

## VILLAGE OF YELLOW SPRINGS PLANNING COMMISSION

The Village of Yellow Springs Planning Commission will meet in regular session on Monday, August 13, 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 July 9, 2018

### **COMMUNICATIONS**

MacQueen re: Bowen Housing Recommendations

### **COUNCIL REPORT**

### **CITIZEN COMMENTS**

### **PUBLIC HEARINGS:**

- 1) **Rezoning Application** ó Antioch College is applying for a map amendment to rezone their property located at 117 East North College Street ó Parcel ID #F19000100090029400 from E-I, Educational Institutions to R-C, High Density Residential for the construction of a Pocket Neighborhood Development.
- 2) **Conditional Use Application** ó Brittany Baum is applying for a conditional use hearing to add outdoor patio seating in conjunction with a permitted restaurant located at 134/138 Dayton Street ó Parcel ID #F19000100110022800 in the B-1, Central Business District.
- 3) **Text Amendments** -The Village of Yellow Springs is applying for amendments to the zoning code to clarify minimum lot frontage requirements, tiny homes on wheels, and to add driveway standards.

Amend Chapter 1226.11 Minor Subdivisions ó to add formal action by the Planning Commission in certain circumstances as determined by the zoning administrator.

Amend Chapter 1260.02 (e) Minimum Lot Frontage - to clarify the zoning code regarding minimum lot frontage requirements.

Amend Chapter 1260.03 (a) Parking and Storage ó adding driveway standards to the zoning code.

Amend Chapter 1260.04 (a) (13) Uses ó striking driveway setback language from this section of the zoning code.

Amend Chapter 1260.04 Uses ó adding clarifying language regarding tiny homes on wheels.

### **OLD BUSINESS**

Comprehensive Land Use Plan Update

**NEW BUSINESS**

**AGENDA PLANNING**

Antioch College Pocket Neighborhood Development  
Inclusionary Zoning

**ADJOURNMENT**

**`Planning Commission  
Regular Meeting Minutes**

**Council Chambers 7:00pm**

**Monday, July 9, 2018**

**CALL TO ORDER**

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

**ROLL CALL**

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

**REVIEW OF AGENDA**

Pelzl reviewed the agenda. There were no changes made.

**REVIEW OF MINUTES**

Minutes of June 11, 2018. MacQueen MOVED and Donnell SECONDED a MOTION TO APPROVE the Minutes as Written. The MOTION PASSED 4-0 with Stiles abstaining due to absence from that meeting.

Minutes of May 14, 2018. Stiles MOVED and Pelzl SECONDED a MOTION TO APPROVE the Minutes as Amended. The MOTION PASSED 5-0.

**COUNCIL REPORT**

MacQueen reported on recent Small Cell Tower legislation which has passed at Council.

MacQueen noted that an RFP has gone out for pole replacement for 90 municipal poles.

MacQueen commented that Patrick Bowen will return to meet first with the Housing Advisory Board (HAB) and then to report out to Council regarding the types of housing needed and desired in the Village.

MacQueen noted that the HAB is looking at what properties may be available for development in the Village.

Donnell asked where Planning Commission (PC) comes into the process, stating that he is confused as to what the role of the PC is in the housing matter.

A discussion ensued, with the end result that MacQueen suggested seeking further direction from Council regarding the Glass Farm as well as housing development in the Village in general.

Donnell commented that he has created a PC checklist, which he will share with the body.

PC decided to put Glass Farm housing on their agenda for the fall, and to begin studying the topic.

Donnell suggested working on the Glass Farm and then on the Comprehensive Plan.

Swinger cautioned that the PC will not be able to accomplish all that they want on top of many upcoming development requests, and may have to start meeting twice per month.

Stiles stated that she wants to study Inclusionary Zoning as a body.

MacQueen noted that she had studied the matter and spoken with a number of professionals on the topic, and concluded that IZ would not be a good fit in a village the size of Yellow Springs.

Stiles disagreed, and asked to pursue the matter.

Donnell commented that during the zoning code rewrite the group was careful and successful in keeping the document non-punitive, and that if IZ is included, that will bring in a punitive aspect. The code as written, he commented, uses incentives rather than the punitive approach of IZ.

MacQueen offered to pass the IZ information she had gathered on to Stiles.

The matter will go on a later agenda.

## CITIZEN COMMENTS

There were no citizen comments.

## PUBLIC HEARINGS:

**Amend Chapter 1260.02 (e) Minimum Lot Frontage - to clarify the meaning of the zoning code as it relates to future road access easements.** Swinger introduced the amendment, noting the following language:

If an access easement is required to reach the lot, the minimum required lot frontage may run along the inside property line of the lot being accessed. If the lot is located on a private street or access easement, specific requirements for ingress/egress will apply (1260.03a).

Conard noted the need for any arrangement, such as an easement document, to be memorialized as a recorded document, and commented that the Village would not be responsible for maintaining a private drive or turn-around.

Conard referenced language added to the chapter as follows: On a legally zoned lot, there shall be no more than one principal structure per driveway, unless the lot is part of a Planned Unit (PUD) or Pocket Neighborhood Development (PND). If the existing or created lot will be located on a private street or driveway, an access easement shall be recorded on the deed of all properties to whom the land provides ingress and egress. An additional curb cut for a second driveway shall only be permitted if the lot frontage exceeds by 15 feet the minimum lot frontage requirement of the respective zoning district. The legal description of the access easement shall show its continuation along the length of the lot being accessed for the minimum required lot frontage of that zoning district. Covenants and agreements indicating that the said private street or driveway 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 shall be clearly stated, along with a statement that said private drive and individual turn-around are not public roadway and that the Village of Yellow Springs shall have no responsibility for maintenance of the private drive and/or turn-around.

Swinger commented that these issues are now handled by herself, but that a requirement could be added to increase PC involvement.

Swinger noted that a lot split goes on the PC agenda as a consent item presently, but that a conditional use requirement could be added to the zoning code.

PC discussed public notification, with Swinger explaining that minor subdivisions and lot splits do not carry a requirement for notification of nearby residents.

Advantages of notifying the public for different uses were discussed.

Donnell weighed in on the side of notification.

Swinger commented upon the ability of the Village Planner to make the decision without PC action, and noted that neighbors are not noticed in the case of a minor subdivision. She differentiated between an action that is permitted and an action that requires a hearing, commenting that there is an expectation on the part of the homeowner about being able to make certain use of their property.

Conard focused the discussion on non-or un-conforming lots which may be subject to development.

PC discussed flag lots, noting the case of flag lots which are landlocked and require access across another lot.

Swinger agreed to bring the matter back with greater definition, and with clarification as to who will be noticed.

PC determined that they therefore need to bring back Chapter 1260.03(a) at the next meeting.

**Amend Chapter 1260.04 (a) (13) Uses – striking driveway setback language from this section of the zoning code.**

**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.**

**Amend Chapter 1260.02 General Provisions – clarifying language regarding tiny homes on wheels.** Swinger noted that she, Al Kuzma, Rose Pelzl and Donnell had met to discuss tiny homes. In that discussion, Kuzma noted that he is unable to issue a certificate of occupancy to a structure which he did not see being built. Manufactured homes can carry a HUD seal or home compliance certificate which will suffice, or a proof of occupancy from another state. Kuzma requires an Ohio certified inspector to sign off on a structure built in Ohio.

In response to questions from MacQueen, Donnell ways a permanent foundation can be made for a mobile home.

Swinger commented that the Village does not have size minimums, but that these are set at the stated level for tiny homes.

PC discussed the differences between a vehicle or mobile home and a structure.

Donnell noted that certificates of compliance are needed, and that without these, the building inspector has to assure compliance with every facet of the construction, essentially requiring that the structure be pulled apart for examination.

Pelzl OPENED THE PUBLIC HEARING.

Ed Dresser expressed concern with RV parking on public streets. Swinger explained that PC is recommending that control of the situation be moved to the purview of the Police department.

Dresser commented further that alleys should be more clearly defined.

Pelzl CLOSED THE PUBLIC HEARING.

Pelzl explained that the public hearing had been mis-noticed as 1260.02, and would need to be re-noticed as 1260.04.

PC decided that they would hold another public hearing at the next meeting, which should move quickly, given that they were comfortable with Swinger's recommendation.

**Amend Chapter 1284.09 Definitions T-U - adding the definition of a tiny home.**

Pelzl OPENED A PUBLIC HEARING.

There being no comment from any present, Pelzl CLOSED THE PUBLIC HEARING.

Stiles MOVED APPROVAL of the definition of a tiny home as written. Donnell SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**OLD BUSINESS**

**Review of Comprehensive Land Use Plan.** Donnell reported out on his meeting with Doden on the CLUP.

Donnell stated that he and Doden were in agreement that the next step should be a PC work session to move the process forward. Donnell commented that he has written up an index to assist in this process, and this will be sent out to PC members for a preliminary review.

Following discussion, PC members decided to meet at 4pm August 27<sup>th</sup>, with a projected end time of 6pm.

MacQueen stated that she would like to bring the Air BnB issue back to Planning Commission.

PC members commented that they had clearly reviewed the situation and made a recommendation that would have addressed the current concerns months ago, and that Council had rejected those recommendations.

MacQueen commented that the practice of purchasing homes for the purpose of creating Air BnBs is becoming a problem affecting housing availability.

**AGENDA PLANNING**

Antioch College Pocket Neighborhood Development  
Antioch College Rezoning Request

Swinger confirmed that the rezoning request will come to the next meeting, but that the PND will likely not be ready at that time.

Donnell commented that the practice of a developer coming to PC prior to formal presentation of their project to the body might be a good way for them to gain information and for PC to have a heads-up on upcoming projects.

The Clerk agreed to send the Glass Farm proposal developed by Ken LeBlanc as well as the soil survey to PC members for the Comprehensive Land Use Plan discussion.

**ADJOURNMENT**

At 8:37pm, Donnell MOVED and Stiles SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

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Rose Pelzl, Chair

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Attest: Judy Kintner, Clerk

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

**Yellow Springs, OH**  
**Bowen National Research – Housing Development Goal Recommendations**

**To: Marianne Macqueen, Housing Advisory Board**

**From: Patrick Bowen, Bowen National Research**

**Date: August 7, 2018**

**1. Introduction:**

The purpose of this memo is to provide supplemental recommendations for possible housing development goals for the Village of Yellow Springs to consider. This includes goals by targeted income level, bedroom type and age segments. The recommended goals are provided for rentals and for-sale housing separately.

It is important to point out a few key aspects of these particular goal recommendations and any goals that the Village of Yellow Springs ultimately adopts. First, these goals should be used to help set policy and incentives that will encourage development of certain housing product that meets both housing needs and community objectives. Second, the market has the ability to exceed the goals outlined in this memo and that these goals should not necessarily be considered as caps or limits to development. Finally, the village needs to remain flexible in its approach to supporting and encouraging certain types of residential development to correspond to changing housing market conditions, changes in demographic trends, financial and economic fluctuations and potential changes in community desires.

