

**VILLAGE OF YELLOW SPRINGS, OHIO  
ORDINANCE 2020-26**

**REPEALING CHAPTER 1260 “GENERAL PROVISIONS” OF THE CODIFIED ORDINANCES  
OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING NEW CHAPTER 1226  
“GENERAL PROVISIONS”**

**Whereas,** Chapter 1260 of the Codified Ordinances of the Village of Yellow Springs, Ohio provides the general Zoning requirements and standards in the Village; and

**Whereas,** Village Council has determined that it would be in the best interest of the Village to adopt a new Chapter 1260 entitled “General Provisions” of the Codified Ordinances of the Village of Yellow Springs, Ohio in order to update and improve the Code,

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO  
HEREBY ORDAINS THAT:**

**Section 1.** Existing Chapter 1260 “General Provisions” of the Codified Ordinances of the Village of Yellow Springs, Ohio is hereby repealed.

**Section 2.** A new Chapter 1260 “General Provisions” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth in Exhibit A, which is attached hereto and incorporated herein by reference, with new language underlined and **bolded** and deleted language in ~~strickethrough~~.

**Section 3.** This ordinance shall take effect and be in full force at the earliest date permitted by law.

\_\_\_\_\_  
Brian Housh, President of Council

Passed: 10-19-2020

Attest: \_\_\_\_\_  
Judy Kintner, Clerk of Council

**ROLL CALL**

Brian Housh __Y__	Marianne MacQueen __Y__	Kevin Stokes __Y__
Lisa Kreeger __Y__		Laura Curliss __Y__

# EXHIBIT A

## CHAPTER 1260 General Provisions

[1260.01](#) Buildings and structures.

[1260.02](#) Dimensional provisions.

[1260.03](#) Driveway standards, access easements, parking and storage.

[1260.04](#) Uses.

[1260.05](#) Other provisions.

### **1260.01 BUILDINGS AND STRUCTURES.**

(a) Fences and Walls. Notwithstanding other provisions of this zoning code, fences, walls and foliage are permitted in required yards under the following conditions:

(1) The height shall not exceed four feet in the front yard, including both front yards of a corner or through lot, except within the clear vision triangle (see Section [1260.02\(b\)](#)) which shall be three feet.

(2) Fences, walls and foliage adjacent to any public sidewalk shall be set back at least one foot from the inside of the sidewalk.

(3) Visibility into and out of any driveway or street shall remain unobstructed.

(4) Within a side or rear yard in a Residential District, no fence or wall shall be permitted to exceed a height of six feet, measured from the natural grade to the uppermost portion of the fence.

(5) In Residential Districts, if both sides of the fence are not identical, the finished side shall face the adjoining property.

(6) Fences in nonresidential districts shall be permitted up to eight feet in height, provided for each foot exceeding six feet, there shall be a one and one-half foot setback from side property lines.

(7) Barbed wire or electrically charged fences may be erected in nonresidential districts, provided the electrically charged or barbed section of the fence shall be no lower than seven feet above grade.

(8) Fences, walls or foliage erected or maintained above or within utility easements shall be subject to removal, as necessary, to provide access to such easements.

(b) Temporary Buildings and Structures.

(1) Construction buildings and structures, including trailers, incidental to construction work on a lot, may be placed on that lot, subject to the following:

A. Construction buildings and structures may only be used for the storage of materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation facilities related to construction activity on the lot. An enclosed structure for temporary sanitation facilities shall be required on all construction site.

B. No construction building or structure shall be used as a dwelling unit.

C. A permit shall be obtained from the Zoning Administrator prior to installation of a construction building or structure.

D. Construction buildings and structures shall be removed from the site within 15 days after an occupancy permit is issued by the Zoning Administrator for the permanent structure on the lot, or within 15 days after the expiration of a building permit issued for construction on the lot.

(2) Sales offices or model homes may be placed on a lot subject to the following:

A. A permit shall be obtained from the Zoning Administrator prior to installation or construction. The permit shall specify the location of the office and shall be valid for a period of up to one year. A temporary permit may be renewed by the Zoning Administrator for up to two successive one-year periods of less at the same location, if it is determined that the temporary building is still incidental and necessary.

