VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION

The Village of Yellow Springs Planning Commission will meet in regular session on Monday, March 13, 2017 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

NOMINATION OF CHAIR

REVIEW OF MINUTES
Minutes of January 23, 2017

COMMUNICATIONS

COUNCIL REPORT

CITIZEN COMMENTS

PUBLIC HEARINGS:

a. **Minor Subdivision Application** ï For an existing lot located at 412 Dayton Street. Alice Robrish, property owner ï Parcel ID #F19000100110003400

b. **Minor Subdivision Application** ï For an existing lot located at 115 North High Street. Albert Schlueter, property owner - Parcel ID #F19000100110003900

c. **Conditional Use Application –** For an accessory dwelling unit located at 319 Allen Street (R-A, Low-Density Residential District). Parcel ID #F19000100150002200

d. **Text Amendments** ï The Village of Yellow Springs is applying for an amendment to the General Offenses Code for Weeds:

   Amend Chapter 674.02 Removal of Plants and Weeds By Owner ï the addition of the worst invasive plants in Ohio; the management of natural landscapes, and removing the April 1 to July 1 date regarding mowing.

e. **Text Amendments** - The Village of Yellow Springs is applying for an amendment to the following zoning code chapters for Short-Term Rentals:

   Amend Chapter 1262.08 (e) (6) Conditional Use Specific Requirements – the addition of specific requirements to a short-term rental unit.

f. **Text Amendments** -The Village of Yellow Springs is applying for an amendment to the zoning code for the addition of Pocket Neighborhood Developments (PNDs).

Amend Table 1248.02 Schedule of Uses ï the addition of pocket neighborhood developments as a conditional use in Residential-A, Residential B, and Residential-C Districts.

Amend Table 1248.03 Lot & Width Requirements: Residential Districts ï permitting pocket neighborhood developments in Residential-A, Residential-B and Residential-C Districts.

Amend Chapter 1260.04 (d) Principal Use per Lot ï the addition of pocket neighborhood developments as an exception to principal use per lot.

Amend Chapter 1262.08 (e) (6) Conditional Use Requirements ï the addition of pocket neighborhood developments with specific conditional use requirements.

Amend Table 1264.02 Parking Requirements by Use-Residential – the addition of pocket neighborhood developments with specific parking requirements.

Amend Chapter 1284.03 Definitions: C-D ï removing the definition of Cluster housing; adding the definition of Common open space; adding the definition of Dwelling, pocket neighborhood development (PND).

Amend Chapter 1284.05 Definitions: H-I-J-K – adding the definition of a Homeowners association (HOA).

Amend Chapter 1284.07 Definitions: O-P-Q – adding the definition of a Pocket neighborhood development (PND).

OLD BUSINESS

Comprehensive Land Use Plan: Discussion of Update Process

NEW BUSINESS

AGENDA PLANNING

ADJOURNMENT

Planning Commission
Regular Meeting Minutes

Council Chambers 7:00pm **Monday, January 23, 2017**

CALL TO ORDER
The meeting was called to order at 7:02 P.M.

ROLL CALL
Planning Commission members present were Gerald Simms, Council Representative, Matt Reed, Chair, Susan Stiles, Rose Pelzl and Chris Zurbuchen, sitting in for Adam Abraham, who was absent. Also present were Denise Swinger, Zoning Administrator, and Jessica Brockman, Village Solicitor.

REVIEW OF AGENDA
There were no changes made.

REVIEW OF MINUTES
Stiles Moved and Simms Seconded a Motion to adopt the Minutes of November 14, 2016 as amended. The MOTION PASSED 3-0 on a voice vote with Pelzl abstaining due to absence from that meeting.

COMMUNICATIONS
There were no communications.

COUNCIL REPORT
Simms reported that Council has been focused primarily on policing issues. The Clerk added that a matter concerning a parking area at the Glass Farm wetland area had come up for discussion at the last Council meeting, and that Council had voted to allow the construction of the 30 X 60 foot parking lot on the site. They had, however, asked for more information regarding the Conservation Easement which is required as a part of the grant, and had discussed the possibility of having Planning Commission look at the Glass Farm for the purpose of developing a master plan.

Reed commented that portions of the Glass farm are being approved for different uses without any overall plan.

Simms commented that the Economic Sustainability Commission is looking at the area as well, with an eye to strategic initiatives.

CITIZEN COMMENTS
There were no comments made.

PUBLIC HEARINGS:

1. **Conditional Use Application - Eric Johnson, property owner at 401 S. High Street, is seeking approval for an accessory dwelling unit in the R-B, Moderate-Density Residential District. Parcel ID # F19000100090000500.**

Swinger introduced the hearing as follows:

Mr. Johnson has submitted an application for a conditional use hearing to build a carport and an accessory dwelling unit (ADU) at the southeast corner of his property. The application was submitted by Green Generation builder Alex Melamed. The plan proposes to use what is currently an abandoned alleyway for entrance to this garage and ADU.

Swinger noted that the accessory structure is set back 5 feet from the side property line which is in compliance with the requirements of the zoning code. The carport is located next to the property line abutting the alley (see Site Plan (Exhibit 3). This is allowed under 1260.04 (a) (4) (see italicized section - page 2) as this is a publicly dedicated alley, although this section, being abandoned, is not ñcommonly used.ò The accessory dwelling unit will be a gabled, one bedroom dwelling with a maximum height of 18 feet, which also meets the zoning requirements.

Staff discussed this abandoned alley with the Superintendent of Streets, Jason Hamby. He indicated he does not want to install or maintain this alley. He also does not want the alley to access Limestone Street for safety reasons. Staff agrees with his position, as there is also an accessory structure at the back of 402 Stafford Street that encroaches on the alley, and access to the proposed ADU off of Limestone Street is not necessary to its use.

Swinger presented two scenarios for accessing the proposed dwelling from the alley side, one by entering the ñExit Onlyò (this is a sign posted by church officials and is not a Village sign) end of the alley at the church off of Davis Street, and one by entering off of Stafford Street.

Pelzl commented that without the approval of church officials, entrance into the church parking lot is not a viable option. She asked whether the church is permitted to post an ñexit onlyò sign, and was told that permission was not given to post the sign, but it has existed for some time without comment from the Village.

Pelzl determined that Johnson would only need to improve a small portion of the alley to gain access to the proposed structure.

There was some discussion regarding the accessory structure now encroaching some way into the alley.

Pelzl asked whether the PC needs to determine whether there is adequate parking to support an accessory structure.

Swinger opined that if PC is inclined to find that the property owner can access the alley, it makes sense to allow for parking for the accessory dwelling unit (ADU) off the alley.

Reed commented that there is no question as to the ability to use the alley, but it is a matter of placing any needed parameters around that use.

Melamed commented that the alley is contiguous, and continued use of the alley seems logical.

Swinger addressed a question regarding alley maintenance, stating that it is the adjacent property ownersô responsibility to maintain the alley to the center line.

Simms commented that the property owner does not need to speak with church officials regarding alley use in that the Church has taken over maintenance of the alley without any permission from the Village.

Johnson commented that the ñexitò sign placed by church officials makes sense in that there is angle parking in the lot, which would place entering cars in a poor position upon entering the parking area. He responded to a question from Reed, stating that outside of Sunday services and funerals, there is not a congestion issue in the area. Johnson commented that parking a single car off the alley would not create any issue for church clientele, in his opinion.

Zurbuchen clarified that Johnsonôs intent is to extend the alley just far enough to gain access to the accessory dwelling unit.

Johnson affirmed that this had been Swingerôs suggestion and that he is in agreement with that suggestion.

Zurbuchen commented that traffic on Limestone is brisk, opining that while clearing a walkway through to the Limestone Street side would be ñdelightfulò, she saw no need to approve anything further than clearing the alley to the ADU.

There was a discussion regarding visual impediments to exiting from the alley onto Limestone, with note taken of honeysuckle and brush as well as an accessory structure which encroaches into the alley at the exit point.

Reed OPENED THE PUBLIC HEARING.

There being no comment made, Reed CLOSED THE PUBLIC HEARING.

Reed commented that he did not think that Planning Commission needs to assign conditions to an approval relative to the alley improvement. He stated that these should be determined by Village staff and/or through the permitting process.

Simms opined that the fifth of Swingerôs suggested conditions (the alley will be maintained by the property owner) could likewise be omitted as repetitive of an existing ordinance.

Zurbuchen noted that where the alley now deadends into the overgrown area is currently used as a parking spot for the church, and that this spot will be lost for that use if the conditional use application is approved.

PC then read through Swingerôs recommendations, responding to each:

1) The abandoned alley will not be accessed via Limestone Street.

Zurbuchen asked whether this recommendation will apply only to the property owner.

Pelzl questioned whether this condition could reasonably be enforced.

In response to questions from the group, Brockman stated that the alley is abandoned, but is not vacated, and thus the language in the condition is correct.

Ultimately the group decided to leave the language as stated (above).

2) The alleyôs road will be installed by the property owner. The property owner shall contact Jason Hamby, the Villageôs Superintendent of Streets, for the Villageôs requirements to build this access road.

   Reed suggested that the requirement be amended so that the requirement is merely that the owner obtain a permit for working in the Right of Way and communicate with Jason Hamby as to when he will be making the improvements (as below).

3) The property owner shall contact the Villageôs zoning office for a permit to Work in the Right-Of-Way.

4) The alley will be maintained by the property owner.

   This was discussed briefly, with the group being reminded that it is required by ordinance that abutting property owners maintain the alley to the center line.

   Planning Commission agreed to strike both number four and number five.

5) The property owner contact Central Chapel AME Church to explain the project and to work out the ingress/egress to the ADU. The church has a parking lot next to their building which is accessed by Stafford Street. Members enter off Stafford Street and exit via Davis Street.

   Swinger clarified that this is more of a ñgood neighborò request.

   Simms questioned whether church officials have any grounds to require anything with regard to directionality of the alley.

   Pelzl received confirmation that a mailing regarding the conditional use hearing was sent to church officials.

   In response to a question from Stiles, Johnson stated that the plan is to use the structure for either an Air BnB or an apartment.

   Zurbuchen pointed out that the church will lose one parking spot once the conditional use request is granted.

6) Allow the carport to be located next to the rear property line as it is a dedicated alley, even though this section of the alley is abandoned and therefore, not commonly used.

   Zurbuchen MOVED to APPROVE the conditional use application with the following conditions:

   1. The abandoned alley will not be accessed via Limestone Street.
   2. The alleyôs road will be installed by the property owner. The property owner shall contact Jason Hamby, the Villageôs Superintendent of Streets, to notify the Village as to the timing of the alley improvements.
   3. The property owner shall contact the Villageôs zoning office for a permit to Work in the Right-Of-Way.
   4. Allow the carport to be located next to the rear property line as it is a dedicated alley, even though this section of the alley is abandoned and therefore, not commonly used.

   Simms SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

2. Text Amendment: Revision of Chapter 1248 Section 1284.03 SPATIAL REQUIREMENTS Table 1248.03 Lot & Width Requirements: Residential Districts - regarding the spatial requirements for certain dwelling units.

Swinger introduced the matter, reminding them that recently, two development projects were brought to the Planning & Zoning Office for consideration. Staff noted that the current density regulations in residential districts of a maximum six units per acre in R-A, eight units per acre in R-B and 14 units per acre in R-C, coupled with square foot requirements for two-family and single-family attached, caused confusion in the interpretation of the code. After a hearing before the Board of Zoning Appeals for these two cases, the BZA recommended the Planning Commission review this section of the zoning code for possible amendments.

One interpretation was that if 14 units are allowed in R-C per acre than one quarter acre should be 3.5 units. Another interpretation is that if up to 14 units are allowed per acre than the setbacks and lot coverage requirements will dictate the total number and if all other requirements were met, the number of units is insignificant as long as it doesnôt exceed the total per acre.

Historically, it should be noted that in February 2013, The Planning Commission (PC) voted to put in minimum dwelling size requirements for R-A and R-B of 900 square feet and let R-C default to the state requirements. At that time, the PC directed the zoning consultant to clarify 1248.03(a) footnote #5. However, in the adopted zoning code there is no #5 and no minimum requirements for the size of dwelling units.

The current code states that two-family and attached single-family dwellings shall provide 4,500 square feet of property per unit in R-B and 4,000 square feet of property per unit in R-C.

Because there are no minimum requirements for the size of a dwelling unit in the zoning code, and there are specific requirements for the maximum number of units per acre, staff is suggesting the elimination of the square feet per unit requirement for two-family and single-family attached dwellings, instead allowing the setback requirements in that zoning district, along with the lot coverage requirements, dictate the total number allowed.

Reed OPENED THE PUBLIC HEARING.

There being no comment made, Reed CLOSED THE PUBLIC HEARING.

Reed CALLED THE MOTION.

Stiles MOVED TO APPROVE THE RECOMMENDED CHANGES TO Chapter 1248 Section 1284.03 of the zoning code. (Elimination of the square feet per unit requirement for two-family and single-family attached dwellings, instead allowing the setback requirements in that zoning district, along with the lot coverage requirements, dictate the total number allowed.) Pelzl SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

3. Text Amendment: Revision of Chapter 1262.08(e) (6) SHORT-TERM RENTALS – regarding specific conditional use requirements for property owners of short-term rental units.

Swinger explained that at the previous meeting of the Planning Commission, short-term rentals was clarified by approving the addition of the underlined words to the definition of a short-term rental:

Short-term rental unit. A dwelling unit <u>or room in a dwelling unit</u> that is rented or leased to one person, family or entity on a daily, weekly or monthly basis, but typically less than one year.

Planning Commission requested that staff research further language to add to the specific requirements for short-term rentals. Following review, Swinger proposed the following additions (as underlined) to Chapter 1262.08:

1262.08 SPECIFIC REQUIREMENTS.

(e) (6) <u>Short-term rentals</u>.

A. <u>Permit</u>. Upon approval of the conditional use, the owner shall submit to the Zoning Administrator the name and emergency contact information for the owner or property manager who can be contacted and will respond within a reasonable time period to any complaints, violations, emergencies or other concerns related to the short-term rental property or tenants.

B. <u>Location</u>. The Planning Commission shall consider the proposed location relative to its proximity to other such uses in the vicinity in order to avoid an undue concentration that could have a negative effect on the surrounding neighborhood. <u>A short-term rental unit may be located in a principal single-family detached dwelling, a room within a principal single-family detached dwelling, or a detached accessory dwelling unit on the same lot as a principal dwelling, but no more than one short-term rental unit per lot is allowed. If an accessory dwelling unit (ADU) already exists on the lot, no additional short-term rentals are allowed.</u>

C. Maximum occupancy. The maximum number of tenants permitted shall be determined by applicable Health Department requirements. If the short-term rental is located in an accessory dwelling unit (ADU) no more than two adults shall occupy the accessory dwelling unit.

