

**VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION**

The Village of Yellow Springs Planning Commission will meet in regular session on Monday, April 9, 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 March 12, 2018

COMMUNICATIONS

COUNCIL REPORT

CITIZEN COMMENTS

PUBLIC HEARINGS:

1. **Conditional Use Application** ó 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

2. **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

3. **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
 - b. Amend Table 1250.03a Dimensional Requirements: Business Districts ó correcting an error from side yard to rear yard
 - 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
 - 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

- 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
- 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
- g. Amend Chapter 1284.03 Definitions: C-D ó modifying the definitions of density and how to calculate dwelling units per acre
- h. Amend Chapter 1284.08 Definitions: R-S: - adding solar panels to the sample listing of types of structures

OLD BUSINESS

Review of the Comprehensive Land Use Plan

NEW BUSINESS

Discussion regarding RV parking and RVs/Tiny Homes/Mobile Homes

Discussion regarding Minimum Lot Frontages

AGENDA PLANNING

ADJOURNMENT

**Planning Commission
Regular Meeting Minutes**

Council Chambers 7:00pm

Monday, March 12, 2018

CALL TO ORDER

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

ROLL CALL

Planning Commission members present were Vice-Chair, Rose Pelzl, serving as Chair, Council Representative Marianne MacQueen, Frank Doden, Susan Stiles and Ted Donnell. Also present were Denise Swinger, Zoning Administrator, and Chris Conard, Village Solicitor. AJ Williams was present in the audience as Alternate.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Minutes of February 26, 2018 were reviewed. MacQueen MOVED to ADOPT THE MINUTES AS Amended. Doden SECONDED and the MOTION PASSED 5-0.

VOTE FOR VICE CHAIR

Pelzl CALLED THE VOTE on the MOTION MADE February 26, 2018 to elect Doden Vice Chair. The MOTION PASSED 5-0 on a Roll Call vote.

VOTE FOR CHAIR

Pelzl CALLED THE VOTE on the MOTION MADE February 26, 2018 to elect Pelzl Chair. The MOTION PASSED 5-0 on a Roll Call vote.

COMMUNICATIONS

Pelzl noted a letter from the Antioch Ad Hoc Fells Renovation Committee.

COUNCIL REPORT

MacQueen stated that she would like to know where the Urban Service Boundary for the western border lies. This is significant in working with Tecumseh Land Trust, she opined, in that land should not be conserved within that boundary, but should be conserved outside of the boundary.

She asked that Planning Commission weigh in on the location of the boundary, and affirm the idea of conserving outside, rather than within the boundary.

Donnell commented that conservation is clear, since it depends upon what properties run into the watershed, which need to be conserved.

Swinger stated that she will provide a clearer map.

MacQueen noted a Housing Needs Assessment presentation and subsequent meetings of the Housing Advisory Board. She noted upcoming meetings which will elicit public opinion and input on the matter of Housing availability and planning for the Village.

MacQueen urged Planning Commission members to commit to attending at least one session of the Community Conversations.

CITIZEN COMMENTS

Peter Townsend of the Antioch College Ad Hoc Fells Renovation Committee informed the Planning Commission of a concept paper the group has produced that suggests turning the Fells building into an apartment building.

Swinger suggested to Townsend that they may not need to rezone the property, and offered to meet with Townsend to go over options available.

PUBLIC HEARINGS:

Donnell noted that he is an adjacent neighbor and has known the Holyokes for many years. He stated that he does not believe that this would affect his ability to be impartial with regard to the hearing, but left the decision up to the Planning Commission.

Pelzl polled the Commission, and there was no objection to Donnell remaining at the table.

Conditional Use Application – Andrew and Elizabeth Holyoke, owners of 107 Cliff Street in the R-C, High Density Residential District, are seeking approval for an accessory dwelling unit. Parcel ID # F19000100110024800.

Swinger explained the hearing in question as follows:

Mr. and Mrs. Holyoke want to construct a garage/second floor accessory dwelling unit with a post and beam structure with straw bale infill, a building method they've used successfully in other locations around Yellow Springs.

The property meets the minimum lot area requirements of 4,800 sq. ft. with a 0.172 acre or 7,492 sq. ft. lot.

The property meets the minimum lot width of 40 feet, with two front lot lines, one measuring 54.80 feet abutting Railroad Street and the other measuring 144.21 feet abutting Cliff Street.

The maximum lot coverage for this property of all structures is 50% or 3,746 sq. ft.

The property contains the principal dwelling at 1,242 sq. ft. With the proposed garage/ accessory dwelling unit at 560 sq. ft., the total square feet of all structures will be 1,802 sq. ft., representing 48.1 percent of the allowable lot coverage.

Donnell commented that the request fits the intent of the zoning code.

Donnell MADE A MOTION TO APPROVE THE CONDITIONAL USE AS PRESENTED. MacQueen SECONDED.

Andy Holyoke responded to a question from Swinger, stating that he and his wife do potentially plan to move into the ADU at a later point.

Holyoke noted a letter from a neighbor in support, commenting that he didn't think he needed to present it, given the general support for the application.

PC and Holyoke discussed the requirement in the code that all ADUs provide a microwave oven.

Holyoke expressed agreement with a condition exempting him from providing a microwave.

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

Planning Commission discussed the motion on the floor.

Pelzl MOVED TO APPROVE THE CONDITIONAL USE WITH THE CONDITION THAT A MICROWAVE IS NOT REQUIRED. Stiles SECONDED.

DONNELL ASKED THAT THE ORIGINAL MOTION BE AMENDED TO REQUIRE EITHER A STOVE OR A MICROWAVE, BUT NOT BOTH. STILES SECONDED THE REQUEST FOR AN AMENDMENT.

Pelzl CALLED THE VOTE ON THE AMENDED MOTION. The MOTION PASSED 5-0 on a roll call vote.

OLD BUSINESS

Comprehensive Land Use Plan (CLUP). PC discussed how best to approach the rewrite effort.

Doden advised that the effort should not begin with the "small stuff", such as appendixes, etc., but should begin with an overview of the entire document.

Doden suggested deciding which sections should remain and which should be added and where as a start. Once that is determined, he stated, individual sections can be attempted.

Donnell commented that the index needs to be reworked for a more linear and logical presentation, with a broad overview moving to the specifics. The current document, he commented, is "all over the place".

Donnell commented that more visual attachments would be useful, maps in particular.

Donnell asked that the document be re-indexed to begin.

PC agreed to add the CLUP to the agenda for the April meeting, with the idea of a work session special meeting at a later point.

Doden asked PC members to review the CLUP and make comment regarding content and organization as a preparation for the next meeting.

Donnell asked that the Bicycle Enhancement Committee document and map be included, along with the latest sidewalk study.

The Clerk agreed to make available any requested documents.

Donnell asked what properties around the Village are already under conservation easement.

Pelzl asked for a document listing all of the conditional use hearings and approvals. This was discussed briefly.

Swinger commented that a list of potentially developable land would be useful.

MacQueen asked for a map as to where businesses are located within the Village.

Donnell commented that the CLUP is a policy document, as different from the zoning code.

Donnell commented that walkability and bike-ability should be prominent in the document.

NEW BUSINESS

There was no New Business.

AGENDA PLANNING

Swinger noted that PC will discuss the CLUP at their April meeting.