**2. How to set targeted goals:**

It is recommended that housing goals should be set through a combination of quantified demand estimates shown in the Housing Needs Assessment (HNA) and stated community goals. Using the HNA estimates as a baseline for setting quantifiable goals, YS can adjust the initial goals by including community objectives that account for citizen and stakeholder input. The following table summarizes the initial HNA estimates for the number of housing units needed by various income levels over the next five years, based on current trends and conditions.

2017 - 2022 Rental Demand Potential by Income Level & Rent Yellow Springs Primary Study Area					
Household Income Range	< \$20K	\$20K-\$34K	\$35K-\$49K	\$50K-\$74K	\$75K+
Rent Affordability	< \$500	\$500-\$874	\$875-\$1,249	\$1,250-\$1,849	\$1,850+
HNA – Demand Potential (Based on Current Trends)	111	83	11	58	39
2017-2022 For-Sale Housing Demand by Income Level & Price Point Yellow Springs Primary Study Area					
Household Income Range	\$30K-\$49K		\$50K-\$74K	\$75K+	
Housing Price Affordability	\$100K-\$149K		\$150K-\$224K	\$225,000+	
HNA - Support for New Units (Based on Current Trends)	40		22	128	

Comment: *Based on the Housing Needs Assessment, there is a potential need for approximately 300 rental housing units and approximately 200 for-sale housing units over the next five years, with rentals primarily needed for lower-income households and for-sale housing that is focused on high-income households. Regardless, development goals should encourage development that supports a balanced market. We have provided various potential housing goals by bedroom type, age groups and income levels below.*

### Bedroom Types

Based on the distribution of the existing housing supply by bedroom type, the number of vacant units by bedroom type, the distribution of household sizes (number of people per household) of YS compared with surrounding areas, and community input, we have provided goals for the number of new units by bedroom type that should be considered.

Rental Household Sizes by Geography					
GEOGRAPHY	1-Person	2-Person	3-Person	4-Person	5-Person
<b>Yellow Springs</b>	<b>54.1%</b>	<b>23.8%</b>	<b>16.1%</b>	<b>6.0%</b>	<b>0.0%</b>
Secondary Study Area (Surrounding Area, Excludes YS)	40.3%	25.5%	15.3%	10.1%	8.8%
Dayton MSA	41.9%	25.7%	14.5%	10.3%	7.6%
State of Ohio	41.9%	26.2%	14.5%	9.7%	7.6%
Yellow Springs Goal – 5-Year	51%-53%	24%-25%	15%-16%	7%-8%	3%-4%
<b>Yellow Springs 5-Year Goal New Rental Units</b>	One-Bedroom		Two-Bedroom		Three-Bedroom+
	<b>~100</b>		<b>~140</b>		<b>~60</b>

Owner Household Sizes by Geography					
GEOGRAPHY	1-Person	2-Person	3-Person	4-Person	5-Person
<b>Yellow Springs</b>	<b>28.9%</b>	<b>43.3%</b>	<b>12.7%</b>	<b>13.0%</b>	<b>2.0%</b>
Secondary Study Area (Surrounding Area, Excludes YS)	26.0%	39.8%	15.4%	11.7%	7.1%
Dayton MSA	26.1%	39.2%	15.2%	12.0%	7.5%
State of Ohio	24.0%	38.9%	15.5%	13.2%	8.5%
Yellow Springs Goal – 5-Year	27%-28%	41%-42%	13%-14%	12%-13%	3%-5%
<b>Yellow Springs 5-Year Goal New For-Sale Units</b>	One-Bedroom		Two-Bedroom		Three-Bedroom+
	<b>~40</b>		<b>~80</b>		<b>~80</b>

Comment: *YS lacks larger family renter and owner households. The community will need to add family-oriented housing if YS wants a more balanced distribution of household types. At the same time, smaller bedroom types should also be part of housing development due to the large number of smaller family and single-person households in the market, particularly seniors.*



## Household Age Groups

The following table summarizes the distribution of households by age for Yellow Springs compared with surrounding communities and concludes with potential goals of housing by different age groups.

Rental Household by Age by Geography							
GEOGRAPHY	<25	25-34	35-44	45-54	55-64	65-74	75+
<b>Yellow Springs</b>	<b>4.5%</b>	<b>23.9%</b>	<b>18.4%</b>	<b>16.2%</b>	<b>28.1%</b>	<b>3.7%</b>	<b>5.1%</b>
Secondary Study Area (Surrounding Area, Excludes YS)	17.9%	23.9%	16.9%	16.7%	11.1%	5.9%	7.6%
Dayton MSA	12.7%	24.7%	18.3%	17.8%	13.0%	6.5%	7.0%
State of Ohio	12.5%	24.5%	18.4%	17.6%	12.4%	6.6%	8.0%
Yellow Springs Goal – 5-Year	7%-8%	24%-25%	17%-18%	16%-17%	23%-24%	5%-6%	6%-7%
<b>Yellow Springs 5-Year Goal New Rental Units</b>	Millennials/Young Adults & Families		Middle-Aged, Established Families		Older Adults, Empty Nesters & Seniors		
	<b>~120</b>		<b>~100</b>		<b>~80</b>		

Owner Household by Age by Geography							
GEOGRAPHY	<25	25-34	35-44	45-54	55-64	65-74	75+
<b>Yellow Springs</b>	<b>0.4%</b>	<b>2.5%</b>	<b>11.1%</b>	<b>21.2%</b>	<b>23.4%</b>	<b>19.6%</b>	<b>21.8%</b>
Secondary Study Area (Surrounding Area, Excludes YS)	1.2%	9.4%	14.4%	21.1%	23.1%	16.0%	14.8%
Dayton MSA	1.1%	9.2%	15.4%	22.5%	22.1%	15.3%	14.3%
State of Ohio	1.0%	9.7%	16.7%	23.2%	22.0%	14.3%	13.0%
Yellow Springs Goal – 5-Year	0.5%-1.0%	4%-5%	12%-13%	21%-22%	22%-23%	17%-18%	20%-21%
<b>Yellow Springs 5-Year Goal New Owner Units</b>	Millennials/Young Adults & Families		Middle-Aged, Established Families		Older Adults, Empty Nesters & Seniors		
	<b>~70</b>		<b>~70</b>		<b>~60</b>		

*Comment: YS has a disproportionately low share of young adult and young family households (generally under age 35). In order to make the community more balanced, it will need to encourage development of housing that appeals to young professionals/millennials and younger families. It will be important that YS doesn't lose sight that its large base of senior residents are becoming older and will require housing to meet their changing housing needs (downsizing, mobility limitations, financial constraints, etc.).*

## Household Income Groups

The table below compares the share of households by income for renter and owner households for Yellow Springs and the surrounding areas, and concludes with recommended housing goals by various income ranges and corresponding levels of affordability (rents and home prices).

Rental Household by Income by Geography – Share of Renter Households					
Household Income Range	< \$25K	\$25K-\$34K	\$35K-\$49K	\$50K-\$74K	\$75K+
<b>Yellow Springs</b>	<b>41.7%</b>	<b>16.0%</b>	<b>8.4%</b>	<b>20.6%</b>	<b>13.4%</b>
Secondary Study Area (Surrounding Area, Excludes YS)	43.6%	12.9%	15.2%	14.7%	13.6%
Dayton MSA	42.2%	14.8%	15.4%	14.4%	13.3%
State of Ohio	42.6%	14.3%	15.3%	15.2%	12.7%
Yellow Springs Goal – 5-Year	41%-42%	14%-15%	11%-12%	17%-18%	12%-13%
<b>Total Potential PSA (Yellow Springs) Support for New Units</b>	<b>111</b>	<b>83</b>	<b>11</b>	<b>58</b>	<b>39</b>
<b>Yellow Springs 5-Year Goal New Rental Units</b>	<b>~100</b>	<b>~70</b>	<b>~40</b>	<b>~50</b>	<b>~40</b>

2017-2022 For-Sale Housing Demand by Income Level & Price Point Yellow Springs Primary Study Area			
Household Income Range	\$30K-\$49K	\$50K-\$74K	\$75K+
Housing Price Affordability	\$100,000-\$149,999	\$150,000-\$224,999	\$225,000+
<b>Yellow Springs</b>	13.0%	21.4%	57.1%
Secondary Study Area (Surrounding Area, Excludes YS)	18.3%	20.6%	43.3%
Dayton MSA	17.7%	20.8%	44.6%
State of Ohio	17.5%	20.3%	45.4%
Yellow Springs Goal – 5-Year	14%-15%	20%-21%	53%-54%
<b>Total Potential PSA (Yellow Springs) Support for New Units</b>	<b>40</b>	<b>22</b>	<b>128</b>
<b>Yellow Springs 5-Year Goal New For-Sale Units</b>	<b>~50</b>	<b>~40</b>	<b>~110</b>

NOTE: Demand for for-sale housing priced below \$100,000 is not shown

*Comment: YS distribution of renter households by income is generally comparable to the surrounding area and region. The biggest challenge facing YS in terms of households by income level is the fact that low-income renter households have limited housing options available to them. All subsidized rental units in YS are occupied, as are all Low-Income Housing Tax Credit units in the region (there are no LIHTC units in YS). There is pent-up demand for such units, as evidenced by the long wait lists at most properties. YS would benefit from the introduction of additional subsidized and/or LIHTC units that could serve many of the lower-income households in the area, particularly those in the Service industries.*

### 3. Strategies to Meet Housing Needs:

- ***Identify and Outreach to Development Community*** – Research and identify potential residential developers active in the region. Put list of potential developers together that can serve as baseline for developers that the Village may want to begin dialogues with and/or developers that may ultimately receive RFPs from the Village. Determine what these developers bring to the table (abilities, experience, interests, and resources) and what help they may seek from the Village.
- ***Identify Housing Professionals with Experience in Housing Funding Resources*** – Research and identify housing professionals in the region and Ohio that are knowledgeable and experienced in financial resources that support residential development, both from the developer's side and government's perspective. This may include grant writers, housing consultants, state and federal agency representatives, and private sector financial experts (investors, syndicators, and lenders). Begin outreach to such individuals and organizations to educate Village on potential funding sources.
- ***Seek Outside Expert Input on Glass Farm Design & Plan*** - Consider retaining a planning firm to help establish framework for residential potential for glass farm site. Input from area developers should also be solicited to identify development challenges or concerns. Given the relatively large size of the site and broad housing needs of the community, YS should strive for mixed-income and multigenerational product at this site.
- ***Consider Initial Incentives to Encourage Developers into the Market*** – As new large-scale residential development has been limited for many years in YS, developers may be hesitant to come into YS. In the short-term, the village may want to incentivize developers through tax abatements, ground leases, waived or discounted development fees, etc., at least until some synergy is underway. Consider the use of development incentive tools such as density bonuses, inclusionary zoning and others to guide development towards community goals.
- ***Leverage the Downtown as an Asset*** - Downtown is one of the biggest assets of YS and should be leveraged to encourage new residential development that is within walking distance of the downtown. Ideally, housing that appeals to millennials should be supported and encouraged, though a multi-generational housing project could be supported.
- ***Support broad housing continuum*** – It will be important that housing goals, policies and incentives are established that both serve to support current residents and their housing needs (current and changing) and future residents, particularly those that are specifically targeted. Any approach needs to address the broad spectrum of housing so that housing choices remain available to current residents seeking to make changes (due to marriage, having children, divorce, increase/decrease in income, becoming empty nesters, retirees, physical/mobility needs, etc.) and to attract a diverse mix of non-residents to the community.