D. Utilities. The short-term rental unit shall share all public utilities (water/ sewer/electric) with the principal dwelling unit. Short-term rental units will not be separately metered.

E. Parking. A minimum of one off-street parking space shall be provided on the lot for the short-term rental unit in addition to the off-street parking spaces required for the principal dwelling unit.

F. Size. The short term rental unit shall be limited in size to a maximum of 66% of the total living area of the principal dwelling or 800 square feet ~~of the total living area of the principal dwelling~~ or 800 square feet, whichever is less.

G. Ingress/Egress. No new access points or driveways shall be created or installed for access to the short-term rental unit.

Planning Commission began with a discussion of the definition of ñshort termò, (Short-term rental unit. A dwelling unit or room in a dwelling unit that is rented or leased to one person, family or entity on a daily, weekly or monthly basis, but typically less than one year) with Pelzl asking how this differs significantly from the definition of a rental unit.

Swinger advised that there is no definition for rental property.

Pelzl argued that this definition does not make the phrase ñshort termò clear to her, and argued that only the phrases ñdaily and weeklyò remain.

Stiles noted that once a year-long lease is fulfilled, it generally reverts to a month-to-month arrangement.

Reed suggested that ñshort-termò be defined as ñfewer than 30 daysò.

The Clerk read back the amended definition as, ña dwelling unit or room in a dwelling unit that is rented or leased to one person, family or entity for fewer than 30 days.ò

Swinger asked whether the idea of short term rentals by non-residential owners was acceptable to Planning Commission.

Stiles received confirmation that property owners would need to receive permission from Planning Commission for this use.

Brockman interjected that while Planning Commission cannot determine on a case-by case basis whether there are too many short term rentals in a given neighborhood, they can determine a maximum number of said units per neighborhood.

Pelzl commented that she was comfortable limiting the number of units per lot.

Stiles expressed concern at the lack of ability to regulate the number of short term rentals by neighborhood.

Swinger noted that the ability to limit the number per lot is a way to address this concern.

Reed suggested that the last sentence of the paragraph be struck, that sentence reading, ñIf an accessory dwelling unit (ADU) already exists on the lot, no additional short-term rentals are allowedò

Swinger asked for PC input on the language limiting occupation to no more than two adults to an ADU. Section ñCò. PC agreed to this language, noting that the number of children cannot be limited.

PC discussed section ñDò, expressing general agreement with this condition as a preventive measure against de facto subdivision of a property.

Zurbuchen questioned the requirement for an additional parking space for an accessory dwelling unit (ADU).

Swinger commented that this condition is able to be varied upon request, and suggested it remain, given that flexibility.

Swinger stated that she would need to advertise a Public Hearing on the topic, since one of the sections had not been noticed. This will return as Old Business.

OLD BUSINESS

Pocket Neighborhood Ordinance Continued Discussion.

Swinger explained that at the October Planning Commission meeting, members reviewed the concept of a Pocket Neighborhood Development within either the Planned Unit Development or Residential section of the Village of Yellow Springs Zoning Code.

Swinger noted that she had spoken with Ted Donnell regarding various zoning code options, and following that discussion has prepared draft language for a Pocket Neighborhood Development (PND) as a Conditional Use in the Residential Districts of the zoning code for members to consider.

Swinger stated that if these are single family detached units on a single (not subdivided) lot, a homeownersô association (HOA) could be set up such that residents would own the structure but not the land.

Planning Commission discussed the proposal.

Zurbuchen raised the idea of Antioch Collegeôs small home proposal, wondering how it would fit in to this section of the zoning code.

Swinger stated that the College would have to rezone the area first, to either RC or to PUD.

Stiles asked why attached units are not permitted in this section.

Reed pointed out that two-family and multi-unit dwellings are not permitted in RA.

Swinger noted that adding PNDôs to the zoning code does not eliminate the possibility of using PUD as an option.

1. Table 1248.02 Schedule of Uses
2. Chapter 1248.03 Spatial Requirements.
3. Chapter 1260.04 Principal Uses per Lot.
4. Chapter 1262.08 Conditional Uses ï specific requirements.
5. Chapter 1264.02 Parking ï PNDs
6. Chapter 1284.03 Definitions: C-D
7. Chapter 1284.07 Definitions: O-P-Q

Swinger noted the changes made to each of the above sections to add Pocket Neighborhoods to the zoning code as a conditional use.

Pelzl asked why Swinger was suggesting a minimum number of units.

Reed explained that otherwise individuals could interpret this as permission to build separate, separately metered homes on their lots.

Planning Commission discussed the lot coverage requirement, deciding to have that figure correspond to the surrounding residential district.

Setback requirements were briefly discussed, and Swinger stated that she would add this to the PND section as conforming to the setback for the corresponding residential area.

Common Open Space was discussed, with Pelzl asking that the word ñcommonò be added to the open space requirement. Pelzl commented that where the space is located is too vague.

The Clerk asked whether PC wished to create setback requirements for each unit.

Pelzl commented that setbacks should be required, but that ñyard areaò can be common space, noting that setback area should not be calculated into common space. She asked that ñopen spaceò be clarified.

Reed concurred that some specific amount of common space should be required, and this concept was discussed.

Simms asked whether fences would then be disallowed, with Reed opining that this would likely be the decision of the HOA.

The notion of a shared space in the form of a structure was discussed, with Swinger agreeing to further research the concept.

Swinger suggested that minimums should be required for amount of open space.

Parking requirements were discussed. Swinger commented that PNDs will have parking lots rather than areas in proximity to each home.

Zurbuchen spoke up for a larger number of parking area per unit.

Planning Commission agreed to require 1.5 parking areas per home as a minimum.

Swinger suggested using the current zoning code requirements regarding landscaping of the parking lots.

Garages were noted as permitted.

Swinger noted the importance of fire vehicle access.

PC discussed whether it would be legal or advisable to require that a certain number of units per the total number be required to be ADA accessible.

Brockman stated that she would look into the legality of such a requirement.

Swinger noted that the zoning code does contain suggestions that affordable or ñgreenò construction receive incentives.

Swinger noted that she had removed the term ñcluster housingò from the definitions and replaced it with ñPocket Neighborhood.ò

Pocket Neighborhood was added in several areas of the definitions.

Swinger added language regarding ñindividually owned dwelling units on commonly owned landò to the definition of PNDs.

Simms raised a concern regarding the Homeowners Association.

Pelzl asked whether the homes can be rental units.

Swinger stated that her notion of a PND is individual ownership, not rental.

Pelzl argued for inclusion of rental units in the definition.

PC added the language permitting rental units as PNDs.

PC discussed the difference in character if the units are owned versus if they are rented.

Reed suggested that the nuances be further discussed.

Stiles noted that the number of younger persons who do not wish to own a home is growing.

PC discussed inclusion of a definition of the HOA, suggesting adding the language, ñunder the common control of the individual homeowners.ò

Swinger noted that part of the purpose of an HOA is distribution of taxes, since the land woner receives the tax bill, which is then paid by the HOA.

NEW BUSINESS

Comprehensive Land Use Plan: Discussion of Update Process. Reed reported that he, Swinger and Simms had met to discuss a process for updating the CLUP. He asked that PC members look through the document and advise as to which sections need to be updated or changed.

Reed commented that the two overarching goals are sustainability as a Village and affordability, noting that he does not believe these have changed significantly.

Simms noted that the challenges to these goals are significant.

Zurbuchen noted a concern of the section of the Comprehensive Plan regarding storm water management, which states that that the detention pond located on the Glass Farm ñwas not intended for or designed to accommodate any new development.ò Zurbuchen asked that the Village Manager and Council be informed of this so that any conservation easement placed upon the area accommodate the possibility of expansion of the detention pond.

This was discussed briefly, with Zurbuchen stressing the importance of not closing off any possibility for storm water mitigation, given the upcoming conservation easement proposed for the Glass Farm area.

AGENDA PLANNING

The next meeting of Planning Commission will take place on March 13th.

ADJOURNMENT

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

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Matt Reed, 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.

Staff Report – March 3, 2017

APPLICATION NUMBERS: PC17-13 and PC17-14
APPLICANTS: Alice Robrish ï 412 Dayton Street and Al Schlueter ï 115 N. High Street
TYPE OF REQUEST: Lot Divisions

BACKGROUND:
Alice Robrish, property owner of 412 Dayton Street (Exhibit 1) and Al Schlueter, property owner of 115 North High Street (Exhibit 2), have applied to the Village of Yellow Springs for the subdivision of their abutting properties. The applicants are proposing to subdivide each of their lots into two separate lots. Both new lots will be located in the R-B, Moderate Density Residential zoning district.

REQUIREMENTS:
Section 1226.11(a) of the Village Code of Ordinances highlights the decision criteria for a minor subdivision:

(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.

PLANNING COMMISSION DUTIES
The Planning Commission may take NO ACTION under the consent agenda if its members find that the two proposed subdivisions meet the requirements. However; a member may make a motion to discuss the application and have the Commission make a decision. If no action is taken, the Zoning Administrator may approve the two proposed subdivisions.

FINDINGS

Staff has made the following analysis:

(1) The proposed subdivisions are located on Union Street, an existing public road and will not involve any widening or extension of any street or road. A sewer main exists on Union Street that each lot can access. There is not a water line along this area of Union Street. An electric pole will also need to be set on Lot 3-B, which has an existing easement. Both property owners have been made aware of this. Traditionally, if there are no utilities available to the property, past practice has been to make the installation of utility mains the responsibility of the property owner.

(2) There are no other proposed improvements.

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

Table 1248.03 Lot and Width Requirements: Residential Districts		
Zoning District	**Minimum Lot Area (Sq. Ft.)[1]**	**Minimum Lot Width (Ft.)**
R-B, Moderate-Density Residential	**6,000[2]**	**50**

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

See chart below for zoning conformance. All measurements are in feet:

	Lot Area (sq. ft.)	**Lot Width (ft.)**	**Front Setback (ft.)**	**Side Setbacks (ft.)**	**Rear Setbacks (ft.)**	**Lot Coverage**
R-B Zoning Requirements	6,000	50	20	5 (15 total)	20	40%
***R-C Zoning Requirements**	4800	40	20	5 (10 total)	15	50%
Robrish- Lot 3-B	11325.46	94	N/A	N/A	N/A	N/A
***Robrish – Lot 3-C**	17947.52	100	30+	18+	49	
Schlueter Lot 8-A	6020.58	53	N/A	N/A	N/A	N/A
Schlueter Lot 8-B	6012.07	81.50	**-20	11.5	36.7	
Conformance	Yes	Yes	**Yes	Yes	Yes	Yes

*NOTE: The front section of Ms. Robrishôs property facing Dayton Street, is currently zoned R-C, High-Density Residential. The acreage at the back fronting Union Street where the new lot will be located is zoned R-B, Moderate-Density Residential (Exhibit 3).

**NOTE: The front setback of Lot 8-B to the primary structure is non-conforming to the current zoning code. All other setbacks, including the setback to the property line of the newly created lot meets the requirements of the current zoning code (Exhibit 4).

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

a. Each applicant is proposing that two lots will be created from one lot. A plat of survey (Exhibit 5) is included with this report.

(5) 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.

a. Both parcels have not been involved in a lot division within the past two years.

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

a. A 10-foot easement in front of the two property lines on Union Street has been added by the surveyor.

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

a. Should these new lots be developed, the permitting process will require the identification or installation of such water and sewage connection laterals and electric utilities.

(8) 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.

a. The lot division specifications for both parcels show the required specifications on one official plat of survey prepared by a registered surveyor.

(9) 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.

a. An official plat of survey has been received from the two property owners and submitted to the Planning Commission on March 3, 2017.

RECOMMENDATION

Staff recommends that the Planning Commission either **TAKE NO ACTION** or **DIRECT STAFF TO APPROVE** the proposed lot divisions with the findings that they meet the dimensional requirements in Section 1226.11(a) and in Section 1248.03.

If you should have any further questions, please contact me at (937) 767-1702.

Respectfully submitted,

Denise Swinger
Zoning Administrator
Village of Yellow Springs

EXHIBIT 1
PC17-13

Village of Yellow Springs

Application for Minor Subdivision

Applicant(s): Alice M. Robrish

Applicant's mailing address: 412 Dayton St
Yellow Springs OH 45387

Phone: 937-767-1312

Address(es) of property: 412 Dayton St F19-1-11-34

Greene County Parcel ID: _____

Zoning District: RB Total number of lots after Subdivision: 2

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: Alice M Robrish Date: 2/16/17

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

For Village use only:

Date filed: 2/16/17

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

☒ $ 65.00 Fee Paid at $50.00 + $15 per lot if no action is required by Planning and Council. ✓ #1366 2/16/17

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

Planning Commission Action:

☐ none ☐ approval ☐ denial ☐ modification

RECEIVED:

EXHIBIT 2
PC17-14

Village of Yellow Springs

Application for Minor Subdivision

Applicant(s): Albert Schlueter

Applicant's mailing address: 115 North High Street
Yellow Springs, OH 45387

Phone: 767-7468

Address(es) of property: 115 North High Street

Greene County Parcel ID: F19-1-11-39

Zoning District: RB Total number of lots after Subdivision: 2

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: Albert Schlueter Date: 16 Feb 2017

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

For Village use only:

Date filed: 2/16/2017

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

☒ $ 65.00 Fee Paid at $50.00 + $15 per lot if no action is required by Planning and Council. V# 7853 2/16/17

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

Planning Commission Action:

