

**VILLAGE OF YELLOW SPRINGS, OHIO  
ORDINANCE 2018-23**

**REPEALING SECTION 1284.03 “DEFINITIONS: C-D” THE CODIFIED  
ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING  
NEW SECTION 1284.03 “DEFINITIONS: C-D”**

**Whereas**, the Codified Ordinances of the Village of Yellow Springs currently limits the number of residential units permitted per acre of property in each zoning district; and

**Whereas**, allowing any fraction of an acre to be rounded up to the next full acre when calculating the maximum number of dwelling units permitted would allow increased density; and

**Whereas**, the minimum size for a dwelling unit was eliminated during the 2013 Zoning Code update; and

**Whereas**, there are other requirements in the Zoning Code, such as setbacks, parking and other requirements, that are effective in regulating the permissible number of dwellings per parcel;

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

**Section 1.** Chapter 1284.03 entitled “Definitions: C-D” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

**Section 2.** A new Chapter 1284.03 entitled “Definitions: C-D” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A with new language underlined and deleted language in ~~strikethrough~~, which is attached hereto and incorporated herein.

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

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

Passed: 6-4-2018

Attest: \_\_\_\_\_  
Patti Bates, Deputy Clerk of Council

**ROLL CALL**

Brian Housh   Y       Marianne MacQueen   Y       Judith Hempfling   Y  

Kevin Stokes   Y       Lisa Kreeger   Y

### **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.

**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, street right-of-ways, exterior setbacks, driveways, required yards and utility easements, except for recreational structures, and on slopes of ten percent or less and developed and maintained so it is usable for active or passive recreation activities.

**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.~~

**Density.** Computed by multiplying the number of units allowed per acre in a district. Any fraction of an acre may be rounded up to the next acre, allowing additional density if meeting the minimum requirements of the district.

**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."

**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; Ord. 2017-24. Passed 9-18-17.)