# STAFF REPORT

**APPLICATION NUMBER:** PC2018-19

**APPLICANT:** Antioch College

**TYPE OF REQUEST:** Map Amendment ó Rezoning

**MEETING DATE:** Monday, August 13, 2018 @ 7:00 PM

## **BACKGROUND:**

Antioch College is planning the construction of the Village of Yellow Springs first Pocket Neighborhood Development (Exhibit A) since the Planning Commission added this new and innovative use to our zoning code last year. One of the requirements of the PND is that the property must be located in a residential district. Currently, the property is zoned E-I, Educational Institutions. The location, at 117 East North College Street, Parcel ID ##F19000100090029400, abuts the R-C, High Density Residential District on both the north and west sides. The property was subdivided into three sections, Lot #294, 295 and 136. After research by both staff of the Village of Yellow Springs and Greene County, it was determined that Lot #136 was part of Antioch's land. Antioch filed a replat with the zoning office, combining the three parcels into two (Exhibit B). The final step before Antioch's PND conditional use hearing with Planning Commission is this map amendment to rezone the property as residential.

## **REQUIREMENTS:**

Section 1280.02(b) of the Zoning Code highlights the requirements for a rezoning application which include:

- (1) are consistent with the goals, policies and future land use map of the Yellow Springs Comprehensive Development Plan and the Vision: Yellow Springs and Miami Township document; or, if conditions have changed significantly since the plan was adopted, is consistent with recent development trends in the area;  
*The map amendment to rezone as residential will allow Antioch College to implement the new PND zoning code recently adopted by Village Council. It will also achieve the goal of infill development.*
- (2) are compatible with the site's physical, geological, hydrological and other environmental features;  
*The property is 0.905 of an acre or 39,421.8 square feet. This site has 297.22 feet of frontage on East North College Street (Exhibit C). The topography is flat with a number of trees, some of which will need to be removed. The location abuts a residential neighborhood.*
- (3) are compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts;  
*The location is on a public street (50' width) with no other residential structures fronting on the block between Xenia Avenue and Livermore Street which would cause traffic impacts. This new development should have no ill effect on surrounding*

*property values. The density of eight units is below the allowed density of 14 units in the R-C, High Density Residential District.*

- (4) can be accommodated on the subject property, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting;  
*As part of the PND process, Antioch College representatives will be meeting with the Public Works Director regarding the existing infrastructure and their capacities. A preliminary meeting several months ago with Antioch College and the Village of Yellow Springs Public Works staff identified the location of the existing water/sewer and electric utilities for Antioch's design work. No red flags were presented at that meeting which would halt the continuation of the project.*
- 5) and do not result in a spot zone.  
*This will not result in spot zoning as it will be a continuation of the R-C, High-Density Residential District that borders the property to the west (Xenia Avenue) and the north (East Whiteman Street).*

#### **PLANNING COMMISSION DUTIES**

The Planning Commission may make recommendations of approval, denial or conditional approval to the Village Council regarding the map amendment request.

#### **FINDINGS**

Staff has found that the proposal meets the requirements of Section 1280.02(b). The property is currently zoned as E-I, Educational Institutions, and as part of Antioch College's long range plan, rezoning to R-C, High-Density Residential will help Antioch College achieve their vision for the campus, while at the same time fulfilling the Yellow Springs Comprehensive Plan and Visioning goals for infill development and increased density.

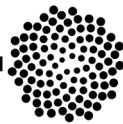
#### **RECOMMENDATION**

Staff suggests Planning Commission recommend to Village Council that they **APPROVE** the proposed map amendment with the findings that the request satisfies all of the requirements of Section 1280.02 (b) of the Village's Zoning Ordinance.

If you have any questions or if I can be of assistance please feel free to contact me at (937) 767-1702 or by email to [dswinger@vil.yellowsprings.oh.us](mailto:dswinger@vil.yellowsprings.oh.us).



MCLENNAN DESIGN



Preliminary Site and Zone Analysis

**ANTIOCH PND**

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## INTRODUCTION

The McLennan Design team has been working with Antioch College for the last couple years on a vision for the campus and for the co-housing community. This study extends the work across the street on North College to create a pocket neighborhood that is viewed as a pilot for the eventual co-housing project. It is possible that this pilot project - now envisioned to include eight small homes could become part of the co-housing community at a later date. This first phase study was done to determine an optimal layout and approach for the site and to ensure that the plans work in accordance with the Yellow Springs guidelines for pocket neighborhoods. This report summarizes our understanding and proposed recommended approach. Initial discussions with the City indicate that the plans are in compliance.

### Site Photos





## Site Photos



*View looking NE from south property edge*



*View looking south from property center*

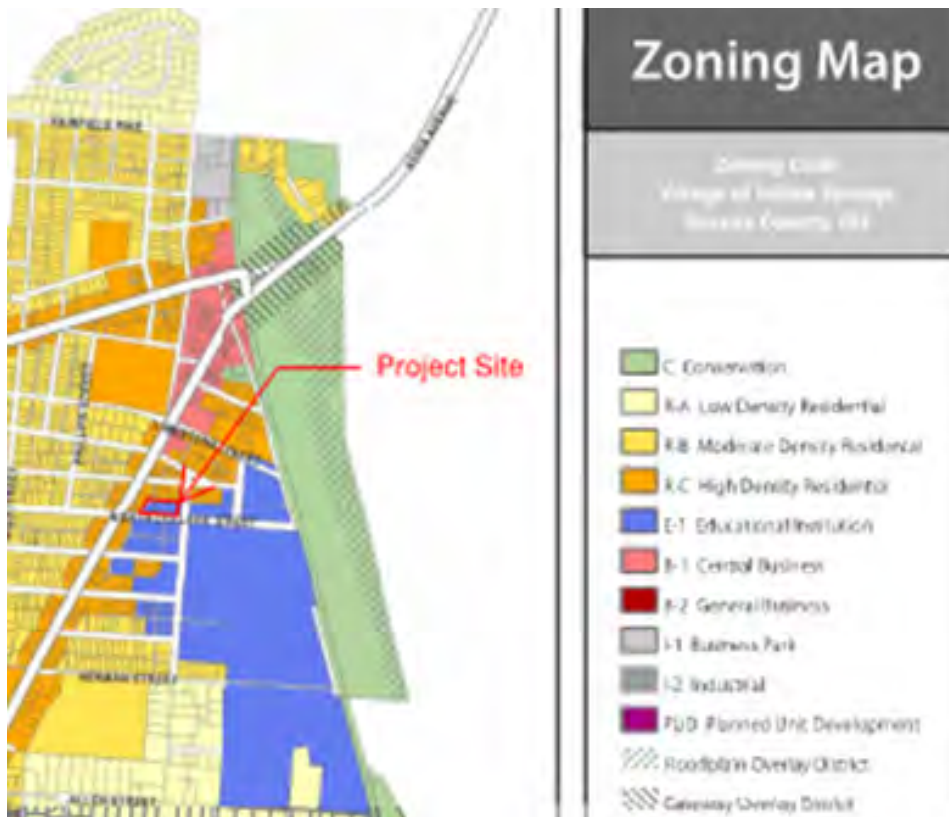


## ZONING CONSIDERATIONS

The proposed site is located at the southeast corner of E North College Street and Livermore Street. The site consists of Lot 294 (0.2566 acres) and Lot 295 (0.8606 acres), that are currently owned by Antioch College Corp, and a Lot 136 that is located between the two lots. The ownership of the Lot 136 is under review by Antioch College. The intent is to replat the 3 lots, and to subdivide the property into two new lots, reserving the corner lot for a future college building and a single lot for a Pocket Neighborhood Development.

The current zoning is represented as E-1 Educational Institution. It is anticipated that the proposed site will be rezoned to R-C High Density Residential with this development. The adjacent sites to the west and north of the property are currently zoned as R-C High Density Residential.

Following is a portion of the Zoning Map:



# 03

## SITE REQUIREMENTS

The current proposed site does not have any existing structures on the lot. The current site is undeveloped.

### **Permitted and Conditional Uses**

Permitted uses include single-family attached dwellings, multi-family dwellings, single family detached dwellings, two-family dwellings, and accessory buildings. Accessory dwelling units are a conditional use.

The Zoning Ordinance was modified in September 2017 and with a text amendment Pocket Neighborhood Developments were included in the Schedule of Uses for Residential Districts A, B and C. Pocket Neighborhood Developments are allowed as a conditional use in R-C High Density Residential.

### **Minimum Lot Size and Maximum Density**

#### **Minimum Lot Width and Depth**

The minimum lot area for Zoning District R-C High Density Residential is 4,800 sq ft. (Two-family dwellings provide 4,000 square feet per unit).

Minimum lot width is 40 feet.

#### **Lot Coverage**

The maximum lot coverage for Zoning District R-C High Density Residential is 50%. This is also the requirement for a lot to be used as a PND per Section 1262.08.

#### **Building Setbacks**

The building setbacks for Zoning District R-C High Density Residential (and for a lot to be used as a PND per Section 1262.08) are as follows:

Front Yard - 20 feet  
Side Yard - 10 feet (Least 5 feet)  
Rear Yard - 15 feet

#### **Height Limitations**

The maximum building height for Zoning District R-C High Density Residential is 35 feet/3 stories. This is also the requirement for a lot to be used as a PND per Section 1262.08.



## New Property Alignment

The current property is subdivided into three sections 294 and 295 and 136 which has been vacated and given back to Antioch now making two parcels. We are proposing altering the property lines as shown in the diagram so that boundaries of 295 are smaller and maintained with the current zoning allowing for a future academic building and 294 is enlarged allowing for an efficient size for the pocket neighborhood. 294 will need to be re-zoned for residential development.



*Aerial image of project site*



*Proposed project re-allotment*





# 04

## POCKET NEIGHBORHOOD DEVELOPMENTS

Following is the definition of a Pocket Neighborhood Development (PND) from Section 1284.07 Definitions:

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

The Ordinance to define the specific requirements for Pocket Neighborhood Development, Section 1262.08 is summarized as follows:

### Location

Pocket Neighborhood Developments may be considered in only the three residential districts defined for Yellow Springs, Ohio. PNDs are allowed in Zoning District R-C High Density Residential.

### Density and Minimum Lot Area

The minimum lot area for a PND is equal to the minimum lot requirements for the corresponding residential district (Zoning District R-C High Density Residential). A single lot is allowed for a PND under the control of a Homeowner's Association. The allowable density shall be a maximum of 14 dwelling units per acre to match the density requirement for Zoning District R-C High Density Residential.