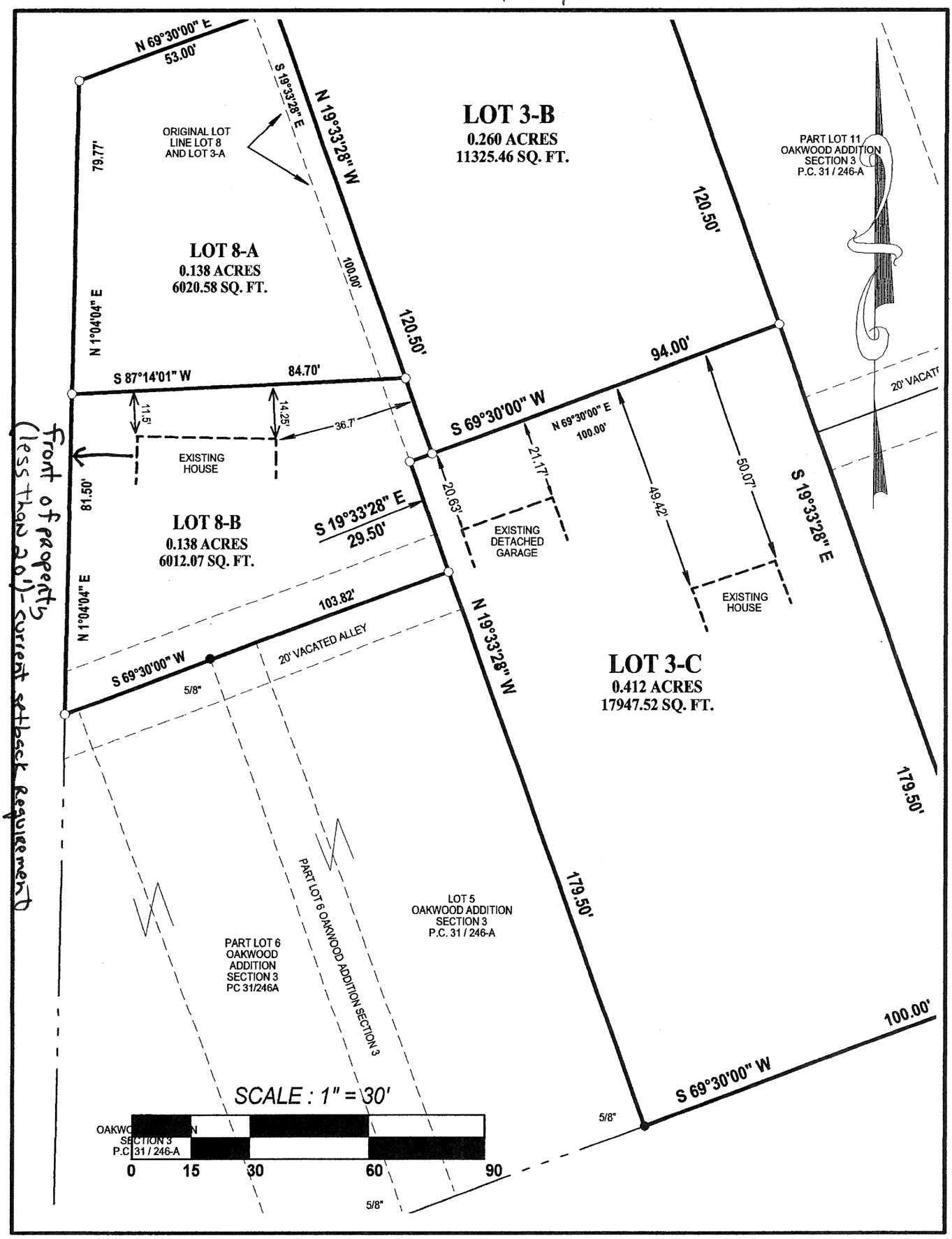
☐ none ☐ approval ☐ denial ☐ modification

RECEIVED:

EXHIBIT 3

Greene County, Ohio

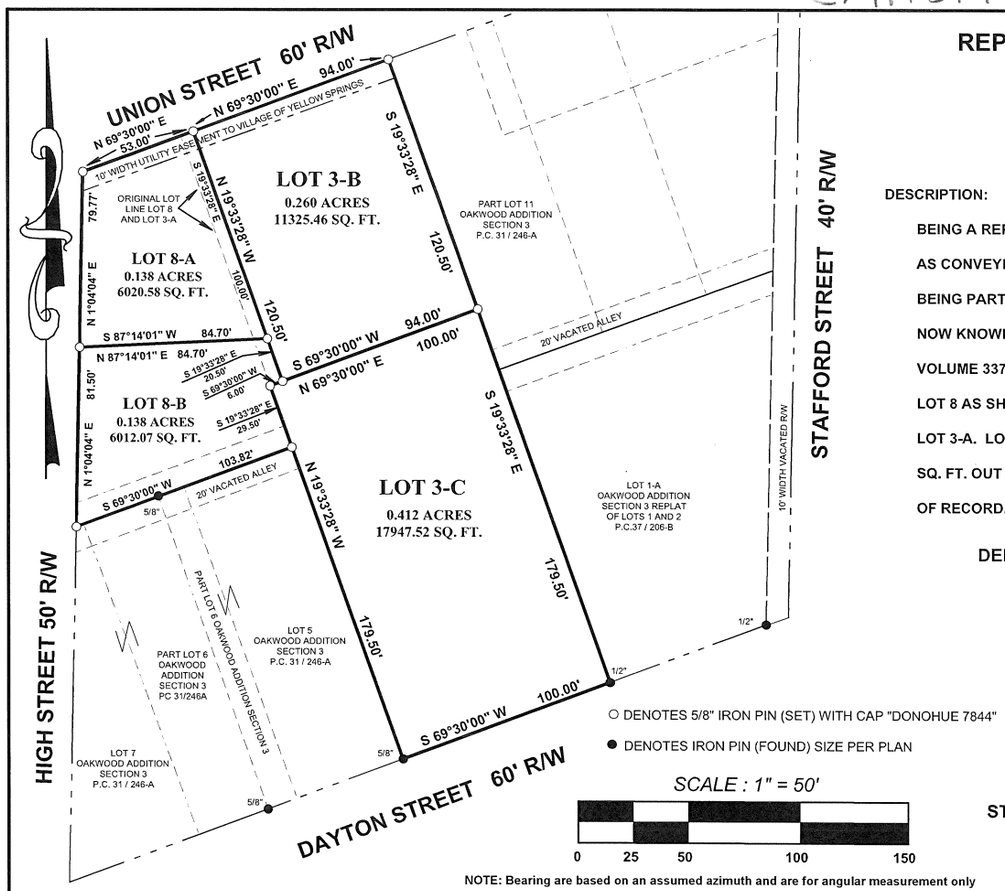
EXHIBIT 4



front of property (less than 20')- current setback requirement

EXHIBIT 5

REPLAT OF LOT 3-A OF THE OAKWOOD ADDITION, SECTION 3 REPLAT OF LOT 3, 4, 9, and 10 AND LOT 8 OF THE OAKWOOD ADDITION SECTION 3
SECTION 20, TOWN 4, RANGE 8, M.R.S.
VILLAGE OF YELLOW SPRINGS
GREENE COUNTY, OHIO



○ DENOTES 5/8" IRON PIN (SET) WITH CAP "DONOHUE 7844"

● DENOTES IRON PIN (FOUND) SIZE PER PLAN

SCALE : 1" = 50'

0 25 50 100 150

NOTE: Bearing are based on an assumed azimuth and are for angular measurement only
Monuments found are in good condition unless otherwise noted
Deeds and Survey Records as noted on plan are used as data for this survey

TRANSFERRED: RECORDED:

TRANSFERRED_____ RECEIVED_____

RECEIVED_____

PLAT CABINET_____, PAGE_____

FEE _____

AUDITOR, GREENE COUNTY, OHIO RECORDER, GREENE COUNTY, OHIO

CERTIFICATION:

I HEREBY CERTIFY THAT ALL DISTANCES ARE CORRECT AND MONUMENTATION IS SET AS SHOWN

MICHAEL J. DONOHUE P.S.

OHIO REGISTRATION # 7844

DESCRIPTION:

BEING A REPLAT OF LOT 3-A OF THE OAKWOOD ADDITION, SECTION 3 REPLAT AS RECORDED IN PLAT CABINET 30, SLIDE 423-A OF THE GREENE COUNTY PLAT RECORDS AS CONVEYED TO ALICE M. ROBRISH IN VOLUME 2423, PAGE 205 OF THE GREENE COUNTY OFFICIAL RECORDS. (NOTE: LOT 3-A REPLAT IS RECORDED IN ERROR AS BEING PART OF OAKWOOD ADDITION SECTION 2. THIS REPLAT IS PART OF ORIGINAL OAKWOOD ADDITION SECTION 3 . REFERENCE ORIGINAL PLAT BOOK 2, PAGE 49 NOW KNOWN AS PLAT CABINET 31, SLIDE 246-A) AND LOT 8 OF OAKWOOD ADDITION SECTION 3 (P.C. 31 / 246-A) AS CONVEYED TO ALBERT WILLIAM SCHLUETER IN VOLUME 3374, PAGE 36 OF THE GREENE COUNTY OFFICIAL RECORDS. THE INTENT IS TO CREATE FOUR NEW LOTS OUT OF THE EXISTING LOT 3-A AND ORIGINAL LOT 8 AS SHOWN ON THE NEW PLAT. LOT 3-B CONTAINS 0.260 ACRES (11325.46 SQ. FT.) OUT OF LOT 3-A. LOT 3-C CONTAINS 0.412 ACRES (17947.52 SQ. FT.) OUT OF LOT 3-A. LOT 8-A CONTAINS 0.138 ACRES BEING 5426.39 SQ. FT. OUT OF LOT 8 AND 594.19 SQ. FT. OUT OF LOT 3-A (6020.58 SQ. FT. TOTAL). LOT 8-B CONTAINS 5883.36 SQ. FT. OUT OF LOT 8 AND 128.71 SQ. FT. OUT OF LOT 3-A (6012.07 SQ. FT. TOTAL). THIS REPLAT IS SUBJECT TO ALL EASEMENTS, CONDITIONS, AND RESTRICTIONS OF RECORD. EACH BUILDABLE LOT WILL BE PROVIDED WITH SEPARATE AND ADEQUATE WATER AND SEWERAGE CONNECTIONS.

DEDICATION:

WE THE UNDERSIGNED BEING THE OWNERS OF SAID LOT 3-A OF THE OAKWOOD ADDITION, SECTION 3 REPLAT OF LOT 3, 4, 9, and 10 AND LOT 8 OF THE OAKWOOD ADDITION SECTION 3 DO HEREBY CONSENT TO THE SAID REPLAT.

_____ _____ _____
WITNESS ALICE M. ROBRISH ALBERT WILLIAM SCHLUETER

STATE OF OHIO, COUNTY OF _____ SS

BE IT REMEMBERED THAT ON THIS ___ DAY OF _____, 2017, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY CAME ALICE M. ROBRISH AND ALBERT WILLIAM SCHLUETER AND ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE SAID REPLAT TO BE THEIR VOLUNTARY ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND NOTARY SEAL ON THE DAY AND DATE ABOVE WRITTEN

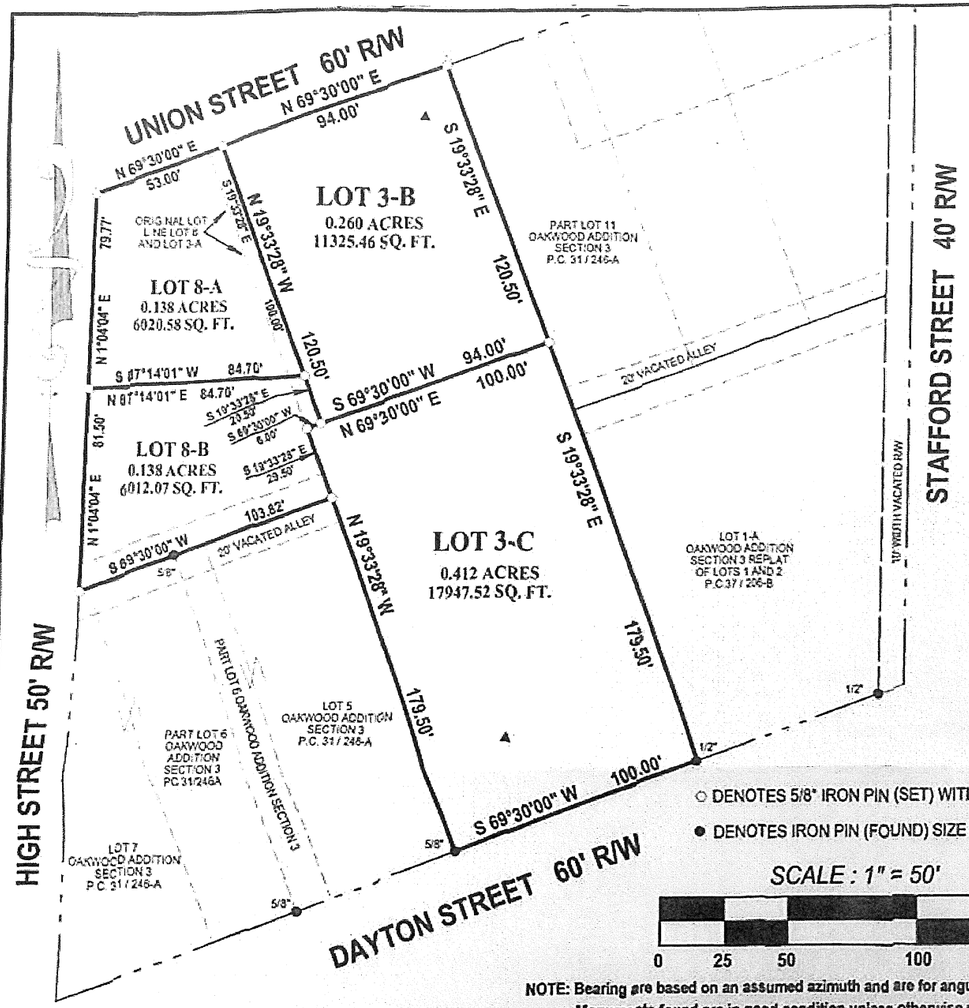
_____
NOTARY PUBLIC IN AND FOR SAID
_____ COUNTY, OHIO

ACCEPTANCE AND APPROVAL:

APPROVED AND ACCEPTED ON THIS ___ DAY OF _____, 2017 BY THE ZONING AUTHORITY OF THE VILLAGE OF YELLOW SPRINGS

_____
VILLAGE OF YELLOW SPRINGS ZONING OFFICER

EXHIBIT 5



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○ DENOTES 5/8" IRON PIN (SET) WITH CAP "DONOHUE 7844"

● DENOTES IRON PIN (FOUND) SIZE PER PLAN

SCALE : 1" = 50'

0 25 50 100 150

NOTE: Bearing are based on an assumed azimuth and are for angular measurement only
Monuments found are in good condition unless otherwise noted
Deeds and Survey Records as noted on plan are used as data for this survey

WITNESS _____ ALICE M. ROBRISH _____ ALBERT WILLIAM SCHLUETER _____

STATE OF OHIO, COUNTY OF _____ SS

BE IT REMEMBERED THAT ON THIS ___ DAY OF _____, 2017, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY CAME ALICE M. ROBRISH AND ALBERT WILLIAM SCHLUETER AND ACKNOWLEDGED TH SIGNING AND EXECUTION OF THE SAID REPLAT TO BE THEIR VOLUNTARY ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND NOTARY SEAL ON THE DAY AND DATE ABOVE WRITTEN

_____
NOTARY PUBLIC IN AND FOR SAID
_____ COUNTY, OHIO

TRANSFERRED: RECORDED:

TRANSFERRED_____ RECEIVED_____

RECEIVED_____

PLAT CABINET____, PAGE_____

FEE _____

AUDITOR, GREENE COUNTY, OHIO RECORDER, GREENE COUNTY, OHIO

CERTIFICATION:

I HEREBY CERTIFY THAT ALL DISTANCES ARE CORRECT AND MONUMENTATION IS SET AS SHOWN

MICHAEL J. DONOHUE P.S.

