

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2020-33**

**REPEALING SECTION 1272.01 “ZONING PERMIT REQUIRED” OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING
NEW SECTION 1272.01 “ZONING PERMIT REQUIRED”**

Whereas, Codified Ordinance Section 1272.01 of the Village of Yellow Springs, Ohio provides the requirement of a permit for several construction activities in the Village; and

Whereas, Village Council has determined that it would be in the best interest of the Village to adopt a new Section 1272.01 entitled “Zoning Permit Required” of the Codified Ordinances of the Village of Yellow Springs, Ohio to update the exemptions,

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

Section 1. Section 1272.01 entitled “Zoning Permit Required” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Section 1272.01 entitled “Zoning Permit Required” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A with new language underlined and **bolded** and deleted language in ~~striketrough~~, which is attached hereto and incorporated herein.

Section 3. This ordinance shall take effect and be in full force on the 30th day following passage.

Brian Housh, President of Council

Passed: 11-16-2020

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Housh__Y__

MacQueen__Y__

Stokes__Y__

Kreeger__Y__

Curliss__Y__

EXHIBIT A

1272.01 ZONING PERMIT REQUIRED.

(a) A zoning permit shall be required and shall be obtained from the Zoning Administrator by the property owner or his or her agent:

(1) Prior to the construction, occupancy or use of any proposed structure or addition to an existing structure, or prerequisite to the continued occupancy of a newly altered, reconstructed, enlarged or relocated structure;

(2) Prior to any change of use of any building or land, even if the changed use is of the same general type as its predecessor;

(3) Prior to the reoccupation or reuse of any nonresidential lot or structure, unless the Zoning Administrator finds that all of the following apply:

A. The reoccupation or reuse results in a land use that is authorized by right in the zoning district;

B. The reoccupation or reuse is of the same or less intensity of use than the predecessor use;

C. The reoccupation or reuse does not require any exterior changes to the approved site, other than signs or aesthetic changes (e.g., exterior painting, etc.); and

D. The reoccupation or reuse does not require a greater number of off-street parking spaces, according to [Chapter 1264](#), than are provided on the site.

(b) Any proposed use or construction outlined in subsection (a), above that requires review and approval for planned unit development, conditional use or site plan review shall be approved according to [Chapter 1254](#), [1262](#) or [1268](#), as applicable, prior to issuance of a zoning permit.

(c) No building permit or other permit required to allow construction and no certificate of occupancy shall be issued for any of the above, unless a zoning permit has been issued by the Zoning Administrator.

(d) The zoning permit shall state that the plans for the proposed improvement, addition, relocation, change of use or reoccupancy/reuse have been inspected by the Zoning Administrator, have been approved according to the procedures outlined in this zoning code, and are in compliance with the provisions of this code and other applicable regulations.

(e) Upon written request from the owner or tenant, the Zoning Administrator shall issue a zoning permit for any building, structure or premises existing on the effective date of this zoning code that certifies, after inspection, the extent and kind of use made of the building, structure or premises and whether the use conforms to the provisions of this code.

(f) A zoning permit shall not be required for the following:

(1) An accessory structure on a lot zoned or used for residential purposes that is less than 144 square feet in ground floor area and no higher than 10 feet; **and shall not be erected in any front yard. Accessory 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;**

(2) A swing set or similar child's play structure;

(3) Cosmetic (non-structural) changes to any structure, including the replacement of windows in existing openings, re-roofing, installation of siding material and repainting;

(4) Resurfacing of existing **impervious-surfaced** parking lots without increasing the number of spaces;

(5) Residential TV towers, satellite dishes and similar structures; and

(6) Modifications to comply with accessibility requirements, unless proposed to encroach in a public right-of-way.

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