles SECONDED.

Pelzl CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Text Amendments -The Village of Yellow Springs is applying for text amendments to the zoning code to correct errors or further clarify the language:

- a. Amend Chapter 1248.01 (a) R-A, Low Density Residential District ó removing the word “approximate” to density requirements.

Swinger explained the text amendment as follows:

The R-A District is intended to accommodate single-family residential subdivision and infill development at densities of up to approximately six units per acre, along with related uses.

Swinger noted that removal of the word “approximately” is the amendment in this case, since the word is not necessary when densities of up to 6 units per acre are already stated.

Pelzl OPENED THE PUBLIC HEARING. There being no comment, Pelzl CLOSED THE PUBLIC HEARING.

Donnell MOVED to APPROVE the TEXT AMENDMENT AS PROPOSED. MacQueen SECONDED.

Pelzl CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

- b. Amend Table 1250.03a Dimensional Requirements: Business Districts ó correcting an error from side yard to rear yard.

Swinger noted that this amendment corrects a typographical error ó the footnote should state “rear yard”, not “side yard”.

Pelzl OPENED THE PUBLIC HEARING. There being no comment, Pelzl CLOSED THE PUBLIC HEARING.

Stiles MOVED to APPROVE the TEXT AMENDMENT AS PROPOSED. Doden SECONDED.

Pelzl CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

c. Amend Chapter 1260.04 (a) (6) Uses: Accessory Buildings and Structures ó adding the word "gross" to floor area to match the definition for calculating the size.

Swinger noted that this amendment inserts the word "gross" to better define calculation of floor area, as below:

Inserting the word "gross" which can be found in the definitions, further clarifies how the primary building's floor area is calculated. See definition below:

Floor area, gross. The sum of the horizontal area of the several floors of a building, measured from the interior faces of the exterior walls.

Pelzl OPENED THE PUBLIC HEARING. There being no comment, Pelzl CLOSED THE PUBLIC HEARING.

Doden MOVED to APPROVE the TEXT AMENDMENT AS PROPOSED. Pelzl SECONDED.

Pelzl CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

d. Amend Chapter 1262.02 (b) Procedures for Public Notices ó changing the responsible official from the Clerk of Council to the Planning & Zoning Administrator.

Swinger commented that the zoning code presently identifies the administrator responsible for notifications as the Clerk of Council, and this should be amended to identify the Planning and Zoning Administrator as the responsible party.

Pelzl OPENED THE PUBLIC HEARING. There being no comment, Pelzl CLOSED THE PUBLIC HEARING.

Stiles MOVED to APPROVE the TEXT AMENDMENT AS PROPOSED. MacQueen SECONDED.

Pelzl CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

e. Amend Chapter 1262.08 (e) (1) Conditional Use Requirements Specific Requirements for Residential Accessory Dwelling Units ó changing the requirement of a microwave oven and stove.

Swinger reminded PC that they had requested this change so that ADUs are required to contain either a stove or a microwave, but are not required to have both.

Pelzl OPENED THE PUBLIC HEARING. There being no comment, Pelzl CLOSED THE PUBLIC HEARING.

MacQueen MOVED to APPROVE the TEXT AMENDMENT AS PROPOSED. Stiles SECONDED.

Pelzl CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

f. Amend Chapter 1266.03 Permitted Signs ó Adding an exemption to the maximum number of signs not visible from the street or public property

Swinger noted a recent request for interior directional signs for a multi-unit facility, stating that she would like the latitude to determine whether a conditional use hearing is required on a case by case basis, based upon the following proposed amendment:

The Zoning Administrator may exempt the maximum requirement if a site visit determines the location of the signs will not be visible from the street or public property.

Pelzl OPENED THE PUBLIC HEARING. There being no comment, Pelzl CLOSED THE PUBLIC HEARING.

This engendered discussion, as Pelzl wondered about abutting private property, and expressed concern about potential neighborly aggression.

Donnell suggested that the sign ordinance cover those signs in the front yard, but not those located in the side and rear yards.

Donnell pointed out that the definition of a ground sign indicates its location in the front yard.

Donnell commented upon the purpose of a sign, noting that an interior sign is likely to be directional, and wondered how the zoning code could presume to have jurisdiction over an interior sign.

Donnell noted that the zoning code was meant to address sign pollution along streets.

Swinger asked for clear guidance as to when she is able to administratively approve signs.

Swinger noted that the sign code is highly regulatory.

Donnell commented that he is not pleased with the sign section of the zoning code.

Donnell suggested making the currently suggested change, with the agreement that the section in its entirety will be examined at a later date.

Stiles MOVED to APPROVE the TEXT AMENDMENT AS PROPOSED. Donnell SECONDED.

Pelzl CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

g. Amend Chapter 1284.03 Definitions: C-D ó modifying the definitions of density and how to calculate dwelling units per acre.

Swinger noted the current definition of density in the zoning code, and suggested that this be amended as follows (in **bold** with suggested deletion of current language in ~~strike through~~):

~~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.~~

Swinger explained that Greene County has net density as the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding such areas as street rights-of-way, park and other similar uses.

Swinger suggested removing Density, gross and Density, net with the following definition added:

Density. Computed by multiplying the number of units allowed per acre in a district. Any fraction of an acre may be rounded up to the next acre, allowing additional density if meeting the minimum requirements of the district.

Pelzl OPENED THE PUBLIC HEARING. There being no comment, Pelzl CLOSED THE PUBLIC HEARING.

MacQueen MOVED to APPROVE the TEXT AMENDMENT AS PROPOSED. Pelzl SECONDED.

Pelzl CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

h. Amend Chapter 1284.08 Definitions: R-S: - adding solar panels to the sample listing of types of structures

Swinger noted that while she always considers solar panels as accessory structures, she would like them added to the list of defined structures to add greater clarity to the permitting process.

Pelzl OPENED THE PUBLIC HEARING. There being no comment, Pelzl CLOSED THE PUBLIC HEARING.

MacQueenl MOVED to APPROVE the TEXT AMENDMENT AS PROPOSED. Stiles SECONDED.

Pelzl CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

OLD BUSINESS

Review of the Comprehensive Land Use Plan. Donnell made note of the Tipp City Comprehensive Land Use Plan, commenting that it provides an excellent guideline.

Swinger introduced her Intern, Makayla Grant, noting that it was she who had found the Tipp City document and had followed up with it, gathering information from the City Administrator about the process of the rewrite.

Doden elicited comment regarding who uses the document and for what purpose as a means of gaining a starting point for the rewrite process.

The group discussed prioritization of the sections, and discussed the sections they found most useful.

PC debated perhaps forming a sub-committee to move the work forward outside of regularly scheduled meetings.

PC members determined that a work session would best suit the need to spend an extended period of time on the matter.

April 24th from 6-8pm was decided upon.

Swinger's Intern, Makayla Grant, noted that one of the Managers she had contacted had recommended hiring a consultant to assist in writing the CLUP document.

PC discussed this possibility, and asked MacQueen to request funds from Council for the hiring of a consultant to be contacted later in the process.

NEW BUSINESS

Discussion regarding RV parking and RVs/Tiny Homes/Mobile Homes. Swinger introduced the subject as follows:

There have been a number of inquiries regarding recreational vehicles and/or tiny homes on wheels for use as a dwelling within the Village of Yellow Springs. The code could be much easier to interpret and staff is requesting that the Planning Commission review the related text to see if we can further define this use. At present, those inquiring are told a manufactured home such as a Unibilt which is on a permanent chassis is allowed, as long as it is permanently affixed to the ground and connected to Village utilities.

Donnell noted that mobile homes are on chassis, and are not on foundations and permanently connected to village sewer, water and electricity. Mobile homes are not permitted within the Village, he said, because they pose a danger. If the mobile home is affixed to a foundation it becomes a manufactured home rather than a mobile home.

PC discussed RV parking, and the limitation of 72 hours.

MacQueen declared her support for a mobile home park, and disputed the reason for disallowing these, stating that this is a class issue, not a safety issue.

Donnell and Stiles argued the point that there are serious safety issues regarding mobile homes in any high wind event.

Donnell noted the issue of wastewater, which is without a fixed connection in the case of a mobile home.

Stiles noted that it is the responsibility of the PC to consider the safety of the community as a whole.

MacQueen stated that there are people in the village living illegally in tiny homes on wheels and again declared that the prohibition on wheeled homes is classist.

Donnell adamantly argued that the reason for the building code is to assure public safety and is not a class issue.

Issues of heat and sanitation were discussed respective to public safety.

Swinger noted that the complaints she is getting are related to RV parking on the streets or in public lots. She stated that if the matter were enforced through the criminal or traffic code rather than the planning code, it would be more effectively enforced.

Swinger noted that trucks and construction equipment are not permitted to park on the street, but that boats and RVs are not covered in this.

Street parking of vehicles was discussed with regard to safety and obstruction.

The Clerk suggested that the matter go back through the Police Department for the specific concerns from their position so that Planning Commission has a clearer sense of what is being asked of them.

Conard suggested that staff prepare another report for the final meeting.

Discussion regarding Minimum Lot Frontages. Swinger explained the issue as follows:

With the update to the zoning code and the results of the visioning process directing growth through infill development, staff is seeing an increase in inquiries from residents asking staff what they can do with their properties. Each inquiry has its own unique circumstances and staff would like clarification of section 1260.02 (e) of the zoning code to ensure its intent is being correctly interpreted. Chapter 1260.02 (e) Minimum Lot frontage states:

Any lot created after the effective date of this code shall have frontage on an improved public street or approved private street or access easement, equal to the minimum required lot width in the zoning district in which it is located.

After discussion with the Village’s legal representative on how to interpret this section of the code, staff understands the minimum lot frontage in the following way:

Because a lot can have frontage on an access easement, as well as on a public or private road, a lot that sits behind another lot and has no access to the road can still be used as long as there is an access easement that runs along the new lot for the required distance/frontage in that district.

In trying to further understand this, staff asked if the access easement to the landlocked lot stops at the lot line boundary or does it extend the appropriate frontage width for that district along the landlocked lot line. For example, if the property line width for R-A requires 60-foot frontage, would the easement need to run an additional 60-feet in order to show that there is the required width along the landlocked lot? The answer was yes, it has to be extended 60-feet as there needs to be 60-feet of frontage within the easement.

Conard suggested that the matter be moved to a subsequent meeting.

Swinger stated that she would like PC input prior to trying to interpret the code on her own prior to a PC decision.

Swinger stated that she will bring her recommendations, based upon her discussion with Coolidge Wall.

Conard noted several issues raised regarding public safety.

Donnell commented that if minimum side-yard setbacks are enforced, that would ensure adequate emergency vehicle access.

AGENDA PLANNING

MacQueen stated that she would like to bring information for discussion regarding housing issues. A Work Session was set for April 24th from 6-8pm to begin work on the CLUP rewrite.

ADJOURNMENT

At 9:14pm, Stiles MOVED and MacQueen SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Rose Pelzl, Chair

Attest: Judy Kintner, Clerk

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

**Planning Commission
Special Meeting Minutes (Work Session)**

Council Chambers 6-8pm

Monday, April 24, 2018

CALL TO ORDER

The meeting was called to order at 6:04 P.M.

ROLL CALL

Planning Commission members present were Rose Pelzl, Chair, Council Representative Marianne MacQueen, Lisa Kreeger, Council Alternate, Frank Doden, Susan Stiles and Ted Donnell. Also present was Denise Swinger, Zoning Administrator.

REVIEW OF AGENDA

Doden confirmed that he would provide guidance through the process and proposed a front-to-back review of the CLUP with attention to the purpose and readership of each section.

WORK SESSION

Planning Commission reviewed the current CLUP both on its own relevance to the Village and those entities who use the Plan and in contrast to the Tipp City CLUP, which was provided as a reference.

The group discussed inclusion of various documents as either integrated into the document or as appendices.

Order of presentation was addressed.

Strengths of the current document were discussed, as well as appendices which should be either updated or removed.

Pelzl volunteered to work with local photographers to begin gathering photos of the Village which could be used in the updated CLUP.

The group agreed that more in-depth and more diverse historical information should be gathered for inclusion, and noted several local resources relevant to this purpose.

Stiles suggested that Doden and Donnell comprise the subcommittee to begin the rewrite.

AGENDA PLANNING

Doden and Donnell agreed to begin revision work.

ADJOURNMENT

At 8:01pm, MacQueen MOVED and Stiles SECONDED a MOTION TO ADJOURN. The MOTION PASSED 6-0 ON A VOICE VOTE.

Rose Pelzl, Chair

Attest: Judy Kintner, Clerk

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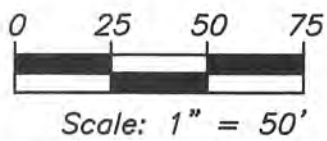
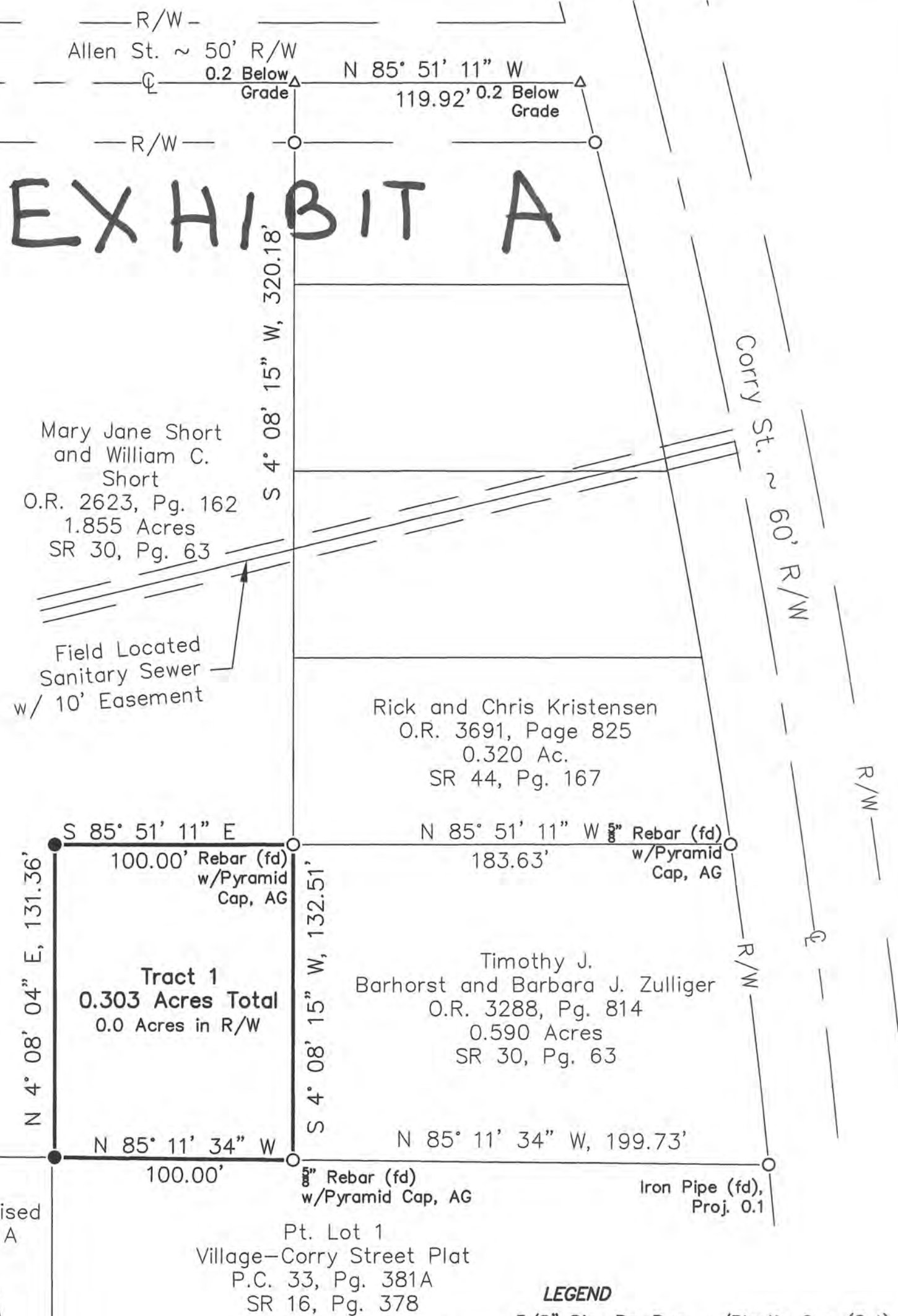
TO: PLANNING COMMISSION
FROM: DENISE SWINGER
MEETING DATE: MAY 14, 2018
RE: CONSENT AGENDA – MINOR SUBDIVISION-REPLAT

In June 2017, William Short submitted two applications for a replat of his and his adjoining neighbor's property. His intention was to transfer part of his property to his neighbor. In November 2017, having not heard back from him, I returned the two applications and his check with a letter explaining I was returning the paperwork he started in June. In January, he came back in with the applications and a completed survey (**Exhibit A**), showing a separate tract. Because this is not allowed in our zoning code, as new lots created must be on a public street or private street or access easement, I contacted Peggy Middleton at Greene County GIS. She responded with the following, *"With this tract of land, it would be its own parcel because it is split out of 1.855 acre tract. It would get a new parcel number. Only way to combine is to have another survey following this survey combining the 0.590 acre tract & 0.303 acre tract."* Peggy agreed to record both surveys simultaneously once the second survey (**Exhibit B**) was completed. Exhibit B shows the parcel as part of the neighbor's property and under the owner's existing parcel ID number.

The second survey was not completed until after Mr. Short passed away in March. His wife, Mary Jane Short and daughter, Jen Short have worked to complete this transaction. This is a consent agenda item and if there is agreement from the Planning Commission to accept it, there is no need to bring it to the table for a vote.

In the future if the replat between two property owners is done as it is shown in Exhibit B, where a lighter dashed line indicates the old property line, we shouldn't have to go through a minor subdivision followed by a replat process in order to approve it. In talking with Ken LeBlanc at the Regional Planning and Coordinating Commission on another property, he indicated the replat process can be used since only the property lines are moving and no new lot is being created.