OHIO REGISTRATION # 7844

ACCEPTANCE AND APPROVAL:

APPROVED AND ACCEPTED ON THIS ___ DAY OF _____, 2017 BY THE ZONING AUTHORITY OF THE VILLAGE OF YELLOW SPRINGS

VILLAGE OF YELLOW SPRINGS ZONING OFFICER

TO: Planning Commission

FROM: Denise Swinger, Zoning Administrator

DATE: March 7, 2017

RE: PC17-15 ï 319 Allen Street ï Owner: Eric Juergens
Parcel ID #F19000100150002200

CONDITIONAL USE REQUEST

An application for a conditional use hearing has been submitted by Eric Juergens (Exhibit 1) to build an accessory structure with an accessory dwelling unit on the second floor. The applicant went before the Board of Zoning Appeals on February 22, 2017 to seek relief from section 1260.04 (a) (6) - Accessory structures shall not exceed 66% of the principal building floor area or 800 square feet, whichever is less. and 1262.08 (e)(1) D - The accessory dwelling unit shall be limited in size to a maximum of 66% of the total living area of the principal dwelling or 800 square feet, whichever is less. The Board of Zoning Appeals approved a variance of 136 square feet, allowing the accessory structure and dwelling unit to be 936 square feet in size.

The property owner recently purchased this property (Exhibit 2) with its large lot located in Residential A ï Low Density Residential District. He intends to build the accessory structure for use as a garage below and an accessory dwelling unit above in the location of an existing garage (Exhibit 3 & 4). The floor plan for the accessory structure and accessory dwelling unit is detailed in Exhibit 5.

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

PLANNING COMMISSION DUTIES

Section 1262 gives the Planning Commission the power to hear and decide applications for conditional use permits to allow proper integration into the community.

The Planning Commission may approve, modify, or deny any application. If the Commission approves the permit, it may impose time limitations and/or require that one or more things are done before the request is initiated.

1248.03 SPATIAL REQUIREMENTS

(a) All lots and buildings shall meet the minimum area and width requirements of Table 1248.03. New lots shall not be created, except in conformance with these requirements.

Table 1248.03 Lot and Width Requirements: Residential Districts		
Zoning District	**Minimum Lot Area (Sq. Ft.)**[1]	**Minimum Lot Width (Ft.)**
R-A, Low-Density Residential	**7,500**	**60**
1 Public water and sanitary sewer is required for all property in these districts.		

STAFF FINDINGS

The property meets the minimum lot area requirements of 7,500 sq. ft. with its large 2.290 acres.

The property meets the minimum lot width of 60 feet, with its 232.12 feet frontage.

The maximum lot coverage for this property of all structures is 35%.

> The property contains the principal dwelling at 1,674 sq. ft., a garage of 720 sq. ft. (being demolished for the new accessory structure), a shed approximately 8ôx 12ô or 96 sq. ft., and a tennis court (average size of the surface being 78ô x 27ô) or 2,106 sq. ft. With the addition of the 926 sq. ft. accessory structure, the total of all buildings and structures (excluding the garage to be razed) is 4,802 sq. ft. With a lot size of 2.290 acres or 99,752 sq. ft., the lot coverage of 4.82 percent is well under the maximum lot coverage of 35%.

1260.04 USES

(a) **Accessory Buildings and Structures.**

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

> *The accessory structure meets the setback requirements with a rear yard setback of 20 feet and a side yard setback of 32 feet.*

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

> *The accessory structure's building height is 23 feet 10 inches, and does not exceed the 24 feet allowance for an accessory dwelling unit.*

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

> *The principal building measures 1,674 sq. ft. Sixty-six percent is 1,105 sq. ft. The accessory structure although larger than 800 sq. ft. at 926 sq. ft. does meets the 66% measurement. A variance application was submitted and a public hearing held on February 22, 2017. The Board of Zoning Appeals approved the variance of 136 sq. ft. to the size of the accessory structure and accessory dwelling unit.*

REQUIREMENTS:

Section 1262.03 General Standards highlights the requirements for Conditional Uses which include:

(a) The proposed use will be consistent with the intent and purposes of this zoning code and the vision, goals and recommendations of the *Yellow Springs Comprehensive Plan and Vision: Yellow Springs and Miami Township*.

(b) The proposed use will comply with all applicable requirements of this code, except as specifically altered in the approved conditional use.

(c) The proposed use will be compatible with the character of the general vicinity.

(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.

Currently, the primary dwelling uses a well on the property for water. Although Table 1248.03 Footnote 1 states "Public water and sanitary is required for all property in these districts," our legal representative has opined that the Planning Commission should not restrict their use of the well, but instead follow Chapter 1048.05 (c) of the Streets, Utilities and Public Service code which states, "Each customer connected to the Municipal sewage disposal system within the Village who is not also connected to the Municipal water system shall install, at his or her own expense, a water meter on his or her water supply line of a type approved by the Village Manager, or in lieu of being charged on the basis of a water meter reading, shall be charged on the basis of water consumption as estimated by the Village Manager. After conferring with the Water Superintendent, he prefers a water meter installed near the well, rather than attempting to estimate the use. He will work with the contractor on the best location for the water meter installation.

(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.

(f) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(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.

1262.04 CONDITIONS OF APPROVAL

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

(a) Ensure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads necessitated by the proposed use.

(b) Ensure that the use is compatible with adjacent conforming land uses and activities.

(c) Protect natural resources; the health, safety, and welfare; and the social and economic well-being of those who will use the land use or activity under consideration; residents, business owners and landowners immediately adjacent to the proposed use or activity; and the community as a whole.

(d) Relate to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

(e) Meet the purpose of the zoning code, be in compliance with the standards established in the code for the land use or activity under consideration, and be in compliance with the zoning district standards.

Additionally, **Section 1262.08 (e) 1** highlights further conditions that must be met for the application to receive approval. They are:

(1) Accessory Dwelling Units.

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

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

The ADU will not be separately metered.

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

There is space on this property for additional parking spaces.

D. The accessory dwelling unit shall be limited in size to a maximum of 66% of the total living area of the principal dwelling or 800 square feet of the total living area of the principal dwelling or 800 square feet, whichever is less.

The ADU size will be 936 sq. ft. as approved by the BZA on February 22, 2017
.

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

The ADU will contain a living area, kitchen, one bathroom and one bedroom.

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

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

No new access points will be created for this ADU.

FINAL THOUGHTS

At the Board of Zoning Appeals hearing held on February 22, 2017, several neighbors attended with questions and concerns. One of the main concerns was that of privacy. The owner of a home on Kurt Street directly behind the 319 Allen Street property indicated they have a wall of windows along the rear of their primary structure. Concern was raised over the lack of privacy with the ADUs location. Staff explained that ADUs are allowed as a conditional use in all residential districts. It was noted that although the rear yard setback for an accessory structure is 10 feet, this ADU structure will be setback 20 feet. The BZA chair noted the concerns and explained that screening for privacy wonôt have any bearing on their request as fence heights can only be a maximum of 6 feet and the zoning code does not have any additional screening requirements. When the zoning code was updated in 2013, accessory dwelling units were only allowed a maximum height of 1.5 stories or 24 feet, 11 feet less than a primary structureôs 35 foot height restriction. The BZA chair also noted solar rights as another reason no restrictions for screening are required.

RECOMMENDATION

Because of the large lot size of 2.290 acres, staff does not believe the accessory dwelling unit will affect the essential character of the neighborhood nor will the adjoining properties suffer a substantial detriment as a result.

Staff recommends the Planning Commission **APPROVE** the conditional use for an accessory dwelling unit with the requirement that the applicant install a water meter to calculate the sewer use at 319 Allen Street, and that the applicant or the applicantôs contractor contact Johnnie Burns, Water Superintendent for the location and installation of the water meter. If you have any questions, please feel free to call me at 767-1702 or email dswinger@vil.yellowsprings.oh.us.

Respectfully submitted,

Denise Swinger
Zoning Administrator

Village of Yellow Springs

rings

Planning Commission

Application

[OFFICE USE]

Case #: PC 17-15

EXHIBIT 1

TYPE OF REQUEST: (Check one)

___**DEVELOPMENT PLAN** ___**TEXT AMENDMENT**

X **CONDITIONAL USE** ___**MAP AMENDMENT**

___**OTHER (Please Specify):**_____

1. Property Address and/or Parcel ID: 319 Allen st.
2. Property Owner: Eric Juergens

   Address: 1108 S. Xenia Ave Yellow Springs Phone: 937 631 1455
3. Description of request: Carraige house with accesory dwelling unit

The owner of this property and undersigned do hereby certify that the information and statements given on this application, drawings, and specifications are to the best of their knowledge, true and correct.

Signature of Applicant [signature] Title:

Address: 6742 Lower Valley Pike New Carlisle OH Date: 2/10/16

E-mail: timcarol700@gmail.com

DO NOT WRITE BELOW THIS LINE [OFFICE USE]

Zoning Classification: R-A **Fee:** $100.00 **Date Paid:** 2/10

Hearing Date: March 13, 2017

Request Denied or Approved:_____

Zoning Official Name & Title:_____

Greene County, Ohio

EXHIBIT 2

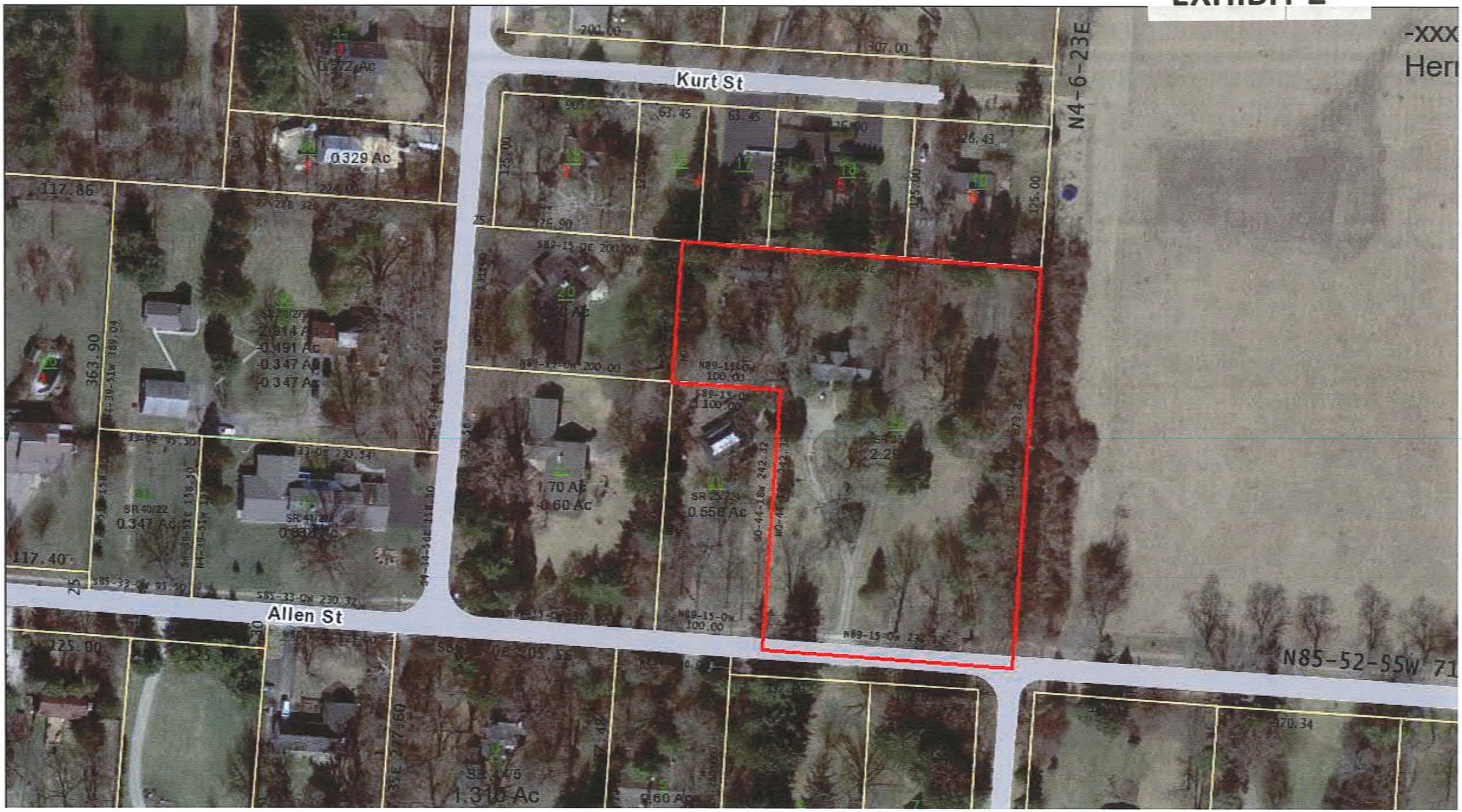


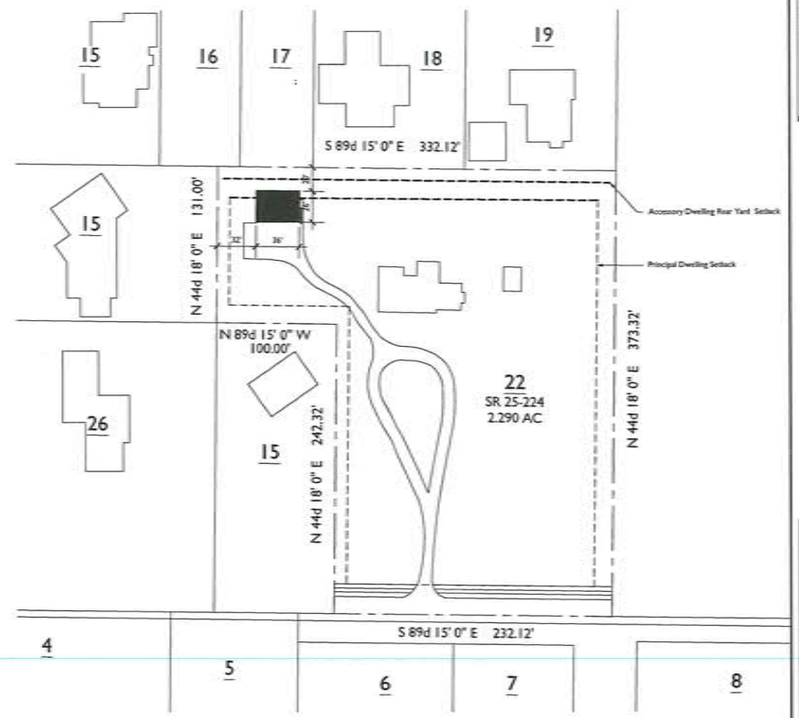
EXHIBIT 3

EXHIBIT 4

EXHIBIT 5

Location Plan
Scale: not to scale

Zoning
Scale: not to scale



Note:
Site information taken from Greene County G.I.S. property information services. http://gis.co.greene.oh.us/onlinemaps/

SITE PLAN
Scale: 1" = 30'

Zoning Summary
319 Allen Street
Yellow Springs Ohio

		Zone Standards	Existing	Proposed
Zoning: R-A				
Lot Area		7,500 sq.ft.	99,755 sq.ft. 2.29 acres	no change
Maximum Building Height (ft.stories)		35ft/2.5 stories		
Minimum Lot Width		60 ft	232.12 ft	no change
Lot Occupancy		35 %	2.0%	2.9% (incl. proposed ADU)
Existing Dwelling	1656 sf			
Existing Shed	300 sf			
Front Yard		25 ft.	251.00 ft.+-	no change ft +-
Rear Yard		25 ft	76 ft +-	no change ft
Side Yard		10 ft. min. 25 ft. total	127 ft.+- 262 ft. +-	no change ft. no change ft.