On a lot to be used for a PND, the lot size maximum must be under five acres.

On a lot to be used for a PND, a minimum of 4 dwelling units around a common open space area are required.

### Height Limit and Roof Pitch

The height limit permitted for structures in a PND (to match Zoning District R-C High Density Residential) shall be a maximum of 35 feet for each dwelling unit, and rooflines must present a distinct profile and appearance and express the neighborhood character.

### Lot Coverage

The maximum lot coverage permitted for principal dwelling units in a PND shall be limited to that allowed in the corresponding residential zoning district. The lot coverage for Zoning District R-C High Density Residential is 50%.

### Yard Setbacks

Front and rear setbacks shall be equal to the setback requirements in the corresponding residential zoning district (R-C High Density Residential) and will be measured from the perimeter property lot line. The building setbacks for Zoning District R-C High Density

Residential are as follows: Front Yard – 20 feet, Side Yard – 10 feet (Least 5 feet), and Rear Yard – 15 feet.

The front yard setback shall be measured by where the road frontage is and not the lot line of the land owned by each individual property owner within the PND. The side yard setback is a minimum of 10 feet between the eaves of each dwelling unit unless it is single-family attached dwelling units.

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

### **Common Open Space**

A minimum of 200 square feet of contiguous usable common open space is required per dwelling unit with no dimension less than 10 feet. At least 50% of the dwelling units shall abut the common open space, all of the dwelling units shall be within 60 feet walking distance to the common open space, and the common open space shall have dwelling units abutting at least 2 sides.

### **Parking**

One and one-half spaces per dwelling unit shall be required.

Parking shall be on the PND property with a plan approved by the Planning Commission to ensure that parking is as unobtrusive as possible. The parking requirements and landscape requirements in the PND shall be limited to that allowed in the Yellow Springs Planning and Zoning Codes. Parking areas are excluded from the calculations of common open space.

### **Other Standards**

PNDs are limited to detached single-family dwelling units, but up to 50% can be either two-family dwellings or single-family attached dwellings in R-C High Density Residential Zoning District.

Privately held accessory structures and accessory dwelling units are not allowed.

A PND shall be located on one lot with all common open space under the control of a Homeowner's Association (HOA). A draft of the conditions, covenants and restrictions (CC&Rs) shall be provided to the Planning Commission during the Level B site plan review meeting.

The dwelling units may be individually owned or rented with no more than 50% rentals.

Pedestrian pathways must be included to provide for movement of residents and guest from parking areas to homes and other amenities. These pathways must be shown on the site plan and be part of the common areas/tracts.

Mailboxes shall follow the US Postal Service requirements for cluster box units (CBUs).

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

## INITIAL SITE DESIGN

### Tree Coverage

The site has many beautiful trees on it and it is our belief that as many as possible should be saved and protected during construction to ensure a beautiful landscape remains. The diagram shown approximately located the trees and the red suggests which ones will likely need to be removed at a minimum to allow for the development. It is possible that further trees will need to be removed for solar access and construction staging which can be determined at a later time. Our initial concept design is laid out to preserve as many trees as possible.



### Street Improvements

The north side of North College will likely need to be redeveloped, with sidewalks improved and curb cuts added for the driveway. We will also be proposing on-street parking for the college or pilot housing needs on this side as well.



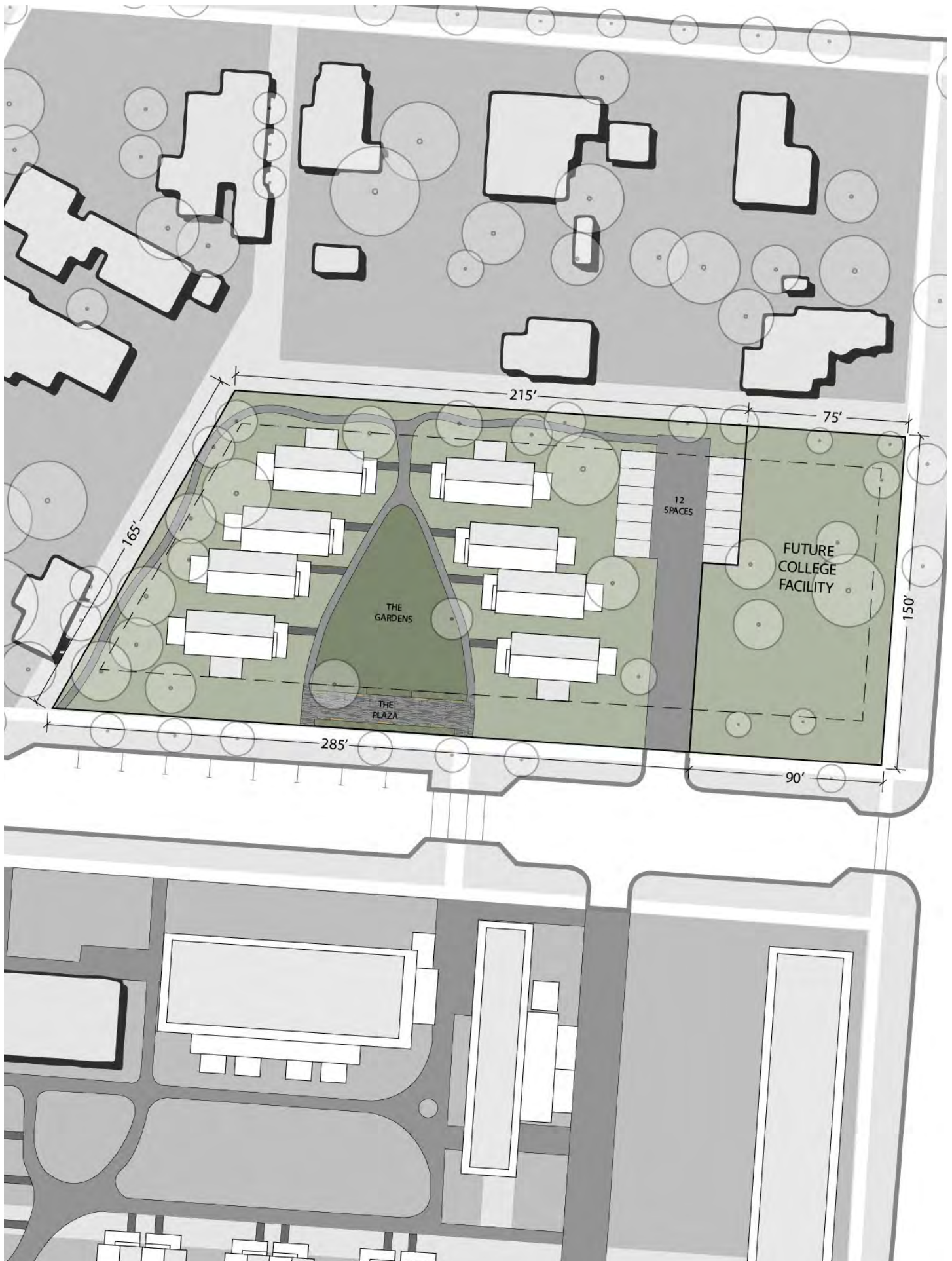
## Initial Concept

Our initial concept builds upon the idea of small eco-houses arranged around a common green as per the co-housing concept. We have chosen a site concept design that allows for 8 small homes, half of which are attached and half fully detached per the pocket neighborhood requirements. The attached homes are envisioned as single bedroom homes and the detached as two bedroom homes. The emphasis as we continue into design is on as high a level of sustainability as is possible, while balancing affordability for the residents. Each home has rooftops that are oriented for maximum solar potential for photovoltaic electricity needs and ample daylight for friendly bright interiors. Sustainability measures will be explored further as we move into house design. The homes are envisioned to be very similar in character and construction to allow for modular construction and efficient construction practices.

In this scheme, a beautiful central commons will promote community and allow for gardening and outdoor activities. A small hardscape plaza at the entrance will help create an inviting entry to the community. A shared lane with parking saves on infrastructure costs as well as shared costs for covered carports for vehicles. A trail system will connect around the project and from the street to parking.

This initial concept will be used by a surveyor to identify the exact location and size of trees and new proposed boundaries as a next step. We are ready to dig deeper at this point pending final feedback from the College and the core group of residents.







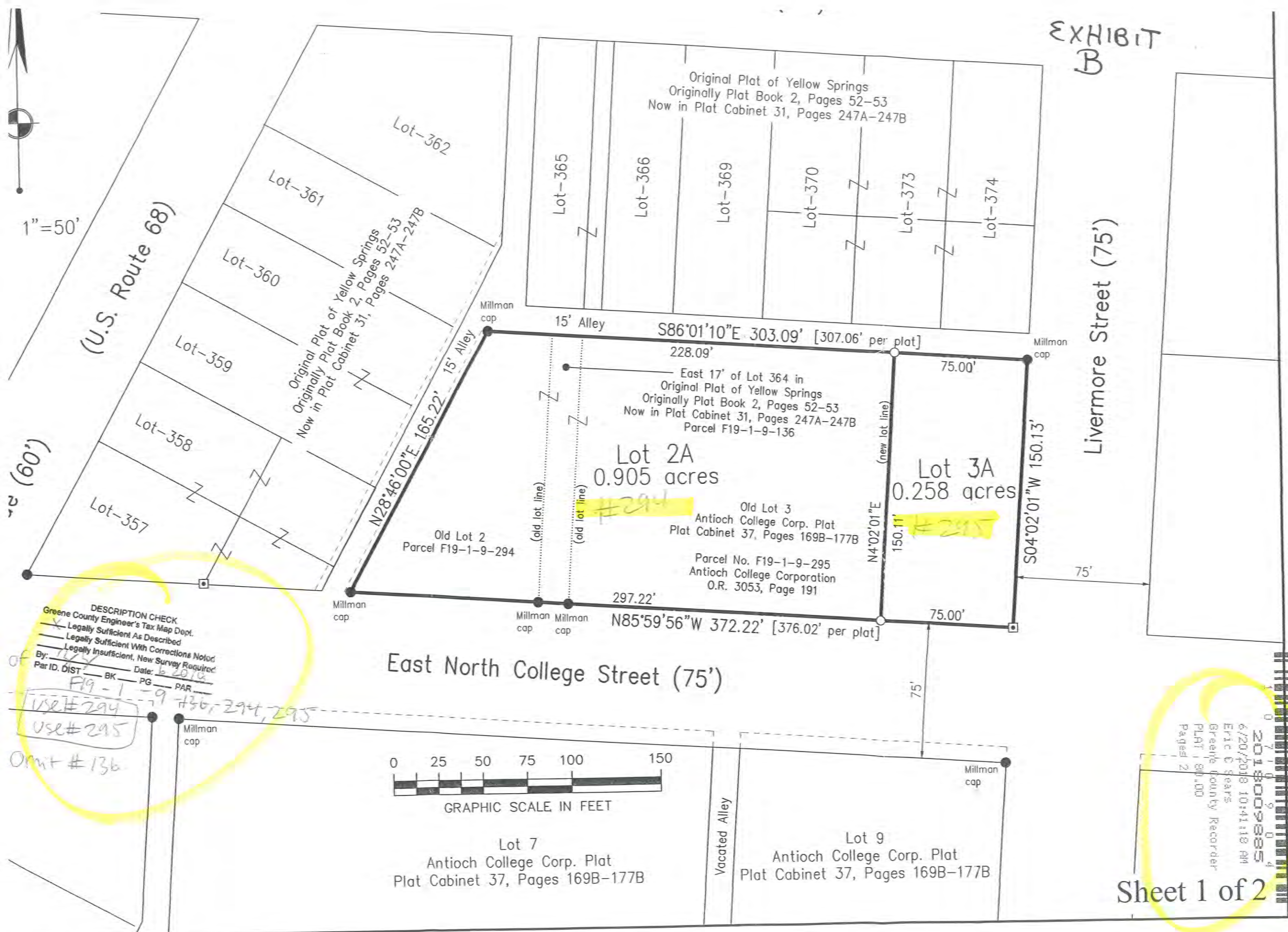


MCLENNAN DESIGN





EXHIBIT  
B



DESCRIPTION CHECK  
Greene County Engineer's Tax Map Dept.  
X Legally Sufficient As Described  
Legally Sufficient With Corrections Noted  
Legally Insufficient, New Survey Required  
By: 11/25 Date: 6/20/18  
Par ID: DIST BK PG PAR  
F19-1-9-294, 295  
Use #294  
Use #295  
Omit #136