EXHIBIT A



REFERENCES:

- Current Owner
Mary Jane Short
O.R. 2623, Pg. 152
1.855 Acres
- Survey Record
No. 30, Pg. 63

Hillard Engineering and Surveying, LLC.
7667 State Route 55
Urbana, Ohio 43078
(937) 244-8835

LEGEND

- 5/8" Dia. Re-Bar w/Plastic Cap (Set)
Stamped "HILLARD P.S. 8558"
- Railroad Spike (fd)
- Monument (fd), As Noted
- AG At Grade or Above Grade

NOTES:

- Basis of Bearings is Grid North, State Plane Coordinate System, NAD 83 (2011), Ohio South Zone
- [Bracketed] calls refer to deed or survey references.
- The described tract is to be attached to an adjacent property and not a stand alone parcel.

SURVEYED BY: Ryan D. Hillard, PE, PS
REG. SURVEYOR NO. 8558

APPROVED GREENE COUNTY ENGINEER

By _____ Date _____

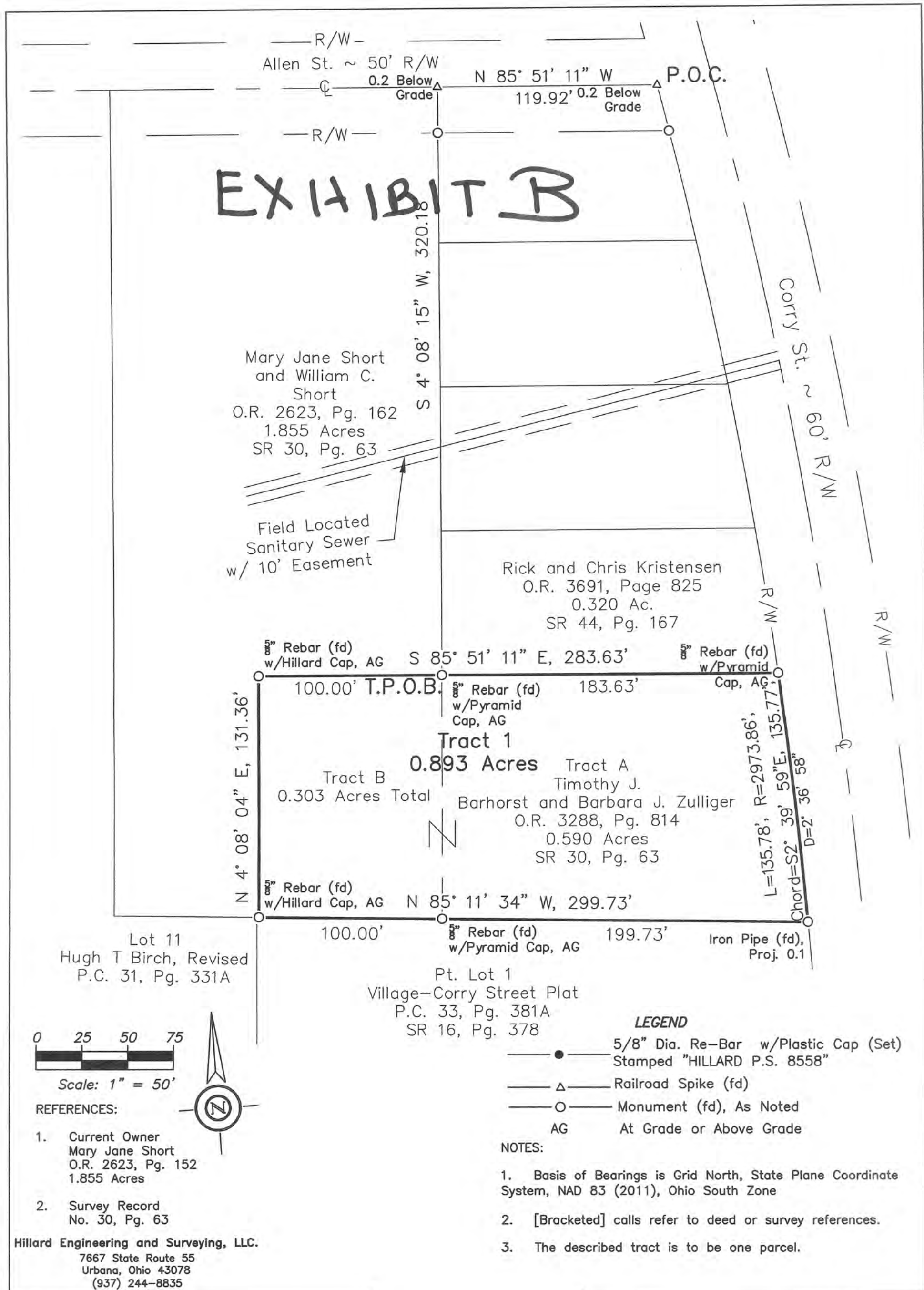


GRANTOR Mary Jane Short & William C. Short
GRANTEE Timothy J. Barhorst & Barbara J. Zulliger

LOCATION

Section 13, Town 4, Range 8

or Survey No. _____



SURVEYED BY: Ryan D. Hillard, PE, PS

REG. SURVEYOR NO. 8558

APPROVED GREENE COUNTY ENGINEER

By _____ Date _____

GRANTOR Mary Jane Short & William C. Short

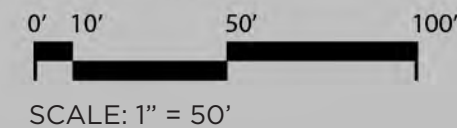
GRANTEE Timothy J. Barhorst & Barbara J. Zulliger

LOCATION

Section 13, Town 4, Range 8

or Survey No. _____





ANTIOCH COLLEGE VILLAGE

Preliminary Site + Unit Design



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ANTIOCH COLLEGE VILLAGE

A POCKET SUSTAINABLE NEIGHBORHOOD

The McLennan Design team has created a unique sustainable pocket neighborhood as a pilot project for Antioch College and the future Co-housing community. The project integrates into the Yellow Springs neighborhood while being connected to the larger college campus.

Comprised of eight tiny home units - four 2 Bedroom units and four attached units - this new community will feature compact homes built to high energy efficiency and sustainability standards, a vibrant village green shared by all of the residents, and ample space for community gardens.

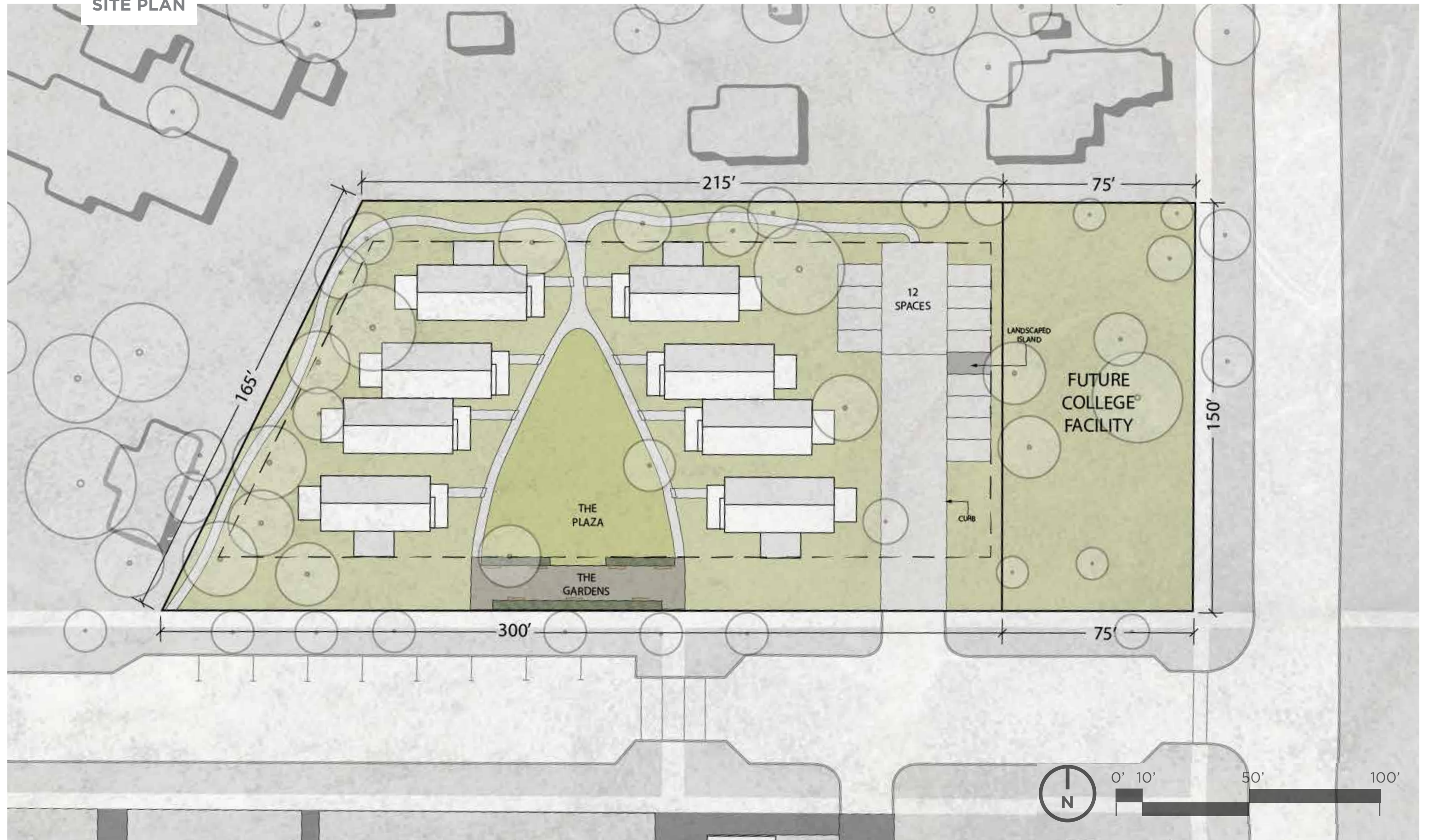
The units themselves will exemplify the most state-of-the-art features of sustainable design, with energy-efficient forms, rooftop arrays of PV panels, tight thermal enclosures, efficient equipment, and ample natural light. Options for green water and material solutions are also possible.

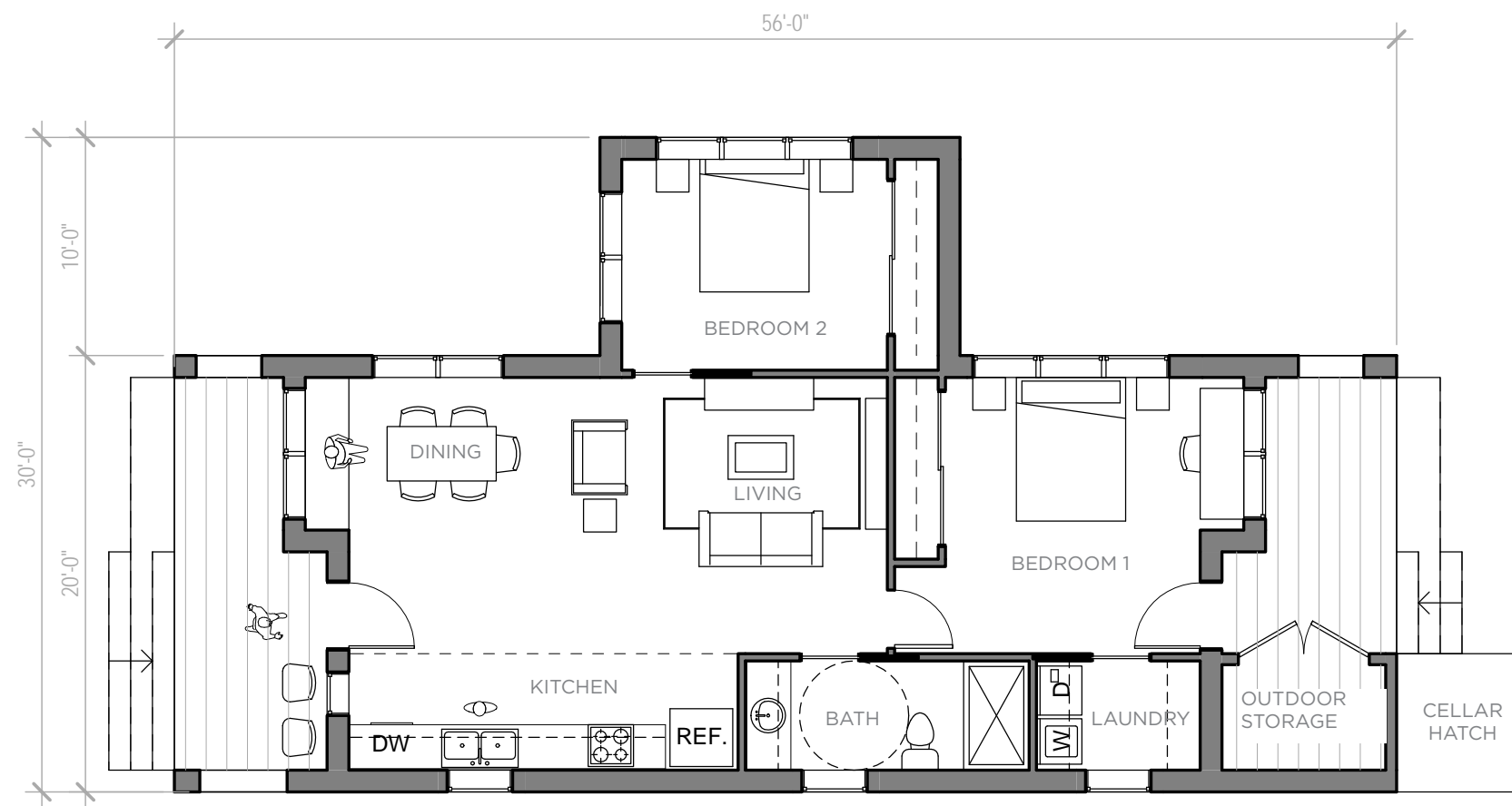
The site design has each of the homes looking out on a common greenspace which could be landscaped with food production, seating areas and gathering areas. Porches face the green space to promote community interaction and kitchens and large windows look onto this greenspace as well. To the rear of each unit, a cellar hatch will lead to the optional basement storage area, which doubles as a storm shelter and could also provide options for composting toilets if approved and desired.

Parking is grouped to the east side of the site and carport structures provide shelter from snow.



