

**VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION**

The Village of Yellow Springs Planning Commission will meet in regular session on Monday, July 9, 2018 at 7PM in Village Council Chambers on the second floor of the Bryan Community Center, 100 Dayton Street, Yellow Springs, Ohio 45387

CALL TO ORDER

ROLL CALL

REVIEW OF AGENDA

REVIEW OF MINUTES

Minutes of May 14, 2018

Minutes of June 11, 2018

COMMUNICATIONS

Marianne MacQueen re: Housing Advisory Board Documents

COUNCIL REPORT

CITIZEN COMMENTS

PUBLIC HEARINGS:

Text Amendments -The Village of Yellow Springs is applying for an amendment to the zoning code to clarify minimum lot frontage requirements, tiny homes on wheels and to add driveway standards.

Amend Chapter 1260.02 (e) Minimum Lot Frontage - to clarify the meaning of the zoning code as it relates to future road access easements.

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

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

Amend Chapter 1260.02 General Provisions ó clarifying language regarding tiny homes on wheels.

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

OLD BUSINESS

Review of the Comprehensive Land Use Plan

NEW BUSINESS

AGENDA PLANNING

Antioch College Pocket Neighborhood Development

Antioch College Rezoning Request

ADJOURNMENT

**Planning Commission
Regular Meeting Minutes**

Council Chambers 7:00pm

Monday, May 14, 2018

CALL TO ORDER

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

ROLL CALL

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

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Minutes of April 9, 2018 were reviewed. Stiles MOVED to ADOPT THE MINUTES AS AMENDED. Doden SECONDED and the MOTION PASSED 5-0.

Minutes of April 24, 2018 (Work Session) were reviewed. Stiles MOVED to ADOPT THE MINUTES AS AMENDED. MacQueen SECONDED and the MOTION PASSED 5-0.

CONSENT AGENDA

Minor Subdivision and replat of two properties located at 450 Allen Street -Parcel ID #F19000100160001300, property owner: Mary Jane Short, and 1212 Corry Street-Parcel ID #F19000100160008000, property owners: Timothy Barhorst and Barbara Zulliger.

Donnell MOVED and Pelzl SECONDED a MOTION TO APPROVE THE CONSENT AGENDA. The MOTION PASSED 5-0 ON A VOICE VOTE.

COMMUNICATIONS

Antioch Proposal for Pocket Neighborhood Development. Swinger noted that the Housing Advisory Board (HAB) had advised the Antioch College Village group to send documents on to Planning Commission as an öFYIö, prefatory to their planned submission of a proposal later this year, and that these are those initial documents.

Housing Documents from Housing Advisory Board (3 items which were compiled and presented to Council on 5/7/18). MacQueen explained the documents, noting that she would like PC to remain informed as to the process.

COUNCIL REPORT

MacQueen noted that Council had heard the first reading of seven ordinances related to minor changes to the zoning code, all of which were the result of recommendations from Planning Commission (PC). These will receive second reading/public hearings on May 21st.

CITIZEN COMMENTS

Pat Brown stated her support of the Antioch College Village concept.

PUBLIC HEARINGS:

1. **Conditional Use Application** – Carol Gifford and Daniel Merfeld, owners of 102 Pleasant Street in the R-B, Moderate Density Residential District, are seeking approval for an accessory dwelling unit. Parcel ID #F19000100110014400.

Swinger noted that the property owners want to build a 24 X 24 foot garage with an efficiency apartment/ADU above off the North Walnut Street side of their property. Their plan is for it to be a long-term rental. She observed that the applicants have met all required conditions for approval.

Donnell noted that the site plan shows the setback encroaching into an alley.

This was discussed at some length.

Carol Gifford stated that there is a discrepancy in the dimensions on the provided map, and that the discrepancy seems in error. She noted that the property includes an abandoned alley, and so has a öflag shapeö.

Swinger explained that the property extends behind the other properties on the block because it includes a vacated alley.

MacQueen questioned why, if the Gifford property encompasses the alley, do all of the properties on that block show a depth of 150 feet, rather than the Gifford property showing an additional 10-15 feet.

Donnell stated that while one can speculate as to the reasons for this, Planning Commission has to rely upon verifiable data as the basis for a decision. He asked whether a survey might be available.

Swinger suggested that either a survey be provided, or the proposed structure be moved closer to the house.

Bob Swaney commented upon locations of the pins for that property. He noted that while he had located the pins, he had not conducted a survey, nor has he seen a survey for the property.

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

Donnell MOVED to APPROVE THE CONDITIONAL USE APPLICATION AS SUBMITTED, with the added REQUIREMENT: That the property owner provide a deed which describes the property boundaries and submit a new site plan that indicates that the proposed structure is within the setbacks. Doden SECONDED, and the MOTION PASSED 5-0 on a roll call vote.