## Customized Property Map







## **Planning Commission – PC18-26**

**MEETING DATE:** August 13, 2018

**STAFF REPORT:** Denise Swinger, Zoning Administrator

**LOCATION:** 134 Dayton Street ó subordinate to 138 Dayton Street

**ZONING DISTRICT** ó B-1, Central Business District

**APPLICANT:** Brittany Baum, owner of Levitate Cafe

**GREENE COUNTY PARCEL ID:** #F19000100110022800 and F19000100110023400

**REQUESTED ACTION:** Request for a conditional use permit, per Yellow Springs Zoning Code Section 1250.02 to allow outdoor patio seating in conjunction with a permitted restaurant on the property located at 134/138 Dayton Street in the B-1, Central Business District.

**CHAPTER 1250 BUSINESS DISTRICTS:** ó Section 1250.01 (a) "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.

**PROPERTY INFORMATION AND ANALYSIS:** The property located at 138 Dayton Street has four addresses within (132/134/136/138 Dayton Street) with 138 serving as the primary address with the Greene County Auditor. With a zoning classification for commercial use, it is a 0.4080 acre (17,772.48 sq. ft.) property with 109.5 feet of frontage (**Exhibit A**). This includes 4.5 feet of frontage (**Exhibit B**) that extends 25 feet into the street and contains an additional 0.0180 of acreage (784.08 sq. ft.). To access the property, a driveway entrance measuring approximately 12-13 feet wide serves the ingress and egress to the back where there is a parking area. Per the Village of Yellow Springs Zoning Code Section 1250.03, there are no minimum lot area or minimum lot width requirements for the B-1, Central Business District.

**BACKGROUND:** Local resident Brittany Baum is planning to open the Levitate Café at 134 Dayton Street. She currently operates Brezel, a gourmet Bavarian pretzel store with locations in Columbus and Cincinnati. She intends to offer grab & go fresh food options at the Yellow Springs location, including salads, juices, smoothies and healthy options that focus on local ingredients. Her concept for the store also includes many vegetarian and vegan options. The hours of operation would be from 7:00 AM until the early evening. If the need is there, she might expand her hours and offer carry out services later in the evening. She will have a few tables inside, but will mostly cater to grab & go customers.

Ms. Baum indicated she has been in contact with Greene County Building Regulations for her certificate of occupancy and they have agreed to less than 25 people including staff as the maximum occupancy allowed.

**STAFF ANALYSIS OF THE APPLICATION:** Brittany Baum applied for a change of use permit with the zoning office for the café. As a permitted use, this was approved by the Zoning Administrator. She has also submitted plans to add a small 24" table and two café chairs between the light pole and the tree out in front of the building, and adding a ledge above the gas meters to give a small space for customers to stand (**Exhibit C**). Staff explained that the sidewalk in front of the building is in the public right-of-way. Ms. Baum pointed out other locations in town with tables and chairs in public ROWs. Outdoor patio seating in conjunction with a permitted restaurant is a conditional use. Ms. Baum has made an application to the Planning Commission to have a conditional use hearing.

In reviewing other outdoor patio seating locations in B-1, staff has identified six restaurants, with a seventh location pending, one food truck, and one coffeehouse. Of these nine identified, two locations have tables and chairs in the front area of their business. Current Cuisine's outdoor seating is located within the property line of their business. The Spirited Goat Coffee House's outdoor seating is located in the public ROW. The other locations in the Central Business District with outdoor patio seating are: Aleta's Café, Peaches Grill, The Winds Café, Ye Olde Trail Tavern, Corner Cone, Miguel's Tacos (food truck), and the pending Trail Town Brewery. None of these locations are in the public rights-of-way. In addition to the above, Dino's Coffee occasionally puts a tall table in front of their establishment where people can stand, but it is not seating. The table does not stay there permanently.

The Public Works Director viewed the location of the table and chairs proposed by Ms. Baum (**Exhibit D**) and he has no objection to her proposal. He indicated it will not block passenger access from parked cars nor will it block pedestrian traffic since there will be over seven feet of passageway between the location of the table and the store entrance.

## 1264.02 GENERAL REQUIREMENTS

<i>Table 1264.02 Parking Requirements by Use</i>	
<i>Use</i>	<i>Number of Parking Spaces</i>
<b>Restaurants, Bars and Clubs</b>	
Carry-out restaurant (with no or limited seating for eating on premises)	6 per service or counter station, plus 1 per employee.

(a) Applicability of Parking Requirements. For all buildings and uses established after the effective date of this code, off-street parking shall be provided as required by this chapter.

(1) Whenever use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided, as required by this chapter.

(2) If the intensity of use of any building or lot is increased, through the addition of floor area, increase in seating capacity, number of employees or other means, additional off-street parking shall be provided, as required by this chapter.

(3) Off-street parking facilities in existence on the effective date of this code shall not be reduced below the requirements of this chapter, nor shall nonconforming parking facilities that exist as of the effective date of this code be further reduced or made more nonconforming.

(4) An area designated as required off-street parking shall not be changed to another use, unless equal facilities are provided elsewhere in accordance with the provisions of this chapter.

(b) Location. Off-street parking facilities required for all uses other than single and two-family dwellings shall be located on the lot or within 300 feet of the building(s) or use they are intended to serve, as measured along lines of public access from the nearest point of the parking facility to the building(s) or use served. Off-street parking facilities required for single- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage. All residential driveways shall meet Village engineering standards. In the B-1, Central Business District, parking facilities shall be located within 600 feet of the building or use to be served.

1264.02 (d) Modification of Parking Requirements. The Planning Commission may reduce the parking space requirements of this chapter for any use, based upon a finding that other forms of travel are available and likely to be used and, in particular, the site design will incorporate both bicycle parking facilities and pedestrian connections. In addition, one or more of the following conditions shall also be met:

(1) Shared parking by multiple uses where there will be a high proportion of multi-purpose visits or where uses have peak parking demands during differing times of the day or days of the week and meeting the following requirements:

A. Pedestrian connections shall be maintained between the uses.

B. For separate lots, shared parking areas shall be adjacent to each other, with pedestrian and vehicular connections maintained between the lots.

C. Unless the multiple uses all are within a unified business center, office park or industrial park all under the same ownership, shared parking agreements shall be filed with the Clerk of Council after approval by the Planning Commission.

(2) Convenient municipal off-street parking or on-street spaces are located adjacent to the subject property.

(3) Expectation of walk-in trade is reasonable due to sidewalk connections to adjacent residential neighborhoods or employment centers. To allow for a parking space reduction, the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation, providing safe and convenient access to the building entrance.

(4) Where the applicant has provided a parking study, conducted by a qualified traffic engineer, demonstrating that another standard would be more appropriate based on actual number of employees, expected level of customer traffic, or actual counts at a similar establishment.

(5) The Planning Commission may require a parking study to document that any one or more of the criteria in subsections (d) (1) through (4) above would be met.



(j) Required Off-Street Parking Spaces. The minimum number of required off-street parking spaces shall be provided and maintained on the premises or as otherwise allowed by this chapter, on the basis of the applicable requirements of [Table 1264.02](#). As a condition of approval, the Village Council may require that a performance guarantee be posted, in accordance with the provisions of Section [1272.04](#).

(1) When units or measurements determining the number of required parking spaces result in a fraction over one-half, a full parking space shall be required.

(2) In the case of a use not specifically mentioned, the requirement for off-street parking facilities for a specified use which is most similar, as determined by the Zoning Administrator, shall apply.

(3) Each 24 inches of bench, pew, or similar seating facilities shall be counted as one seat, except if specifications and plans filed in conjunction with a building permit application specify a maximum seating capacity, that number may be used as the basis for required parking spaces.

(4) Where parking requirements are based upon maximum seating or occupancy capacity, the capacity shall be as determined by the Building Code and Fire Code.

(5) Unless otherwise indicated, floor area shall be usable floor area (UFA).

*This location in the Central Business District is easily accessible by pedestrians. There are 6 to 8 parking spaces on the public street in front of the building that are highly used at all times of the day and night. Because the building has multiple uses with varying peak demand times, customers could park in the rear where there are an additional four to six parking spaces. Unfortunately, there isn't any signage indicating this. The parking area at the back of the building has no defined parking spaces which further discourages customers from parking in this location. There is also a public parking lot located approximately a four-minute walk away.*

*Although the building's use as a commercial structure is grandfathered in, the café in this location is a change of use. Due to the nature of the café as a grab & go restaurant with only a few tables and chairs inside, the carry out restaurant with limited seating parking requirement was used. In allowing the change of use, staff reviewed the parking issue with the property owner. The property owner did indicate that he could make some additional parking available behind the building if necessary, but staff cannot evaluate whether it would be utilized for this purpose.*

#### **1262.03 GENERAL STANDARDS (FOR ALL CONDITIONAL USES)**

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. *The proposed use is consistent with the goals as it will serve to increase social interaction thereby contributing to the character, ambiance and vitality of the central business district.*
- (b) The proposed use will comply with all applicable requirements of this code, except as specifically altered in the approved conditional use. *The proposed use is in the public*

***right-of-way. Typically, the rights-of-way are reserved for uses that promote public health, safety and welfare, such as utilities, communication and other services to the Municipality's citizens and taxpayers at reasonable rates. These locations have a priority of use with the first being for the municipality itself and the last (sixth) being a residential permittee. For additional information about the use and occupancy of the Village's rights-of-way, refer to Chapter 1021 of the Codified Ordinances.***

- (c) The proposed use will be compatible with the character of the general vicinity. ***The proposed use is compatible with the character of the Central Business District.***
- (d) The area and proposed use will be adequately served by essential public facilities and services, as applicable, such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools. The applicant or landowner will be required to install public utilities, streets or other public infrastructure as required by the Village, state or other agencies to applicable specifications. Dedication of said public infrastructure may be required. ***The proposed use is a table and two chairs, plus a standing bar against the building. The location is adequately served by all of the above.***
- (e) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the zoning district. ***It shouldn't have an effect on any of the above.***
- (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 will be for the use of the Levitate Café customers. If approved by the Planning Commission and it becomes a problem for the other businesses and/or the Village of Yellow Springs then there should be a condition which allows for its removal from the public right-of-way.***
- (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. ***The proposed use will not block sight lines. The ledge (bar) will be on top of the existing gas meters where people may stand to eat/drink.***

#### **1262.04 CONDITIONS OF APPROVAL**

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

- (a) Insure 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) Insure 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.