SITE PLAN

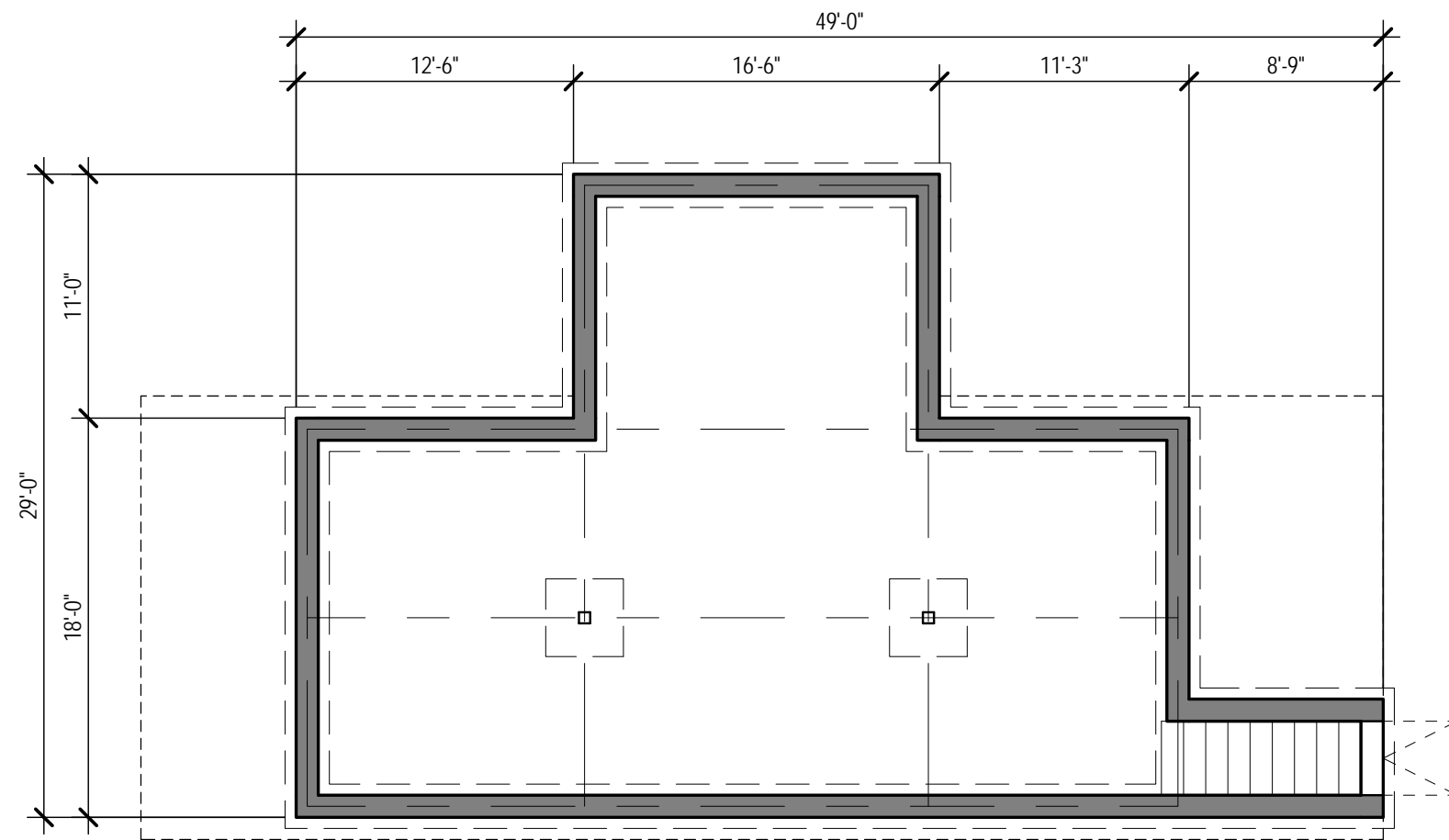




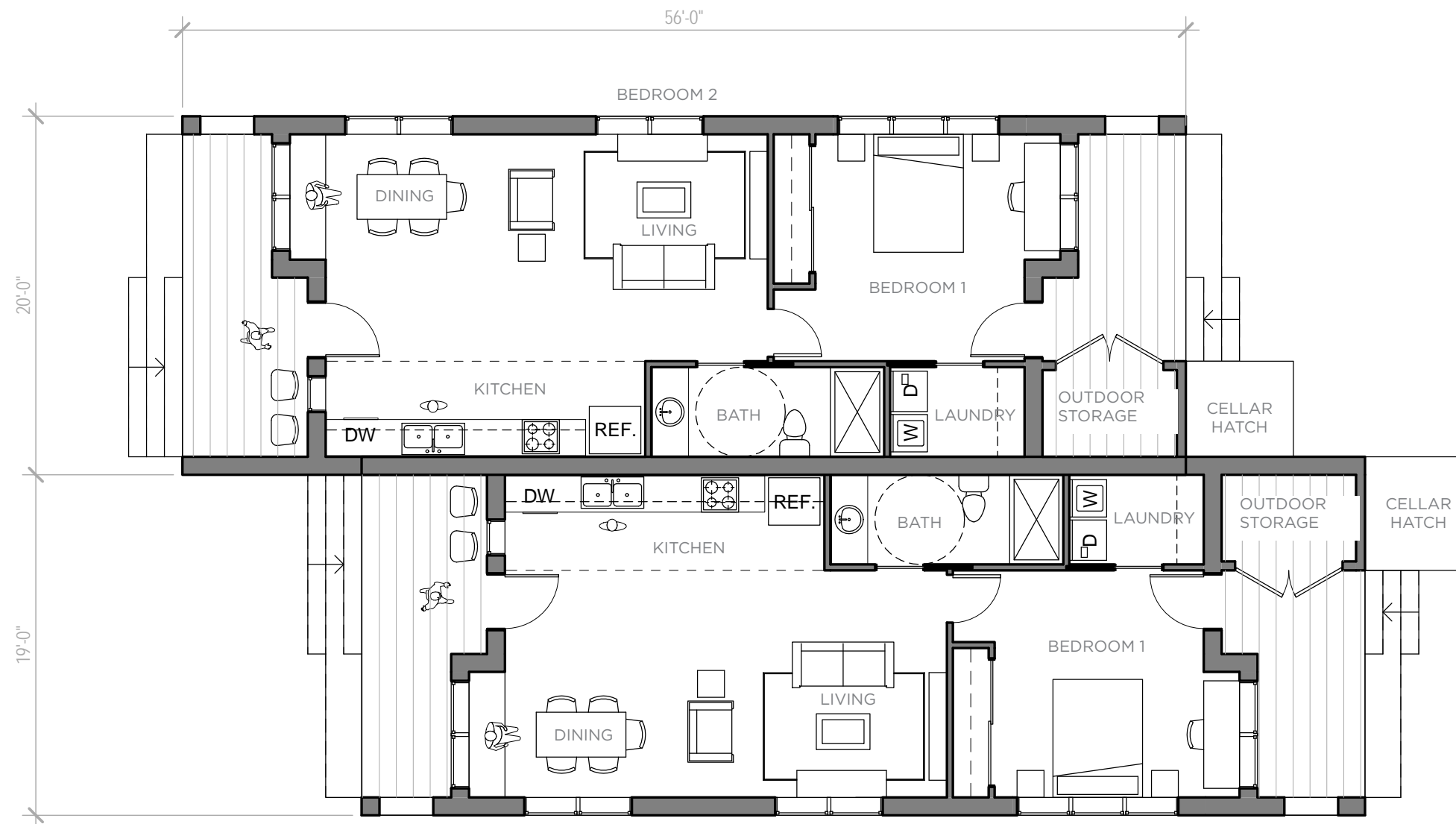
Total Area: 875 SF

of Bedrooms: 2

UNIT PLANS - 2 BEDROOM



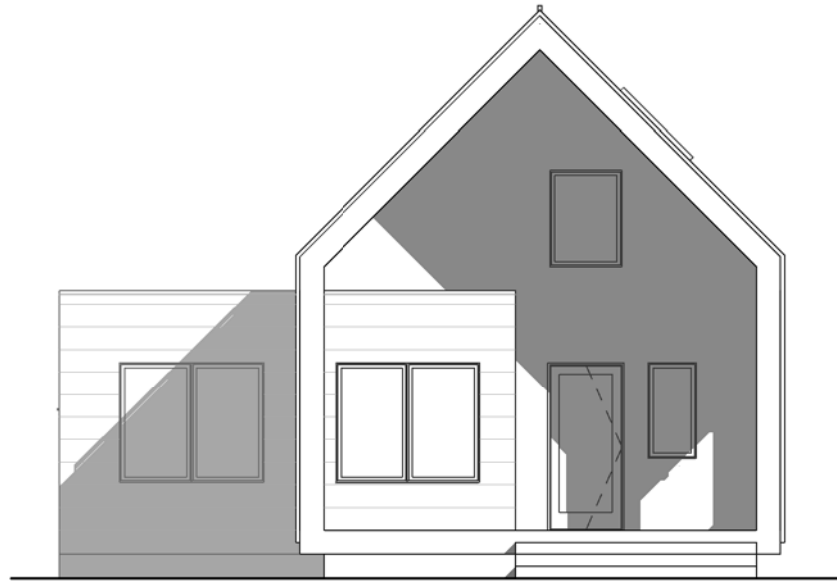
UNIT PLANS - BASEMENT PLAN



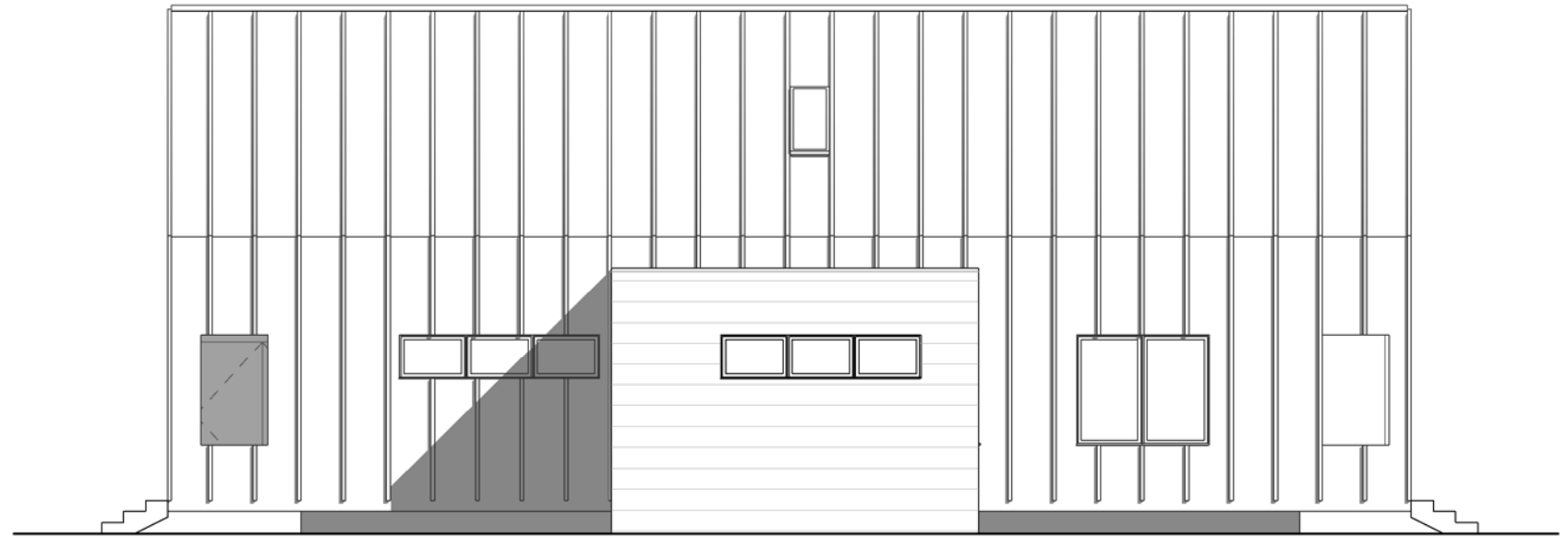
Total Area Per Unit: 730 SF

of Bedrooms Per Unit: 1

UNIT PLANS - ATTACHED



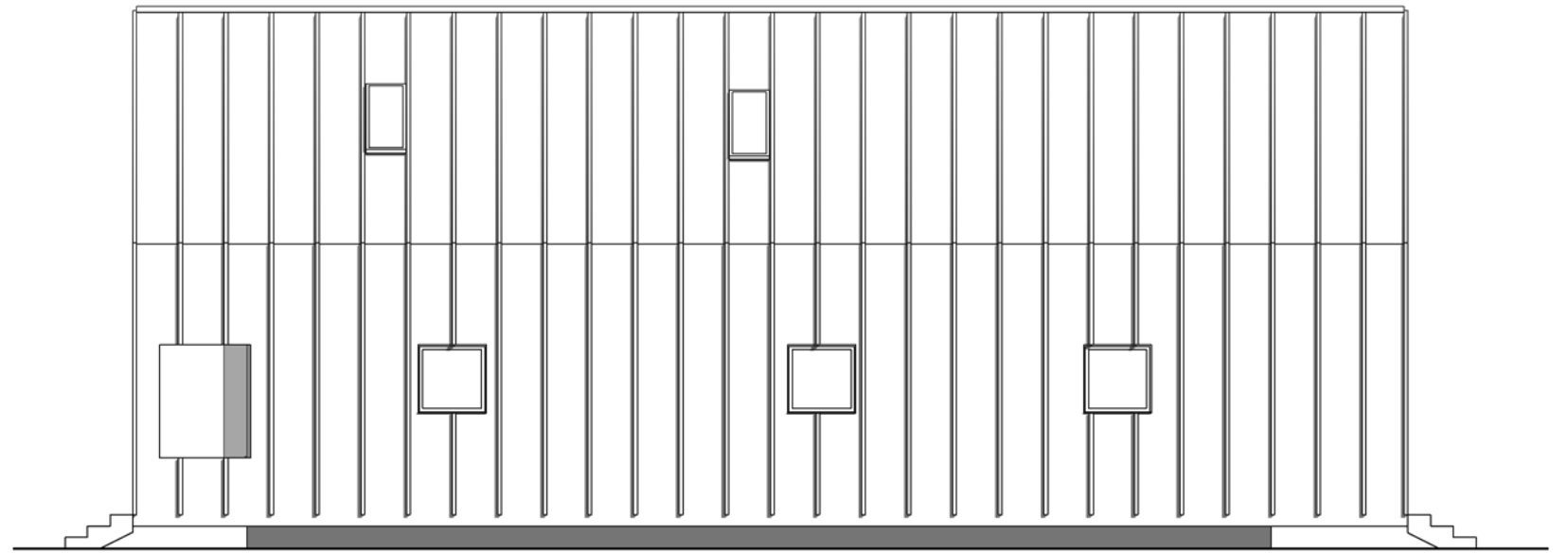
1 Two Bedroom - Front Elevation
1/8" = 1'-0"



2 Two Bedroom - Side Elevation
1/8" = 1'-0"

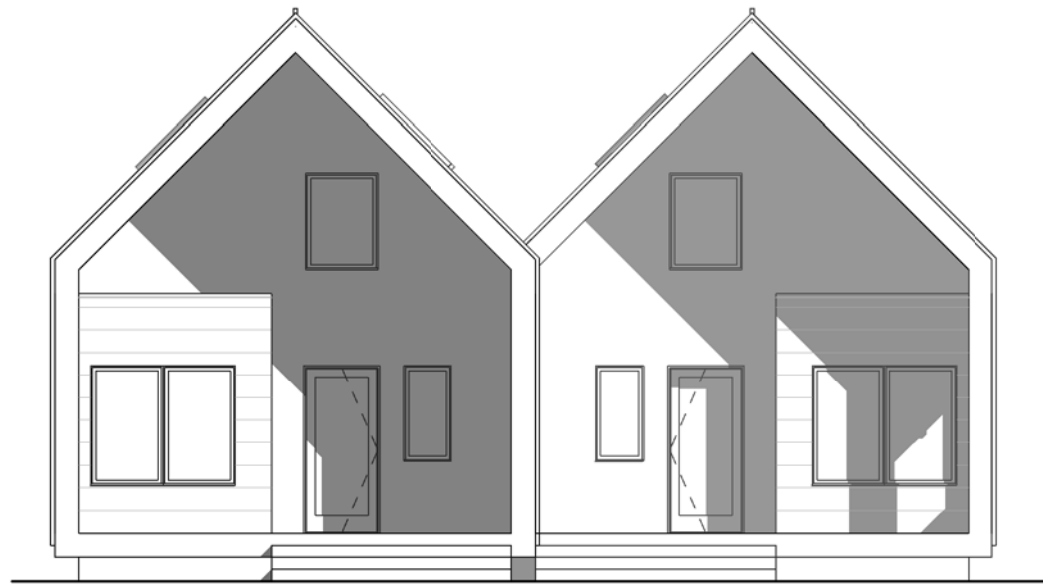


3 Two Bedroom - Back Elevation
1/8" = 1'-0"

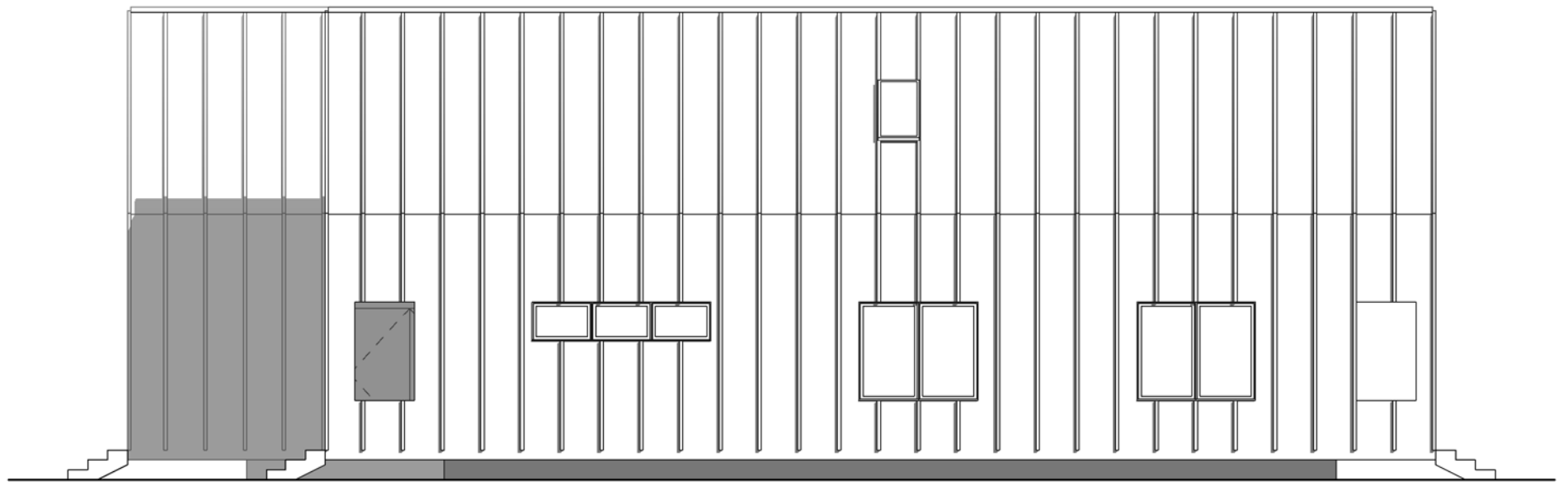


4 Two Bedroom - Side Elevation
1/8" = 1'-0"

ELEVATIONS - 2 BEDROOM



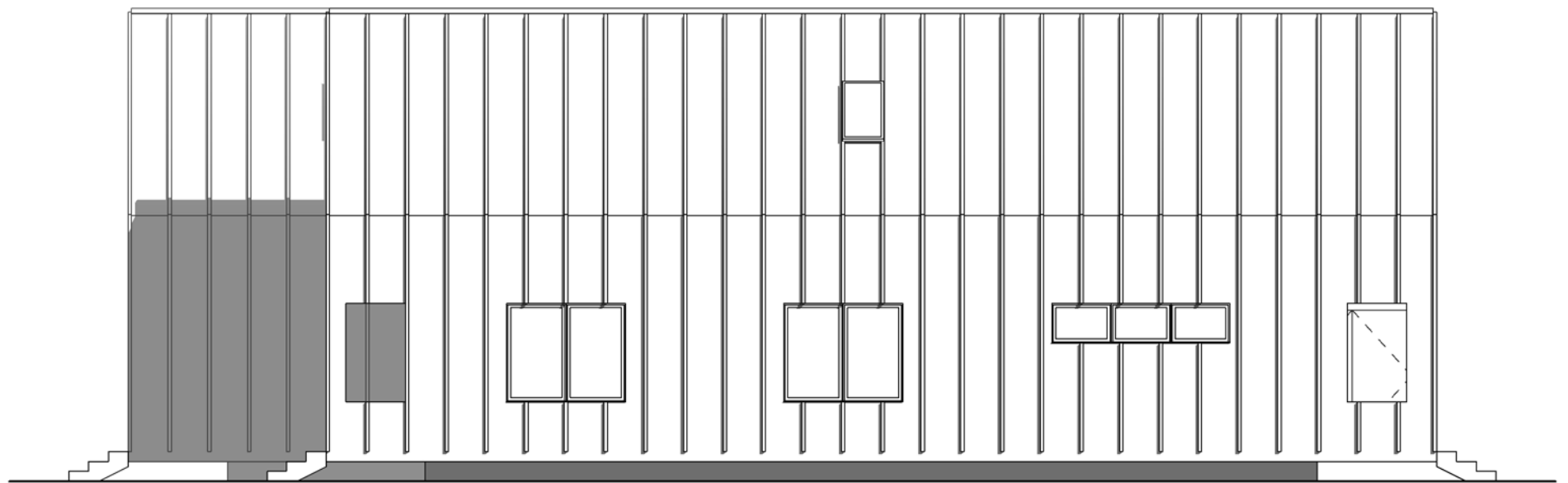
1 Attached - Front Elevation
1/8" = 1'-0"



2 Attached - Side Elevation
1/8" = 1'-0"



3 Attached - Back Elevation
1/8" = 1'-0"



4 Attached - Side Elevation
1/8" = 1'-0"

ELEVATIONS - ATTACHED



READING ON THE PORCH



Modular Design

Both the 2 Bedroom Units and the Attached Units are based off of the same modular footprint to allow for efficient construction and reduce upfront costs for affordability. This one-size-fits-all strategy not only greatly reduces the cost of construction, but also provides a generous yet fully compact form that facilitates low heating and cooling needs. Two bedroom units are detached whereas one bedroom units are attached.