B. Only transactions related to the development in which the temporary building is located shall be conducted within the building. General offices for real estate, construction, development or other related businesses associated with the project shall not be permitted.

(c) Unlawful Buildings and Uses. Any building, use or lot which has been unlawfully constructed, occupied or created prior to the date of adoption of this code shall continue to be unlawful, unless expressly permitted by this zoning code. Such buildings, uses or lots shall not be considered to be nonconforming and are not entitled to any consideration under the provisions of [Chapter 1282](#).

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

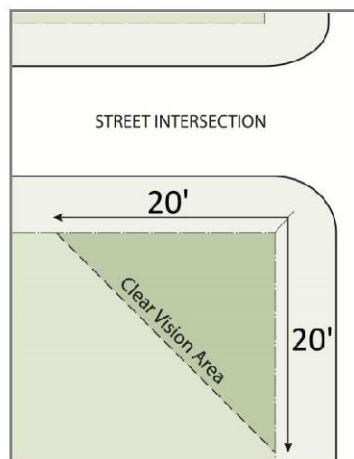
## **1260.02 DIMENSIONAL PROVISIONS.**

(a) Average Front Setback. The minimum front setback requirements for a principal building in any Residential District may be reduced in accordance with the following:

(1) Where two or more lots entirely or partially within 200 feet of a subject lot, on the same side of the street and the same block, are occupied by principal buildings whose existing front setback is less than required by the zoning district, the average of the established setbacks for those buildings shall be the minimum required front setback for the subject lot.

(2) 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.

(b) Clear Vision Corner. Fences, walls, structures, shrubbery or other potential obstructions to vision, except utility poles, lights and street signs, shall not be permitted to exceed a height of three feet within a triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines 20 feet from the point of intersection with the right-of-way lines.



(c) Cul-de-sac Lots. In the case of lots abutting the turn-around radius of a cul-de-sac street, the minimum required lot width shall be measured at the required front setback line, provided all such cul-de-sac lots shall have a minimum width of 40 feet at the front lot line.

(d) Height Exceptions. Height limits specified elsewhere in this zoning code shall not apply to:

(1) Churches, schools, hospitals and public buildings including, but not limited to: libraries, museums, art galleries, fire stations or public buildings of a cultural, recreational or administrative nature.

(2) Barns, silos or other buildings or structures on farms; church spires, belfries, cupolas and domes; monuments; transmission towers; windmills; chimneys; smokestacks; flagpoles; and radio towers, masts and aerials. These structures shall be limited to 100 feet in height in any case, unless otherwise permitted in this code.

(3) Structures needed as part of an industrial facility where the manufacturing process requires a greater height; provided, however, that all such structures shall be limited to 25% of the area of the lot and shall meet all yard setback requirements for a principal building, but in no case less than 25 feet.

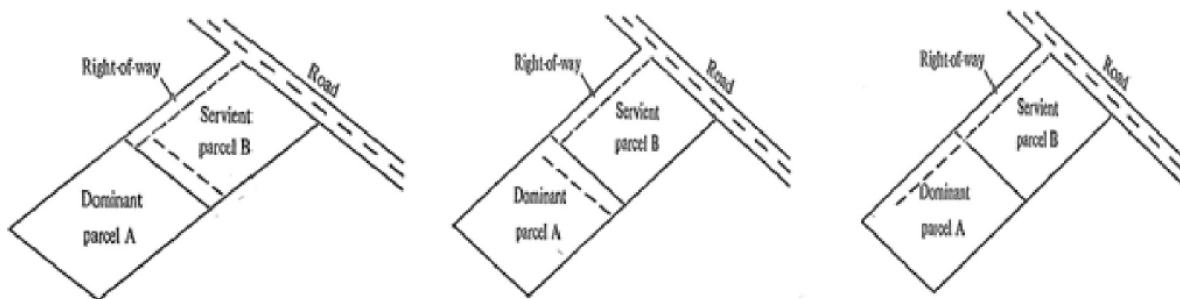
(e) Minimum Lot Frontage. Any lot created after the effective date of this code shall have frontage on an improved public street or approved private street or access easement, equal to the minimum required lot width in the zoning district in which it is located. If an access easement is required to reach the lot, the minimum required lot frontage may run along the inside property line of the lot being accessed. If the lot is located on a private street or access easement, specific requirements for ingress/egress will apply (Section [1260.03](#)). Approval for private street or access easements must be granted by the Planning Commission. **Uncommon lot configurations may be approved by the Planning Commission if additional requirements in the Village's Subdivision Regulations are met (Chapter [1226.11](#) or [1226.12](#)).**