ACCESSORY BUILDING				
Accessory Building Height	hip/gable	18 ft		
	mansard/gambrel	15 ft		
	flat/shed	12 ft		
	w/ Accessory Dwelling Unit	24 ft	n/a	23'10" ft.
Accessory Building Rear Set Back		10 ft	n/a	20 ft.
Accessory Building Side Yard Set Back		5 ft		32 ft.
Accessory Building Area		800 sq.ft. or <66% of principal dwelling whichever is less	n/a	936 sq.ft.

PARKING	
Spaces per Dwelling Unit	2/ dwelling unit 1/ accessory dwelling unit 3 total parking spaces

ZONING SUMMARY

Scope of Work

Work shall include a new accessory dwelling unit accessory building and associated utility services, modifications to existing retaining walls and fences, and associated site work including access walk, steps and paving.

DRAWING INDEX

SP-1 Site Plan/Roof Plan

A-1 Floor Plans
A-2 Elevations
A-3 Building Section / Wall Section

S-1 Foundation & Framing Plans
S-2 Section and Details

Conrad Custom Carpentry
6742 Lower Valley Pike
New Carlisle OH 45344
937-845-1111

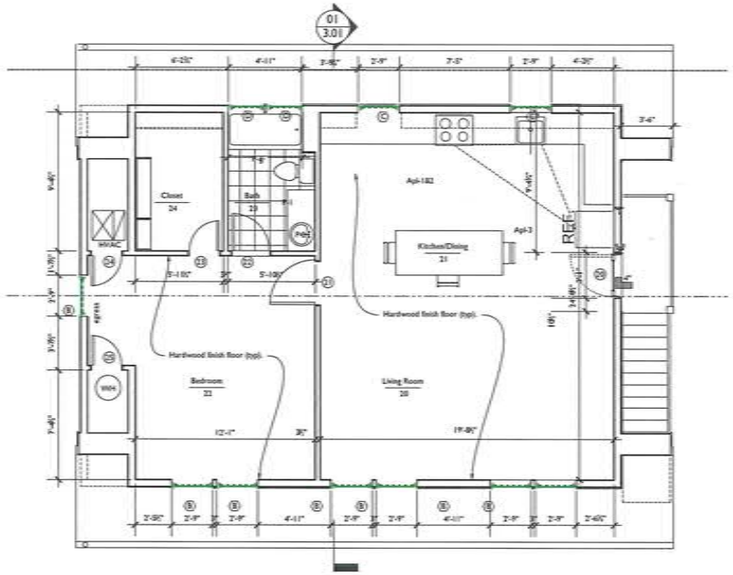
Juergens Residence
319 Allen Street
Yellow Springs Ohio 45387

Issue Date:
2016 12 27

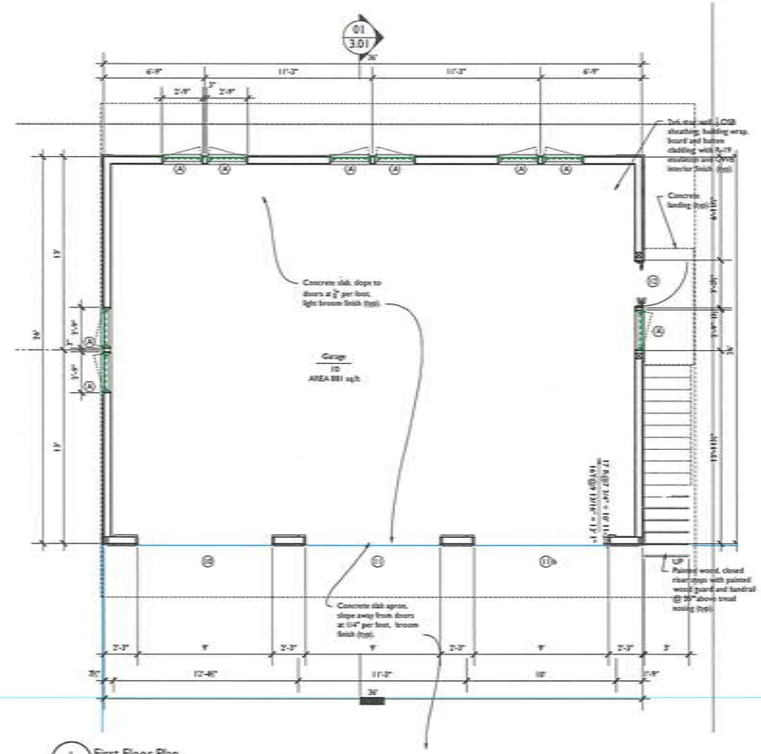
Site Plan and Zoning Summary

Scale: as shown

SP 1.00



2 A-1 Second Floor Plan
Scale: 1/4" = 1'-0"



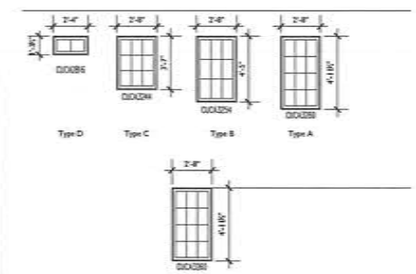
1 A-1 First Floor Plan
Scale: 1/4" = 1'-0"

Door Schedule — Juergens Residence

Door #	Elev	Size	Description	Hardware Set
First Floor				
10		9'w x 8'h	Garage Door– Clopay Grand Harbor Series Design 22 w/ window design REC 14 Color: Standard White Exterior hardware: Spade Lift handles only	w/ electric opener 1/2 horse power, belt drive, 3-button transmitter w/ individual door operation, automatic lights in and interior wall button
11		16 w x 8'h	Garage Door– Clopay Grand Harbor Series Design 22 w/ window design REC 14 Color: Standard White Exterior hardware: Spade Lift handles only	w/ electric opener 1/2 horse power, belt drive, 3-button transmitter w/ individual door operation, automatic lights in and interior wall button
12		3'0" x 7'0"	Exterior Door– Marvin 1 3/4" Ultimate Outswing 3070 w/ Low E1 with SDL & Space 3w x 4h	Entry Set w/ deadbolt -oil rubbed bronze finish US10B
Second Floor				
20		3'0" x 6'8"	Exterior Door– Marvin 1 3/4" Ultimate Inswing 3070 w/ Low E1 with SDL & Space 3w x 4h	Entry Set w/ deadbolt -oil rubbed bronze finish US10B
21		3'0" x 6'8"	Interior Door Simpson Shaker #744-Paint grade	Passage
22		2'6" x 6'8"	Interior Door Simpson Shaker #744-Paint grade	Privacy
23		2'0" x 6'8"	Interior Door Simpson Shaker #744-Paint grade	Passage
24		2'0" x 6'8"	Interior Door Simpson Shaker #744-Paint grade	Passage
25		2'0" x 6'8"	Interior Door Simpson Shaker #744-Paint grade	Passage

Window Schedule — Juergens Residence

Window Type	Description	Remarks
A	Marvin Clad Ultimate Casement CUCA3260 frame size 2'-4" x 4'-11 1/8" jamb 6-9/16"	Insulated Low-E1—air NFRC u-value 0.30 NFRC SHGC 0.40 2w x 4h Inter SDL w/ spacer
B	Marvin Clad Ultimate Casement CUCA3254 frame size 2'-4" x 4'-5 1/8" jamb 6-9/16"	Insulated Low-E1—air NFRC u-value 0.30 NFRC SHGC 0.40 2w x 3h Inter SDL w/ spacer
C	Marvin Clad Ultimate Casement CUCA3244 frame size 2'-4" x 3'-3 1/8" jamb 6-9/16"	Insulated Low-E1—air NFRC u-value 0.30 NFRC SHGC 0.40 2w x 3h Inter SDL w/ spacer
D	Marvin Clad Ultimate Casement CUCA2016 frame size 2'-4" x 1'-3 1/8" jamb 6-9/16"	Insulated Low-E1—air NFRC u-value 0.30 NFRC SHGC 0.40 2w x 1h Inter SDL w/ spacer



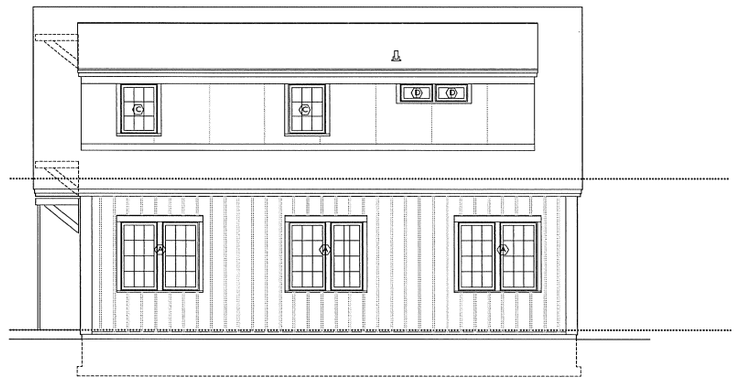
Conrad Custom Carpentry
6742 Lower Valley Pike
New Carlisle OH 45344
937-845-9444

Juergens Residence
315 Allen Street
Yellow Springs Ohio 45387

Issue Date:
2016 08 31

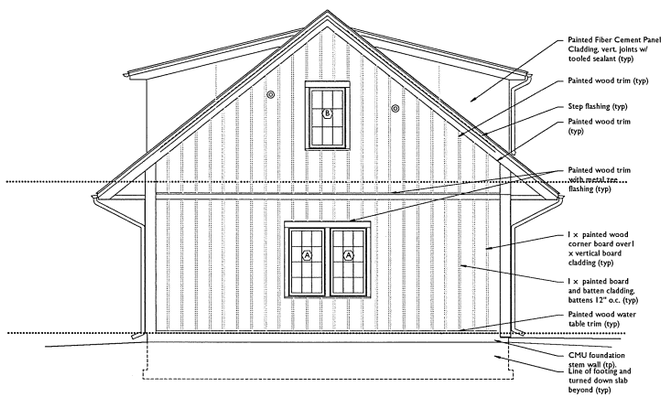
Floor Plans
Scale: 1/4" = 1'-0"

A-1



4 A-2 North Elevation
Scale: 1/4" = 1'-0"

3 A-2 East Elevation
Scale: 1/4" = 1'-0"



2 A-2 West Elevation
Scale: 1/4" = 1'-0"

1 A-2 South Elevation
Scale: 1/4" = 1'-0"

Conrad Custom Carpentry
6742 Lower Valley Pike
New Carlisle OH 45344
937-845-6515

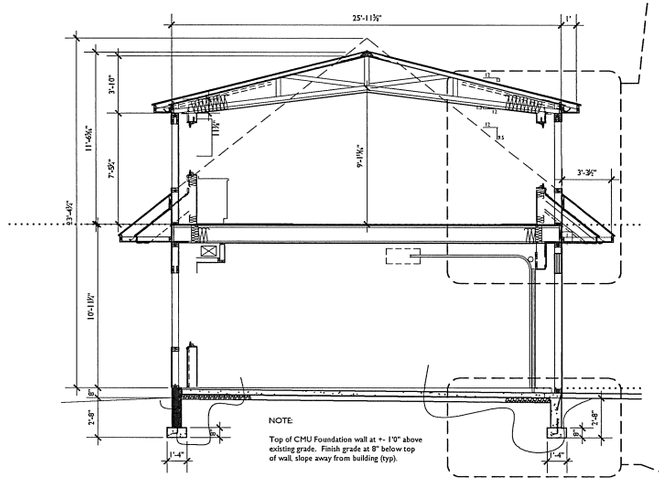
Juergens Residence
315 Allen Street
Yellow Springs Ohio 45387

Issue Date:
2016 05 31

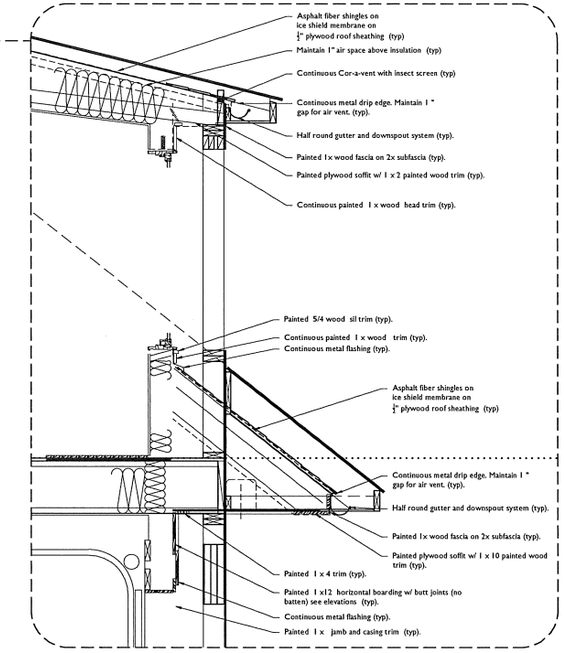
Elevations

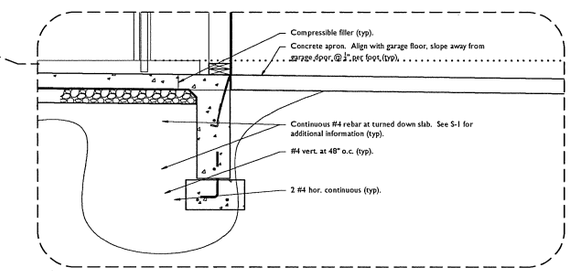
Scale: 1/4" = 1'-0"

A-2



1 / A-3 Building Section
Scale: 1/4" = 1'-0"