ADJOURNMENT

At pm, 7:52 Stiles MOVED and Doden 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

MEETING DATE: Monday, April 9, 2018

STAFF REPORT: Denise Swinger, Zoning Administrator

LOCATION: 101 Corry Street

ZONING DISTRICT: B-1, Central Business District

APPLICANT: Jake Brummett, owner of Trail Town Brewing and Wander & Wonder

PROPERTY OWNER: International Transaction, Inc.

REQUESTED ACTION: Request for a conditional use permit, per Yellow Springs Zoning Ordinance Table 1250.02 Schedule of Use - Business Districts, Table 1258.01 Schedule of Uses by District, Chapter 1262 Conditional Use Requirements, and Chapter 1264 Parking and Loading.

HEARING NOTICE: *“Conditional Use Application – 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.”*

GREENE COUNTY PARCEL ID #F19000100100005100

PROPERTY INFORMATION AND ANALYSIS:

A conditional use application for a mobile vending food truck at 101 Corry Street was submitted to the Zoning Office for a hearing before the Planning Commission (**Case #PC18-04**). The property is located at the southeast corner of Dayton and Corry Street in the Central Business District. It is the location of the future Trail Town Brewing, owned by Mr. Brummett. The lot has two front yard lot lines with the Dayton Street line measuring 71 feet and the Corry Street line measuring 91 feet (**Exhibit A**). The entrance to the parking area faces Corry Street. The current zoning code regarding lot lines states that on a corner lot, the rear lot line is opposite the shorter of the two front lot lines. This would make the lot line abutting Peach & Grill the side yard. This lot line is 90.04 feet, leaving the back yard lot line with an estimated measurement of 61.49 feet.

STAFF ANALYSIS OF THE APPLICATION:

The property is owned by International Transaction, Inc. whose mailing address is 13 Medalist Way in Xenia, Ohio. The applicant is Jake Brummett, owner of Wander & Wonder at 241 Xenia Avenue. 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 Red Pepper. As stated in his application, *“Due to additional plans wanted by Greene County, we will be delayed a couple more months”* (**Exhibit B**). Mr. Brummett is asking to have the Flying Red Pepper food truck 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.

CONDITIONAL USE CRITERIA:

Yellow Springs Zoning Code; Chapter 1250 Business Districts

"B-1," Central Business District. The B-1 District serves as the focal point for the social and commercial activities of the Village. The integration of business, institutional, public, quasi-public, cultural, residential and other related uses is permitted and encouraged. Uses in this district, for the most part, are intended to promote pedestrian movement and social interaction and should be of a scale and character that is consistent with the small town ambiance of the Village.

<i>Table 1250.02 Schedule of Uses: Business Districts</i>			
<i>Use</i>	<i>B - 1</i>	<i>B - 2</i>	<i>Specific Conditions</i>
Accessory Uses			
Food, Drink, Entertainment and Hospitality			
Mobile vending (food trucks)	C		Section 1268.08 (d)(1)

Mobile vending food trucks are a conditional use in the B-1, Central Business District, as indicated in Table 1250.02 Schedule of Uses: Business Districts, above.

Chapter 1262 Conditional Use Requirements

Section 1262.01 Purpose

Conditional uses are uses of land specifically permitted within a zoning district only with the approval of the Planning Commission, following a review of the use and its potential impact on its surroundings. These uses are generally consistent with the purpose of the zoning district in which they are permitted but, due to unique operational characteristics, may not be desirable or compatible in all locations within the district. Factors such as traffic, hours of operation, noise, odor or similar potential nuisance effects require that the conditional use be evaluated relative to its appropriateness on a case-by-case basis. This chapter establishes the review procedure for conditional uses and the general standards that must be met for all conditional uses. In addition, more specific requirements are established for certain individual uses, as necessary, to mitigate their potential negative impacts.

1262.03 General Standards

Any request for a conditional use shall only be approved upon a finding that each of the following general standards is satisfied, in addition to any applicable requirements pertaining to the specific use:

- (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. *Food trucks are allowed in the B-1 District per the Yellow Springs Zoning Code.*
- (b) The proposed use will comply with all applicable requirements of this code, except as specifically altered in the approved conditional use. *Yes - see 1262.08(d) (1)*
- (c) The proposed use will be compatible with the character of the general vicinity. *Yes, other food trucks operate in the area.*
- (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. *Yes – see 1262.08(d) (1)*
- (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. *There will be smells from the food truck, but it has its own exhaust system to minimize smoke.*
- (f) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. *This property is an established food service location.*
- (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. *Due to its location, it will not block sight lines to existing signs or windows on the front or side of a building (Exhibits C-1 & C-2).*

Section 1262.08(d) (1) Mobile Vending (Food Trucks)

- A. Food trucks may be conditionally permitted to operate within the B-1, E-I, I-1 and I-2 zoning districts.
- B. The food truck shall be located only within an approved off-street parking lot. *The food truck will be located in the parking lot area at the rear. This will allow for 4 parking spaces off street.*
- C. The food truck shall not be located closer than ten feet to any driveway. *It will be located at the rear of the parking lot area, approximately 36 feet from the parking area entrance.*
- D. Outdoor seating may be permitted; provided, written permission is obtained from the property owner and the seating area does not displace any required parking spaces. *Seating will be available in the patio area previously approved by the Planning Commission for the brew pub.*
- E. Amplified sound and freestanding signs shall not be permitted. *According to Mr. Brummett, there will not be any amplified sound or freestanding signs. The food*

- truck shall be stationary at all times when open for business. *The food truck will be parked on the premises and will remain stationary at all times when open for business.*
- F. The owner or an employee shall be present within the vehicle at all times while open for business. *The owner will be with the food truck at all times.*
 - G. Access to restroom facilities must be available. *Public restrooms are available at 101 Dayton Street, the location of the Yellow Springs Train Station building. It is a short walk to these public restrooms. Mr. Brummett has indicated customers may be able to go inside the 101 Corry Street building at some point, but not under the present conditions.*
 - H. The owner or operator of the food truck shall provide trash receptacles, other than public receptacles. *The owner of the food truck will provide trash receptacles, which will be moved daily from the premises.*
 - I. All equipment, other than outdoor seating, shall be inside, attached to or within three feet of the food truck. *This is an established food truck operation, which has operated at the Yellow Springs Brewery location. It's food operation equipment is completely contained within the truck.*
 - J. Evidence of Greene County health department approval shall be provided (**Exhibit D**). *According to Mr. Brummett, food trucks in Ohio are licensed by the county where they are established. In this case, the license is from Logan County in Bellefontaine, Ohio. The Greene County Health Department has the same rights to inspect when the food truck is operating here.*
 - K. Disposal of wastewater shall be into the sanitary sewer system. The use of storm drains or any other form of discharge is prohibited. *All wastewater/gray water will be contained and the food truck will be taken off-site at the end of each day of operation.*
 - L. The conditional use approval shall be reviewed annually by the Village manager to ensure compliance with all standards of this section and any other conditions that may have been imposed upon the original approval.

CHAPTER 1264 OFF-STREET PARKING AND LOADING

Section 1264.02 (Table) Parking Requirements by Use

Carry-out restaurant (with no or limited seating for eating on premises)	6 per service or counter station, plus 1 per employee.
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(h) **Downtown Parking.** The minimum off-street parking spaces required for any nonresidential use in the B-1 District shall be reduced by 25% from the requirements of [Table 1264.02](#). These requirements may be further reduced by the Planning Commission in conformance with the provisions of Section [1264.02\(d\)](#).