Net Zero Energy

Designed to Passive House standards, each unit takes advantage of a full 12" of exterior wall to provide superior insulation and thermal efficiency. This could be achieved through using structural insulated panels (SIPS) or through advanced framing techniques – yet to be determined.

This energy efficiency reduces the overall energy needs of the building, allowing 100% of the energy to be provided by the rooftop PV arrays.

Daylighting

Despite their compact form, each unit feels incredibly spacious, due to the generous quality of natural light that floods each space through large windows and multiple skylights and the vaulted ceilings featured inside. Solar tubes or skylights within the bathrooms and laundry bring natural light into even the subservient spaces.

Water and Waste

The homes could either be connected to municipal water and waste or decoupled depending on interest from the homeowners and willingness by the city to approve alternative means of water collection – like rainwater and waste treatment through composting. Greywater could be handled within the site or be connected to the municipal system.



A SUMMER AFTERNOON IN THE VILLAGE



INTERIOR VIEW





Summary of Community Conversations on Housing Needs

This report is meant to be a brief summary of the general concerns and thoughts that came from the four Community Conversations on Housing. These conversations began with a summary of the Housing Needs Assessment, presented by Kevin McGruder, and his answering of clarifying questions regarding the current state of housing in our community. The participants were then broken into groups of 10-15 people, where there was a mediated sharing of responses to the presentation and to the following questions. It was ensured that every person had an opportunity to share their thoughts with some discussion taking place. For more information on the ideas shared, please refer to the more detailed list compiled by the Manager's Advisory Board on Housing.

Regarding Question #1: How do you see these (HNA) trends influencing the future of the Village?

In general, there was strong concern that the Village is becoming older, whiter, richer and less diverse. Concerns were expressed that we are becoming a gentrified bedroom community with fewer children to attend our schools because young families cannot afford to live here. Many of the participants were older villagers who wish to downsize, and their need for smaller units was strongly expressed as well as the positive impact of being able to make their current often large homes, available for families. Many expressed the concern that we are losing the unique diversity, culture and sense of community that have always made Yellow Springs, Yellow Springs. Mixed income housing in all new development was expressed as reflective of the Village's culture of inclusion. Several people expressed that they are being forced out of the village because of the high cost of housing.

Several participants expressed the view that the Village's long history of discouraging development, the "no growth policy", was directly responsible for the current lack of affordable housing. Commitment to preserving the Jacoby Greenbelt, and keeping the Village a Village (ie. population below 5,000) was also seen as a cause of driving real estate prices up and development down thereby leaving a smaller population to bear the cost of necessary capital improvements. (Another contributing factor was the failure of two past efforts to build affordable housing.) Some citizens on the other hand expressed the view that the Greenbelt makes Yellow Springs desirable and support for the current border of the village. The importance of the increased density of new development was also expressed by several participants.

Other concerns that were expressed included the poor condition of many existing housing units (lack of updates, lack of improvements, some poor upkeep), while still being sold at high cost. It was noted by many, and confirmed by the Housing Needs Assessment, that there is a much more extensive selection of properties at much lower prices outside of town. The limited availability of any rental properties and especially affordable rentals, particularly for families, was expressed as a concern several times. Another

concern expressed by some was putting inexpensive housing on expensive land. The lack of local jobs, particularly a larger light industrial base that would generate tax dollars, was expressed as causing concern.

Residents expressed the thought that Village government needs to be clear about what they can and cannot do, make a decision and move forward. The Village needs to be intentional and thoughtful when considering housing development to ensure that it is adequately supported by utilities and that this needs to be balanced with care to the existing infrastructure. There was a feeling that a strong focus on housing could negatively impact a focus on needed infrastructure repairs. The view was expressed that we need to be mindful of the cost of new infrastructure for housing and whether our existing infrastructure had the capacity to handle additional development.

Regarding Question #2: What housing needs would you like to see prioritized and why?

Again, there was the overwhelming expression of the need for senior housing at all cost levels, so that seniors can downsize and “age in place”, with the added important benefit of making their current family homes available to young families. This priority was closely followed by need for affordable rental housing of all types and affordable starter homes for families. While growth of the population was supported by many, it was also expressed that it is important to not lose sight of the needs of those who already live here.

Affordable and market-rate condos were frequently mentioned. Additional suggestions included apartment buildings, tiny homes, modular/mobile homes, artist live-work spaces, more Greene Met/HUD housing, co-housing opportunities and shared equity housing, as well as pocket neighborhoods, townhouses and accessory dwelling units & lot splits. Several participants expressed the view that, while we do need affordable housing, we need to strike a balance between that need and new market-rate housing. Ideas were shared regarding focusing at existing structures and supporting maintenance of those structures by possibly providing incentives for rehab.

Many residents felt that the Glass Farm represented a tremendous opportunity and should be carefully thought out, working closely with developers to meet our needs. Some also felt we should allow annexation and expand our borders while encouraging private development with incentives to include a percentage of affordable housing. Some residents felt we should specifically target certain groups to move to the Village, such as minorities, young adults and young families, in order to promote racial and socioeconomic diversity.

As far as economic development, there was many participants shared the view that the Village needs to grow its economic base to support the community and provide good jobs so people can live and work here. The encouragement of cottage industries and entrepreneurs, combined with some businesses like YSI, the important institutions of Antioch College and Antioch University, would provide the mix the Village needs and wants.

While many concerns were expressed regarding current trends, many participants also expressed the positive reminder that as a community we have done some things right which have resulted in a high quality of life and sense of community which is why people want to live here and are willing to make sacrifices to do so.



5/3/18

TO: Yellow Springs Village Council

FROM: The Village Manager's Housing Advisory Board (HAB)

RE: Report from the HAB

The last of the four Community Conversations on Housing was held on April 21st, thereby concluding the first phase of a proposed Housing Initiative Process. HAB has developed a transcription of the Conversations as well as a Summary. Both are included with this recommendation to Council for next steps.

Once Council has considered this information, HAB recommends that Council consider developing a Housing Initiative Planning Process. We have included an outline of the steps in such a process below. Should Council agree, HAB will submit a more detailed, fleshed out process for its May 21st Council meeting.

Outline for a Housing Initiative Process

- a. Gather information and identify the issues
- b. Develop a Vision and Policy Statement
- c. Create Housing Goals
- d. Develop Strategies to meet the Goals
- e. Assess resources
- f. Create the Housing Plan
- g. Begin implementation

We suggest something like the following as a Vision and Policy Statement:

Yellow Springs has a housing stock that enables a diverse community to live and work here. Yellow Springs Village Government promotes and encourages the development and restoration of environmentally sustainable housing that provides for a diverse population. It seeks and uses practices that enable people of diverse ages, races, ethnicities, incomes, skills and life styles to be able to afford to live here. It aims for a balanced population across the age spectrum, valuing its seniors as well as its children, and those in between. It understands that each age group contributes to the wholeness and health of the community. It values the presence of multi-generational families and welcomes newcomers. It encourages housing and workplaces that allow Villagers to live and work here. It recognizes that, while homeownership is a goal for many, there are others for whom renting is the best option and seeks a balance of both types of housing. It promotes mixed-income developments and neighborhoods.

We do not have to wait until a formal housing plan has been developed to seek and take advantage of housing development opportunities as they arise. It seems there is agreement that the most critical housing needs are senior housing, both homeownership and rental and, in particular, housing for low and moderate income seniors. The next greatest need is probably rental housing for all constituencies across the income spectrum.

HAB believes it is critical that staff provide Council with an assessment of infrastructure for current and future development, both residential and commercial. Infrastructure considerations should lead the



housing development effort. At some point in the Housing Initiative process we may want outside assistance. For example, we may want additional expertise to assist in setting housing goals and determining what strategies might best meet those goals.

In the past, concern about preserving the character of Yellow Springs has led to resistance toward housing and economic development. We are now in jeopardy of losing what we value, in part, because of this. We need to find new ways of embracing growth that will enable us to be the community most citizens want. By being proactive we can encourage growth within our current boundaries. Nonetheless, it is important for Council and the community to understand the relationship of the current Village boundaries with the Urban Service Boundary (the areas to which our gravity-fed sewer system can be extended) and with the proposed Jacoby Greenbelt. An in-depth discussion at Council can aid in educating the community and Council about these distinctions and options.

Finally, we believe that economic development is critical to the issues of affordability and attracting young singles and families. We should engage in strategies for economic development concurrently with residential development.

4/23/18

Notes from the April 4th, 5th, 9th & 21st Community Conversations on Housing

I have compiled the citizen responses from the 4 CCH events below. Please review and add anything you think is missing, is misstated or ways to better organize the responses. Where I added ++ indicates several similar responses. MM

How do you see these (HNA) trends influencing the future of the village?

Trends:

Many people noted that Yellow Springs is getting older, whiter, richer, less diverse both ethnically and income-wise (at the same time as the quality of the housing stock is going down, especially rental which has also gone down in the number of units as well). +++++++

- We are becoming a bedroom community
- We are becoming gentrified++
 - People are buying existing houses and tearing them down to build new more expensive ones (5 houses recently)
- Young families and young adults can't afford to stay here or move here++
- YS has fewer children++
- Some older singles can't afford to move from their current home to new smaller units++
- It is becoming more expensive to live here, may have to move.++
- We are less socially and economically diverse than we less think
- More people coming into the Village for work than leaving.
- Loss of industry
- People are becoming more polarized
- Housing challenge caused by what makes the Village desirable
- Not going in a good direction
- Inadequate infrastructure

Impacts of the trends include:

- Rising housing, land and utility costs negatively impacting the village
 - Becoming unaffordable++++
 - Frustrating that it has occurred in the past 15 years
 - We may/are losing the uniqueness of amenities, culture, sense of community that we value, what has made us special++
 - Concern about the impact of the cost of the new water plant, fire station, etc.
 - The Village has eroded
 - Without action we will/are losing lower-income families
 - The 1965 decision to stay under 5000 has negatively impacted us
 - A millennial who loves the culture can't afford to live here
 - Price of real estate is the issue
 - Low-income and moderate income people will be squeezed out unless we encourage development.
 - We are losing middle income families
 - Family had to move out, no housing for larger families
 - A senior can't afford to maintain current house
 - Land has become so expensive
 - Hard to put inexpensive housing on expensive land

- Our schools are being negatively impacted and need to depend on open enrollment +++
 - Small families has a negative impact
 - Housing is not ADA compliant
 - Affluent Millennials who don't work here are moving in as people move out.
 - Limited variety of rentals
- Greenbelt +++++
 - Greenbelt has become the emerald Choker
 - But the greenbelt makes the community desirable
 - The greenbelt and the Glen have boxed us in
 - Discussion of greenbelt has to happen in the context of housing needs
 - Greenbelt costs are coming to bear
 - Has negatively impacted housing supply compared to demand
- Seniors
 - Increase in older people can be a great opportunity but needs intervention
 - Aging population makes it difficult for the schools
- Economy
 - People have to leave town to shop for services and goods
 - No jobs for millennials
 - Focus seems to be on tourists
 - Current economy negatively impacts income diversity
- Positive Trends
 - We are less housing cost burdened than the surrounding area
 - Appreciate the work of Home, Inc.
 - Some younger families ARE moving in the Whitehall neighborhood
 - Like the block parties
 - Some landlords do charge reasonable rent
 - Walkability
 - Infill
 - YS is a place where seniors are aging in place
 - Home, Inc. is building 6 units with more planned.
- Role of Village Government
 - Village Government needs to make a decision
 - Concern re Village Government paying for development
 - Lack of care of the sidewalks
 - Lack of confidence in local leadership
 - Village government doesn't know where the utilities are located
 - Village government needs to be clear about what it can and can't do
 - Stronger code enforcement
 - House recently purchased wasn't livable, still isn't up to code
 - Improved site maintenance standards
 - What is the Village doing about the Vernay land? Are we encouraging Vernay to remediate? Investigate buying it.
 - Should not expect the community to pay for me to live here
 - Don't want Village funds/taxes going to housing.
 - Need to trust the people with responsibility, need to move forward
 - Utility fund balances are too high, give some back to the community
 - Sell public land at going rate
 - Be intentional on the three village-owned properties

- Concerns about Growth
 - Focus on new housing could negatively impact focus on needed infrastructure repairs.++
 - Who will pay for infrastructure
 - Concern that more houses will mean more services to provide
 - No need to expand borders
 - More demands will change things
- Why hasn't housing been developed?
- We have allowed the market to run the housing situation
- We have an opportunity to make a stand for the kind of community we want to be.

What housing needs would you like to see prioritized and why?

Develop more housing types:

- Accessible senior housing, both owner and rental, market rate and low-income+++++++
 - More senior housing will allow seniors to move out of their large homes but we should expect that when they downsize they will resell at market rate which might not be affordable to young families+++
 - New developments should be accessible (not just senior housing)
- More apartments/rentals+++++++
 - Affordable, market rate across all levels+
 - Good livable rentals
- Condos++++
 - Market rate condos
 - Affordable condos
 - More developments like Park Meadows++
- Modest size starter homes (like the cinder block homes on High and Stafford)++++
 - Smaller homes for seniors
- Workforce housing, rental and homeownership+++
 - Housing for people who work here
 - Housing for families
- Affordable housing ++++
 - More affordable housing so people will move here
 - for young people and young families++
 - How to define affordable
 - For low and moderate income households
- Small++
 - Tiny houses++
 - multi-use, with trees, shrubbery, village sized
- Motor home parks++
 - Mobile homes
- Need a balance of housing types
- More like Lawson Place
- Modular homes
- Affordable housing for those with alternative lifestyles
- Artist live/work spaces
- Low to moderate income housing
- In order to be a Welcoming Community we need to satisfy all housing needs

- Sustainable, well-built
- More Greene Met housing mixed in
 - More Section 8 housing
- Low Income Tax Credit Housing
- Co-housing
 - Other types of shared spaces
 - Shared resources
- Intentional communities
- Shared equity housing
- Housing for professors

Rehab/reuse/In-fill:

- Update housing stock++++
 - Provide incentives for rehabs
 - Critical to focus on supporting maintenance of existing structures
 - Better stewardship of existing housing++
- More lot splits+++
- Pocket neighborhoods++
- Townhouses on Beatty Park+
- More ADUs

How to develop:

- Glass Farm is a tremendous opportunity+++
 - Mixed income development
 - Development needs to be linked to sidewalks, bikepath, walkable
- annex and expand our borders+++
 - Open up land outside the village for housing development
- Rent control++
- Encourage private development
- Village should sell village-owned land to private developers with conditions
- Denser housing
- Mixed use housing and business
- Subsidies for middle income housing
- Safe housing
- Need to talk to developers
- We need a sustainable housing market
- ease zoning restrictions
 - Zoning policies that encourage new development
 - Inclusionary zoning.
- Use Greenspace money for housing
- Be environmental stewards
- Need outside investors
- But do things small
- Keep in mind new possibilities, ideas and investments
- Concerned about growth limitations, need to decide the kind of growth we need and agree to work for it.

- Look at what the quality of life issues that bring people here in the first place
- Remember why people want to live here and are willing to make some sacrifices to do so
- More holistic decision making processes, discussions happening in silos
- Build along bike-path to encourage millennials.
- Focus group with Greene Met residents
- Include public spaces in housing developments
- Put premium on high end housing to help fund other types
- Incentivize people to develop their vacant land
 - No “property shaming”?
- Focus on needs of those who currently live here
- Encourage live/work opportunities
- Prioritize children in poverty
- Respond to needs of single parent families and multi-generational families
- More ways to short-circuit appreciation in housing values like shared equity housing.
 - Deed restrictions
- Inclusionary housing
- Build up – 3 stories++
- Housing development owned by Village in concert with Career Center
- Tension between big vision and actually getting there
- Develop a master plan within parameters we can define (for the Glass Farm?) and which pieces we will sell
- Pursue resources inside and outside

Economic development:

- Need to develop an economic base to support what we want.++++++
 - Need more industry
 - Need more businesses like YSI
- More cottage industries/home businesses but issue re cars
- No big box stores
- Need clean jobs that pay well++
- Need to investigate who leaves for work and who comes into the Village
- Invite young entrepreneurs to the Village

We should market to and target:

- African Americans and other minorities to move here.
- Young adults and young families++
- Promote racial and socioeconomic diversity



TO: Planning Commission

FROM: Denise Swinger, Zoning Administrator

MEETING DATE: May 14, 2018

CONDITIONAL USE REQUEST: Accessory Dwelling Unit

ADDRESS: 102 Pleasant Street

PARCEL ID # F19000100110014400

An application for a conditional use hearing has been submitted by Carol Gifford and Daniel Merfeld for an accessory structure (garage) with an accessory dwelling unit on the second floor (Case #PC18-17).

NOTIFICATION OF PUBLIC HEARING ó A public hearing notification was provided in accordance with the Village's zoning regulations including publication in the Yellow Springs News, a mailed notice to abutting and adjacent neighbors of the property, and the posting of a sign on the property about the public hearing.

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.

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>		
Zoning District	Minimum Lot Area (Sq. Ft.)¹	Minimum Lot Width (Ft.)
R-B, Moderate-Density Residential	6,000²	50

(b) All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in Table 1248.03a.

Table 1248.03a Dimensional Requirements: Residential Districts						
Zoning District	Maximum Building Height (Ft./stories)	Minimum Yard Setbacks (Ft.)				Max. Lot Coverage (%)
		Front	Side		Rear	
			Total	Least		
R-B	35/2.5	20	15	5	20	40

STAFF FINDINGS

The property owners want to build a 24 X 24 foot garage with an efficiency apartment/ADU above off the North Walnut Street side of their property. Their plan is for it to be a long-term rental (**Exhibit A**).