(Ord. 97-01. Passed 1-21-97.)

**STAFF RECOMMENDATION:**

Staff has reviewed the application and found that although the proposal meets the typical conditions of the zoning code and associated planning documents, it is still located in the public right-of-way. Staff recommends **APPROVAL** with specific conditions considered by the Planning Commission.

- 1) If the Planning Commission approves this conditional use, staff suggests the table and chairs be removed from the public right-of-way when the café is not open and also when there are special events downtown that will increase pedestrian traffic causing increased congestion on the sidewalks.
- 2) Review the number of parking spaces required, taking into consideration the seasonal use of the table and chairs, and the use of bicycle transportation.
- 3) Consider liability insurance, which names the Municipality as an additional insured.

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

Respectfully submitted,

Denise Swinger  
Zoning Administrator



# EXHIBIT A

## Customized Property Map





# EXHIBIT B

## Customized Property Map





EXHIBIT C

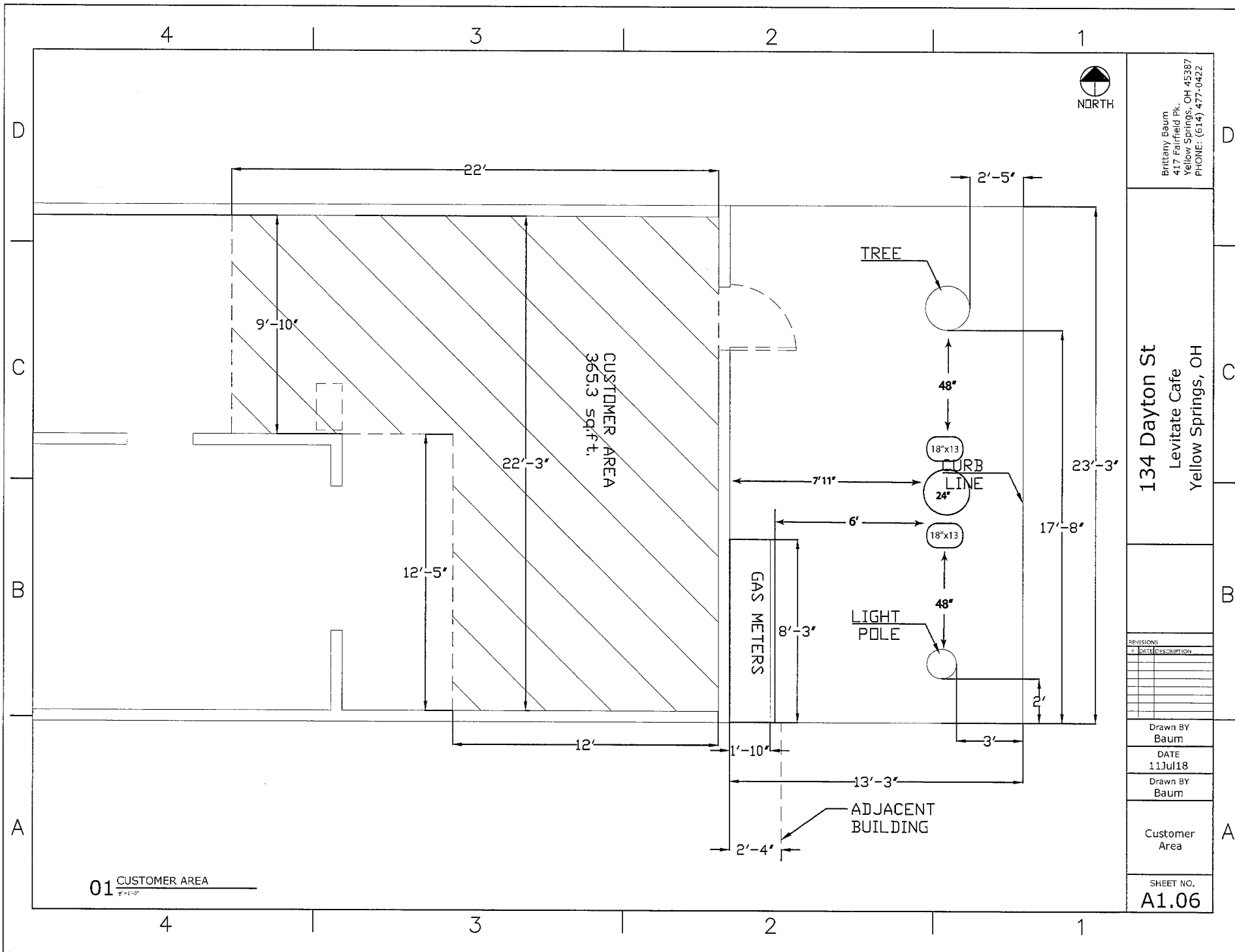




EXHIBIT D







## **PLANNING COMMISSION**

**MEETING DATE: Monday, August 13, 2018**

**STAFF REPORT: Denise Swinger, Zoning Administrator**

**HEARING NOTICE: *“Text Amendments – The Village of Yellow Springs is applying for amendments to the zoning code to clarify minor subdivisions, minimum lot frontage requirements, tiny homes on wheels, and to add driveway standards.”***

**Amend Chapter 1226.11 Minor Subdivisions** to add formal action by the Planning Commission in certain circumstances as determined by the zoning administrator.

The above public hearing notice was published in the Yellow Springs News on August 2, 2018. Chapter 1226.11 Minor Subdivisions, will be in a separate report because of changes discussed by Planning Commission at the July 9, 2018 meeting which, if approved, will require Planning Commission's approval under certain circumstances.

In reviewing our discussion regarding minor subdivisions and replats and when and in what situations we should require Planning Commission approval, it became apparent to staff that we will need to continue this discussion at September's meeting. In order to properly notify neighbors, text amendments will need to be made to Ch. 1226.11, 1226.12 and also 1226.13. Additionally, we will need to consider adding definitions so they are consistent in both the Planning and Zoning codes.

In considering the changes in the Planning Code, and upon the discovery of 20 foot frontages for uncommon lots in Ch. 1226.06 (a), and Council's goal of infill development, staff decided to allow for all possibilities. The Planning Commission needs to consider the changes and their impact.

Within Ch. 1226.11 Minor Subdivisions and Ch. 1226.12 Replats, staff referenced certain sections in both the Planning and Zoning Code where an applicant would go in order to complete the required documentation. One concern staff is the cost to the applicant for something that could be rejected by the Planning Commission. We might want to consider making some of the required documentation contingent on Planning Commission's approval of the applicant's concept/plan.

Ch. 1226.13 is the subdivision fees listed in the planning code. If the application requires the involvement of the Planning Commission, we will need to increase these fees to offset the cost of



printing the notification in the Yellow Springs News, mailing of letters to neighbors and staff time.

Attached to this report is the suggested amendments to Chapter 1226.11 Minor Subdivisions, Chapter 1226.12 Replats, and Chapter 1226.13 Subdivision Fees, and related exhibits. Exhibit 1 includes the additional requirements referenced in both 1226.11 and 1226.12. Exhibit 2 is a listing of definitions as they currently exist in both the planning and zoning codes that are mentioned with these sections of the Planning and Zoning codes. Exhibit 3 is our current Minor Subdivision Application, and Exhibit 4 is our Replat Application.

## **1226.11 MINOR SUBDIVISIONS.**

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

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

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

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

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

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

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

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

(8) A copy of the recording instrument has been submitted to the Planning Commission by the Zoning Administrator at least ~~ten~~ 20 days prior to a regularly scheduled Planning Commission meeting, and, if the Planning Commission takes no action at that meeting, the minor subdivision is deemed approved.

(b) Approval of a minor subdivision by the Zoning Administrator, with formal action by the Planning Commission is required in the following circumstances, along with additional conditions:

(1) The proposed subdivision is located along a private street or access easement. Approval by the Planning Commission may be granted upon review of additional criteria specified in 1260.02 (e) and 1260.03 (a) of the Yellow Springs Zoning Code.

(2) The proposed subdivision creates an uncommon lot configuration. Uncommon lot configurations may be incorporated into a minor subdivision if such division poses no apparent nuisance and the Commission deems it appropriate. Approval may be granted upon review of additional criteria specified in 1226.06 (a) (5).

(3) Approval of the minor subdivision 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, and such other material as the Commission determines necessary.

(4) Public Notice. When an application has been filed in proper form with the required data, the 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 minor subdivision 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.

(b c) If approval is given under terms of the above provisions, the Zoning Administrator shall, within 14 working days after submission, approve such proposed division of land and, upon presentation of a conveyance for said parcel and a properly prepared survey sheet of the property, shall sign the conveyance.

(Ord. 91-12. Passed 12-2-91; Ord. 92-16. Passed 11-2-92; Ord. 2001-20. Passed 11-19-01; Ord. 2003-4. Passed 4-21-03; Ord. 2004-2. Passed 1-20-04.)

## 1226.12 REPLATS.

(a) Approval of a replat by the Zoning Administrator, without formal action by the Planning Commission and Council, may be granted if a submitted record plan meets all of the following conditions:

(a 1) The proposed replat is not contrary to applicable subdivision and zoning regulations, including, but not limited to, the runoff control/sediment abatement regulations.

(b 2) The same number of lots as in the original plat, or less, are created.

~~—(c) Upon approval, the replat shall be submitted by the applicant to the Greene County Recorder for incorporation into the Official Tax Map records within 90 days.~~

~~—(d) The applicant will be held responsible for any negative impact on surrounding lots which becomes apparent within one year from the date of recordation of the plat.~~

(b) Approval of a replat by the Zoning Administrator with formal action by the Planning Commission is required in the following circumstances, along with additional conditions:

(1) The proposed replat is located along a private street or access easement. Approval by the Planning Commission may be granted upon review of additional criteria specified in 1260.02 (e) and 1260.03 (a) of the Yellow Springs Zoning Code.

(2) The proposed replat has a minimum frontage of twenty (20) feet available to access an existing land-locked lot. Approval by the Planning Commission may be granted upon review of additional criteria specified in 1226.06 (a) (5).