There are six parking spaces available on site. The food truck location will reduce the spaces available to four.

1264.04 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.

RECOMMENDATION:

Staff has no issues with the food truck operating during the Trail Town Brewing renovations and recommends **APPROVAL**. Mr. Brummett did request the food truck be allowed to operate during the bi-annual Street Fair and the Planning Commission may want to consider this in a motion.

Please feel free to contact me if you have any questions at (937) 767-1702 or by email to dswinger@vil.yellowsprings.oh.us.

EXHIBIT A

Customized Property Map



Greene County Legend

1 inch = 40 feet

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



0 20 40 Feet

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.



Village of
Yellow Springs

EXHIBIT
"B"

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

Case #: PC18-04 [OFFICE USE]

TYPE OF REQUEST: (Check one)

☐ DEVELOPMENT PLAN ☐ TEXT AMENDMENT
☒ CONDITIONAL USE ☐ MAP AMENDMENT
☐ OTHER (Please Specify): _____

- Property Address and/or Parcel ID: 101 Corry St
- Property Owner: Jake Brummatt
Address: 7445 Foxdale Dr Waynesville OH 45068 Phone: 614-208-4999
- Description of request: Would like to have Flying Paper food truck to be used in parking lot of restaurant while we are trying to get ready to open. Due to additional plans wanted by green county we will be delayed a couple more months. The truck would be parked in the back corner of lot. About 38-40 feet from road. It will leave 25% of lot open and not block driveway. The hours will be under our normal ~~11pm~~ 11am to 10pm (but not all those hours). We would like to have it there for street fairs. Truck will not stay on lot over night. Trash and wastewater will be contained. There will be some cooking odors. There will be no stand alone signs. The restrooms will be the public ones a short walk away. The owner will be there with truck. No Road or driveways will be blocked. All trash receptacles will be removed daily. We want to be able to share with the community the food that will become a permanent part of the village soon.

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 Jake Brummatt

Title: Owner

Address: 7445 Foxdale Drive Waynesville OH 45068

Date: 3-20-18

E-mail: jakeandraina@roadrunner.com

(614) 208 4999

DO NOT WRITE BELOW THIS LINE [OFFICE USE]

Zoning Classification: B-1

Fee: \$ 100.00

Hearing Date: 4/9/2018

Request Denied or Approved: _____

Village Representative: _____

Title: _____

EXHIBIT C -1

Parking Lot

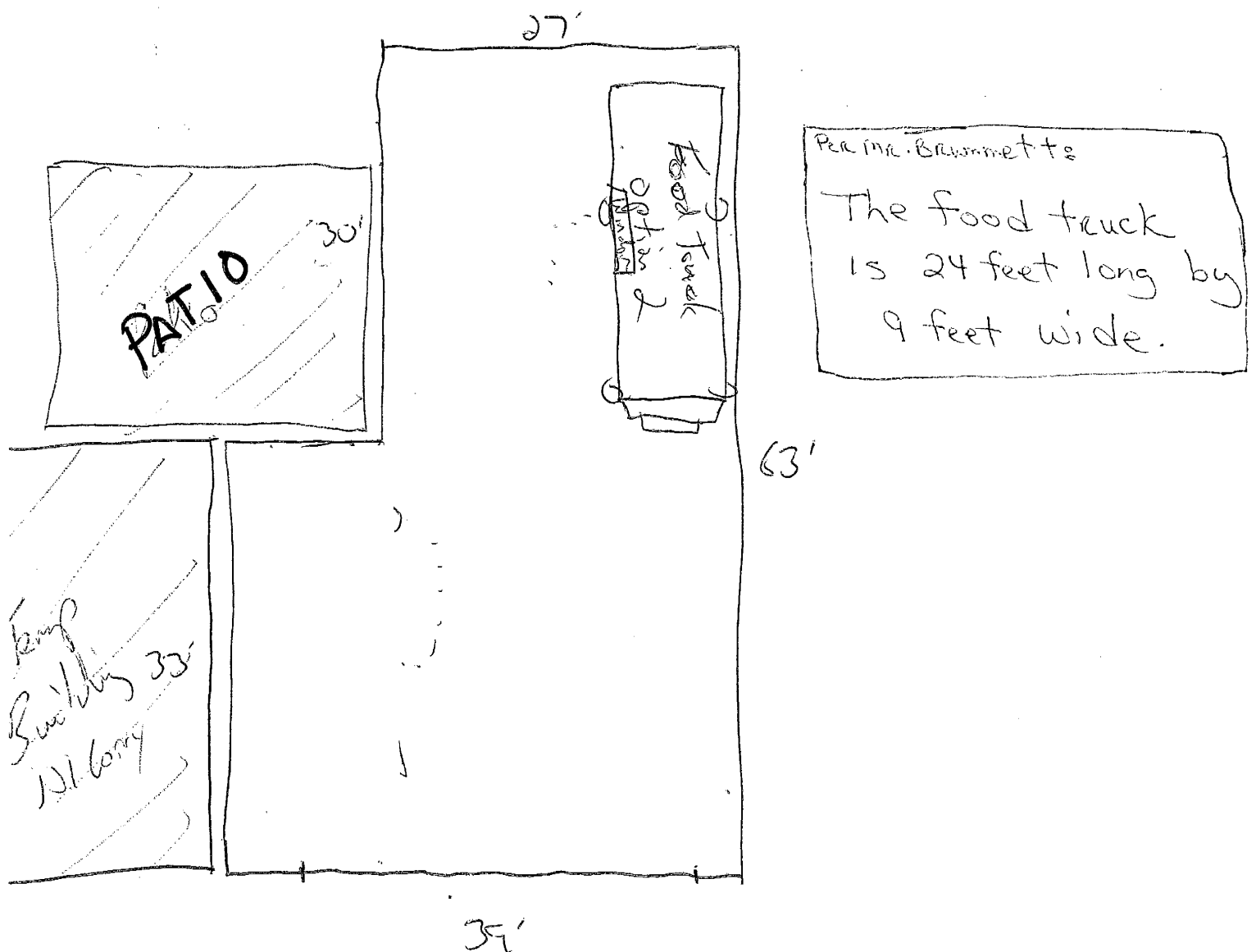


EXHIBIT C - 2



cricket



46°



LTE



40%



10:50



food service L...



Date: 03/02/2018

Receipt No.:

1056913

Received From: FLYING PEPPER LLC (THE)

By: LM

Description	Address/Comment	#	Quantity	Amount
MOBILE FOOD SERVICE	305 LINDEN ST. / 9862456	9862456	1	126.00

Check Number: 1113

TOTAL:

126.00

Logan County Health District
310 S. MAIN ST
BELLEFONTAINE, OH 43311

HEA 5305 (Rev. 11/00) This license must be displayed in a conspicuous place at the location
Ohio Department of Health

Date

03/02/2018

If this is a mobile food service operation, the license is not valid unless pertinent information appears on the reverse side.

This license shall expire on March 1, 2019

This license has been issued in accordance with the requirements of Chapter 3717 of the Ohio Revised Code and is subject to revocation or suspension for cause and is not transferable without consent of the licensor.