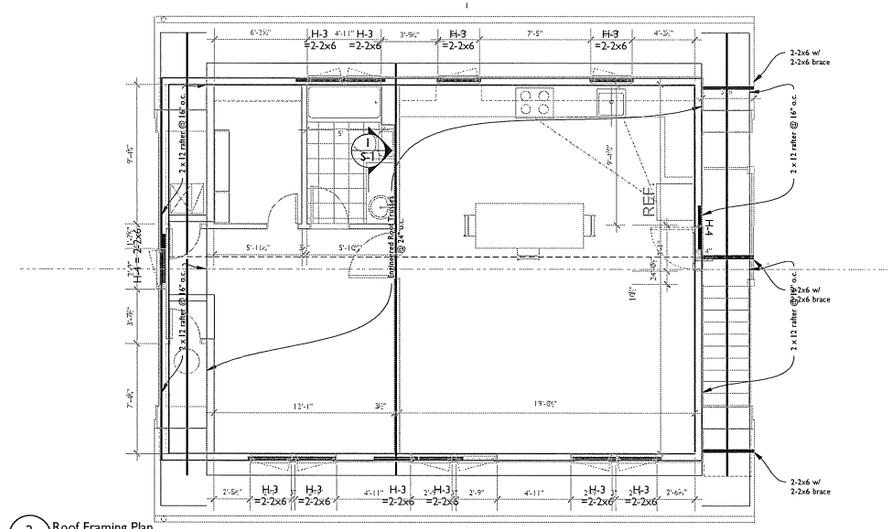
Conrad Custom Carpentry
6742 Lower Valley Pike
New Carlisle OH 45344
Home#(937)849-6231

Juergens Residence
315 Allen Street
Yellow Springs Ohio 45387

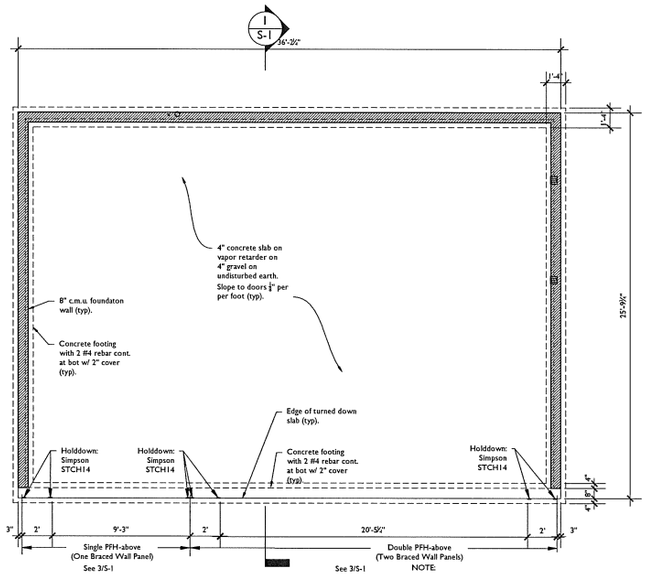
Issue Date:
2016 08 31

Elevations
Scale: 1/4" = 1'-0"

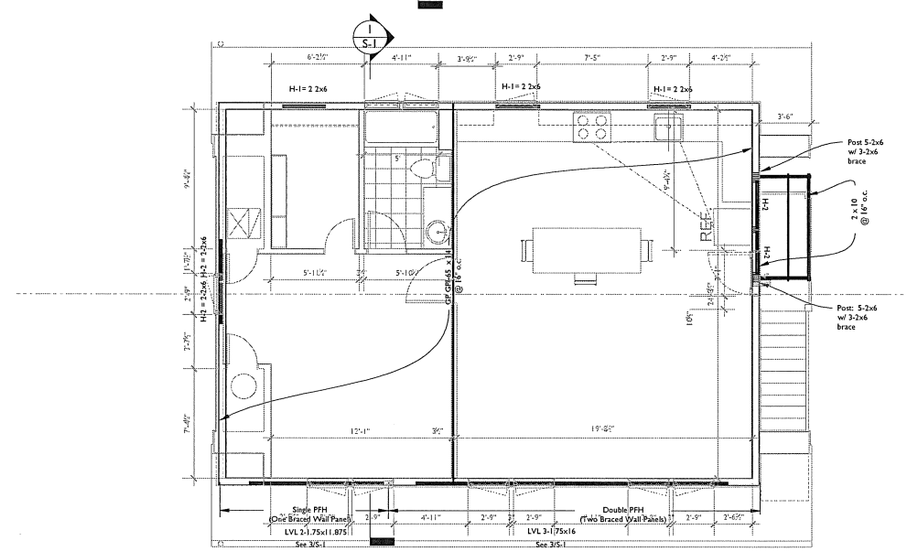
A-3



2 S-2 Roof Framing Plan
Scale: 1/4" = 1'-0"



1 S-1 Foundation/Slab Plan
Scale: 1/4" = 1'-0"



1 S-2 2nd Floor Framing
Scale: 1/4" = 1'-0"

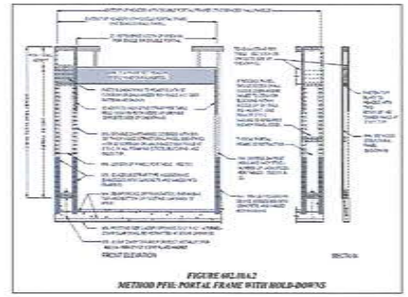
Conrad Custom Carpentry
6742 Lower Valley Pike
New Carlisle OH 45344
Mark@Conrad 937-845-6215

Juergens Residence
315 Allen Street
Yellow Springs Ohio 45387

Issue Date:
2016 08 31

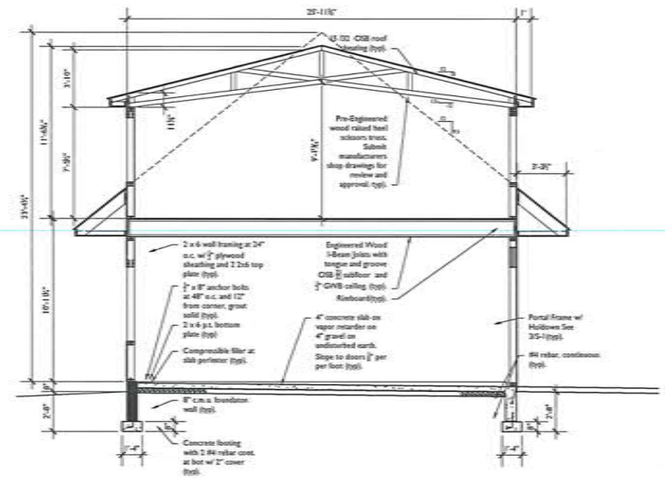
Framing Plans
Scale: 1/4" = 1'-0"

S-1



Note:
1. Strap-type holddown: Simpson STDF14 or equal 4200 lb capacity minimum.
2. Header/jack strap: Simpson MSTA30 or equal 2050lb capacity minimum.
3. See framing plans for header sizes.

3 S-1 Portal Frame with Hold-Downs-2013 RCO Detail
Scale: n.t.s.



2 S-1 Building Section
Scale: 1/4" = 1'-0"

Conrad Custom Carpentry
6742 Lower Valley Pike
New Carlisle OH 45344
937-845-0355

Juergens Residence
315 Allen Street
Yellow Springs Ohio 45387

Issue Date:
2016 08 31

Foundation / Slab Plan

Scale: 1/4" = 1'-0"

S-2

TO: Planning Commission

FROM: Denise Swinger, Zoning Administrator

DATE: February 22, 2017

RE: **PC16-19 – Section 674.02 Removal of Plants and Weeds by Owner of Chapter 674 Weeds of the General Offenses Code**

Background:

Marianne MacQueen, council representative to the Environmental Commission (EC), had submitted recommended changes to the Village of Yellow Springs Codified Ordinance Chapter 674 Weeds, which were recommended by the Environmental Commission. Village Council requested that the Environmental Commission review the ordinanceôs language restricting the Village of Yellow Springs from notifying property owners prior to July 1st. It was also suggested that the EC have the Planning Commission review it as well even though it is outside of the planning and zoning sections of the codified ordinances.

Over a period of three meetings the Environmental Commission held February 16, March 15 and May 17, 2016, Section 674.02 Removal of Plants and Weeds by Owner was reviewed and the following recommendations were made:

1) Addition of purple loosestrife to the noxious weeds list.
2) Addition clause recommending the removal of the worst invasive plants as identified by the Ohio Department of Natural Resources (ODNR).
3) Removal of the no mow dates section, which was deemed unnecessary with the managed natural landscape clause and with properly maintained lawns.
4) Addition of the managed natural landscaping clause.

Duard Headley and Nadia Malarkey from the EC presented their recommended changes to the Planning Commission at their meeting held October 10, 2016. At this meeting, staff noted that the existing section regarding the July 1 enforcement date has long proven problematic since the Village is not able to respond to complaints made prior to that date. Headley spoke to the consideration that the ñno mowò date was enacted as a protection to nesting birds or wildlife. He noted that lawns and wildlife are not generally compatible and therefore the ñno mowò date was not meaningful. To address the issue of wildlife, however, EC added into the proposed ordinance revision a caveat for ñmanaged natural landscapeò. The EC also updated the list of invasive species prohibited, as reflected in the proposed revision. Malarkey noted that homeowners are ñstrongly advisedò to remove invasives, and are asked not to plant those species listed in the ordinance. Malarkey commented that the ordinance is written from a climate action perspective

of managing landscapes as effectively as possible. Zurbuchen asked how the Village will then deal with persons who let their lawns go without maintenance. Headley stated that anyone with a lawn has to maintain it to a height of lower than 12 inches, according to the ordinance. Pelzl questioned whether the village has the right to regulate the length of the entire lawn, arguing that the reason for objection to an uncut lawn is the noxious weeds, which are separately regulated. Pelzl pointed out that the legislation only regulated mowing the perimeter of the lawn. Both the EC and Planning Commission members were surprised by this. After further discussion about perimeter mowing, as well as grasses versus non-weedy plant growth, it was decided that the EC take another look at the ordinance to provide clarity with regard to these issues. Headley explained that what the EC is trying to accomplish with this amendment to the legislation is to create options for those who donôt want to use gas-burning lawnmowers or who want to encourage wildlife to co-exist with those who want a more traditional lawn.

Attached to this report (Exhibit 1) is the recommended revisions to Section 674.02 Removal of Plants and Weeds by Owner. The EC decided against requiring that the entire lawn be moved as they do not want to encourage by legislation the use of gas-burning mowers.

REQUIREMENTS:

Section 1280.02(a) of the Village Code of Ordinances highlights the decision criteria for a text amendment. Not all of the criteria may apply to the text amendment:

(1) clarify the intent of the code;
(2) correct an error in the code;
(3) address changes to state legislation, recent case law or opinions from the Attorney General of the State of Ohio;
(4) affect the implementation of the Yellow Springs Comprehensive Plan and the Vision: Yellow Springs and Miami Township document;
(5) promote compliance with changes in other county, state or federal regulations;
(6) in the event the amendment would add a use to a district, that use would be fully consistent with the purpose of the district and the character of the range of uses provided for within the district;
(7) not create incompatible land uses within a zoning district;
(8) be supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items;
(9) if applicable, be consistent with the Village ôs ability to provide adequate public facilities and services; and
(10) be consistent with the Village ôs desire to promote the public health, safety, convenience, comfort, prosperity and general welfare of the community.

PLANNING COMMISSION DUTIES

The Planning Commission may make recommendations of approval, denial or conditional approval to the Village Council regarding the removal of plants and weeds by owner in section 674.02 of the codified ordinances.

FINDINGS

Staff has found that the proposed amendment further clarifies the adopted General Offenses Code.

RECOMMENDATION

Staff recommends the Planning Commission **APPROVE** the proposed text amendment to forward on to Council with the finding that it is in compliance with Section 1280.02(a) of the zoning code.

If you have any questions, please feel free to call me at 767-1702 or email dswinger@yso.com.

EXHIBIT 1

674.02 REMOVAL OF PLANTS AND WEEDS BY OWNER.

(a) The owner of any lot or parcel of land situated within the Village, whether the same is improved or unimproved, vacant or occupied, shall conform to the regulations herein provided. Otherwise, the Village shall act in accordance with Sections 674.03 and 674.04.

(1) Such owner shall cause the following to be removed, cut or otherwise destroyed:

A. Common ragweed - Ambrosia artemisiifolia.
B. Giant ragweed (also known locally as horseweed) - Ambrosia trifida.
C. Canada thistle - Cirsium arvense.
D. Poison ivy - Rhus radicans.
E. Purple Loosestrife - Lythrum salicaria.

(2) Such owners are strongly advised to consider an environmentally friendly management plan for the removal of the species listed as the worst invasive plants in Ohio by the Ohio Department of Natural Resources and the Ohio Invasives Plant Council, and that no homeowner should intentionally purchase or plant any of said species:

F. Japanese Honeysuckle - Lonicera japonica
G. Common & Cut-leaved Teasel - Dipsacus fullonum, D. laciniatus
H. White & Yellow Sweet-clovers - Melilotus alba, M. officinalis
I. Tree-of-Heaven - Ailanthus altissima
J. Japanese Knotweed - Fallopian japonica, Polygonum cuspidatum
K. Autumn-Olive - Elaeagnus umbellata
L. Buckthorns - Rhamnus frangula, R. cathartica
M. Common Reed or Phragmites - Phragmites australis
N. Reed Canary Grass - Phalaris arundinacea
O. Narrow-Leaved Cattail - Typha angustifolia
P. Smooth Brome - Bromus inermis
Q. Eurasian Water-milfoil - Myriophyllum spicatum
R. Garlic Mustard - Alliaria petiolata
S. Multiflora Rose - Rosa multiflora 0.
T. Bush Honeysuckles - Lonicera maackii, L. tatarica, L. morrowii

(~~2~~ 3) Such owner shall cut or mow or cause to be cut or mowed any other uncultivated non-woody plant growth growing within five feet of the interior side or rear lot line, or within ten feet of the street side or front lot line, to prevent the same from blooming or going to seed or exceeding a height of twelve inches, provided, however, that abutting property owners may agree to waive this requirement along their mutual property lines.

(4) Managed natural landscaping of intentionally planted and maintained areas of biodiverse native vegetation are permitted so long as the original vegetation was removed prior to planting and the managed area is free of weeds as defined in section 674.02(a)(1). Managed natural landscaping of native plant communities grown through their natural annual cycle is encouraged. Examples of natural landscaping include butterfly gardens, prairies, meadows, forest, rain gardens, and low maintenance native groundcovers. These plantings provide benefits to the community including habitat for pollinators; reducing surface water runoff; lower pesticide,

synthetic fertilizer and fossil fuel use; reduced greenhouse gas emissions and carbon sequestration.

(~~3~~ 5) No dumping, substandard structure or stagnant water will be permitted in conjunction with unmowed plant growth. It shall be the responsibility of the owner to remove any materials dumped in an unmowed area of a lot, whether or not he or she is responsible for their having been deposited on the property. Suitably managed compost piles are not restricted by this provision.