2. Conditional Use Application ó Steven and Stacey Wirrig, owners of 335 Orton Road in the R-A, Low Density Residential District, are seeking approval for an accessory dwelling unit. Parcel ID#F19000100160003100

The property owners' pool house is classified as an Accessory Dwelling Unit. In addition, they intend to build an in-ground pool which is considered an accessory structure under the general provisions of the zoning code. One of the provisions is that the swimming pool be properly secured (see section 1260.04 below). The property owners would like to use an automatic pool cover instead of erecting a fence around the pool. The zoning code does allow for other protective devices if they afford the same or better safety protection.

On the Conditional Use application the property owner wrote, "The retractable cover provides equal or better protection than fencing, as it isolates the water itself removing temptation that exists with only a fence, supports the weight of several adults, can be closed in seconds when moving into the house or another part of the yard, and unlike a fence gate, it is very visible if it is open or closed. The cover type being considered is an Automatic Pool Covers, Inc. brand and is UL listed."

Swinger asked for Planning Commission input on the latter aspect of the hearing, as well as for input regarding lighting recommendations.

Stiles received clarification regarding the language around "fencing or other protective device" for a swimming pool.

Stiles and Doden asked the applicants several questions regarding access to the pool cover switch.

Steven Wirrig responded with information supporting their view that the pool cover is safer than fencing.

Donnell commented that he did not believe the pool cover issue is within the purview of Planning Commission, given the language contained in the zoning code. He noted that either the Building or Health Department for Greene County would make a determination as to the approval of the safety features of the pool.

Pelzl commented that this seems to be covered by the language contained in the zoning code.

Pelzl OPENED THE PUBLIC HEARING.

Clarification was provided that the only matter within the purview of the PC was the pool house, and Pelzl asked the comment be directed to the conditional use for the pool house (ADU).

Neighbor Ted Barker asked whether the pool house would be a year-round structure as opposed to a seasonal use.

Swinger clarified that an ADU is considered a year-round structure.

Barker then asked how this would impact the surrounding homes.

PC provided information regarding the history of ADUs, and general information as to their character.

Patrick Hemmenger asked whether an ADU could be rented out or used as an AirBnB.

Swinger responded in the affirmative.

Hemmenger expressed surprise at this aspect of the zoning code.

MacQueen interspersed information regarding affordability.

Steven Wirrig stated that the structure is meant as a part of their home, to serve the needs of their family.

Ken Strewing commented upon the metering, explaining the need for single-source metering.

Swinger explained the zoning code regulations governing ADUs.

Pat Barker asked how the addition of the pool and ADU would affect neighboring property values.

Donnell responded that it would increase property value in the area.

MacQueen commented that neighboring properties rarely affect property values in the Village.

Stiles MOVED TO APPROVE THE CONDITIONAL USE REQUEST FOR THE POOL HOUSE DWELLING UNIT. MacQueen SECONDED, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

OLD BUSINESS

Minimum Lot Frontages. Swinger introduced the topic, noting the verbiage contained in the zoning code as follows:

Any lot created after the effective date of this code shall have frontage on an improved public street or approved private street or access easement, equal to the minimum required lot width in the zoning district in which it is located.

Swinger stated that staff has reviewed this with Coolidge Wall, and they have offered an interpretation of Section 1260.02 (e) as follows:

öBecause a lot can have frontage on an access easement, as well as on a public or private road, a lot that sits behind another lot and has no access to the road can still be used as long as there is an access easement that runs along the new lot for the required distance/frontage in that district.ö

In trying to further understand this, staff asked if the access easement to the landlocked lot stops at the lot line boundary or does it extend the appropriate frontage width for that district along the landlocked lot line. For example, if the property line width for R-A requires 60-foot frontage, would the easement need to run an additional 60 feet in order to show that there is the required width along the landlocked lot? The answer from the Village's legal representative was yes, it has to be extended 60 feet as there needs to be 60 feet of frontage within the easement.

Swinger provided several examples for PC consideration, and these were discussed.

Donnell stated that there is nothing in the zoning code that dictates the shape of a lot. He explained that lot frontage is dictated, and commented that density issues are determined by lot frontage and the size of the lot, in combination. Setbacks have to be maintained.

MacQueen questioned the need for lot frontage, stating that a flag lot should be permitted. She suggested stating that the rule should be changed for any existing flag lot to ask only 20 feet of frontage.

Donnell stated that road access is not frontage, and that such a change would require substantial changes to the zoning code.

Donnell stated that if this is what MacQueen desires, than the argument must be made to eliminate the lot frontage requirements, and have only one residential district with a 20 foot frontage requirement.