Logan County Health District
Name of Facility/License Holder
FLYING PEPPER LLC (THE) / HUMBERTO NIETO
Address/City/State/Zip
305 LINDEN ST. WEST LIBERTY, OH 43357
Category/Descriptive
MOBILE

Audit No. 9862



TO: Planning Commission

FROM: Denise Swinger, Zoning Administrator

MEETING DATE: April 9, 2018

RE: Text Amendments

After piecemeal revisions to the zoning code over the past two years, I decided to start keeping a list of potential amendments to bring forward to Planning Commission and Council once or twice a year. This, of course, is outside of any amendments needing immediate attention or brought forward by the public. Below you will find the recommended changes to sections of the zoning code and/or codified ordinances. The full section of each amendment is attached to this report. This round of text amendments are the easier ones. Others will be presented for discussion only and will be publicly noticed for the May meeting.

1020.04 MAINTENANCE REQUIREMENTS.

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.

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

1248.01 PURPOSE.

- (a) "R-A," Low Density Residential District. 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. Land within this district will be served by public

Remove the word "approximately" as it isn't necessary to say when densities of up to 6 units per acre are already stated.

1250.03 SPATIAL REQUIREMENTS.

Table 1250.03a Dimensional Requirements: Business Districts							
Zoning District	Maximum Building Height (Ft.)	Minimum Yard Setbacks (Ft.)					Lot Coverage (%)
		Front		Side		Rear	
		Parking	Building ¹	Total	Least		
B-1	35	0	1/10 ²	0	0 ³	5 ⁴	90
B-2	45	20	30	30	15 ⁵	25 ⁶	50

1 Average established setback shall apply, where applicable, in accordance with Section [1260.02\(a\)](#).

2 Buildings shall be set back at least one foot, but not more than ten feet, from the right-of-way line.

3 No side setback is required, unless the side yard abuts a Residential District in which case a minimum side yard of 15 feet shall be provided along that side.

4 If the rear yard abuts a Residential District, a setback of 15 feet shall be provided.

5 If the side yard abuts a Residential District or a Village boundary line, a setback of 30 feet shall be provided.

6 If the ~~side~~ rear yard abuts a Residential District or a Village boundary line, a setback of 35 feet shall be provided.

Typographical error – should be rear yard, not side yard.

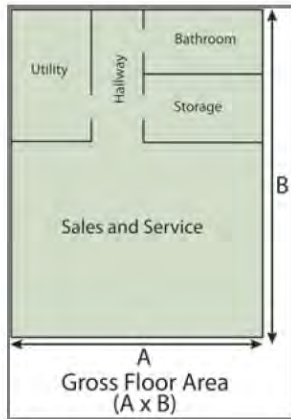
1260.04 USES.

(a) Accessory Buildings and Structures.

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

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.



1262.02 PROCEDURES.

Applications for conditional uses shall be considered by the Planning Commission in accordance with the following procedures:

(b) Public Notice. When an application has been filed in proper form with the required data, the ~~Clerk of Council~~ Planning and Zoning Administrator shall cause notice of the time, place and purpose of the hearing to be given, in writing by first class mail, to the applicant(s), to owners of property contiguous to and directly across the street from the property that is the subject of the conditional use application. The notice shall be given at least seven days in advance of the hearing, noting the request and the property location. The name and address of any property owner on the most recent property record of the Greene County Auditor shall be the address used for public notification. If the address is unclear or uncertain, the property owner may be notified by legal notice published one time at least seven days in advance of any hearing, listing the address of the property to receive notification.

The Planning & Zoning Administrator is responsible for notifying property owners.

1262.08 SPECIFIC REQUIREMENTS.

(e) Residential.

(1) Accessory dwelling units.

A. An accessory dwelling unit may be located within a principal single-family detached dwelling or a detached accessory building on the same lot as a principal dwelling.

B. The accessory dwelling unit shall share all public utilities (water/ sewer/electric) with the principal dwelling unit. Accessory dwelling units will not be separately metered.

C. A minimum of one off-street parking space shall be provided on the lot for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.

D. The accessory dwelling unit shall be limited in size to a maximum of 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.

E. The accessory dwelling shall contain a living area, one bath and a kitchenette (including a refrigerator, microwave oven and/or, stove, and sink) and may contain not more than one bedroom.

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

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

A change requested by the Planning Commission after the latest conditional use hearing where the property owner did not want to be required to have a microwave.

1266.03 PERMITTED SIGNS.

The following signs are permitted in combination, unless noted otherwise, in each district, subject to the requirements described below and in Table 1266.03(a) and (b), issuance of a sign permit and all other applicable regulations. In any B or I district, a maximum of three types of permitted signs and four total permitted signs per principal building shall be allowed. In the case of a multi-tenant building where the maximum number of permitted signs has been reached, one additional sign per tenant shall be permitted. 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.

Staff would like to add an exemption to the maximum number of signs if they are not visible from the street or public property.

1284.03 DEFINITIONS: C-D.

~~—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.~~

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.

Staff suggests removing Density, gross and Density, net with the following:

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.

1284.08 DEFINITIONS: R-S.

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

Staff would like to add solar panels as it is considered an accessory structure per the above definition and this would further clarify it for permitting purposes.

1020.04 MAINTENANCE REQUIREMENTS.

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.

(Ord. 82-10. Passed 9-7-82.)

1248.01 PURPOSE.

(a) "R-A," Low Density Residential District. 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. Land within this district will be served by public sanitary sewer and water facilities.

(b) "R-B," Moderate-Density Residential District. The R-B District is intended to encompass much of the Village's existing single-family and medium-density residential neighborhoods and accommodate similarly situated new and infill development at densities up to eight units per acre. This district also permits the introduction of attached residential units and nonresidential uses that are compatible and in scale with the established neighborhood character. Land within this district will be served by public sanitary sewer and water facilities.

(c) "R-C," High Density Residential District. The R-C District is intended to promote a high quality mix of residential units, including multiple-family dwellings, at a density of up to 14 units per acre. Other compatible, nonresidential uses may also be permitted. Public sanitary sewer and water facilities are required.

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

1250.03 SPATIAL REQUIREMENTS.

(a) All lots and buildings shall meet the minimum area and width requirements of [Table 1250.03](#). New lots shall not be created, except in conformance with these requirements.

<i>Table 1250.03 Lot and Width Requirements: Business Districts</i>		
Zoning District	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Ft.)
B-1, Central Business	0	0
B-2, General Business	12,000	80

(b) All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in [Table 1250.03a](#).

Table 1250.03a Dimensional Requirements: Business Districts							
Zoning District	Maximum Building Height (Ft.)	Minimum Yard Setbacks (Ft.)					Lot Coverage (%)
		Front		Side		Rear	
		Parking	Building ¹	Total	Least		
B-1	35	0	1/10 ²	0	0 ³	5 ⁴	90
B-2	45	20	30	30	15 ⁵	25 ⁶	50

1 Average established setback shall apply, where applicable, in accordance with Section [1260.02\(a\)](#).

2 Buildings shall be set back at least one foot, but not more than ten feet, from the right-of-way line.

3 No side setback is required, unless the side yard abuts a Residential District in which case a minimum side yard of 15 feet shall be provided along that side.