(f) Required Yards or Lots. No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered or reduced as to make the area or space less than the minimum size required by this code. If already less than the minimum size required, the area or space shall not be further divided or reduced.

(Ord. 2018-43. Passed 11-5-18.)

### **1260.03 DRIVEWAY STANDARDS, ACCESS EASEMENTS, PARKING AND STORAGE.**

(a) On a legally zoned lot, there shall be no more than one driveway, unless the lot is part of a Planned Unit (PUD) or Pocket Neighborhood Development (PND). If the frontage of the lot will be located along an access easement, the access easement shall be recorded on the deed of all properties which are subject to the easement and shall clearly specify the party or parties that shall be responsible for the maintenance of the easement area. An additional curb cut for a second driveway shall only be permitted if the lot frontage exceeds by 15 feet the minimum lot frontage requirement of the respective zoning district. The access easement shall provide lot frontage at least equal to the minimum required lot frontage of that zoning district (see diagram).



The Village of Yellow Springs 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 ~~45~~ **12** feet constructed with a base substantial enough to support vehicles to 40,000 pounds gross vehicle weight (GVW).
- C. Curb cuts and driveway aprons must be made of concrete per Village of Yellow Springs Public Works Department standards.
- D. 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.
- E. Utility easements for storm, sewer, water, electric and gas are to be maintained along the back and side yard property lines as it was in the original subdivision.
- F. Free from overhead obstructions to a height of 13 feet 6 inches and side-to-side obstructions to a width of 8 feet from the center line of the driveway.
- G. 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.
- H. Addresses for properties on private drives or road access easements must be clearly marked and visible from the public street.

(2) Any driveway in excess of 1,000 feet in length shall, in addition to the conditions/standards outlined in division (a)(1) of this section, 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) 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. Should the driveway require a culvert, pipe or bridge, no zoning permit will be issued until a recommendation is received from the Village of Yellow Springs Public Works Department. 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 Village of Yellow Springs Public Works Department before construction.

(b) 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).

(c) 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, except for the expeditious loading and unloading of the vehicle. 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.

(d) 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 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.

(Ord. 2019-38. Passed 12-2-19.)

#### **1260.04 USES.**

(a) Accessory Buildings and Structures.

(1) Accessory buildings or garages shall be considered to be part of the principal building and subject to all setback requirements of the principal building, if structurally and architecturally integrated into the building or if attached by an enclosed breezeway or similar enclosed structure not greater than ten feet in length. Detached accessory buildings shall be located at least ten feet from any principal building.

(2) Accessory buildings and structures shall not be erected in any front yard.

~~(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.~~ **Accessory buildings and structures as measured from its furthest extension, including roof eaves, balconies, porches or decks, 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. Accessory structures may not be built within 7.5 feet of 7200-volt distribution lines and an inspection by the Village's Public Works Department is required prior to zoning approval. Relocation of lines will require aid to construction at the expense of the developer.**

**(4) A stormwater management plan shall be submitted with the permit application following the Appendix: Stormwater Guidelines for Low Impact Development of the Planning Code.**

(4 ~~5~~) An accessory building or structure designed for and containing a vehicle entrance to be accessed from an existing publicly dedicated and commonly used alley



may be located on the rear lot line, if parking space plans have been approved by the Zoning Administrator.

(5 **6**) 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.

(6 **7**) Accessory structures shall not exceed 66% of the principal building's gross floor area or 800 square feet, whichever is less.