Lot and Width Requirements:

The property meets the minimum lot area requirements of 6,000 sq. ft. with a 0.2307 acre or 10,050 sq. ft. lot.

The property meets the minimum lot width of 50 feet with two front lot lines measuring 78.75 feet on Pleasant Street and measuring 150 feet on North Walnut Street.

The maximum lot coverage for this property of all structures is 40% or 6,633 sq. ft.

The property contains the principal dwelling, a carport and porch for a total square feet of 1,584. With the proposed garage/ accessory dwelling unit measurement of 576 sq. ft., the total lot coverage of all structures will be 2,160 sq. ft., representing 33 percent of the allowable lot coverage.

Dimensional and Conditional Use Requirements - Accessory Buildings and Structures

Chapter 1260.02 (a) (2) states: In no case, however, shall the front yard setback for a garage, whether attached or detached, be less than 20 feet in order to provide adequate vehicle parking space in front of the garage without blocking a sidewalk or otherwise impeding pedestrian movement.

The front yard setback measurement from N. Walnut Street is 20 feet and the front yard setback measurement from Pleasant Street is approximately 116 feet.

Chapter 1260.04 (a) (3) - Accessory buildings and structures may be erected in a rear yard if set back at least ten feet from the rear and five feet from the side property lines.

*The accessory structure meets the rear yard setback requirement with a measurement of 10 feet. It is setback from the west side yard property line 30-plus feet (**Exhibit B**).*

Chapter 1260.04 (a) (5) - The height of an accessory structure shall not exceed 18 feet when a hip or gable roof is used, 15 feet when a mansard or gambrel roof is used and 12 feet when a flat or shed roof is used, except when a dwelling unit is included in the structure, in which case the height shall not exceed 24 feet.

The property owners indicated the height will be 21 feet, which meets the zoning code's height requirement.

Chapter 1260.04 (a) (6) - Accessory structures shall not exceed 66% of the principal building floor area or 800 square feet, whichever is less.

The proposed accessory structure/accessory dwelling unit measures 576 square feet and meets the zoning code's size requirement.

Chapter 1260.04 (a) (12) Accessory structures and buildings shall share all public utilities (water/ sewer/electric) with the principal building. Accessory structures and buildings will not be separately metered.

The garage/ADU will not be separately metered.

Chapter 1260.04 (a) (13) Residential access driveways shall be at least three feet from side property lines and construction shall ensure that drainage is sloped away from adjacent properties.

The proposed driveway is not near a side property line. Staff emailed the property owners the zoning code requirements for accessory structures and accessory dwelling units.

REQUIREMENTS:

Chapter 1262.03 General Standards 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**.
The ADU increases the housing stock through infill development, a goal of the Comprehensive Plan and Vision documents.
- (b) The proposed use will comply with all applicable requirements of this code, except as specifically altered in the approved conditional use.
The proposed use complies with the requirements of the zoning code.
- (c) The proposed use will be compatible with the character of the general vicinity.
The proposed use is compatible as it is located in a residential district, where other ADU's exist.
- (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.
The proposed use will be adequately served by all essential public facilities.
- (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.

It will not involve uses that will be detrimental to the general welfare of persons and property nearby as it will serve as an accessory dwelling unit in a residential district. The property owners' intent is for long-term rental.

- (f) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
The proposed use should not impede development as all surrounding residential properties are built out.
- (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.
This garage/ADU will not impede sight lines from the right of way.

1262.04 CONDITIONS OF APPROVAL

Reasonable conditions may be imposed on the approval of a conditional land use in order to achieve the following:

- (a) Ensure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads necessitated by the proposed use.
- (b) Ensure that the use is compatible with adjacent conforming land uses and activities.
- (c) Protect natural resources; the health, safety, and welfare; and the social and economic well-being of those who will use the land use or activity under consideration; residents, business owners and landowners immediately adjacent to the proposed use or activity; and the community as a whole.
- (d) Relate to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- (e) Meet the purpose of the zoning code, be in compliance with the standards established in the code for the land use or activity under consideration, and be in compliance with the zoning district standards.

Additionally, **Chapter 1262.08 (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.
The ADU will be located on the second floor of a new construction accessory structure, which is on the same lot as the primary 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 property owners are aware the ADU 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.
*Three parking spaces are required. This property currently has a driveway entrance to a carport on Pleasant Street (**Exhibit C**). Construction of this garage/ADU with access from Walnut Street will enable two cars to park in front of it. There is room for an additional two cars, however they would be in the Village's right-of-way. The Pleasant Street driveway with the carport will be removed and replaced with landscaping once the garage/ADU is built. The new driveway width on Walnut Street will be 24'. If additional parking is needed, there is room to accommodate an apron off the new driveway if the Planning Commission deems it necessary. Because it is a corner lot with two frontages, there is nothing preventing additional parking off Pleasant Street although the owners intend to not utilize it.*
- D. The accessory dwelling unit shall be limited in size to a maximum of 66% of the total living area of the principal dwelling or 800 square feet of the total living area of the principal dwelling or 800 square feet, whichever is less.
Sixty-six percent of the principal dwelling measurement of 1,584 sq. ft. exceeds the 800 sq. ft. maximum. With the ADU's size of 576 sq. ft., it meets the requirement of the zoning code.
- 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.
***Exhibit A** shows the ADU layout which includes a kitchen, a full bathroom, and a living room/bedroom combination.*
- F. No more than two adults shall occupy the accessory dwelling unit.
The property owners were given the requirements of an ADU prior to receipt of their application.
- G. No new access points or driveways shall be created or installed for access to the accessory dwelling unit.
Because there is no garage currently on the property, a new driveway will be created off Walnut Street which will be used for both access to the garage, as well as to the ADU. The owner intends to remove the current driveway on Pleasant Street once construction has been completed.

RECOMMENDATION

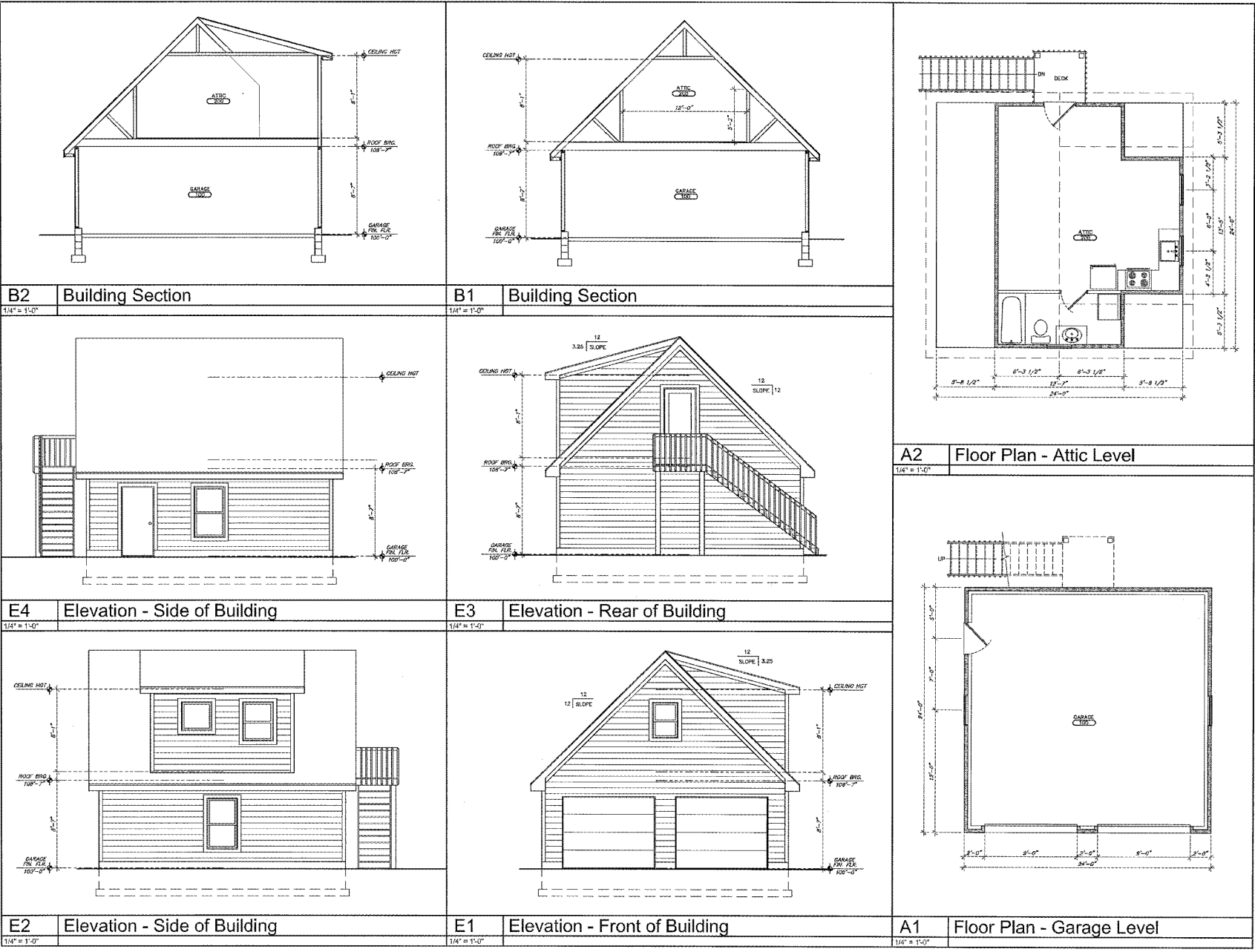
Staff has no objections to this application and recommends the Planning Commission **APPROVE** the conditional use for a garage/accessory dwelling unit.

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

Respectfully submitted,

Denise Swinger
Zoning Administrator

EXHIBIT A



SCS DRAFTING SOURCE
513 Woodhaven Trail
Yellow Springs, Ohio 45387
Phone: 937-272-2650
E-mail: scsdrafting@aol.com

The intent of these documents is to provide a description of the project to a level of detail necessary to identify compliance with the applicable, local building code. Design, construction, and coordination of related work shall be performed by appropriate agencies as specified in Project Description and General Notes.

Project Name:
Gifford & Merfeld Residence
Proposed Detached Garage to Existing Single Family Residence
Wood Framed Garage with Wood Siding
102 Pleasant Street
Yellow Springs, Ohio
Greene County

No.	Date	Description
1	10/01/18	Preliminary Design
2	10/01/18	Preliminary Design
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Sheet	18-006
Sheet Title	Floor Plans & Elevations
Sheet #	A1.0

EXHIBIT A



Village of Yellow Springs

Village of Yellow Springs

100 Dayton Street, 45387

PHONE: (937) 767-1702

FAX: (937) 767-3720

Planning Commission Application

Case #: PC 18-17

TYPE OF REQUEST: (Check one)

☐ DEVELOPMENT PLAN ☐ TEXT AMENDMENT

☒ CONDITIONAL USE ☐ MAP AMENDMENT

☐ OTHER (Please Specify): _____

- Property Address and/or Parcel ID: 102 Pleasant St
- Property Owner: Carol Gifford + Daniel Merfeld 43221
Address: 102 Pleasant St / 2551 Hawthorn Rd Columbus 43221 Phone: 781 439 1375

We would like to build a 24'x24' garage on the northeastern side of 102 Pleasant Street. We would like to remodel the garage attic into an efficiency apartment with the plan it being a long-term rental apartment. The garage/accessory dwelling unit would be set back from rear property line by 10', with the front of the garage facing Walnut Street. The side set back would be the same distance from the property line as the eastern side of the house (which is greater than 20' from the eastern property line). The driveway for the garage would enter Walnut Street. The existing driveway, on the southwest side of the house, would be removed and the area landscaped.

The house is: 1214 sf, the garage footprint is 576 sf. (66% of 1214 is 801.)

Note: The attached drawing is not to scale, as shown by the difference in the 78.75' widths.

Signature of Applicant [Signature]

Title: _____

Address: 2551 Hawthorn Rd Columbus OH 43221

Date: 4/23/18

E-mail: carolgifford.dvm@gmail.com

DO NOT WRITE BELOW THIS LINE [OFFICE USE]

Zoning Classification: R-B

Fee: \$100.00

Hearing Date: 5/14/2018

Request Denied or Approved: _____

Village Representative: _____

Title: _____

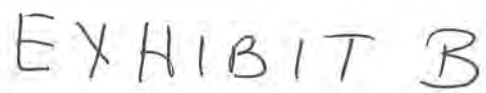


EXHIBIT B

EXHIBIT C

EXHIBIT C





TO: Planning Commission

FROM: Denise Swinger, Zoning Administrator

MEETING DATE: May 14, 2018

CONDITIONAL USE REQUEST: Pool House (Accessory Dwelling Unit)

ADDRESS: 335 Orton Road

PARCEL ID # F19000100160003100

An application for a conditional use hearing has been submitted by Steven and Stacey Wirrig (**Exhibit A**) for a pool house (Accessory Dwelling Unit). A site plan was submitted (**Exhibit B**) showing the location of both the proposed pool house and in-ground swimming pool.

NOTIFICATION OF PUBLIC HEARING ó A public hearing notification was provided in accordance with Yellow Springs zoning regulations including publication in the Yellow Springs News, a mailed notice to abutting and adjacent neighbors of the property, and the posting of a sign on the property about the public hearing.

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.

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>		
Zoning District	Minimum Lot Area (Sq. Ft.)¹	Minimum Lot Width (Ft.)
R-A, Low-Density Residential	7,500	60

(b) All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in Table 1248.03a.

Table 1248.03a Dimensional Requirements: Residential Districts						
Zoning District	Maximum Building Height (Ft./stories)	Minimum Yard Setbacks (Ft.)				Max. Lot Coverage (%)
		Front	Side		Rear	
			Total	Least		
R-A	35/2.5	25	20	10	25	35

Lot and Width Requirements:

The property meets the minimum lot area requirements of 7,500 sq. ft. with 2.5080 acres or 109,248 sq. ft. lot (**Exhibit C**).

The property meets the minimum lot width of 60 feet with a front lot line measurement of 436.10 feet.

The maximum lot coverage for this property of all structures is 35% or 38,237 sq. ft.

The property contains the principal dwelling, carport, covered porches and a utility building for a total square feet of 4,628. With the proposed pool house of 744 sq. ft. and swimming pool measuring 880 sq. ft., the total lot coverage of all structures will be 6,252 sq. ft., representing 16 percent of the allowable lot coverage of 38,237 sq. ft.

Dimensional and Conditional Use Requirements - Accessory Buildings and Structures

Chapter 1260.02 (a) (2) states: In no case, however, shall the front yard setback for a garage, whether attached or detached, be less than 20 feet in order to provide adequate vehicle parking space in front of the garage without blocking a sidewalk or otherwise impeding pedestrian movement.

The front yard setback measurement from Orton Road measures over 90 feet.

Chapter 1260.04 (a) (3) - Accessory buildings and structures may be erected in a rear yard if set back at least ten feet from the rear and five feet from the side property lines.

The pool house (ADU) and swimming will be located on a 2.5 acre property and meets both the rear and side yard setbacks.

Chapter 1260.04 (a) (5) - The height of an accessory structure shall not exceed 18 feet when a hip or gable roof is used, 15 feet when a mansard or gambrel roof is used and 12 feet when a flat or shed roof is used, except when a dwelling unit is included in the structure, in which case the height shall not exceed 24 feet.

The height of the accessory dwelling unit will be 10 feet.

Chapter 1260.04 (a) (6) - Accessory structures shall not exceed 66% of the principal building floor area or 800 square feet, whichever is less.

Sixty-six percent of the principal dwelling measurement of 3,242 sq. ft. exceeds the 800 sq. ft. maximum. With the ADU's size of 744 sq. ft., it is in compliance with the zoning code.

REQUIREMENTS:

Chapter 1262.03 General Standards 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**.
Although accessory dwelling units increase the housing stock within the Village, a goal of the Comprehensive Plan and Vision documents, this will be primarily for use by guests of the property owners.
- (b) The proposed use will comply with all applicable requirements of this code, except as specifically altered in the approved conditional use.
The proposed use complies with the requirements of the zoning code.
- (c) The proposed use will be compatible with the character of the general vicinity.
The proposed use is located on Orton Road where homes are located on large properties. Other ADU's exist within this residential district and swimming pools are allowed as well.
- (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.
The proposed use will be adequately served by all essential public facilities.
- (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.
It will not involve uses that will be detrimental to the general welfare of persons and property nearby as it will serve as an accessory dwelling unit in a residential district. The property owner has indicated, "The planned use will be to add an additional private family room and personal entertainment area for the pool. The main house does not have a guest bedroom and therefore the pool dwelling will be used for overnight personal guests."
- (f) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
The proposed use should not impede surrounding properties.
- (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.
This ADU will not impede sight lines from the right of way as it will be located behind the primary dwelling.

1262.04 CONDITIONS OF APPROVAL

Reasonable conditions may be imposed on the approval of a conditional land use in order to achieve the following:

- (a) Ensure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads necessitated by the proposed use.
The proposed use should not affect services and facility loads. All permits for buildings are reviewed by the utilities superintendent prior to approval.
- (b) Ensure that the use is compatible with adjacent conforming land uses and activities.
This is in a residential district where homes do have accessory dwelling units and swimming pools.
- (c) Protect natural resources; the health, safety, and welfare; and the social and economic well-being of those who will use the land use or activity under consideration; residents, business owners and landowners immediately adjacent to the proposed use or activity; and the community as a whole.
Concern has been raised by neighbors as to whether the accessory dwelling unit will have a negative effect on property values. Staff expects neighbors to voice their concerns at the public hearing.
- (d) Relate to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- (e) Meet the purpose of the zoning code, be in compliance with the standards established in the code for the land use or activity under consideration, and be in compliance with the zoning district standards.
The ADU and swimming pool are compliant with the zoning code.

Additionally, **Chapter 1262.08 (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.
The ADU will be 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 ADU 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.
The property shows four off-street parking spaces, one more than is required for a primary dwelling with an accessory dwelling unit.