Swinger introduced example öCö, a property owned by Chris Till.

Swinger explained that the property has three 25 foot frontage lots. The owner would like to do a replat, combining three lots into two lots. There is enough room to create a second lot, but not enough frontage (50 feet in Residential B) to have a lot split. The property owner is interested in creating a flag lot, which is not allowed in

the zoning code. The property owner made reference in a meeting with staff that there are a number of lots with only 25 foot frontage. Why these were created isn't known and would have to be researched further.

Donnell stated that his interpretation of the code is that the access easement must be equal to the required minimum frontage, which would mean, in Till's situation, that a total of 100 feet would be required.

Conard commented that the code seems not to permit a shared, or overlapping, access easement.

PC contemplated the difference between an existing flag lot and one that is created.

Donnell commented that there is some grey area regarding frontage. He commented that doing away with minimum lot frontages is a major issue within the zoning code.

Swinger asked about the difference in interpretation if the same owner owns both lots in question.

Donnell responded that this would vary by district, given the differing requirements for lot frontage and density.

Chris Till spoke in favor of flag lots, asking that they be permitted in the zoning code, and arguing that this is a way to create greater density without expanding borders.

Till offered a proposal as to how he could use his property most effectively, with a flag lot. He stated that he would prefer not to create easements, since, in his experience, these create conflict.

Till commented that his proposal satisfies all requirements of the zoning code except that of minimum frontage.

Till stated that the access lane is the issue in question, and what the requirement for width at the street would be, and opined that 15-17 feet would be reasonable. Landowners should have a reasonable expectation as to what they can do with their property, Till said.

MacQueen recommended that Planning Commission make a recommendation to Council regarding flag lots at some point in the near future.

Donnell noted that the zoning code has a number of elements that drive the code with regard to lots and housing, but stated that none of these are "affordability".

Pelzl commented that surrounding property owners have an expectation as well, with regard to how homes are situated on a lot, etc. and that this has to be considered.

Till commented that he could build an ADU on that lot without any significant restrictions, but that he could not obtain a loan for this as easily.

Donnell commented that a text amendment reducing the lot frontage minimums evenly across all districts might be worth considering as a way to address the issue holistically.

Swinger noted that the matter is a discussion at this point, and serves as information to PC.

Donnell suggested that the topic be added regularly to the agenda so that the discussion can evolve.

Swinger asked about the Exhibit "B", noting that there is mention in the zoning code that if a non-conforming lot existed prior to the 2013 zoning code and meets all other conditions for approval, a separate lot could be created. Swinger noted that this is feasible as long as there is a 20 foot easement for an access lane at all points (for R-A).

Donnell commented that the property owner in Exhibit "B" will have to have a 60 foot access on Livermore Street, which can then narrow to 20 feet.

Pelzl compared a lot on Corry Street which had been permitted a 20 foot access easement from the street to the interior lot to the lot in Exhibit "B", arguing that because that had been permitted, and because the parameters were similar in Exhibit "B", the same access parameters should be permitted.

Donnell responded, opining that this could create a legal issue, and stating that he was not convinced that the Corry Street lot access was fully considered.

Donnell commented that in the past, it was common for property owners to create greenspace easements. He stated that there may be a deed access agreement to the property in question and go from that point.

The Clerk asked if PC could agree to a course of action for Denise with regard as to how to proceed with the requests for access she is receiving.

Donnell stated that the property owner would have to show full compliance with all zoning requirements, and that this would be the basis for an administrative decision.

MacQueen commented that if the Corry Street property owner was permitted the access agreement, than future requests should receive the same permission.

PC discussed how to approach the dilemma.

Conard suggested that he draft a legal opinion on the matter, noting that interpretation of the zoning code tends to defer to the rights of the property owner.

Swinger commented that perhaps just greater clarification as to what the frontage should look like would help.

Till asked whether he should go to the BZA for a variance.

Donnell commented that BZA could interpret frontage in a different way, and that Till could take the hearing to BZA if he so chooses.

Swinger stated that she will bring the discussion back at a later point.

NEW BUSINESS

There was no New Business.

AGENDA PLANNING

- Minimum Lot Frontages
- RVs/Tiny Homes/Mobile Homes.
- RV parking.
- Review of the Comprehensive Land Use Plan.

ADJOURNMENT

At 8:56pm, Stiles MOVED and Doden SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Rose Pelzl, Chair

Attest: Judy Kintner, Clerk

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

**Planning Commission
Regular Meeting Minutes**

Council Chambers 7:00pm

Monday, June 11, 2018

CALL TO ORDER

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

ROLL CALL

Planning Commission members present were Rose Pelzl, Chair, Council Representative Marianne MacQueen, Frank Doden, Ted Donnell and A.J. Williams. Also present were Denise Swinger, Zoning Administrator and Patti Bates, village Manager/Deputy Clerk.