(3) The proposed replat creates an uncommon lot configuration. Uncommon lot configurations may be incorporated into a replat if it poses no apparent nuisance and the Commission deems it appropriate. Approval by the Planning Commission may be granted upon review of additional criteria specified in 1226.06 (a) (5).

(4) Approval of the replat 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, and such other material as the Commission determines is necessary.

(5) Public Notice. When an application has been filed in proper form with the required data, the 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 replat 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) Upon approval, the replat shall be submitted by the applicant to the Greene County Recorder for incorporation into the Official Tax Map records within 90 days.

(d) The applicant will be held responsible for any negative impact on surrounding lots which becomes apparent within one year from the date of recordation of the plat.

(Ord. 91-12. Passed 12-2-91; Ord. 2004-2. Passed 1-20-04.)

### **1226.13 SUBDIVISION FEES.**

(a) Preliminary Plats. Concurrently, upon submission of any preliminary plat for Village review, the developer or his or her agent shall make payment for review services in the amount of two hundred dollars (\$200.00). Such fee is nonrefundable and is applicable to each preliminary plat upon which specific action to approve or disapprove is taken by the Planning Commission. Resubmission of a previously disapproved preliminary plat shall require another payment of the fee provided for herein.

(b) Final Plats.

(1) Concurrently, upon submission of any final plat for Village review, the developer or his or her agent shall make payment for review services in the amount of one hundred dollars (\$100.00) and, in addition, shall pay for review services of twenty dollars (\$20.00) for each developable lot.

Such fees are nonrefundable and are applicable to each final plat upon which specific action to approve or disapprove is taken by the Planning Commission. Resubmission of a previously disapproved final plat shall require another payment of the fees provided for herein.

(2) Before final approval signatures are placed upon a final record plat, the developer or his or her agent shall deposit with the Village an amount of money to be used to defray the cost of inspection, review and legal services borne by the Village and directly attributable to the development. This sum shall normally be equal to four percent of the approved estimate of construction costs for bonding purposes. Upon acceptance of public improvements by the Village, this four percent fund shall be adjusted in accordance with actual expenditures for review and inspection services. If the money deposited exceeds the cost incurred by the Village, the balance shall be returned to the developer; alternatively, if costs incurred by the Village exceed the four percent deposit, additional money shall be paid by the developer before improvements are accepted.

(c) Minor Subdivisions. Before approval of any minor subdivision, the developer or his or her agent shall make payment for review services in the amount of fifty dollars (\$50.00), plus fifteen dollars (\$15.00) for each new lot created (the residual of the original parcel shall be excluded). If the minor subdivision requires Planning Commission approval, a payment in the amount of one hundred dollars (\$100.00) shall additionally be required.

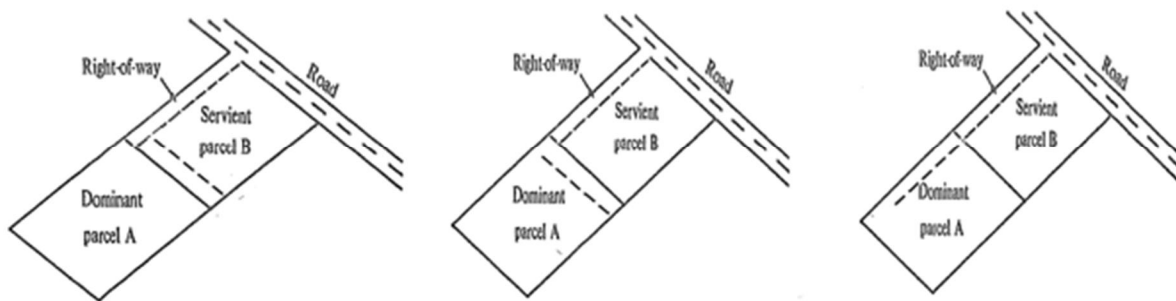
(d) Replats. Before approval of any replat, the developer or his or her agent shall make payment for review services in the amount of ~~ten~~ twenty five dollars (\$~~40~~ 25). If the replat requires Planning Commission approval, a payment in the amount of one hundred dollars (\$100.00) shall additionally be required.

(Ord. 91-12. Passed 12-2-91.)

## **ADDITIONAL CRITERIA FOR CH. 1226.11 AND 1226.12**

**1260.02 (e) Minimum Lot Frontage.** Any lot created after the effective date of this code shall have frontage on an improved public street or approved private street or access easement, equal to the minimum required lot width in the zoning district in which it is located. If an access easement is required to reach the lot, the minimum required lot frontage may run along the inside property line of the lot being accessed. If the lot is located on a private street or access easement, specific requirements for ingress/egress will apply (1260.03). Approval for private street or access easements must be granted by the Planning Commission.

**1260.03 (a) On a legally zoned lot, there shall be no more than one driveway, unless the lot is part of a Planned Unit (PUD) or Pocket Neighborhood Development (PND). If the frontage of the lot will be located along an access easement, the access easement shall be recorded on the deed of all properties which are subject to the easement and shall clearly specify the party or parties that shall be responsible for the maintenance of the easement area. An additional curb cut for a second driveway shall only be permitted if the lot frontage exceeds by 15 feet the minimum lot frontage requirement of the respective zoning district. The access easement shall provide lot frontage at least equal to the minimum required lot frontage of that zoning district (see diagram).**



The Village of Yellow Springs shall have no responsibility for maintenance of the private drive and/or turn-around.

- (1) All driveways shall be constructed and subsequently maintained to meet the following standards:
  - A. A driveway must commence at a dedicated road
  - B. Shall be a minimum width of 15 feet constructed with a base substantial enough to support vehicles to 40,000 lbs. gross vehicle weight (GVW)
  - C. Curb cuts and driveway aprons must be made of concrete to the Village of Yellow Springs Public Works Department standards.
  - D. Residential access driveways shall be at least three feet from side property lines and construction shall ensure that drainage is sloped away from adjacent properties
  - E. Utility easements for storm, sewer, water, electric and gas are to be maintained along the back and side yard property lines as it was in the original subdivision.

- F. Free from overhead obstructions to a height of 13 feet 6 inches and side-to-side obstructions to a width of eight (8) feet from the center line of the driveway
  - G. Any incline, decline, dip, hump and/or curve must take into consideration the turning radius, ground clearance, and traveling envelope of all vehicles to include emergency vehicles
  - H. Addresses for properties on private drives or road access easements must be clearly marked and visible from the public street
- (2) Any driveway in excess of 1,000 feet in length shall, in addition to the conditions/standards outlined in section 1, be required to also meet the following conditions:
- A. Have a vehicle pull-off near the mid-point, and additional pull-offs for every 500 feet thereafter
  - B. Have a turnaround at the end suitable for use by emergency vehicles
- (3) Driveway connections crossing drainage swales must conform to Greene County specifications complete with concrete headwalls as called for by Sections 816 and 817 of the Greene County Subdivision Regulations, as amended. Should the driveway require a culvert, pipe or bridge, no zoning permit will be issued until a recommendation is received from the Village of Yellow Springs Public Works Department. It is recommended that a pre-manufactured culvert, pipe or bridge be used. If a custom design is used, then it must be designed by a professional engineer and approved by the Village of Yellow Springs Public Works Department before construction.

**1226.06 (a) (5) Lots.** Every lot shall abut on a street and double frontage lots shall be avoided except where such lots will reduce curb cuts on heavily traveled thoroughfares. Area, dimensions and layout of lots shall be in conformity with the Zoning Code and applicable provisions of Article 5 of the Subdivision Regulations of Greene County, Ohio, as amended, excluding Section 518(G). Uncommon lot configurations may be incorporated into a development where such division poses no apparent nuisance and the Commission deems it appropriate. Approval of such lots shall be granted upon review of the following additional criteria:

- A. Adequate access to such lots is provided and poses no nuisance to adjoining lots. Adequate access shall accommodate emergency needs, parking and any other requirements specific to the location.
- B. The relation to the adjoining lots is acceptable in that required setbacks can be maintained, adequate privacy is preserved and apparent nuisances (light, noise) are avoided.
- C. A minimum frontage of twenty feet shall be required for all such lots.
- D. Uncommon lot configurations are permitted access on local streets only.



## **FROM THE PLANNING CODE'S CHAPTER 1226 SUBDIVISION REGULATIONS - DEFINITIONS**

“**Lot**” means a portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or development.

“**Official Land Use Plan**” means the system of thoroughfares, open spaces and land use development patterns adopted by Council, on recommendation of the Planning Commission, on November 7, 1977, as Resolution 77-42, and subsequent amendments thereto. A summary of planning elements may be had in the form of a map titled “Land Use Plan,” which is on display in the Village Council Chambers.

“**Plat**” means a map and description showing the location, boundaries and ownership of individual properties in conformance with minimum size regulations in place at the time.

“**Professional engineer**” means a person who has been registered as provided for by Ohio R.C. 4733.01 to 4733.23.

“**Replat**” means the recombining of land parcels or lots that results in the same or fewer number of total parcels or lots that conform with current minimum size requirements.

“**Right-of-way**” means the width between property lines of a street or alley, or the area contained within an easement.

“**Street**” means a thoroughfare as defined by the Official Thoroughfare Plan.

“**Subdivision**” means a division of a plot, tract or parcel of land into two or more lots or other divisions of land for the purpose, immediate or future, of transfer of ownership or development.

“**Surveyor**” means a person who is registered by the State of Ohio to perform land surveying functions.

## **FROM THE ZONING CODE'S DEFINITIONS:**

**Lot.** A legally described and recorded parcel of land occupied or intended to be occupied by a principal building or group of buildings and accessory buildings, or utilized for a principal use and its accessory uses, together with such yards and open spaces as are required by this code.

(1) Lot, corner. A lot having contiguous frontage on two intersecting streets if the interior angle at the intersection of the streets is less than 135 degrees. Also, a lot located on a curved street or streets, if tangents of the curve, at the point of beginning with the lot or the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees.

(2) Lot, interior. A lot other than a corner or through lot.

(3) Lot, through. A lot having frontage on two approximately parallel streets or a water body and a street.

**Right-of-way.** A strip of land dedicated for public use and occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or other essential services.

**Street.** A public right-of-way 50 feet or more in width which provides a public means of primary access to abutting property, or any such right-of-way more than 30 and less than 50 feet in width, provided that it existed prior to November 18, 1971. The term "street" includes avenue, drive, lane, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

**Street classification.** A hierarchy of street types denoting their relative function and traffic-carrying capability.

(1) **Arterial.** A connected network of continuous routes serving intra- and interstate travel, as well as interurban travel. Arterials accommodate high traffic volumes generally at higher speeds. Access to abutting land is subordinate to moving through traffic. The following streets are classified as arterials:

- A. Dayton-Yellow Springs Road /Dayton Street.
- B. Fairfield Pike.
- C. Xenia Avenue.

(2) **Collector.** Those streets which collect traffic from local streets and channel it to arterial streets. Collector streets carry moderate traffic volumes and primarily provide for local traffic movements with a minor amount of through traffic. While traffic movement is an important function, collectors also provide for a higher degree of land access than arterials. The following streets are classified as collectors:

- A. Allen.
- B. Corry.
- C. Enon.
- D. High.
- E. King.
- F. Limestone.
- G. Livermore.
- H. South College.
- I. Spillan.
- J. Walnut.