4 If the rear yard abuts a Residential District, a setback of 15 feet shall be provided.

5 If the side yard abuts a Residential District or a Village boundary line, a setback of 30 feet shall be provided.

6 If the ~~side~~ rear yard abuts a Residential District or a Village boundary line, a setback of 35 feet shall be provided.

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. In any case, accessory buildings and structures shall not occupy more than 30% of the required rear yard.

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

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

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

(10) 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) 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) 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) 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.

(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, PUDs, or commercial or industrial buildings determined by the Planning Commission to be a principal use collectively, based on meeting all of the following criteria:

(1) Individual buildings share common parking areas, signs, access and similar features;

(2) Buildings are under single ownership;

(3) Individual activities support one another (such as auto sales/vehicle repair or gas station/restaurant/convenience store); or

(4) Buildings are architecturally unified and compatible.

(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.

(Ord. 2013-19. Passed 9-16-13; Ord. 2016-03. Passed 4-18-16.)

1262.02 PROCEDURES.

Applications for conditional uses shall be considered by the Planning Commission in accordance with the following procedures:

(a) Application. An application for conditional use approval shall be made to the Planning Commission in writing, on a form for that purpose, and shall be filed with the Zoning Administrator at least 20 days before the next regularly scheduled meeting at which it is to be heard. The application must be accompanied by a fee, as established by the Village Council, a site plan in accordance with the requirements of [Chapter 1268](#) and such other material as the Commission determines necessary.

(b) Public Notice. When an application has been filed in proper form with the required data, the ~~Clerk of Council~~ Planning and Zoning Administrator shall cause notice of the time, place and purpose of the hearing to be given, in writing by first class mail, to the applicant(s), to owners of property contiguous to and directly across the street from the property that is the subject of the conditional use application. The notice shall be given at least seven days in advance of the hearing, noting the request and the property location. The name and address of any property owner on the most recent property record of the Greene County Auditor shall be the address used for public notification. If the address is unclear or uncertain, the property owner may be notified by legal notice published one time at least seven days in advance of any hearing, listing the address of the property to receive notification.

(c) Sign. At least ten days prior to the scheduled public hearing, a temporary sign six square feet in area shall be posted on the property subject to a conditional use request. The sign shall be removed within three days following the public hearing at which the request was heard. The sign shall contain the following information:

- (1) The specific request being made;
- (2) Date of the public hearing;
- (3) Location of the public hearing; and
- (4) Location where additional information may be obtained regarding the request

(d) Representation. The applicant shall appear at the public hearing in person or by agent. If the applicant or authorized representative is not present, no action shall be taken by the Planning Commission on that application.

(e) Record of Proceedings. The Planning Commission shall keep minutes of its proceedings, showing the action of the Commission and the vote of each member or, if absent or failing to vote, indicating such fact. The Commission shall act by resolution.

(f) Required Vote. The concurring vote of three Planning Commission members shall be necessary to approve a conditional use application.

(g) Review Criteria. The Planning Commission shall review the application in relation to the general standards of this chapter for conditional uses, as provided in Section [1262.03](#), and any specific standards required for the use proposed, as identified in this chapter.

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

1262.08 SPECIFIC REQUIREMENTS.

(e) Residential.

(1) Accessory dwelling units.

A. An accessory dwelling unit may be located within a principal single-family detached dwelling or a detached accessory building on the same lot as a principal dwelling.

B. The accessory dwelling unit shall share all public utilities (water/ sewer/electric) with the principal dwelling unit. Accessory dwelling units will not be separately metered.

C. A minimum of one off-street parking space shall be provided on the lot for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.

D. The accessory dwelling unit shall be limited in size to a maximum of 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.

E. The accessory dwelling shall contain a living area, one bath and a kitchenette (including a refrigerator, microwave oven and/or, stove, and sink) and may contain not more than one bedroom.

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

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

1266.03 PERMITTED SIGNS.

The following signs are permitted in combination, unless noted otherwise, in each district, subject to the requirements described below and in Table 1266.03(a) and (b), issuance of a sign permit and all other applicable regulations. In any B or I district, a maximum of three types of permitted signs and four total permitted signs per principal building shall be allowed. In the case of a multi-tenant building where the maximum number of permitted signs has been reached, one additional sign per tenant shall be permitted. Signs not visible from the street or public property are exempt from the maximum number requirement.

1284.03 DEFINITIONS: C-D.

~~—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.~~

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.

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.

1284.08 DEFINITIONS: R-S.

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



TO: PLANNING COMMISSION

FROM: DENISE SWINGER

MEETING DATE: APRIL 9, 2018

RE: Recreational Vehicles/Tiny Homes on Wheels/Mobile Homes

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.

Additionally, we have had issues surrounding their use on public rights-of-way and properties, which is a separate issue, but should be discussed as the Planning Commission considers modifying the text. It is explained in more detail at the end of this report.

Below are sections of the zoning code that relate to both issues. Staff considers this a priority due to the increased interest from the community.

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.

What is the definition of a portable building? It is not defined in the zoning code even though it is referred to.

Wikipedia 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.

But we allow modular homes or as we call them “manufactured homes.” However, in researching this, manufactured or modular homes are often transported in sections via a semi or flatbed trailer with a permanent chassis, so how does this differ from a portable home or a mobile home? Does this include tiny homes on wheels? It is also built on a permanent chassis, but it is also portable, which in the Zoning Code’s definition of a dwelling unit, it is not allowed. What about a mobile home? Again, it is listed with manufactured home in the definition. How do we define “permanent” building?

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.

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.

1284.08 DEFINITIONS: R-S.

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

streets, parking areas or retaining walls shall not be considered as structures for purposes of this code.

1260.03 PARKING AND STORAGE.

(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.

This section of the zoning code is not only difficult to interpret, it is even more difficult to enforce. Staff is suggesting striking at least part of this language from the zoning code for placement in the general offenses code so the police department can enforce it. Staff suggests removing the parking in the public rights of way or other public places regulation. Instead, Planning Commission can make provisions regarding RV storage and/or use as a dwelling on private property, (Exhibit A).

In meeting with the Village Manager and the Chief of Police, it was also suggested to include language regarding recreational vehicles, such as boats, campers, etc. that are parked on the streets. These are defined in the zoning code as a recreational vehicle. These types of parked vehicles are a safety concern, as well as an issue for the Village's street crew. Pasted below is the only thing in the general offenses code about parking of large vehicles (Exhibit B).

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.

(Ord. 89-9. Passed 11-20-89; Ord. 2004-8. Passed 3-1-04.)

Consider a second section that covers recreational vehicles, including campers, motor homes, pop-up trailers, utility trailers, boats, etc. Not allowing them on public streets or properties except for a set period of hours, and/or in residential areas only for the expeditious loading and unloading of people and property.

Exhibit A

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.~~ Recreational vehicles may be parked on private lots for off-street parking only in side or backyards only. If used for temporary occupancy, the recreational vehicle may be parked for up to 72 hours on private lots in Residential Districts only, and must be for the use of the owner of the lot or guests of the owner. Recreational vehicles may not be parked on any street, alley, highway or other public place in the Village (see GEN. OFF. ???).

(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.