~~(b) To protect the nesting habitat of wildlife, division (a)(2) of this section shall not be in effect from April 1 to July 1 of each year.~~

(~~c~~ b) Whoever violates or fails to comply with this section, after having been notified of the violation in the manner specified in Section 674.03, notwithstanding any action by the Village to eliminate the violation, is guilty of a minor misdemeanor.

Village of Yellow Springs

[OFFICE USE]
Case #: PC16-19

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

Planning Commission Application

TYPE OF REQUEST: (Check one)

___DEVELOPMENT PLAN X TEXT AMENDMENT

___CONDITIONAL USE ___MAP AMENDMENT

___OTHER (Please Specify):_____

1. Property Address and/or Parcel ID: N/A
2. Property Owner: N/A
   Address:_____ Phone:_____
3. Description of request: Village Council requested PC review for possible text amendments to section 674.02 of Chapter 674 Weeds. Amendments made by Environmental Commission at the direction of Council, with specific emphasis on language restricting the Village from noticing property owners prior to July 1st

The owner of this property and undersigned do hereby certify that the information and statements given on this application, drawings, and specifications are to the best of their knowledge, true and correct.

Signature of Applicant Denise Swiger Title:_____
Address:_____ Date:_____
E-mail:_____

DO NOT WRITE BELOW THIS LINE [OFFICE USE]

Zoning Classification: N/A **Fee:** waived **Date Paid:** VYS

Hearing Date:_____

Request Denied or Approved:_____

Zoning Official Name & Title: Denise Swiger, Zoning Adm.

STAFF REPORT

Application Number: PC17-03 and PC17-04 ï Short Term Rentals
Planning Commission Meeting: March 13, 2017

At the last meeting of the Planning Commission, short term rentals went through another review and language was added to Chapter 1262.08 to further clarify the conditional use requirements (Exhibit 1).

Additionally, the definition of short-term rentals in Chapter 1284.08 previously approved on November 14, 2016, was modified (Exhibit 1). Although it may have been the intent when the zoning code was written to allow for a one or two day rental, the language was not specific enough to allow rentals of less than one week. The change to this language should clear up any clarifying concerns regarding the short term rental of a home, a room in a home, or an accessory dwelling.

These changes are ready for final review and adoption by the Planning Commission.

Staff appreciates your contributions in this effort to clarify short term rentals in our zoning code.

Thank you!

Respectfully submitted,

Denise Swinger
Planning and Zoning Administrator

Village of Yellow Springs

[OFFICE USE]
Case #: PC17-03

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

Planning Commission Application

TYPE OF REQUEST: (Check one)

___DEVELOPMENT PLAN X TEXT AMENDMENT

___CONDITIONAL USE ___MAP AMENDMENT

___OTHER (Please Specify):_____

1. Property Address and/or Parcel ID: _____
2. Property Owner: Village of Yellow Springs
   Address: _____ Phone: _____
3. Description of request: ADDING additional language to Ch. 1262.08(e)(6) for short-term rentals as a conditional use, and change the section number to Ch. 1262.08(e)(7)

The owner of this property and undersigned do hereby certify that the information and statements given on this application, drawings, and specifications are to the best of their knowledge, true and correct.

Signature of Applicant Denise Swiger Title: Zoning Adm.
Address: _____ Date: 2/7/2017 replaces 1/17/2017 same # assigned
E-mail: _____

DO NOT WRITE BELOW THIS LINE [OFFICE USE]

Zoning Classification:_____ **Fee:**_____

Hearing Date:_____

Request Denied or Approved:_____

Village Representative:_____

Title:_____

Village of Yellow Springs

[OFFICE USE]
Case #: PC17-04

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

Planning Commission Application

TYPE OF REQUEST: (Check one)

___DEVELOPMENT PLAN X TEXT AMENDMENT

___CONDITIONAL USE ___MAP AMENDMENT

___OTHER (Please Specify):_____

1. Property Address and/or Parcel ID: _____
2. Property Owner: Village of Yellow Springs
   Address: _____ Phone: _____
3. Description of request: Amendment to definition of Short term rentals - Ch. 1284.08 - Replacing language prior approved definition on 11/14/16 - PC16-20

The owner of this property and undersigned do hereby certify that the information and statements given on this application, drawings, and specifications are to the best of their knowledge, true and correct.

Signature of Applicant: Denise Swiggs Title: Zoning Adm
Address: _____ Date: 2/6/2017
E-mail: _____

DO NOT WRITE BELOW THIS LINE [OFFICE USE]

Zoning Classification: — **Fee:** —

Hearing Date: 3/13/2017

Request Denied or Approved: _____

Village Representative: _____

Title: _____

EXHIBIT 1

TEXT AMENDMENTS TO SHORT-TERM RENTAL UNITS

1284.08 DEFINITIONS: R-S.

Short-term rental unit. A dwelling unit or room in a dwelling unit that is rented or leased to one person, family or entity ~~on a weekly or monthly basis, but typically less than one year~~ for fewer than thirty (30) days.

1262.08 SPECIFIC REQUIREMENTS.

(e) (~~6~~7) Short-term rentals.

A. Permit. Upon approval of the conditional use, the owner shall submit to the Zoning Administrator the name and emergency contact information for the owner or property manager who can be contacted and will respond within a reasonable time period to any complaints, violations, emergencies or other concerns related to the short-term rental property or tenants.

B. Location. The Planning Commission shall consider the proposed location relative to its proximity to other such uses in the vicinity in order to avoid an undue concentration that could have a negative effect on the surrounding neighborhood. A short-term rental unit may be located in a principal single-family detached dwelling, a room within a principal single-family detached dwelling, or a detached accessory dwelling unit on the same lot as a principal dwelling, but no more than one short-term rental unit per lot is allowed.

C. Maximum occupancy. The maximum number of tenants permitted shall be determined by applicable Health Department requirements. If the short-term rental is located in an accessory dwelling unit (ADU) no more than two adults shall occupy the accessory dwelling unit.

D. Utilities. The short-term rental unit shall share all public utilities (water/ sewer/electric) with the principal dwelling unit. Short-term rental units will not be separately metered.

E. Parking. A minimum of one off-street parking space shall be provided on the lot for the short-term rental unit in addition to the off-street parking spaces required for the principal dwelling unit.

F. Size. If the short term rental unit is located in an accessory dwelling unit, it shall be limited in size to a maximum of 66% of the total living area of the principal dwelling or 800 square feet, whichever is less.

G. Ingress/Egress. No new access points or driveways shall be created or installed for access to the short-term rental unit.

PLANNING COMMISSION MEETING ï MONDAY, MARCH 13, 2017
STAFF REPORT

TO: Planning Commission

FROM: Denise Swinger

DATE: March 8, 2017

RE: Pocket Neighborhood Ordinance Continued Discussion

As a result of the January 23, 2017 Planning Commission, staff has incorporated the suggestions and considerations from members into a draft language for a Pocket Neighborhood Development (PND). This will be incorporated as a Conditional Use in the Residential Districts of the zoning code. Staff suggests members first review and finalize the details of Chapter 1262.08 Conditional Uses ï Specific Requirements, then review and finalize the other sections of the code affected by the inclusion of a Pocket Neighborhood Development (PND) section.

1. Table 1248.02 Schedule of Uses
2. Chapter 1248.03 Spatial Requirements
3. Chapter 1260.04 Principal Uses per Lot
4. Chapter 1262.08 Conditional Uses ï specific requirements
5. Chapter 1264.02 Parking ï PNDs
6. Chapter 1284.03 Definitions: C-D
7. Chapter 1284.05 Definitions: H-I-J-K
8. Chapter 1284.07 Definitions: O-P-Q

All of the above sections of the zoning code have been publicly noticed in the Yellow Springs News.

Respectfully submitted,

Denise Swinger
Planning & Zoning Administrator

Village of Yellow Springs

[OFFICE USE]
Case #: PC17-08

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

Planning Commission Application

TYPE OF REQUEST: (Check one)

___DEVELOPMENT PLAN X TEXT AMENDMENT

___CONDITIONAL USE ___MAP AMENDMENT

___OTHER (Please Specify):_____

1. Property Address and/or Parcel ID: _____
2. Property Owner: Village of Yellow Springs
   Address: _____ Phone: _____
3. Description of request: ADD pocket Neighborhood developments as a conditional use with the section Number ch. 1262.08 (e)(6)

The owner of this property and undersigned do hereby certify that the information and statements given on this application, drawings, and specifications are to the best of their knowledge, true and correct.

Signature of Applicant: Denise Swinger Title: Zoning Administrator
Address: _____ Date: 2/8/2017
E-mail: _____

DO NOT WRITE BELOW THIS LINE [OFFICE USE]

Zoning Classification: — **Fee:** _____

Hearing Date: 3/13/2017

Request Denied or Approved: _____

Village Representative: _____

Title: _____

CHAPTER 1262
Conditional Use Requirements

1262.08 SPECIFIC REQUIREMENTS.

(e) Residential.

(6) Pocket Neighborhood Developments (PNDs).

The following regulations apply to pocket neighborhood developments (PNDs):

A. Location:
   1. Pocket neighborhood developments may be considered in only the three residential districts; Residential A ï Low Density Residential District,
   2. Residential B ï Moderate Density Residential District
   3. Residential C ï High Density Residential District.

B. Density and Minimum Lot Area:
   1. In Residential A, the permitted density shall be a maximum of 6 units per acre.
   2. In Residential B, the permitted density shall be a maximum of 8 units per acre.
   3. In Residential C, the permitted density shall be a maximum of 14 units per acre.
   4. The minimum lot area for a PND is equal to the minimum lot requirements for the corresponding residential district.
   5. On a lot to be used for a PND, the lot size maximum must be under five acres.
   6. On a lot to be used for a PND, a minimum of 4 detached single-family dwelling units around a common open space area are required.
   7. On a lot to be used for a PND, an existing detached single-family residential or duplex structure, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased, and the existing structure will factor into the maximum lot coverage permitted for that residential zoning district.

C. Height Limit and Roof Pitch
   1. The height limit permitted for structures in PNDs shall be a maximum of 35 feet for detached single-family dwellings, and rooflines must present a distinct profile and appearance and express the neighborhood character.

D. Lot Coverage
   1. The maximum lot coverage permitted for principal and accessory structures in PNDs shall be limited to that allowed in the corresponding residential zoning district. Because PNDs shall be located on one lot, the developer shall determine the square footage of lot space for each individual dwelling unit in order to calculate future accessory structures for those dwelling units.
   Another example is only one garage is allowed per dwelling unit. Accessory structures for common usage are allowed in the common open space areas, with other accessory structures prohibited.

E.

F. Yard Setbacks

1. Front Yards ï The front yard shall be no less than five feet with an average of at least 10 feet.
2. Rear Yards ï The minimum rear yard shall be 10 feet.
3. Side Yards ï The minimum side yard shall be five feet.

At the last meeting, it was decided to keep the setbacks as required by each residential district. However, as staff has continued to research this, it may defeat the purpose of the PND, which is to have more of a compact area for the dwellings in exchange for a common area. That is why less restrictive setbacks were added above from another city's zoning code, as well as another example below.

Setbacks and Building Separation:

1. *Exterior setbacks. All buildings within a PND shall be setback 10 feet from the exterior boundary of the PND.*
2. *Interior building separation. There shall be a minimum separation of six feet between the eaves of the cottages. On cottage sides with a main entrance, the minimum separation shall be 10 feet. Structures other than cottages shall meet the minimum setback requirements of Chapter 1260.04 (a) Accessory Structures in the Village of Yellow Springs zoning code.*

G. Required Common Open Space

1. A minimum of 400 square feet of common open space is required per dwelling unit. At least 50 percent of the unit shall abut the common open space, all of the units shall be within 60 feet walking distance to the common open space, and the common open space shall have units abutting at least two sides.

Another example found is: Such space may be either in a common, shared form or associated with individual dwelling units. Such space shall be at least 15 feet in the narrowest dimension and shall be landscaped. Hard-surfaced patios or decks may occupy up to one-half of the required area.

The first definition seems to be an amount of open space the developer must set aside that is contiguous and based on the number of dwelling units. The second example seems to give flexibility as to whether it should be common or private. If the common area starts five feet from the front of the dwelling unit then it might be difficult to come back later and add a porch or deck. This should be considered at the very beginning.

Another example found spells out both: required common open space and required private open space. The common open space requires a minimum of 400 square feet per cottage, along with the other language regarding percentage abutting the common open space, etc. For private open space, it states it is for the exclusive use of the cottage resident and it, too, shall contain 400 square feet of private open space that includes a minimum of 200 square feet of contiguous usable open space adjacent to each cottage with no dimension less than 10 feet. Front porches are not included in the private open space calculation. And no more than 50% of the private open space can be within an unenclosed covered patio.

H. Parking

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

Another example found is: One space for each one-bedroom dwelling, and two spaces for each dwelling having two or more bedrooms.

2. Location:
    a. 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 is limited to that allowed in the zoning code.

    Another example found is
    1. *If the development abuts an alley, parking shall be accessed from the alley.*
    2. *Surface parking lots shall be screened both from the street and adjacent residential development by a combination of trees and shrubs. Trees shall be at least 2" in cal at the time of planting and no more than 30 feet apart. Shrubs shall be at least 30" in height at the time of planting. Decorative walls or fences no more than 48" in height may be used in lieu of shrubs.*
    3. *All surface parking shall be paved with asphalt, concrete or unit pavers. Gravel is not permitted.*

    Another example is: Parking may be in or under a structure or outside a structure provided that:
    1. *The parking is screened from direct street view by one or more street facades, by garage doors, or by a fence and landscaping.*
    2. *Parking between structures is only allowed when it is located toward the rear of the principal structure and is served by an alley or private driveway.*
    3. *Parking may not be located in the front yard.*
    4. *Parking may be located between any structure and the rear lot line of the lot or between any structure and a side lot line, which is not a street side lot line.*

And another example is:

1. *Parking may be located within an enclosed garage, carport or unenclosed parking space.*
2. *Parking may be located in common tracts if intended to be shared by the entire PND in groups of not more than 5 adjoining spaces separated by at least 4 feet of landscaping. An enclosed garage or carport intended to be shared by the entire PND shall not exceed 1,200 square feet in size.*
3. *Parking shall not be located in the exterior setback and must be screened from public streets and adjacent residential uses by a 10 foot landscape buffer containing landscaping and/or architectural screening.*
4. *Parking is allowed between or adjacent to structures only when it is located toward the rear of the cottage and is served by an alley or private driveway.*
5. *All parking shall provide a minimum of 24 feet for maneuvering and backing movements from garages, carports and/or parking areas* ***(note: #5 is also in our parking code).***

I. Other PND Standards:
    1. PNDs are limited to detached single family dwelling units.
    2. Accessory structures shall be allowed and must follow the general provisions and lot coverage requirements of the residential code.
    3. Accessory Dwelling Units (ADUs) shall not be allowed in PNDs.