(3) **Local.** A street that provides direct access to adjacent land and access to higher street classifications. All streets not otherwise classified are local.

**Subdivision.** Shall mean:

(1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall not be considered a subdivision for purposes of this code; or

(2) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets except private streets serving industrial structures, and the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sanitary sewers, water lines, storm drainage or other public features.

**Driveway** ó A road, especially a private one, leading from a street or other thoroughfare to a building, house, garage, etc.



Application for Minor Subdivision

Permit #: \_\_\_\_\_

Applicant(s): \_\_\_\_\_

Applicant's mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_

Property Address: \_\_\_\_\_

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

Zoning District: \_\_\_\_\_ Total number of lots after Subdivision: \_\_\_\_\_

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

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

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

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The applicant hereby certifies that all information on and attached to this application is true and correct.

.....  
For Village use only:

Date filed: \_\_\_\_\_

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

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

Forwarded to Planning Commission 10 Days Prior to their \_\_\_\_\_(date) Meeting.

Planning Commission Action:

☐ none

☐ approval

☐ denial

☐ modification

RECEIVED:





Application for Re-plat

Permit # \_\_\_\_\_

*"Re-plat" means the recombining of land parcels or lots that result in the same or fewer number of total parcels or lots that conform to current minimum size requirements.*

Applicant(s): \_\_\_\_\_

Applicant's mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_

Address(es) of property: \_\_\_\_\_

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

Existing Zoning District: \_\_\_\_\_

*Approval of a re-plat by the Zoning Administrator, without formal action by the Commission and Council, may be granted if a submitted record plan meets all of the following conditions:*

- (a) The proposed re-plat is not contrary to applicable subdivision and zoning regulations, including, but not limited to, the runoff control/sediment abatement regulations.*
- (b) The same number of lots as in the original plat, or less, are created.*
- (c) Upon approval, the re-plat shall be submitted by the applicant to the Greene County Recorder for incorporation into the Official Tax Map records within ninety days.*
- (d) The applicant will be held responsible for any negative impact on surrounding lots which become apparent within one year from the date of recordation of the plat.*

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The applicant hereby certifies that all information on and attached to this application is true and correct.

.....  
For Village use only:

Date filed: \_\_\_\_\_ Zoning Fee: \$ \_\_\_\_\_

Date Approved: \_\_\_\_\_ Zoning Administrator: \_\_\_\_\_



## **PLANNING COMMISSION**

**MEETING DATE: Monday, August 13, 2018**

**STAFF REPORT: Denise Swinger, Zoning Administrator**

**HEARING NOTICE: *“Text Amendments – The Village of Yellow Springs is applying for amendments to the zoning code to clarify minor subdivisions, minimum lot frontage requirements, tiny homes on wheels, and to add driveway standards.”***

**Amend Chapter 1260.02 (e) Minimum Lot Frontage** - to clarify the zoning code regarding minimum lot frontage requirements.

Below are the changes to the minimum lot frontages as discussed at the July 9, 2018, Planning Commission meeting.

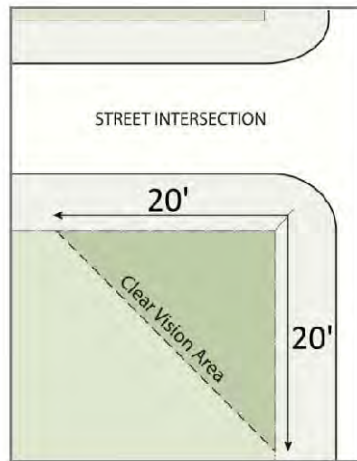
### **1260.02 DIMENSIONAL PROVISIONS.**

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

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

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

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



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

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

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

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

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

(e) Minimum Lot Frontage. Any lot created after the effective date of this code shall have frontage on an improved public street or approved private street or access easement, equal to the minimum required lot width in the zoning district in which it is located. If an access easement is required to reach the lot, the minimum required lot frontage may run along the inside property line of the lot being accessed. If the lot is located on a private street or access easement, specific requirements for ingress/egress will apply (1260.03). Approval for private street or access easements must be granted by the Planning Commission.

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

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



## **PLANNING COMMISSION**

**MEETING DATE:** Monday, August 13, 2018

**STAFF REPORT:** Denise Swinger, Zoning Administrator

**HEARING NOTICE:** *“Text Amendments – The Village of Yellow Springs is applying for amendments to the zoning code to clarify minor subdivisions, minimum lot frontage requirements, tiny homes on wheels, and to add driveway standards.”*

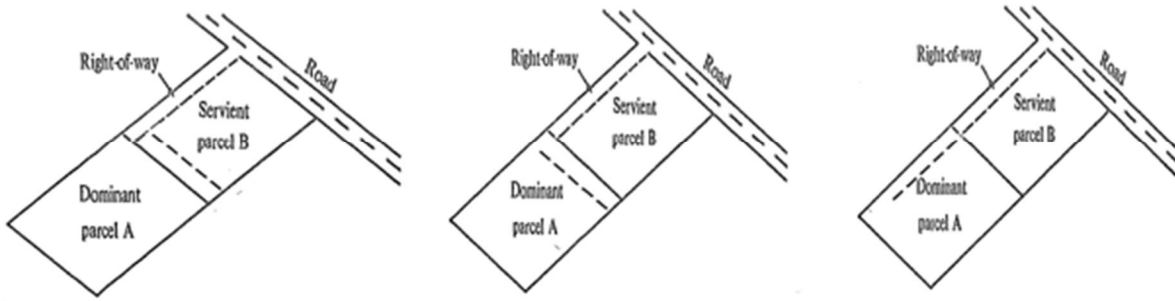
**Amend Chapter 1260.03 (a) Parking and Storage** ó adding driveway standards to the zoning code.

Below are the changes to driveway standards as discussed at the July 9, 2018, Planning Commission meeting. This will also show the recreational vehicle amendments previously approved.

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

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





The Village of Yellow Springs shall have no responsibility for maintenance of the private drive and/or turn-around.

- (1) All driveways shall be constructed and subsequently maintained to meet the following standards:
  - A. A driveway must commence at a dedicated road
  - B. Shall be a minimum width of 15 feet constructed with a base substantial enough to support vehicles to 40,000 lbs. gross vehicle weight (GVW)
  - C. Curb cuts and driveway aprons must be made of concrete to the Village of Yellow Springs Public Works Department standards.
  - D. Residential access driveways shall be at least three feet from side property lines and construction shall ensure that drainage is sloped away from adjacent properties
  - E. Utility easements for storm, sewer, water, electric and gas are to be maintained along the back and side yard property lines as it was in the original subdivision.
  - F. Free from overhead obstructions to a height of 13 feet 6 inches and side-to-side obstructions to a width of eight (8) feet from the center line of the driveway
  - G. Any incline, decline, dip, hump and/or curve must take into consideration the turning radius, ground clearance, and traveling envelope of all vehicles to include emergency vehicles
  - H. Addresses for properties on private drives or road access easements must be clearly marked and visible from the public street
- (2) Any driveway in excess of 1,000 feet in length shall, in addition to the conditions/standards outlined in section 1, be required to also meet the following conditions:
  - A. Have a vehicle pull-off near the mid-point, and additional pull-offs for every 500 feet thereafter

B. Have a turnaround at the end suitable for use by emergency vehicles

- (3) Driveway connections crossing drainage swales must conform to Greene County specifications complete with concrete headwalls as called for by Sections 816 and 817 of the Greene County Subdivision Regulations, as amended. Should the driveway require a culvert, pipe or bridge, no zoning permit will be issued until a recommendation is received from the Village of Yellow Springs Public Works Department. It is recommended that a pre-manufactured culvert, pipe or bridge be used. If a custom design is used, then it must be designed by a professional engineer and approved by the Village of Yellow Springs Public Works Department before construction.

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

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

(e d) Storage and Repair of Vehicles.

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

(2) It shall be unlawful for the owner, tenant or lessee of any 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.)



## **PLANNING COMMISSION**

**MEETING DATE: Monday, August 13, 2018**

**STAFF REPORT: Denise Swinger, Zoning Administrator**

**HEARING NOTICE: *“Text Amendments – The Village of Yellow Springs is applying for amendments to the zoning code to clarify minor subdivisions, minimum lot frontage requirements, tiny homes on wheels, and to add driveway standards.”***

**Amend Chapter 1260.04 (a) (13) Uses** ó striking driveways text from this section of the zoning code.

**Amend Chapter 1260.04 (a) (13) Uses** – adding clarifying language regarding tiny homes on wheels.

The above public hearing notice was published in the Yellow Springs News on August 2, 2018. Chapter 1226.11 Minor Subdivisions, will be in a separate report because of changes discussed by Planning Commission at the July 9, 2018 meeting which, if approved, will require Planning Commission's approval under certain circumstances.

**RE: DRIVEWAYS** - Chapter 1260.04 Uses (a) is zoning text relating to accessory buildings and structures. The location of a driveway on a residential lot was previously placed under this section because there were no standards for driveways at the time. Staff is suggesting striking it from this section. This standard has instead been placed in Chapter 1260.03, with the other new driveway standards requirements.

**RE: TINY HOMES** - Although tiny homes are often accessory to the primary dwelling, they may also be the primary dwelling. For this reason, staff is suggesting we keep it under 1260.04 Uses as publicly noticed, but list it as (h) Tiny Home.

### **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.

(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 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.~~

~~(13)~~ (14) Private swimming pools and spas. All private swimming pools and spas shall be considered accessory structures and may be constructed in any rear yard not closer than five feet from any property line or building, excluding zoning districts Conservation and I-2 (Industrial) and must meet the following criteria:

A. Every person owning land on which there is situated a swimming pool or spa shall erect an adequate enclosure or fence surrounding either the property or pool area, sufficient to make such body of water inaccessible to small children. Such enclosure or fence, including gates therein, shall not be less than four feet above the outside underlying ground and shall be of a type of construction which cannot be easily climbed by small children. All gates shall be self-closing and self-latching with latches placed at least 42 inches above the outside underlying ground or otherwise made inaccessible from the outside to small children. A dwelling structure, garage or accessory building of at least four feet in height may constitute a portion of such

enclosure. A natural barrier, hedge, removable ladder or other protective device may be used so long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure, fence, gate, and latch described herein.

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

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

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

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

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

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

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

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

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

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

- 1) Built as a manufactured home, proof of certification with a HUD seal is required.
- 2) Built as an industrialized unit, proof of the industrialized home compliance certificate is required.
- 3) Built in another state, proof of their former certificate of occupancy is required.
- 4) Built/constructed in another manner, proof of certification by an Ohio registered engineer.

(Ord. 2013-19. Passed 9-16-13; Ord. 2016-03. Passed 4-18-16; Ord. 2017-23. Passed 9-18-17.)



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