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

EXHIBIT B

EXAMPLES OF RECREATIONAL VEHICLE REGULATIONS

CITY OF BEAVERCREEK ZONING CODE

(C) Recreational vehicles. All recreational vehicles stored or parked within the city, other than those districts in which the commercial storage of recreational vehicles is permitted, shall be in accordance with the following regulations: (1) No recreational vehicle shall be used for living or sleeping when parked or stored on a residential lot. (2) No more than two recreational vehicles are permitted to be located on a lot outside of a fully enclosed building. (3) Recreational vehicles parked or stored shall not be connected to any utilities other than for maintenance purposes. (4) All recreational vehicles, visiting or otherwise, shall be wholly parked in a parking area or driveway of Portland cement concrete, bituminous/asphalt concrete or continuous brick paver surface and in a manner so as to not obstruct the view of traffic.

CHAPTER 8.41 – CITY OF SAN CARLOS, CA

PROHIBITION OF BOAT TRAILER AND TRAILER OVERNIGHT PARKING

8.41.010 Definitions.

For the purposes of this chapter, the following words and phrases shall mean and include:

- A. “Boat” means any vessel suitable for and able to float and travel on water, including by paddle, sail, fans, or motorized jet or propeller. This definition includes but is not limited to: hovercraft, fan boats, motor boats, jet skis, personal water craft, canoes, rowboats, sailboats, submarines and submersibles or any vessel required to be registered by the State of California.
- B. “Boat trailer” means a trailer or similar conveyance designed for the purpose of carrying or transporting a boat or vessel, whether required to be registered with the State of California or not.
- C. “Camper” means a structure on a trailer designed to accommodate persons and equipment, primarily designed and used for “camping.”
- D. “Person” means an individual, firm, partnership, joint venture, entity, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, excepting the United States of America, the State and any political subdivision of either thereof.
- E. “Trailer” means a structure or similar conveyance designed to be drawn, carried or towed by a motor vehicle or required to be registered with the State of California. (Ord. 1488 § 1 (part), 2015)

8.41.020 Limitations.

No person shall park any boat, camper, trailer or boat trailer, whether registered with the State of California or not, on any public property, street, avenue, alley, or other public way, within the City of San Carlos between the hours of ten p.m. and six a.m. the following day, except where use occurs lawfully through issuance of a temporary permit by the Chief of Police, or his/her designee or as provided in Section [8.41.040\(C\)](#). (Ord. 1488 § 1 (part), 2015)

8.41.030 Permit.

- A. The Chief of Police or his/her designee, by written permit, may allow the temporary overnight parking of a boat, camper, trailer or boat trailer on or in any public street or public right-of-way

on a finding that the use will not be detrimental to the public health, safety or welfare, or unduly impair parking in the street and may impose conditions on the permit.

B. The permit shall be valid for up to fourteen days, or such shorter time as determined by the Chief of Police, and shall not be renewable until a minimum period of six months has passed from the expiration of the prior permit.

C. The permit granted hereunder is subject to revocation at any time the Police Chief finds there has been a violation of conditions of the permit.

D. Whenever a permit is granted under the provisions of this section, vehicles shall be exempt from Section [10.32.400](#) (seventy-two-hour parking) during the permit period and from Section [8.41.040](#). (Ord. 1488 § 1 (part), 2015)

8.41.040 Parking on City streets.

A. Except as provided in this chapter, the parking of any boat, camper, trailer or boat trailer on any public street, the definition of which includes any avenue, highway, lane, alley, court or public place, remains subject to regulation of parking pursuant to established City or State traffic and zoning regulations.

B. Except as provided pursuant to subsection C of this section, no person shall park or leave standing a boat, camper, trailer or boat trailer on any public street between the hours of ten p.m. and six a.m. the following day.

C. Notwithstanding subsection B of this section, a person may park a boat, trailer or boat trailer during the hours of ten p.m. and six a.m. the following day on a public street immediately abutting the lot upon which such resident resides, subject to the following limitations:

1. Such parking shall be for the purpose of convenient departure from or return to the residence by such resident in connection with a use of the boat, camper, trailer or boat trailer commencing or ending the same day of such parking, including any loading or unloading for the preparation of the boat, camper, trailer or boat trailer being conveyed incidental to such departure or return; and

2. The parking set forth in subsection C of this section shall in no event occur on more than two occasions during any thirty-day period. (Ord. 1488 § 1 (part), 2015)

8.41.050 Violation—Authority to impound.

Oversize Vehicles in Residential Zone

- Commercial vehicles with a GVWR of 10,001 lbs or more may not be stored on private property in a residential zone.
- Parking ordinances also prohibit parking of vehicles over 10,001