- D. The accessory dwelling unit shall be limited in size to a maximum of 66% of the total living area of the principal dwelling or 800 square feet, whichever is less. *Sixty-six percent of the principal dwelling measurement of 3,242 sq. ft. exceeds the 800 sq. ft. maximum. With the ADU's size of 744 sq. ft., it is in compliance with the zoning code.*
- 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 will contain a living area, kitchenette, bedroom, bathroom and laundry area.*
- F. No more than two adults shall occupy the accessory dwelling unit. *The property owners were given the requirements of an ADU prior to receipt of their application.*
- G. No new access points or driveways shall be created or installed for access to the accessory dwelling unit. *No new access points or driveways shall be made for the ADU.*

STAFF FINDINGS

The property owners' pool house is classified as an Accessory Dwelling Unit. In addition, they intend to build an in-ground pool which is considered an accessory structure under the general provisions of the zoning code. One of the provisions is that the swimming pool be properly secured (see section 1260.04 below). The property owners would like to use an automatic pool cover instead of erecting a fence around the pool (**Exhibit D**). The zoning code does allow for other protective devices if they afford the same or better safety protection.

1260.04 Uses.

(14) Private swimming pools and spas. All private swimming pools and spas shall be considered accessory structures and may be constructed in any rear yard not closer than five feet from any property line or building, excluding zoning districts Conservation and I-2 (Industrial) and must meet the following criteria:

A. Every person owning land on which there is situated a swimming pool or spa shall erect an adequate enclosure or fence surrounding either the property or pool area, sufficient to make such body of water inaccessible to small children. Such enclosure or fence, including gates therein, shall not be less than four feet above the outside underlying ground and shall be of a type of construction which cannot be easily climbed by small children. All gates shall be self-closing and self-latching with latches placed at least 42 inches above the outside underlying ground or otherwise made inaccessible from the outside to small children. A dwelling structure, garage or accessory building of at least four feet in height may constitute a portion of such enclosure. A natural barrier, hedge, removable ladder or **other protective device may be used so long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure, fence, gate, and latch described herein.**

On the Conditional Use application the property owner wrote, "The retractable cover provides equal or better protection than fencing, as it isolates the water itself removing temptation that exists with only a fence, supports the weight of several adults, can be closed in seconds when moving into the house or another part of the yard, and unlike a fence gate, it is very visible if it is open or closed. The cover type being considered is an Automatic Pool Covers, Inc. brand and is UL listed," (Exhibit D).

B. A hot tub or spa secured by means of a rigid and locking cover shall not require a fence.

C. Any lighting used to illuminate the pool shall be so arranged and shaded as to reflect light away from adjoining properties and public streets.

The property owner has indicated that, "All lighting will be direct cut-off fixtures and will be arranged and shaded to reflect light away from the adjoining properties."

D. All swimming pools and spas shall be maintained in good condition so as to prevent the growth of organisms which constitute a health hazard and to prevent the breeding of insects.

Storm Water Management - Chapter 1268.06 (d) (2) states, "Storm water detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect neighboring properties or public storm water drainage systems. In response to this concern, the property owner responded with *"The site location for the dwelling and pool were located on the higher grade (same as main house) so as to avoid impacting the lower grade areas where there is ground water runoff. Any additional runoff created by the dwelling or pool will be handled onsite."*

RECOMMENDATION

Planning Commission should consider the automatic pool cover and make a decision on its use as a replacement for a fence. Because of the pool's size, 20 X 44 feet, the Planning Commission may want to ensure that any lighting used to illuminate the pool or pool area does not reflect onto adjoining properties.

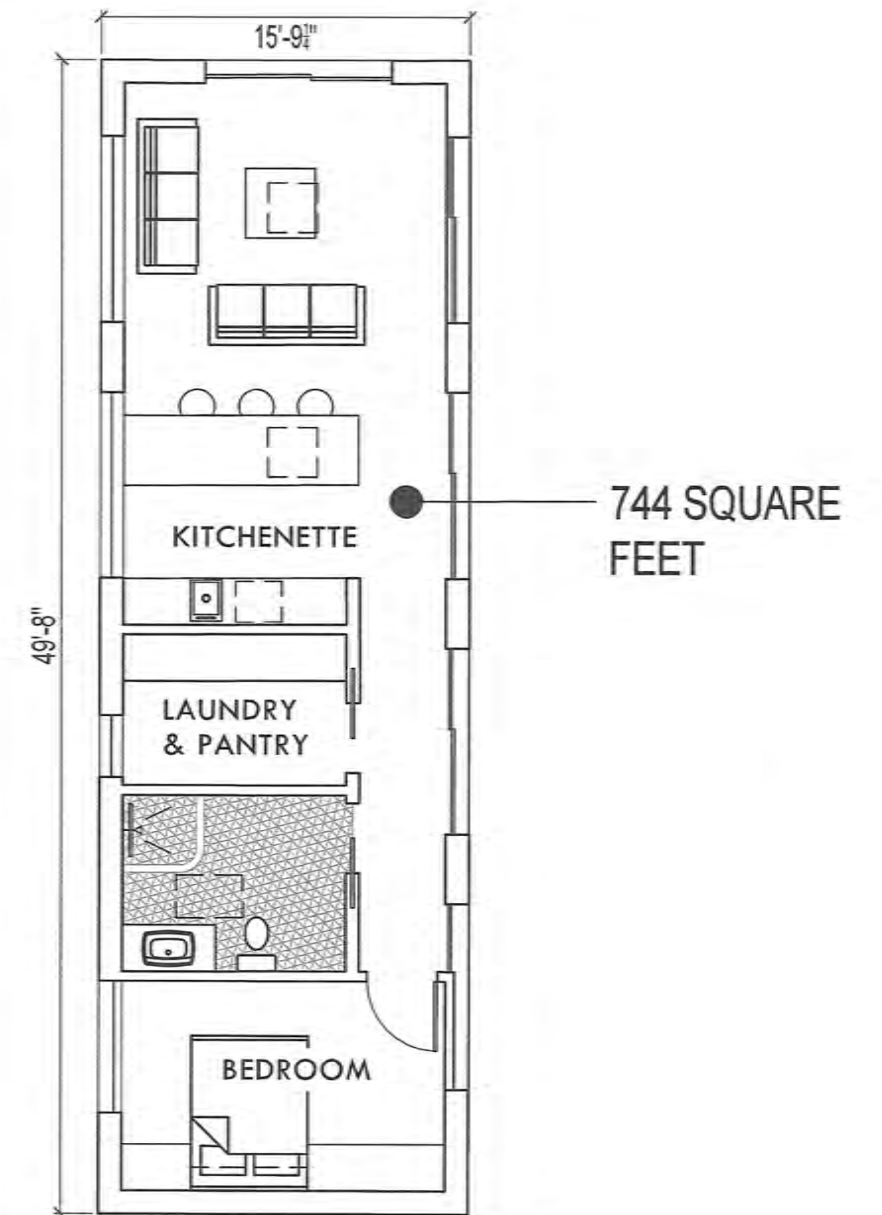
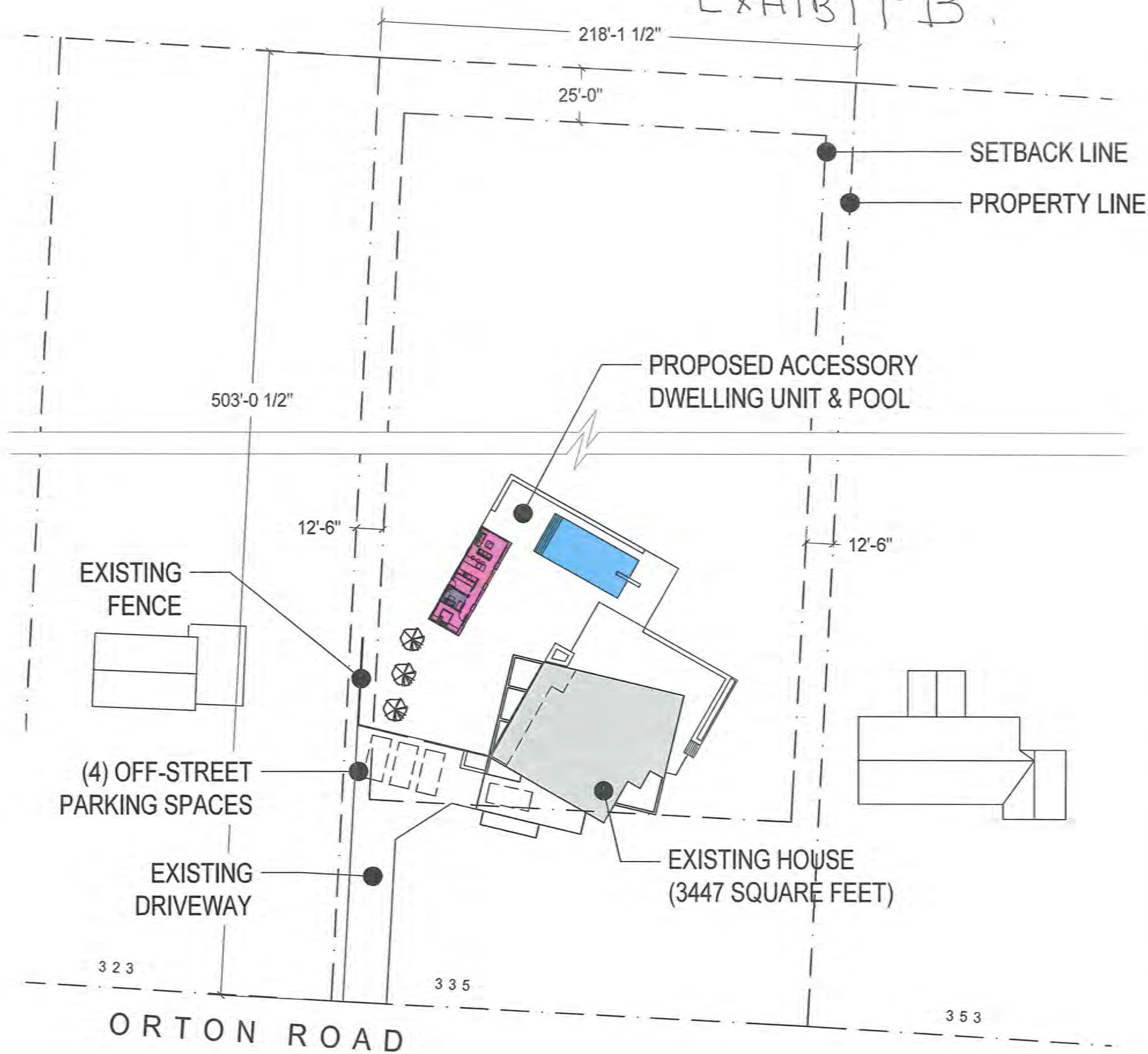
Staff has reviewed the application and found that the proposal meets the conditions of the zoning code and associated planning documents. Staff recommends that the Planning Commission **APPROVE** the Conditional Use and address any concerns raised by neighboring property owners.

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

Respectfully submitted,

Denise Swinger
Zoning Administrator

EXHIBIT B



Accessory dwelling unit (preliminary plan)
Floor plan | Scale: 1/4" = 1'-0"



Case #: PC18-18 [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): Use of retractable pool cover in lieu of a fence

- Property Address and/or Parcel ID: 335 Orton Rd, YS, OH, Parcel # F19000100160003100
- Property Owner: Steven and Stacey Wirrig
 Address: 335 Orton Rd, YS, OH 45387 Phone: (937) 244-6292
- Description of request: Project scope includes the addition of an inground pool, pool house, and appropriate landscaping/decking in the rear yard of the property which is 2.5 acres in size. Specifically, we are requesting a conditional use permit for the construction of the pool house which classifies as an accessory dwelling unit. The ADU will be 744 sq ft with a height of 10' and will be a one bedroom, living room, laundry, kitchenette layout. We also seek approval from the Zoning Board to utilize an automated, retractable pool cover in lieu of a fence around the pool. The retractable cover provides equal, or better protection than fencing, as it isolates the water itself removing temptation that exists with only a fence, supports the weight of several adults, can be closed in seconds when moving into the house or another part of the yard, and unlike a fence gate it is very visible if it is open or closed. The cover type being considered is an Automatic Pool Covers, Inc brand and is UL listed (attached).

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 [Signature]

Title: Resident

Address: 335 Orton Rd, YS, OH 45387

Date: 4/26/18

E-mail: stwirrig@gmail.com

DO NOT WRITE BELOW THIS LINE [OFFICE USE]

Zoning Classification: R-A

Fee: \$100⁰⁰ Date Paid: 4/30/18 ck # 506

Hearing Date: 5/14/2018

Request Denied or Approved: _____

Zoning Official Name & Title: _____

218'-1 1/2"

25'-0"

503'-0 1/2"

12'-6"

12'-6"

EXISTING FENCE

(4) OFF-STREET PARKING SPACES

EXISTING HOUSE

PROPOSED ACCESSORY DWELLING UNIT & POOL

SETBACK LINE

PROPERTY LINE

- PROPERTY LINE

PROPOSED ACCESSORY DWELLING UNIT & POOL

EXISTING
FENCE

(4) OFF-STREET PARKING SPACES

EXISTING
DRIVEWAY

EXISTING HOUSE
(3447 SQUARE FEET)

KITCHENETTE

LAUNDRY
& PANTRY

BEDROOM

49'-8"

Customized Property Map

EXHIBIT C



UL Certification Documentationwww.UL.com

(877)- ULHELPS (854-3577).

File # E236584

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Covers for Swimming Pools and Spas[Page Bottom](#)**Covers for Swimming Pools and Spas**[See General Information for Covers for Swimming Pools and Spas](#)**AUTOMATIC POOL COVERS INC**
9001 E 133RD PL
FISHERS, IN 46038 USA

E236584

Power safety cover, Model AutoGuard, Classified in Accordance with ASTM F 1346-91.[Last Updated](#) on 2003-07-17[Questions?](#)[Notice of Disclaimer](#)[Page Top](#)[Copyright © 2007 Underwriters Laboratories Inc.®](#)

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Find a Pool Cover Specialist

The answer is yes! A Pool Cover Specialists® automatic swimming pool cover is certified to meet or exceed the following Safety Certifications & Codes:

1. ASTM (American Society for Testing and Materials) pool cover safety standard ASTM F1346-91 (2010).
2. ICC (International Code Council) Safety Code ISPSC 305.1 (International Swimming Pool & Spa Code)
3. IAPMO (International Association of Plumbing & Mechanical Officials) Safety Code IAPMO 415.1.3
4. ASHRAE (American Society of Heating, Refrigerating, and Air-Conditioning Engineers), ANSI (American National Standards Institute) Safety Code ANSI/ASHRAE/IES 90.1
5. CPSC (Consumer Product Safety Commission) Approved Safety Barrier

What makes a Pool Cover Specialists® automatic swimming pool cover so safe?

Besides meeting all the safety certifications and being code compliant, automatic swimming pool covers are an “Isolation” Barrier, which unlike other barriers such as fences...an automatic swimming pool cover actually isolates the pool water from the pool deck and its surroundings. This “Isolation” of the water removes all the temptation for children who, with other safety devices can still see and be enticed by the pool water. Also, ASTM certified automatic swimming pool covers are sealed on all 4 sides of the pool making it almost impossible for a young child to climb over or under the cover to get to the water.

ALL Pool Cover Specialists® automatic swimming pool covers, sometimes referred to as “Isolation barriers” provide the best level of protection in that they:

a. isolate the water itself,



b. support the weight of several adults (Pool Cover Specialists® Infinity 4000™ has had over 4200 pounds on a pool cover),

How effective is an automatic swimming pool cover in helping to prevent children from drowning?

1. To our knowledge, although hundreds of thousands of ASTM certified automatic swimming pool covers have been installed worldwide over the past 60 years...there have only been a handful of accidents, drowning's or near drowning's recorded with an automatic swimming pool cover that is closed and functional. Compare that to ALL other safety devices and you will find there is simply NO comparison!

2. A perimeter safety fence or wall. Fences provide a degree of protection in that they, at least, slow down an inquisitive child who has made up their mind to access the pool by stacking furniture, using a device to “flip” a gate latch, or finding some other creative way to get to a pool. The main issue associated with pool fences is that a fence isolates the “Pool Deck” not the “Pool Water” itself and, from a distance, it may be impossible to tell whether a partially closed gate is actually latched.

In addition, if your house is the fourth side of your pool fence, the fence may not help at all. There have been several studies on Fences and their effectiveness in helping to prevent drowning, in all the studies we found, they show that fences are a good deterrent but if the gate is open, latch is broken, or the child simply climbed over...fences provided little help. Here are several studies: Drowning Interventions, Pool Fencing ... Official Journal of the American Academy of Pediatrics show fences may only give a 19% better rate of protection than not having a fence





Compare Pool Safety Covers

LEARN MORE ABOUT AUTOMATIC SAFETY COVERS

- [A Cautionary Tale: Green Water, Bad Advice & an Unsightly Solar Cover](#)
- [Stylish Options for Concealing Your Swimming Pool Automatic Safety Cover](#)
- [What You Should Know About Automatic Safety Cover Track Options](#)
- [It's 2018: Make Sure Your Backyard Is Ready for Pool Season](#)
- [What's New From Latham in 2018?](#)
- [Is it Beneficial to Have Both an Automatic Safety Cover and A Solid or Mesh Safety Cover?](#)
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[PRIVACY POLICY](#)

[DEALER PORTAL](#)

[SITE MAP](#)



TO: PLANNING COMMISSION
FROM: DENISE SWINGER
MEETING DATE: MAY 14, 2018
RE: MINIMUM LOT FRONTAGE

With the update to the zoning code and the results of the visioning process directing growth through infill development, staff is seeing an increase in inquiries from residents asking what they can do with their properties. Each inquiry has its own unique circumstances and staff would like to know how the Planning Commission interprets Section 1260.02 (e) of the zoning code. Section 1260.02 (e) Minimum Lot frontage states:

Any lot created after the effective date of this code shall have frontage on an improved public street or approved private street or access easement, equal to the minimum required lot width in the zoning district in which it is located.

Staff has reviewed this with our legal representative at Coolidge Wall, and interprets Section 1260.02 (e) as follows:

Because a lot can have frontage on an access easement, as well as on a public or private road, a lot that sits behind another lot and has no access to the road can still be used as long as there is an access easement that runs along the new lot for the required distance/frontage in that district.