(7 **8**) An accessory building or accessory structure shall not be constructed or occupied on a lot before the principal building or use on the lot is constructed.

(8 **9**) Accessory buildings and structures in planned unit developments shall be subject to the same requirements as in the Residential Districts.

(9 **10**) Accessory structures located in a designated flood hazard area shall comply with the additional provisions set forth in [Chapter 1282](#).

(10 **11**) Swing sets, playground equipment, garden trellises, well-head covers, portable or temporary pools less than 24 inches in depth, and similar above-ground yard equipment accessory to a residential use shall be exempt from the provisions of this zoning code, except for height limitations, or unless specific provision is made for such equipment by Village ordinance.

(11 **12**) Buildings and structures accessory to nonresidential uses shall meet the minimum setback requirements and height limitations for principal buildings in the respective zoning district.

(12 **13**) 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.

(13 **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.



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.

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.

(b) Essential Services. The installation and maintenance of essential service equipment is exempt from this zoning code.

(c) Illegal Dwellings. The use of any basement for dwelling purposes is prohibited in any zoning district, unless the basement meets the appropriate Village building codes. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes, except in conformance with the requirements of Section [1262.08\(e\)\(1\)](#) for accessory dwellings.

(d) Principal Use per Lot. A lot or parcel shall not be devoted to more than one principal use, or contain more than one principal building, except for groups of multiple family dwellings, agricultural buildings, approved mixed use developments, planned unit developments (PUDs), pocket neighborhood developments (PNDs), or commercial or industrial buildings determined by the Planning Commission to be a principal use collectively.

(e) Prohibited Uses. Uses not specifically permitted by right or conditional approval by this zoning code shall be prohibited.

(f) Uses in Conformance. No building, structure or land shall be used or occupied, and no building, structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered, unless in conformity with the provisions of this code.

(g) Uses on a Lot. Every building, structure or use erected or established within the Village shall be located on a legally recorded lot or parcel and shall conform to all applicable requirements of this code.

(h) Tiny Home. A structure built on a permanent chassis with or without wheels which must receive a certificate of occupancy from Greene County Building Regulations in order to be used as a dwelling unit or accessory dwelling unit on a single-family zoned lot. Greene County Building Regulations will only issue a certificate of occupancy with proof of the following:

- (1) Built as a manufactured home, proof of certification with a HUD seal is required.
- (2) Built as an industrialized unit, proof of the industrialized home compliance certificate is required.
- (3) Built in another state, proof of their former certificate of occupancy is required.

(4) Built/constructed in another manner, proof of certification by a registered Ohio design professional.

(Ord. 2013-19. Passed 9-16-13; Ord. 2016-03. Passed 4-18-16; Ord. 2017-23. Passed 9-18-17; Ord. 2018-18. Passed 5-21-18; Ord. 2018-41. Passed 11-5-18.)

#### **1260.05 OTHER PROVISIONS.**

(a) Control of Heat, Glare, Fumes, Noise, Odor, Dust and Vibration. Every use shall be conducted and operated in a way that does not create a nuisance and is not dangerous by reason of heat, glare, fumes, odor, dust, noise or vibration beyond the lot on which it is located.

(b) Trash, Litter and Junk. It shall be unlawful for any person to accumulate, place, store or allow or permit the accumulation, placement or storage of trash, litter or junk on premises in the Village, except in a lawful sanitary landfill.

(c) Voting Place. The provisions of this code shall not be construed in any manner that would interfere with the temporary use of any property as a voting place in connection with any public election conducted by a duly authorized Board of Elections.

(d) Lighting. All light fixtures shall be direct cut-off fixtures, designed to prevent light spill or trespass beyond the boundaries of the property where the fixture is located.

(e) ~~Storm Water~~**Stormwater**. When land is developed or redeveloped and/or the surface characteristics of the property change (increased impervious surfaces, site grading, etc.), these activities shall not result in additional ~~storm water~~ **stormwater** runoff flowing to adjacent properties **and must comply with Chapter 1226.06(a)(7) Stormwater Management Systems or the Appendix: Stormwater Guidelines for Low Impact Development of the Planning Code, whichever applies.**

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