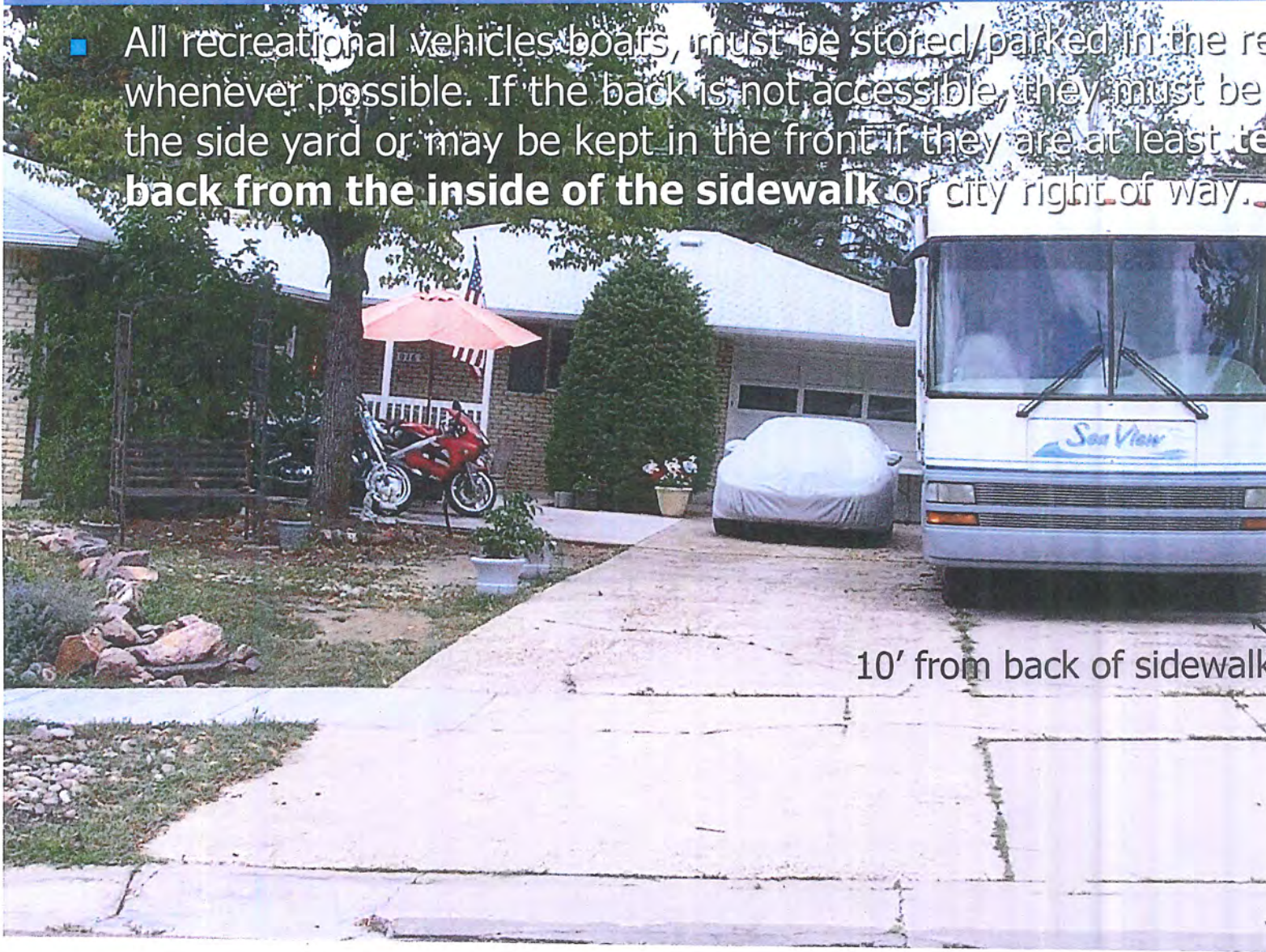


TITLE: 04B137307 COUNTY: Colorado County 04
TAB: J498889 EXPIRATION: 2013-07
MAKE: AMG MODEL: COLOR:
STYLE: TK YEAR: 1993
VEHICLE TYPE: RECREATION TRUCK -- REGULAR
INSURED STATUS: UNKNOWN
VALID EMISSIONS TEST: REQUIRED



Recreational Vehicles in Residential Zone

- All recreational vehicles, boats, must be stored/parked in the rear yard whenever possible. If the back is not accessible, they must be parked in the side yard or may be kept in the front if they are at least ten feet back from the inside of the sidewalk or city right of way.



Recreational Vehicles in Residential Zone

- All recreational vehicles boats, must be stored/parked in the rear yard whenever possible. If the back is not accessible, they must be stored in the side yard or may be kept in the front if they are at least **ten feet back from the inside of the sidewalk** or city right of way.



"ten feet back from the inside of the sidewalk"

Recreational Vehicles in Residential Zone



Recreational Vehicles Parked on the Street in Residential Zones

- Any recreational vehicle parked on a public right of way in a residential area for a period of time greater than that necessary for the expeditious loading and unloading of passengers or property.





TO: PLANNING COMMISSION
FROM: DENISE SWINGER
MEETING DATE: APRIL 9, 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 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 understood 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.

Exhibit A is an aerial view of a property which recently had a replat (not showing yet on GIS). The replat allowed the property owner to access a landlocked lot. **Exhibit A-Part II** is an aerial view showing how the lot boundary lines were changed for the two lots, and where the 20-foot wide access easement runs along the property facing Corry, and the additional 40-plus feet along the landlocked lot for the required R-C District footage of 40-feet.

In this case, had there not been 40-feet of frontage available as the property owner owned both properties involved in the replat, he would have had to get an access easement from the school for 40-feet, something that may have likely not been granted. In my discussions with legal, the easement could go along either side. Staff is requesting input from the planning commission to

determine if either lot line should be allowed or should the lot line boundary requirements below be used to determine the front lot line on the land-locked lot.

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.

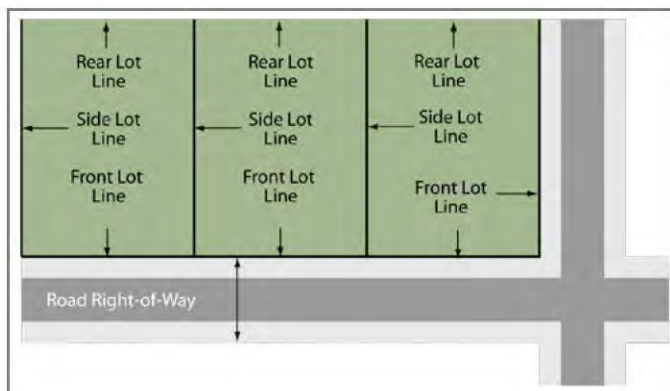


Exhibit B is a land-locked property off Livermore Street. Residential A requires that new lots must be a minimum of 7,500 square feet, however this lot is grandfathered in. The zoning code does have a provision for nonconforming lots of record under Chapter 1282.05 (a): *A lot of record that exists at 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.*

What makes this an interesting example is that the frontage is 119.75, just shy of 120-feet. If it was 120-feet, could they have a lot split instead of a road access easement? It is possible the lot split could start in the middle and narrow until it reaches the landlocked lot and then span 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 land-locked acreage. At 119.75-feet (**Exhibit B**), could the owner apply to the BZA for a variance of 4 inches to split the lot?

Exhibit C is a large property in Residential A. Several residents in Residential A have inquired about everything from lot splits to pocket neighborhood developments. This example has lots of room for the creation of a lot with a road access easement, but not enough frontage for two separate lots on the public street.

What about a second driveway entrance? Is there enough room for that? The zoning code has driveway requirements for parking lot areas, but not residential driveways. Staff would like Planning Commission to consider adding requirements for residential driveways (see Page 4 & 5).

Exhibit D is another example where the owner has three 25-foot frontage lots X 162.50-feet. He would like to replat, making three lots into two in order to have a buildable lot. Could he do this with an access easement? There is enough room to create a second lot, but not enough frontage for Residential B to have a lot split.

The last example (**Exhibit E**) is a property that has an accessory dwelling on it from many years ago when they were allowed to be separately metered. It also has its own address. The property owner would like to sell the main house and continue living in the back house citing the goal of homeownership, but it doesn't meet the lot area or lot frontage requirements for a lot split nor the lot area requirements for a road access easement. It is a good example of an existing property with two houses on one lot that was allowed to have "separate meters" before this was restricted in the new zoning code. The building code requirements may be significantly different for accessory dwelling units versus primary dwellings. The requirement that utilities be connected to the primary meter further eliminates this possibility.

DRIVEWAYS

In the case of **Exhibit B** on Corry Street, the property owner will have to share the driveway with the owner of the back lot because the frontage width doesn't allow for a second curb cut. This was determined by reviewing various sections of the Planning and Zoning codes. Information on curb cuts and driveway standards is not easy to find and some of the information is non-existent. Before the previous planner left, he suggested adding a 3 foot setback from the side yard lot line for any new driveways. This was added under the General Provisions of the 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."

The Village of Yellow Springs 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."

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

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

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

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

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

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

Sidewalks along local streets shall be provided as required by the Commission and may include use of "black top" in lieu of concrete and of one-side-of-the-street installation. Such

sidewalks shall meet sidewalk construction specifications approved by the Village of Yellow Springs.

Our Wright State University intern did research this, and although we were not able to find any specific regulations, we did find out that the statement above refers only to the public rights-of-way and the installation of public infrastructures. Greene County's Regional Planning & Coordinating Commission office did provide an example of driveway regulations for Xenia Township, and suggested we research Tipp City and Sugarcreek Township if we want to put into place standards for driveways in the Village. **Exhibit F** is Xenia Township's driveway regulations.

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

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 had previously asked for these standards but was referred back to Greene County's subdivision regulations. We have regulations for the design of our public streets on undeveloped land and for parking lot designs on private property. We do not have standards for driveways which staff sees as important, especially with road access easements and the dedication of utilities.