In trying to further understand this, staff asked if the access easement to the landlocked lot stops at the lot line boundary or does it extend the appropriate frontage width for that district along the landlocked lot line. For example, if the property line width for R-A requires 60-foot frontage, would the easement need to run an additional 60 feet in order to show that there is the required width along the landlocked lot? The answer from our legal representative was yes, it has to be extended 60 feet as there needs to be 60 feet of frontage within the easement.

Exhibit A is an aerial view of a property which recently had a replat. The property owner placed an easement on a 20 foot wide driveway to allow for utilities and for road access to a landlocked lot. The property is located in Residential C which requires frontage of 40 feet. The road access easement extends a total of 149.49 feet, running along the side yard property line of the lot with frontage on Corry Street for 109.49 feet and then an additional 40 feet along the landlocked property's lot line of 41.02 feet.

Once the easement reaches the landlocked property, could the easement extend inside the landlocked property for the additional 40 feet or does it need to stay on the property that is granting the easement?

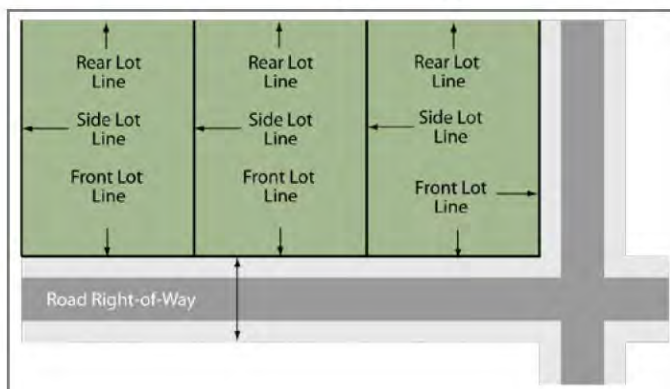
In this case, had there not been 40 feet of frontage available along the shorter landlocked lot line, it is staff's understanding that the owner could get an access easement from the abutting property owner (school) for 40 feet. In my discussions with legal, it was determined the easement could go in either direction along the outside of the landlocked property's lot line. Staff would like Planning Commission to weigh in on this because of the zoning code's lot line boundary definitions. Would we need to determine the frontage on the landlocked lot based on what is in the zoning code or does it even matter on a landlocked lot? See below:

Lot lines. The lines bounding a lot, as defined below:

(1) Lot line, front. *In the case of an interior lot, the line separating the lot from the street right-of-way or road easement. Through and corner lots shall have two front lot lines.*

(2) Lot line, rear. *The lot line opposite and most distant from the front lot line. On a corner lot, the rear lot line is opposite the shorter of the two front lot lines. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. A through lot has no rear lot line.*

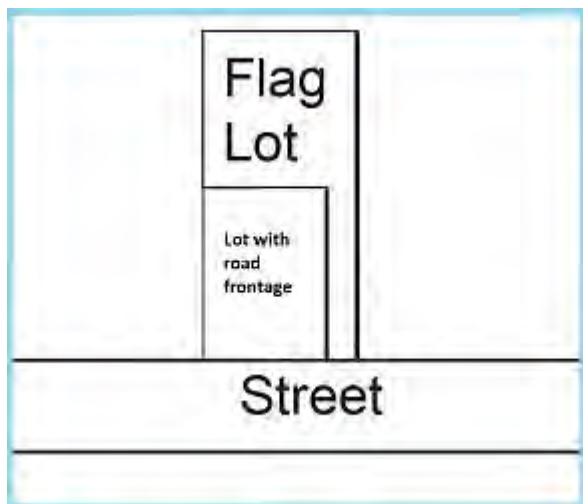
(3) Lot line, side. *The lot lines connecting the front and rear lot lines of an interior or corner lot or connecting the front lot lines of a through lot.*



If the Planning Commission decides it does matter and the land-locked lot does not have the frontage, then is it a non-buildable lot? It may make sense to require it with the creation of any new lots, but with existing land-locked lots it may not since Chapter 1282.05 (a) states: *A lot of record that exists at the time of adoption or amendment of this code that does not meet the minimum requirements for lot width or lot area may be used for any permitted use in the district in which the lot is located, provided that any building or structure constructed on the lot complies with all other requirements of the zoning district.*

Exhibit B is a land-locked property off Livermore Street. Residential A requires that new lots must be a minimum of 7,500 square feet, however this lot is grandfathered in. What makes this an interesting example is that the frontage along Livermore Street is 119.75 feet, just 4 inches shy of 120 feet. If it was 120 feet, could it be a lot split instead of a road access easement? If yes, could the lot split show the required frontage but then narrow and run along the side of the property until it reaches the landlocked lot spanning out to 60 feet again? A recent example of this is the recently auctioned Arnovitz property in the township (**Exhibit B-Part II**). The required frontage is 300 feet in the township, but then it narrows to reach the landlocked acreage. If the Village decides to allow lot splits in this way, could the property owner first apply to the BZA for a variance of 4 inches?

In **Exhibit C**, the owner has three 25 foot frontage lots. He would like to do a replat, combining three lots into two lots. There is enough room to create a second lot, but not enough frontage (50 feet in Residential B) to have a lot split. The property owner is interested in creating a flag lot, which is not allowed in the zoning code. The property owner made reference in a meeting with staff that there are a number of lots with only 25 foot frontage. Why these were created isn't known and would have to be researched further. Are flag lots something Planning Commission would want to consider? Flag lots (aka panhandle lots) are long, slender strips of land resembling flag poles that extend from a lot with just enough frontage for vehicle access.



If the Planning Commission does not want to have flag lots, can the owner replat this property as long as the access easement language is included? Replats do not require approval by the Planning Commission. Should replats be reviewed by the Planning Commission if there are road access easements involved?

Staff wants to prevent issues for not only future property owners, but future zoning staff as property access easements can become problematic. Should zoning have specific requirements a property owner must include in their road access easement in order to approve? For example, identifying the property owners who must maintain the road and/or whether fences are allowed within the easement area, etc. Should the easement be recorded on the deed? If so, is it recorded on both properties?

Exhibit D is a large property in Residential A. Several residents in Residential A have made inquiries on everything from lot splits to pocket neighborhood developments. This is another example where there is enough land to create a lot with a road access easement, but not enough frontage for two separate lots on the public street. Can this property have an additional curb cut for a driveway? Can they ask for a lot split after seeking a 2.6 foot variance to the front yard width?

DRIVEWAYS - The zoning code does not fully address the allowance of additional curb cuts for driveways on existing streets. All of the examples presented (**Exhibit B, C and D**) would require road access which means additional curb cuts may be required to the street. Typically, staff relies on the standards in Chapter 1264 for guidance on these decisions, and regulations for driveways are not well-detailed.

In the case of **Exhibit A**, staff allowed only one driveway access that the property with frontage on Corry Street will share with the landlocked property. Staff made this determination by reviewing various sections of the Planning and Zoning codes, and receiving input from the street superintendent.

See below for other specific mentions of driveways within the Planning and Zoning code:

Planning Code Chapter 1226.06 Design Standards states: (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."*

Planning Code Chapter 1226.06 Design Standards states: (a) *Undeveloped Land*.

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.*

Zoning Code Chapter 1260.01 Buildings and Structures states: *Visibility into and out of any driveway or street shall remain unobstructed.*

Zoning Code Chapter 1260.04 (a) (13) *Residential access driveway shall be at least three feet from side property lines and construction shall ensure that drainage is sloped away from adjacent properties.*

Zoning Code Chapter 1264.02 GENERAL REQUIREMENTS.

(b) Location. *Off-street parking facilities required for all uses other than single and two-family dwellings shall be located on the lot or within 300 feet of the building(s) or use they are intended to serve, as measured along lines of public access from the nearest point of the parking*

facility to the building(s) or use served. Off-street parking facilities required for single- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage. All residential driveways shall meet Village engineering standards. In the B-1, Central Business District, parking facilities shall be located within 600 feet of the building or use to be served.

Zoning Code Chapter 1264.03 (b) (5) Off-Street Parking and Facility Design states:

Ingress and egress. Adequate vehicular ingress and egress to the parking area shall be provided by means of clearly limited and defined drives. All parking lots shall provide interior access and circulation aisles for all parking spaces. The use of public streets for maneuvering into or out of off-street parking spaces shall be prohibited. Ingress and egress to a parking lot in a nonresidential zoning district shall not be through a residential district, except in instances where access is provided by means of an alley that forms the boundary between a residential and nonresidential district. Except in the B-1 District (downtown), access to nonresidential parking lots shall meet the following standards:

A. Ingress and egress driveways shall be located no closer than 50 feet to the intersecting right-of-way of two streets and no closer than three feet to any adjoining property line.

B. Driveways shall not exceed 30 feet in width, as measured at the right-of-way line.

C. A maximum of one driveway shall be permitted per street frontage; provided a second driveway may be allowed where the frontage exceeds 200 feet.

D. No driveway shall be closer than 75 feet to another driveway on the same or abutting property.

E. Driveways shall be perpendicular or no more than 30 degrees from perpendicular to the curb.

F. Driveways shall not be located closer than 25 feet to any property line, unless approved as a shared driveway for two or more properties.

G. All driveways shall be constructed in accordance with the Village engineering standards.

Staff would like to see the addition of standards for residential driveways, including but not limited to the distance between curb cuts within the three Residential Districts, the width of the driveway with and without utilities, and the width of the driveway if the length exceeds beyond a certain distance, in order to allow access for essential services. Standards for driveway width requirements to dedicate utilities and to allow for essential services to reach these landlocked locations will be important as we move forward with infill development.

Included is a recent email from the Village's Fire Chief Colin Altman who wrote:

Access for firefighting and emergency medical incidents is definitely a concern for me, particularly in light of this spate of lot splits and "creative" home locating. The Ohio Fire Code does not address access to individual homes; however, I would recommend a minimum lane

width of 12-14' to allow for apparatus access in the event of an emergency, particularly if the lane is longer than 75'. The grade should be no more than 10%, which shouldn't really be an issue in the village. The fire code references AASHTO HB-17 for construction of load bearing structures, but that may be excessive for a residence. Our ambulances weight around 4-5 tons, and our fire trucks are 12-20 tons."

Greene County's Regional Planning & Coordinating Commission office provided an example of Xenia Township's driveway regulations and suggested we research Tipp City and Sugarcreek Township if we want to put into place standards for driveways in the Village. **Exhibit E** is Xenia Township's driveway regulations.

Respectfully submitted,

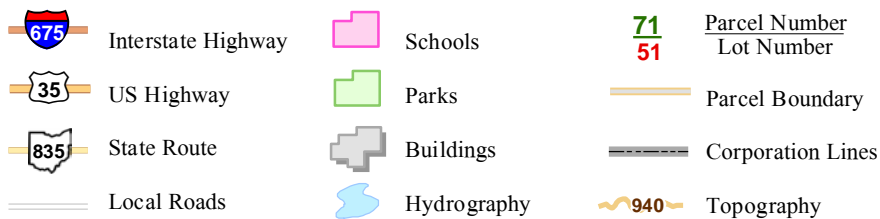
Denise Swinger

Customized Property Map



Greene County Legend

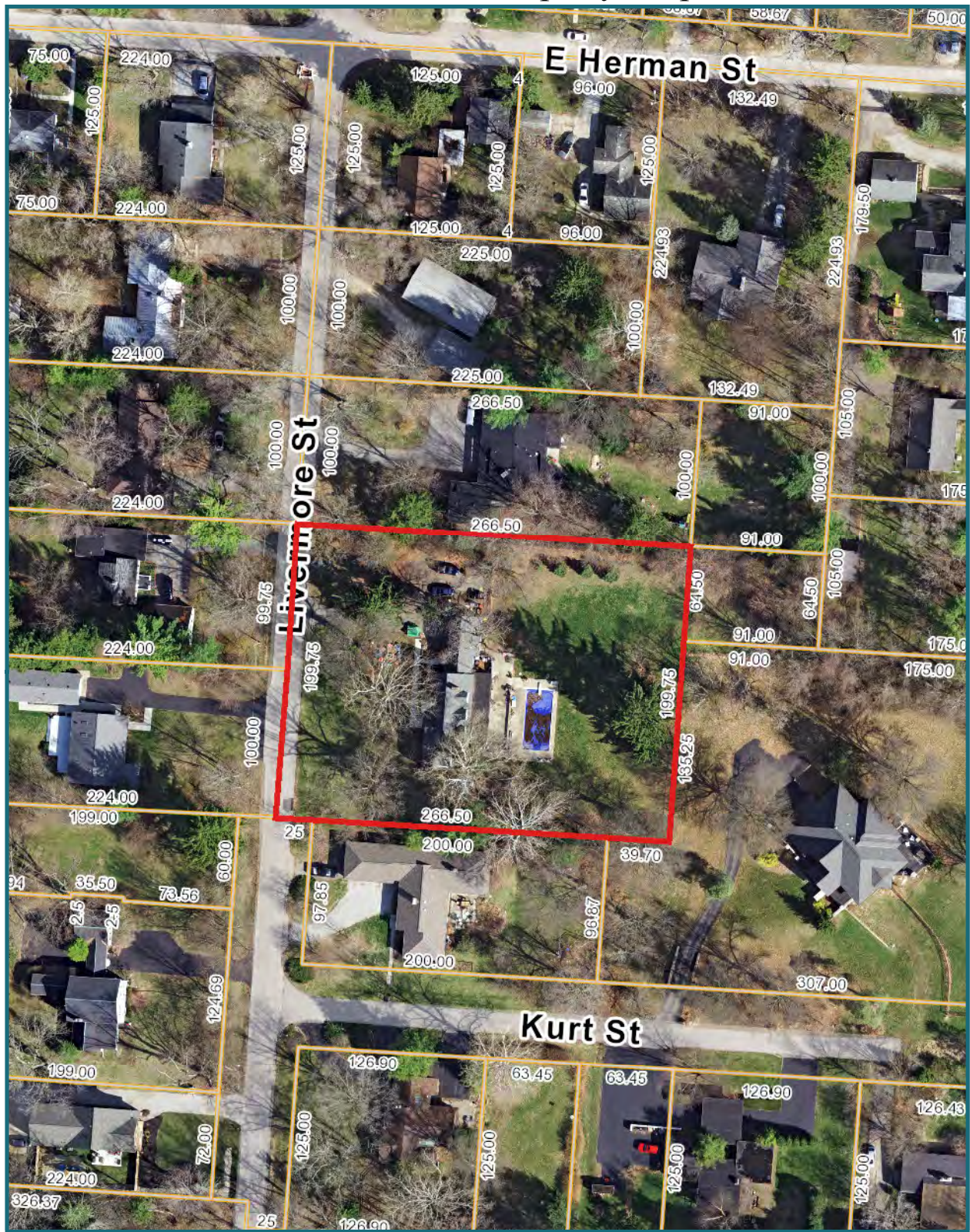
1 inch = 60 feet



A horizontal number line representing distance in feet. It has tick marks at 0, 15, 30, 45, and 60. The labels 0, 30, and 60 are placed above the corresponding tick marks. The unit 'Feet' is written at the far right end of the line.

This map was prepared as the tax map for Greene County as prepared by the Greene County Engineer in accordance with Section 5713.09 of the Ohio Revised Code. Greene County assumes no legal responsibility for the information contained on this map. Users noting errors or omissions are encouraged to contact the Greene County GIS Department.

Customized Property Map



Greene County Legend

1 inch = 100 feet

	Interstate Highway		Schools		Parks		Parcel Number Lot Number		Parcel Boundary		
	US Highway		Parks		Buildings		Corporation Lines		Topography		
	State Route		Hydrography								
	Local Roads										

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Customized Property Map



Greene County Legend

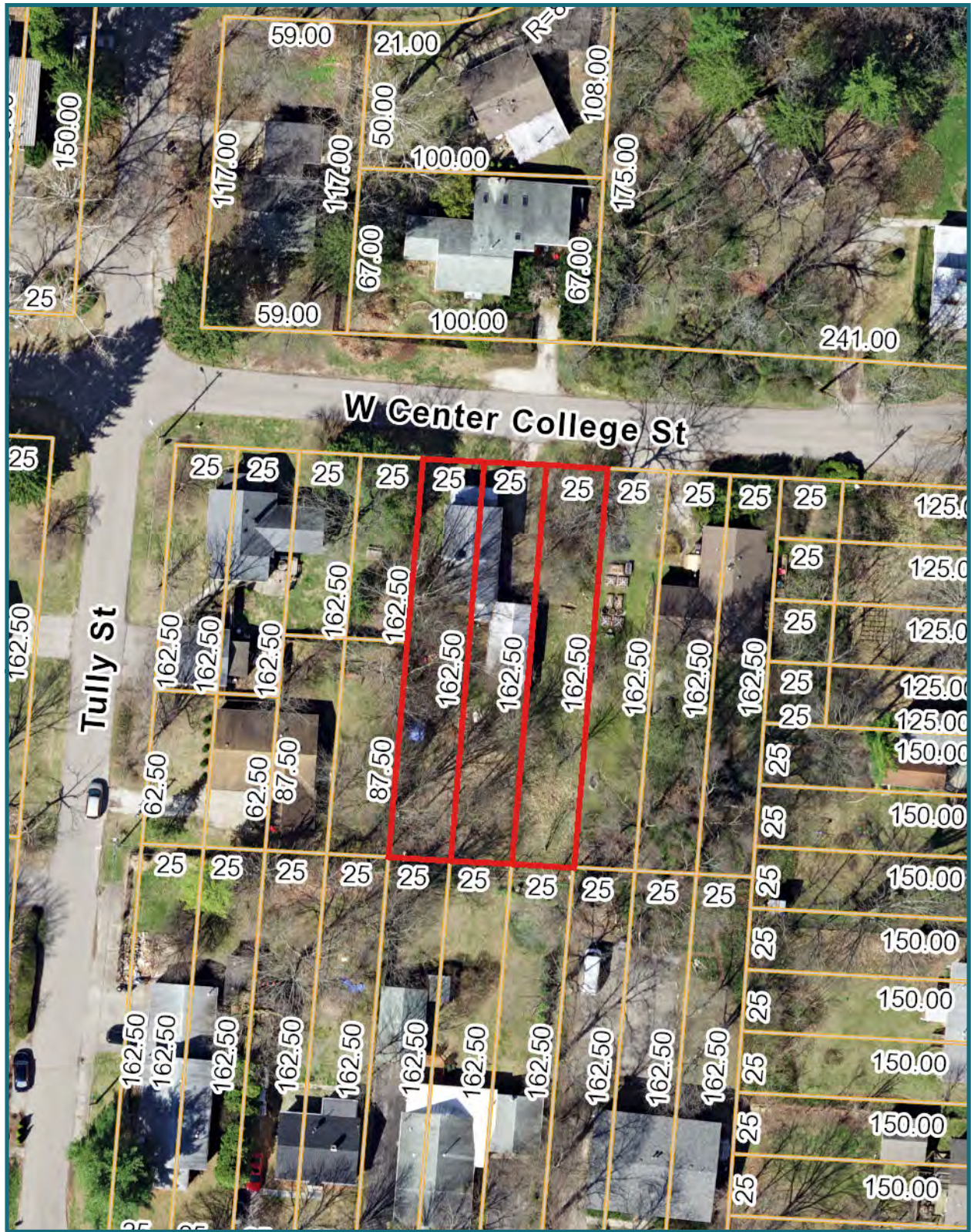
1 inch = 800 feet

	Interstate Highway		Schools		Parcel Number Lot Number		
	US Highway		Parks		Parcel Boundary		
	State Route		Buildings		Corporation Lines		
	Local Roads		Hydrography		Topography		

0 490 980 Feet

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Customized Property Map



Greene County Legend

1 inch = 60 feet

- | | | | | | |
|--|--------------------|--|-------------|--|-----------------------------|
| | Interstate Highway | | Schools | | Parcel Number
Lot Number |
| | US Highway | | Parks | | Parcel Boundary |
| | State Route | | Buildings | | Corporation Lines |
| | Local Roads | | Hydrography | | Topography |



0 30 60 Feet

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Customized Property Map



Greene County Legend

1 inch = 100 feet

	Interstate Highway		Schools		Parcel Number Lot Number		
	US Highway		Parks		Parcel Boundary		
	State Route		Buildings		Corporation Lines		
	Local Roads		Hydrography		Topography		

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XENIA Twp. Zoning Text

523.9 Driveways

Any and all access points on roads shall require a driveway permit, and be constructed to the specifications listed on the permit.