4. A PND shall be located on one lot with all common open space under the control of a Homeownerôs Association (HOA). Prior to final plat approval, the developer will provide a set of conditions, covenants and restrictions (CC&Rs) for the Pocket Neighborhood Development, which shall be reviewed and if approved by the Village of Yellow Springs, shall be recorded with Greene County. The CC&Rs must create a homeownerôs association that will provide for maintenance of all common areas in the Pocket Neighborhood Development.
5. The dwelling units may be individually owned or rented.
6. A Level B site plan review is required for approval of the Pocket Neighborhood Development conditional use. *Should we say "**Upon approval as a conditional use, the developer must follow Chapter 1226 – Subdivision Regulations, and specifically 1226.06 Design Standards, 1226.08 Construction of Public Improvements, and 1226.09 Bond for Improvements and Maintenance?" How do we ensure that the developer understands they are responsible for the entire infrastructure (roads, utilities, detention areas, etc.)?***

7. Pedestrian pathways must be included to provide for movement of residents and guests 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.

Other Additions could be:
Lighting

1. *To diminish the amount of glare and spillover from lighting, exterior lighting fixtures shall not exceed one (1) foot candle in intensity.*
2. *Lighting fixtures shall be equipped with cutoff elements to direct light downwards.* ***However, this is mentioned under chapter 1260.05 of the general provisions section of the zoning code.***

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

Fencing:

To ensure a residential atmosphere, chain link fence is not permitted. Fencing higher than 48" shall not be permitted along any street frontage. ***Under general provisions, fences can be as high as 4' in the front yard, but there is no mention of the type of material a fence can be made of.***

Other concerns raised included:

Fire Access to the dwelling units ***– This is covered in the zoning section of the code under Site Plan Review – chapter 1268.06 (d) (8) - Emergency access. All buildings and structures, including any Fire Department, connections shall be readily accessible to emergency vehicles.***

Regarding blending into the surrounding area - Under chapter 1260.04d – principal uses per lot it states (buildings) ***must be architecturally unified and compatible****.*

What amount of common space per acre? The suggested text is to base it on the number of units (400 square feet per unit). Note: Stancliff (a PUD off Dayton Street) requires only 200 sq. ft. of private yard.

There was a concern about ADA requirements – these are regulated by Greene County Building Regulations - not a zoning code issue – we do require sidewalks to be a certain width. We don't have anything in the code relating to ADA requirements for a dwelling.

Utilities – Individual water meter pits or a utility vault – Village will only supply the meters and meter bars.

TEXT AMENDMENT – ADDING POCKET NEIGHBORHOOD DEVELOPMENTS TO RESIDENTIAL A, B AND C

Table 1248.02 Schedule of Uses: Residential Districts				
Use	***R-A***	***R-B***	***R-C***	***Specific Conditions***
Residential				
Accessory dwelling unit	**C**	**C**	**C**	Section 1262.08(e)(1)
Accessory buildings, structures and uses	**P**	**P**	**P**	Section 1260.04
Bed and breakfasts	**C**	**C**	**C**	Section 1262.08(e)(2)
Boarding homes			**C**	Section 1262.08(e)(3)
Continuing care retirement community		**C**	**C**	
Day care, family	**P**	**P**	**P**	
Day care, group	**C**	**C**	**C**	
Dwellings, attached single-family		**P**	**P**	
Dwellings, Multiple-family		**C**	**P**	
Dwellings, Pocket Neighborhood Developments	**C**	**C**	**C**	Section 1262.08 (e)(7)
Dwellings, single-family detached	**P**	**P**	**P**	
Dwellings, two-family		**P**	**P**	
Short-term rental units	**C**	**C**	**C**	Section 1262.08(e)(6)

TEXT AMENDMENTS FOR SPATIAL REQUIREMENTS OF CERTAIN DWELLINGS AND POCKET NEIGHBORHOOD DEVELOPMENTS

1248.03 SPATIAL REQUIREMENTS.

(a) All lots and buildings shall meet the minimum area and width requirements of Table 1248.03. New lots shall not be created, except in conformance with these requirements.

Table 1248.03 Lot and Width Requirements: Residential Districts		
Zoning District	**Minimum Lot Area (Sq. Ft.)**[1]	**Minimum Lot Width (Ft.)**
R-A, Low-Density Residential	**7,500**[2]	**60**
R-B, Moderate-Density Residential	**6,000**[~~2~~3]	**50**
R-C, High-Density Residential	**4,800**[~~3~~4]	**40**

1 Public water and sanitary sewer is required for all property in these districts.

2 Pocket neighborhood developments are permitted a density up to 6 units per acre.

~~2~~3 Two-family, attached single-family dwellings, ~~and shall provide 4,500 square feet per unit.~~ ~~M~~multi-family dwellings and pocket neighborhood developments are permitted a density up to 8 units per acre.

~~3~~4 Two-family, ~~dwellings shall provide 4,000 square feet per unit.~~ ~~A~~attached single-family, ~~and~~ multi-family dwellings and pocket neighborhood developments are permitted a density up to 14 units per acre.

TEXT AMENDMENT FOR POCKET NEIGHBORHOOD DEVELOPMENTS

1260.04 USES.

(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, based on meeting all of the following criteria:

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

(2) Buildings are under single ownership;

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

(4) Buildings are architecturally unified and compatible.

TEXT AMENDMENT FOR POCKET NEIGHBORHOOD DEVELOPMENTS

Table 1264.02 Parking Requirements by Use	
Use	***Number of Parking Spaces***
Residential Uses	
Accessory dwellings	1 space per dwelling unit.
Bed and breakfast	2 for the owner/operator and 1 per leasable room.
Boarding or rooming house	1 space per 2 beds, plus 2 additional spaces for owner or employees.
Dormitories, fraternities and similar student housing	1 per 3 occupants, plus 1 per 2 full-time equivalent employees.
Group homes, juvenile and adult	1 per 4 occupants.
Multiple-family residential dwellings	2 spaces per dwelling unit, except in B-1 District (downtown) where 1 per dwelling unit is required.
Pocket Neighborhood Development	1.5 spaces per dwelling unit. *Another example: One space for each one-bedroom dwelling, and two spaces for each dwelling having two or more bedrooms.*
Senior apartments and senior independent living	1.25 spaces per unit. Should units revert to general occupancy, the requirements for multiple family dwellings shall apply.
Single-family and two-family dwellings	2 spaces per dwelling unit.

TEXT AMENDMENTS FOR POCKET NEIGHBORHOOD DEVELOPMENTS

1284.03 DEFINITIONS: C-D.

Canopy. A rigid, permanent cover over a walkway, attached to a building (see "awning").

Carport. An accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides and designed or used for the storage of motor vehicles.

Certificate of occupancy. A permit authorized and issued by the Zoning Administrator certifying that the use of the building or land in question is in conformity with this code or that a legal variance has been approved.

Church (place of worship). A building or structure or group of buildings or structures that, by design and construction, are primarily intended for conducting organized religious worship services. Associated accessory uses include, but are not limited to, classrooms, meeting halls, indoor and outdoor recreational facilities, day care, counseling and kitchens.

Clinic. An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical professionals, psychologists or social workers.

~~**Cluster housing.** An arrangement that allows detached dwelling units to be grouped in such a way as to trade the open space usually surrounding individual structures for common open space.~~

Code. The Zoning Code of the Village of Yellow Springs, Title Four, Zoning, of Part Twelve, the Planning and Zoning Code of the Yellow Springs, Ohio Code of Ordinances.

Cohousing. A type of intentionally developed community composed of private dwellings, supplemented with shared facilities such as common open space, parking, cooking, dining, recreation, gardening, child care, offices and internet access. Decisions are generally made by consensus of the owners within the cohousing community.

Commercial vehicle.

(1) Vehicles, owned by and registered to a business or organization, used to transport commercial goods or materials or used to provide a commercial service;

(2) Tractor cabs used for hauling semi-trailers;

(3) All vehicles, including passenger vehicles, affixed with signs advertising or identifying an establishment, product, service or activity;

(4) Mobile mechanized equipment, such as cranes, bulldozers, trenchers, tractors, compressors and similar equipment.

Commission. The Planning Commission.

Common Open Space. A perpetual open space area of land to benefit all residents of a Pocket Neighborhood Development (PND) or Planned Unit Development (PUD), which is unoccupied by buildings, structures, storage or parking areas, streets right-of-way, exterior setbacks, driveways, required yards and utility easements, except for recreational structures, and which is outside of streams, wetlands and their buffers, and which is generally for the purpose of active or passive recreation.

Community garden. One or more plots of land gardened collectively by a group of people.

Comprehensive Plan. The document adopted by the Planning Commission and/or Village Council which establishes the goals, objectives and policies related to future land use and the general location and extent of present and proposed community facilities.

Conditional use. A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the Planning Commission and subject to special requirements which are in addition to those usual requirements for the district in which the conditional use may be located.

Conservation area. An environmentally sensitive land protected from activities that would significantly alter its ecological integrity, balance or character.

Conservation easement. An easement granting the right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open or wooded condition.

Continuing care retirement community. A facility or complex of buildings and structures designed for and occupied by persons 55 years or older and persons with disabilities that provides a range of housing and lifestyle choices, including independent living, assisted living and skilled nursing care in an integrated system.

Council. The Village Council.

Day care, family. A private home in which one, but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption.

Day care, group. A private home in which seven, but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption.

Density, gross. The number of dwelling units meeting the minimum area requirements of the district to be located on a parcel of property, divided by the total acreage of that property.

Density, net. The dwelling unit density of a particular area measured by the number of dwelling units meeting the minimum area requirements of the district divided by the total number of acres, excluding public rights-of-way and private easements.

Dormitory. A building used as group living quarters for a student body, religious order or other group as an accessory use to a college, university, boarding school, orphanage, convent or

other similar use. Kitchen facilities are not provided in each room/unit but there may be a group kitchen facility to serve all residents.

Drain. A watercourse, gully, dry stream, creek, ditch or pipe which carries storm water runoff.

Drive-in or drive-thru facility. An accessory use for a business (such as a bank, restaurant, dry cleaners or pharmacy) where the delivery of customer services is done, usually from within the building via a service window while patrons are in their motor vehicle.

Dwelling:

(1) Dwelling, multiple family. A building designed for occupancy by three or more families living independently of one another.

(2) Dwelling, single-family. A detached building designed exclusively for and occupied exclusively by one family.

(3) Dwelling, single-family attached. A multiple-family building containing at least three dwelling units; in which each unit has its own front and rear access to the outside on the ground floor; and where units share one or more common walls but not a common floor/ceiling

(4) Dwelling, two-family. A building consisting of two dwelling units or designed for or used by two families or housekeeping units living independently of one another. May also be referred to as a duplex.

(5) Dwelling, manufactured home. See "manufactured home."

(6) Dwelling, Pocket Neighborhood Development (PND). A detached building designed as part of a group of dwelling units that are individually owned, trading individual open space for common open space and for which each unit is occupied exclusively by one family.

Dwelling unit. A permanent building or portion of a building, having cooking and sanitary facilities, designed or used exclusively for residential occupancy by one family as a single housekeeping unit, but not including hotels/motels, recreational vehicles, tents or portable buildings.

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

TEXT AMENDMENTS FOR POCKET NEIGHBORHOOD DEVELOPMENTS

1284.05 DEFINITIONS: H-I-J-K.

Hazardous substances. Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or coming in contact with the material that is regulated by a governmental agency.

Historic structure. Any structure that is:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by:

A. An approved state program, as determined by the Secretary of the Interior; or

B. Directly by the Secretary of the Interior in states without approved programs.

Home occupation. An occupation or profession conducted, as an accessory use in a dwelling or a detached accessory building on the same lot as a principal dwelling, by a member or members of the resident family and which is clearly accessory and incidental to the residential use of the lot. Also referred to as a "home-based business."

Homeowners Association (HOA). An organization of homeowners of a particular subdivision, condominium, planned unit development or pocket neighborhood development whose purpose is to provide a common basis for preserving maintaining and enhancing their homes and property.

Hotel/motel. A building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. A hotel (as distinct from a motel) contains a central interior lobby and provides daily room cleaning and linen changes. Other supportive facilities may also be included such as, but not limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities and similar facilities/services intended principally to serve registered guests.

Impervious surface. Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land.

Junk. Any motor vehicles, machinery, appliances, products or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

Junk yard. An establishment or place of business which is maintained or operated for the purpose of storing, keeping, buying or selling scrap or salvageable materials, including dismantled vehicles, or for the maintenance or operation of an automobile graveyard.

Kennel. Any premises used to board, breed, sell, train or treat more than three dogs, cats or other domestic pets who are more than six months old.

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

TEXT AMENDMENTS FOR POCKET NEIGHBORHOOD DEVELOPMENTS

1284.07 DEFINITIONS: O-P-Q.

Open space. An area of land unoccupied by buildings, structures, storage or parking areas, except for recreational structures and which is generally for the purpose of active or passive recreation, environmental protection, preservation of scenic views or similar purposes. ñOpen spaceò does not include street rights-of-way or easements, or required yards.

Outdoor storage. Storing equipment, supplies, material, goods, products, inventory or other such items on property in a commercial or industrial district. This shall not apply to storage or keeping of yard equipment, firewood, play equipment or other items normally incidental to a residential use on the same property.

Overlay zone. A special purpose zoning district that encompasses all or a portion of one or more underlying zones and imposes additional requirements beyond those of the underlying zone(s).

Parking lot. An area not within a building where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking.

Parking space, off-street. An area of required size, exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one motor vehicle and having direct unobstructed access to a street or alley, but located totally outside of any street or alley right-of-way.

Permitted use. A use by right which is specifically authorized in a particular zoning district.

Person. A firm, association, organization, partnership, trust, company or corporation, as well as an individual.

Personal services. An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, barber and beauty shops, watch repair, tailors and shoe repair shops.

Planned unit development. A lot or parcel of land, developed as a unit under single ownership or unified control that is unique and incorporates one or more of the following: a variety of uses, varied density of development, dedicated open space, preservation of significant natural features, reduced lot sizes or similar attributes.

Planning Commission. The Planning Commission of the Village.

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 area, 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 Homeownerôs Association (HOA).

Principal use. The main or primary use of land or structures, as distinguished from a secondary or accessory use.

Public utility. Any person, firm, corporation, municipality, board or commission duly authorized to furnish, under Federal, State or Municipal regulations, to the public electricity, gas, steam, communications (excluding wireless communications), telephone, transportation, sewer or water services; provided that this definition shall not include any person, firm or corporation engaged in radio or television broadcasting.

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