Things to consider:

Legal process for road access easements. How should it be recorded to ensure its existence in perpetuity? Deed? Replat?

How do we interpret the frontage requirement for creating a lot on a road access easement versus a lot split?

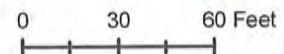
What standards should there be for the road access (driveway) design?

This is an aerial map of a residential area, likely a plat or survey map. The map shows several property parcels with their boundaries marked by yellow lines. A specific parcel in the center-right is highlighted with a red border. The map includes various bearings and distances for the property boundaries, such as 'S73-34-12E 76.59' and 'N22-27-17E 266.58'. The map also shows a road labeled 'Corry St' and a 'Little Miami Scenic Bike Path'. The map is oriented with North at the top.

Key Features and Measurements:

- Streets:** Glen St, Corry St
- Path:** Little Miami Scenic Bike Path
- Highlighted Parcel (Red Border):**
 - Top boundary: 106.31
 - Right boundary: 74.85
 - Bottom boundary: 109.49
 - Left boundary: 41.02
- Other Measurements:**
 - Top-left: 139.06, 157.00, 50.00
 - Top-right: 123.00, 60.94, 42.52, 88.44, 108.16
 - Middle-left: 50.05, 65.36, 57.00
 - Middle-right: 152.45, 155.00, 109.00
 - Bottom-left: 66.35-40W, 69.93, 160.00, 160.00, 156.00
 - Bottom-right: 385.00

1 inch = 60 feet



County Auditor David A. Graham

Greene County Customized Property Map

EXHIBIT A- ^{PART} II



Greene County Legend

1 inch = 60 feet



Interstate Highway



US Highway



State Route



Local Roads



Schools



Parks



Buildings



Hydrography



Parcel Number



Corporation Boundary



Topography



Parcel Boundary



0 40 80 Feet

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.

E Herman St

Livemore St

Kurt St

75.00 224.00 125.00 125.00 125.00 96.00 132.49 50.00

75.00 224.00 125.00 125.00 125.00 96.00 132.49 179.50

224.00 100.00 100.00 224.93 100.00 100.00 105.00 179.50

224.00 100.00 266.50 132.49 91.00 105.00 175.00

266.50 266.50 91.00 64.50 105.00 175.00

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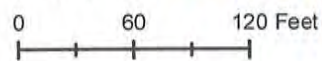
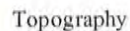
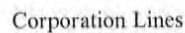
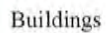
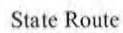
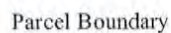
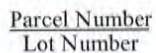
224.00 199.00 60.00 25 266.50 200.00 39.70 66.87

35.50 73.56 2.5 2.5 97.65 200.00 63.45 63.45 126.90 126.43

199.00 124.69 72.00 25 125.00 125.00 125.00 125.00

326.37 224.00 126.90 63.45 126.90 126.43

1 inch = 100 feet



County Auditor David A. Graham

EXHIBIT B-PART II



Greene County Legend

1 inch = 800 feet

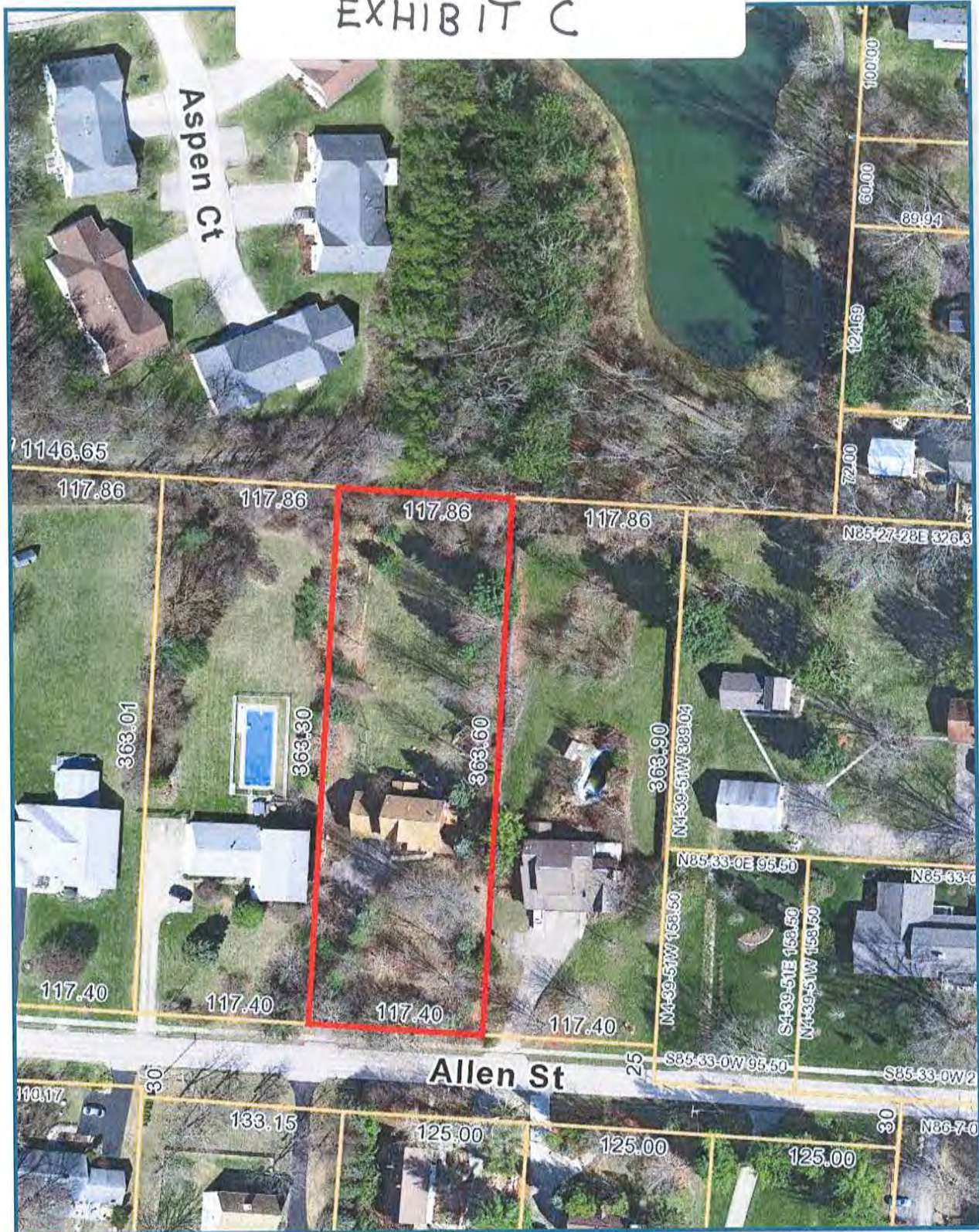
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|--|--------------------|--|-------------|--|-----------------------------|
| | Interstate Highway | | Schools | | Parcel Number
Lot Number |
| | US Highway | | Parks | | Parcel Boundary |
| | State Route | | Buildings | | Corporation Lines |
| | Local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



0 490 980 Feet

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EXHIBIT C



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		

0 60 120 Feet

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EXHIBIT D



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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EXHIBIT E



Greene County Legend

1 inch = 40 feet

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

0 20 40 Feet

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EXHIBIT F

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.