523.10 Driveway Standard Regulations

The intent and purpose of driveway regulations are to provide a suitable means of ingress and egress between the road and the principal structures by the owners, occupants, delivery, and emergency vehicles. The improvements are to be installed and maintained by the owner. A driveway and culvert permit issued by the Xenia Township Road Department shall be required for any driveway cuts and before issuance of a zoning permit for any principal structure as defined in Section 201 of the Xenia Township Zoning Resolution. There shall be

no more than one principal structure per driveway, unless approved by the Xenia Township Board of Zoning Appeals. If approved, the Board of Appeals shall require all deeds include covenants and agreements indicating that the said lane or drive is a private drive and that it shall be maintained and kept in a state of good repair by the private landowners to whom the lane provides ingress and egress. The covenants and agreements shall clearly indicate that said private drive and individual turn-around are not public roadway and that Xenia Township shall have no responsibility for maintenance of the private drive and/or turn-around.

1. All driveways shall be constructed and subsequently maintained to meet the following standards.
 - a. A driveway must commence at a dedicated road.
 - b. Shall be a minimum width of 12 feet constructed with a base substantial enough to support vehicles to 40,000 lbs. gross vehicle weight (GVW);
 - c. Free from overhead obstructions to a height of 13 feet 6 inches and side-to-side obstructions to a width of 7 feet from the center line of the driveway;
 - d. Any incline, decline, dip, hump and/or curve must take into consideration the turning radius, ground clearance, and traveling envelope of all vehicles to include emergency vehicles.
2. Any driveway in excess of 1000 feet in length shall, in addition to the conditions/standards outlined in Section A, be required to also meet the following conditions:
 - a. Have a vehicle pull-off near the mid-point, and additional pull-offs for every 500 feet thereafter;
 - b. Have a turnaround at the end suitable for use by emergency vehicles;
3. Should Greene County Soil & Water recommend a culvert, pipe or bridge; no zoning permit will be issued until recommendations are completed. It is recommended that a pre-manufactured culvert, pipe or bridge be used. If a custom design is used, then it must be designed by a professional engineer and approved by the Township before construction.



TO: PLANNING COMMISSION

FROM: DENISE SWINGER

MEETING DATE: MAY 14, 2018

RE: TINY HOMES-MOBILE AND MANUFACTURED HOMES

At the April 9th meeting of the Planning Commission, we began to explore the zoning code's definition of a modular and/or mobile home. Because the minimum square footage requirement was removed from the zoning code in the 2013 update, the zoning office is receiving inquiries regarding the construction of tiny homes. According to the International Residential Code (IRC) Appendix Q, the definition of a tiny house is "a dwelling that is 400 square feet (37 sq. m) or less in floor area, excluding lofts." Often the inquiries pertaining to tiny homes are best described in the Zoning Code's definition of a "manufactured home," but according to tiny home builders, it is not (Exhibit A).

People are asking if they can pull a tiny house onto a lot, hook it up to utilities and live in it. Currently, if someone inquires specifically about this type of dwelling, the definition of a "manufactured home" is explained (see Pg.2). In staff's interpretation, it needs to be located on the ground, with or without a permanent foundation and be connected to utilities. The reason for staff's interpretation of its location on the ground is because the definition of a "dwelling unit" in the zoning code excludes portable buildings (see Pg. 2). Because the zoning code does not include a definition of a portable building, having a tiny house on a permanent chassis with wheels that can be removed, is staff's interpretation of a portable building. A tiny house can have a certificate of occupancy issued and it is regulated by local building departments. Does this mean it can stay on wheels and fit the definition of our zoning code? What is the definition of a portable building? What is meant by "without" a permanent foundation?

The zoning code's definition of a manufactured home also states it is to be designed for use as a single-family dwelling. Does this mean that you cannot use a manufactured home in the construction of an accessory dwelling unit?

Further clarification of the zoning code by the Planning Commission is needed. It is important that we have this understanding as we move forward. With the goal of infill development, the zoning code needs to be clear so there is no confusion by staff, residents or builders on its intent.

Below are the definitions for an Accessory Dwelling Unit, a Manufactured Home, a Single-Family Dwelling Unit and a Dwelling Unit in the Zoning Code. Also included is a definition of a portable house from Wikipedia. Please consider the Zoning Code's current text as it relates to the tiny house movement and more specifically, tiny homes on wheels.

1284.02 DEFINITIONS: A-B

Accessory dwelling unit. A second dwelling unit subordinate to the principal dwelling that shares ownership and utility connections with the principal unit on a single family zoned lot.

1284.03 DEFINITIONS: C-D

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."

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**.

1284.06 DEFINITIONS: L-M-N

Manufactured home. A factory-built, single family structure, transportable in one or more sections, which is built on a permanent chassis in compliance with the National Manufactured Home Construction and Safety Standards (42 USC, Sec. 4301) and designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to utilities. **The term "manufactured home" includes "mobile home."** Recreational vehicles and temporary buildings are not included in this definition.

A **portable**, demountable or **transportable** building, is a building designed and built to be movable rather than permanently located. A common modern design is sometimes called a modular building, but **portable** buildings can be different in that they are more often used temporarily and taken away later.

Portable building - Wikipedia

https://en.wikipedia.org/wiki/Portable_building

WHAT EXACTLY IS A TINY HOUSE?

A DWELLING THAT IS 400 SQUARE FEET OR LESS IN FLOOR AREA EXCLUDING LOFTS.

-Official International Code Council (ICC) Definition adopted 2017



Certificate of Occupancy Potential:
DIY Build Potential:
Size:
Construction Code:
Regulating Agency:

✓
✓
400 Sq Ft or Less
IRC Appendix Q
Local Building Departments

WHAT A TINY HOUSE IS NOT

PARK MODEL

A park model is a trailer-type RV designed to provide temporary accommodation for recreation, camping or seasonal use. ²

Certificate of Occupancy Potential:
DIY Build Potential:
Size:
Construction Code:
Regulating Agency:



⚠
⚠
400 Sq Ft or Less
ANSI 119.5
RVIA



MANUFACTURED HOME

Manufactured/mobile homes are built as dwelling units of at least 320 Sq Ft with a permanent chassis to assure the initial and continued transportability of the home. ⁵

Certificate of Occupancy Potential:
DIY Build Potential:
Size:
Construction Code:
Regulating Agency:

✓
⚠
320 Sq Ft or more
MH Construction & Safety Stds.
HUD

RV

An RV is a vehicle designed as temporary living quarters for recreational, camping, travel or seasonal use. ⁴

Certificate of Occupancy Potential:
DIY Build Potential:
Size:
Construction Code:
Regulating Agency:

⚠
⚠
Defined by NHTSA
NFPA 1192
RVIA



DEFINITIONS/RESOURCES

Certificate of Occupancy Issued by local authority indicating a building meets building code requirements and is suitable for permanent occupancy.

IRC Appendix Q The official, national building code for tiny houses found in the 2018 International Residential Code (IRC).

ANSI American National Standards Institute oversees the development of standards for RVs and other products, services, and systems.

RVIA Recreational Vehicle Industry Association is the national trade association representing RV manufacturers and their suppliers.

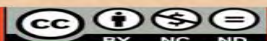
HUD Department of Housing and Urban Development is a cabinet department in the US government that develops and executes policies on housing and metropolitan areas.

NHTSA National Highway Traffic Safety Administration agency within the US Dept of Transportation.

1. tinyhousebuild.com/code
2. rvia.org

3. hud.gov
4. rvda.org

Sharing is Caring. Please Link Back to www.TinyHouseBuild.com



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EXHIBIT A

What Are Tiny Houses?

by Gabriella on November 2, 2017 in Codes and Zoning, Uncategorized, Zoning/Codes ó TinyHouseBuild.com

Nearly all news stories addressing *what are tiny houses* say something like, “A common definition for a tiny house doesn’t exist!” Well we have good news; if you’ve been wondering just what a tiny house is, a definition has FINALLY been established!

In 2017, Andrew Morrison and Martin Hammer wrote International Residential Code (IRC) Appendix Q: Tiny Houses, and after intense vetting and a three stage voting process, it was approved by the International Code Council (ICC). After months of effort, advocacy work, and overcoming a *lot* of obstacles, we are VERY pleased to reveal the official definition of a tiny house:

TINY HOUSE. A dwelling that is 400 square feet (37 sq m) or less in floor area excluding lofts.

Plain and simple! Why is it important to have a uniform tiny house definition?

ÉIf you want to go the legal route for your tiny house build, at some point you’ll need to go into the building department. Using the right terminology will help officials see that you know what you’re talking about (which will make them more likely to give you a building permit and Certificate of Occupancy).

ÉBeing able to definitively answer the question *what are tiny houses* places us all on the same page when addressing the tiny house movement, what challenges we face collectively, and where we go from here.

ÉHaving a definition helps us know what a tiny house is NOT. A tiny house is *not* a Park Model (trailer type RV designed to provide *temporary* accommodations for recreation, camping or seasonal use). A tiny house is *not* a Manufactured Home (Manufactured Homes are built by a certified manufacturing plant as dwelling units of at least 320sqft with a permanent chassis to assure the initial and continued transportability of the home). As a point of clarification, **Manufactured Homes are often misidentified as “Mobile Homes”**. However, the term *Mobile Home* only refers to Manufactured Housing built prior to 1976. Anything built post 1976 in this classification is officially and legally referred to as Manufactured Housing. Finally, a tiny house is *not* an RV (vehicle designed as *temporary* living quarters for recreational, camping, travel or seasonal use).

ÉA definition for Tiny House allows people in the community to speak with banks and other lending institutions and show them that the home they're considering is actually a legally defined entity and one that comes with its own code language and guidelines. This makes the home much more official in the lenders' eyes.

ÉThe official definition also allows those of us in Tiny Homes to work directly with insurance agencies to identify the home in legal terms. Once again, the inclusion of an official definition and an official code guideline (Appendix Q) legitimizes the home for insurance agents and their underwriters.

One of the most exciting aspects of Appendix Q: Tiny Houses, is that it creates a legal pathway for people to occupy their tiny as a full time residence by acquiring a Certificate of Occupancy (CoO). A CoO is not attainable through an RV certification, nor with Park Models. They are possible with a Manufactured Home but DIYers can't legally build their own Manufactured Home.

As far as the DIY builder goes, the only option for acquiring a CoO for a Tiny House (and thus a legal residence) is by following Appendix Q.

This is really important because most of us living the tiny house lifestyle are looking for HOUSING options, not *recreational* options. In most cases, without a CoO, you simply don't have a legal residence. To be clear, there are locations around the U.S. and around the world that currently allow for people to live in RVs full time, or in homes without any code oversight. However, those areas are few and far between and they certainly don't exist in most residential neighborhoods.

Some people in the tiny house community have suggested that a tiny house is simply a small home, outside of the realm of conventional housing. They suggest that the size of the home is relative to the inhabitants and not something that one can pin a number to. In fact, Andrew himself says something similar at our workshops and in his presentations when he discusses the "feeling" or "perception" of a tiny home. He talks about "Human Scale" as the focus of housing. For example, a family of 10 may not find living in 400 square feet to be an option. For them, an 800 sf home may be the way to go and it will, believe me, still fit the description "tiny." It won't, however, meet the *definition* of a Tiny House in legal terms. So yes, tiny may be relative from a feeling standpoint, but not from a quantifiable, legal perspective.



TO: Planning Commission

FROM: Denise Swinger, Zoning Administrator

MEETING DATE: May 14, 2018

RE: RECREATIONAL VEHICLE PARKING

The Village often deals with issues surrounding the parking of recreational vehicles on public rights-of-way and properties. Specifically, we have had numerous citizen complaints of people parking RVs on public streets and parking lots and using it as a dwelling. There is no language in the general offenses code enabling the police department to enforce limitations. Recreational vehicles are only mentioned in the zoning code under 1260.03 Parking and Storage and therefore, must follow the zoning process for enforcement. Although 1260.03 states it is unlawful to park on public rights-of-way and properties, it only is unlawful if the vehicle is being used as a dwelling. In order to prove this, the vehicle would need to be monitored 24/7. Since code enforcement is left to the zoning administrator, the police department often helps with these complaints. Entering a recreational vehicle requires a search warrant granted by a judge. Even then, conclusive evidence may be difficult to prove since RVs typically contain household items for lodging. Below is the zoning code's language for parking and storage. Under 1260.03 (b) there is a suggested change for Planning Commission to consider.

1260.03 PARKING AND STORAGE.

(a) Outdoor Storage. Outdoor storage of merchandise, equipment, supplies, products or other materials shall only be permitted in those districts and under the conditions specifically authorized by this code. Storage of household items in Residential Districts is permitted in the rear yard only and if not in violation of other laws (nuisance, litter and trash).

(b) Recreational Vehicle Parking. It shall be unlawful for any person to park or cause to be parked any mobile home or recreational vehicle on any street, alley, highway, or other public place in the Village and to use the same as a dwelling. This provision shall not prohibit the temporary occupancy for periods up to 72 hours of a recreational vehicle; provided the recreational vehicle contains sleeping accommodations, is parked on a lot in a Residential District, and is for the use of the owner of that lot or guests of the owner.

(b) Recreational Vehicle Parking. It shall be unlawful for any person to park or cause to be parked any mobile home or recreational vehicle on any street, alley, highway, or other public place in the Village and to use the same as a dwelling. Recreational vehicles may be parked on private lots for off-street parking in side yards or backyards (no front yards). If used for temporary occupancy, the recreational vehicle may be parked for up to 72 hours on private lots

in side yards or backyards (no front yards) in Residential Districts only, and must be for the use of the owner of the lot or guests of the owner.

(c) Storage and Repair of Vehicles.

(1) The repair, restoration and maintenance of vehicles in any Residential District shall be conducted entirely within an enclosed building, except for those activities that can be and are completed in less than seven days. All such repair shall take place on private property and may not be conducted within the public right-of-way.

(2) It shall be unlawful for the owner, tenant or lessee of any building or lands within the Village to permit the open storage or parking of any inoperable motor vehicle, machinery or equipment, or parts thereof, outside of an enclosed garage or enclosed building, for a period of more than 48 hours. An inoperable motor vehicle for purposes of this subsection shall include motor vehicles which, by reason of dismantling, disrepair or other cause, are incapable of being propelled under their own power, or are unsafe for operation on the streets and highways of this state because of the inability to comply with the State Motor Vehicles and Traffic Code, or do not have a current license and registration, as required for operation by the State Motor Vehicles and Traffic Code.

(3) It shall be unlawful for the owner, tenant or lessee of any lot or building in a Residential District to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked for purposes of construction being conducted on that lot.

There are a number of recreational vehicles openly parked on private properties in Yellow Springs. Some communities do not allow them to be parked in residential areas except for the expeditious loading or unloading of people and property. This may be too restrictive and drastic a change for Yellow Springs. Planning Commission may want to consider a restriction on the number of recreational vehicles that can be openly parked on a private property in a residential area.

The bigger issue is the parking of recreational vehicles on public streets, which was recently discussed at a staff meeting with the superintendents and police chief. The Village's street crew considers it a safety hazard, especially when trying to maintain the streets for snow plowing, etc. In staff's opinion, public streets should not be used for storage. The parking of recreational vehicles on public streets limits access and may be difficult for essential services such as a fire truck to navigate. 452.20 of the General Offenses code is the only place where the codified ordinances mentions parking of larger vehicles. If RVs are not banned from parking on public streets or property, it was suggested a time limit be imposed and/or specific locations where RVs may park on public property.

Staff suggests Planning Commission make a recommendation to the Police Chief and Council to consider adding language regarding recreational vehicles to the general offenses code.

452.20 PARKING OF TRUCKS AND CONSTRUCTION EQUIPMENT IN RESIDENTIAL ZONES.

No person shall park any truck exceeding 10,000 pounds gross vehicle weight, or twenty feet in length, nor any wheel or track-mounted construction equipment, including, but not limited to, trailers, tractors, loaders, dozers, air compressors and cement mixers, within the public right-of-way of any street in any residentially zoned area of the Village. An exception may be made, at the discretion of the police, for construction equipment left in place on a project currently underway in such a residential zone.

The zoning code's definition for a recreation vehicle is described below:

1284.08 DEFINITIONS: R-S.

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