REVIEW OF AGENDA

Pelzl reviewed the agenda. There were no changes made.

REVIEW OF MINUTES

There were no minutes for approval.

COUNCIL REPORT

MacQueen noted that Council had approved three ordinances related to minor changes to the zoning code, all of which were the result of recommendations from Planning Commission (PC). MacQueen further advised that the Housing Advisory Board had sent a Housing Initiative Plan to Council for read-only and that there would be a further discussion at the June 18 meeting, along with a glossary of terms.

MacQueen noted that she and Swinger had attended a seminar on gentrification that was very interesting.

CITIZEN COMMENTS

There were no citizen comments.

OLD BUSINESS

Minimum Lot Frontages.

Swinger noted the section requiring minimum lot frontages on any lots created after the passage of the Code and also that the Code does not allow flag lots. Lots can be created if they have the proper lot frontage and the proper square footage for the zoning district in which they are located. Swinger further advised that a recent court case determined that a lot cannot be created by a variance. Swinger advised of the need for the creation of driveway standards, which do not exist in the current Code, noting specifically the need for emergency vehicle access. Two final requirements should be clearly marked addresses for ease of location in emergencies and the recording of the easement as part of the deed itself, not as a separate document.

Donnell asked what action needed to be taken. MacQueen asked if an access easement needed to run along the side of the existing lot to create the frontage, to which Swinger replied that the language needed to be clarified to make it easier to understand and interpret. Swinger went through the various exhibits in the packet and interpreted the Code using the exhibits.

MacQueen asked two questions. First, given that there are no driveway standards, is there a need to define a minimum width for an access easement? Second, MacQueen noted the prohibition against two curb cuts on a single property and asked about the need to address that. Swinger agreed that would also need to be addressed and that she found the Code included parking areas and off-street parking, but not driveways, making it unclear.

Doden referred to the West Center College exhibit in the packets, noting the lot could not be split because it would not have the required frontage. Swinger replied that the lot could not be split across the street frontage, but that an access easement could be established and the lot split parallel to West Center College to create a second lot in the rear. Pelzl asked how the rear lot would meet the minimum lot frontage requirement.

Swinger noted that, while the Code was specific in determining front of lot and rear of lot, the home built could face any direction. Pelzl noted that many lots in the Village do not conform to the existing definition of front/back.

Swinger referred to Exhibit D on Allen Street, noting that a lot could be created in either the front or the back of the existing residence. Donnell noted his concern over the required frontage and how that could be

obtained through an easement. Bates explained her interpretation of the Code allows for the easement to be extended along the edge of the newly-created lot, thus creating the required frontage and easements must be recorded as part of the deeds of both properties.

Pelzl asked that language be brought clarifying that, in order for an easement to be used to create frontage, the easement must extend the proper distance along the newly created lot. Donnell suggested using the definition of easements and graphics be provided to further show the internet.

MacQueen asked if there would be further discussion of flag lots. Swinger asked to delay the discussion until the easement language is clarified. Williams noted that splitting a lot and recording both was an expensive process, while creating an easement and recording on a deed was not. However, an easement can be vacated by court order, so some assurance of perpetuity was necessary. The Zoning approval process would be used to ensure access. Swinger noted that, in the creation of a lot, it would follow the Village's minor subdivision requirements located in the Planning Code.

Swinger referred to the Xenia Zoning Code section included in the packet, which allows only one residence per driveway, and requires the necessary notation be recorded on any and all documents related to the property.

Tiny Homes

Swinger advised there is not currently an allowance in the Code for tiny homes. While we do not have a minimum lot size, the home must be anchored. Tiny homes are categorized with manufactured homes, which are defined in the Code. The International Residential Code defines "tiny home" as "400 SF (37 SM) or less in floor area, excluding lofts." It is difficult to get a certificate of occupancy for a tiny home without a definition.

Donnell noted that the problem in getting a certificate of occupancy is that the home must be tethered and connected to utilities in order to get the certificate, per the International Building Code. If a tiny home were anchored, it would be easier to get the certificate. Donnell further stated that the Building Code provided minimum standards for occupancy. Stick-built homes (built on-site) are inspected locally to ensure those standards. Manufactured homes forgo the on-site inspection process and are inspected at the manufacturer to receive a State sticker, but have no on-site inspections. Tiny homes are trying to fit somewhere in between, with occupancy without on-site inspections. Local building departments are hesitant to issue occupancy permits for something they cannot inspect. Donnell suggested to continue following manufactured homes regulations in regard to tiny homes.

Pelzl opened the public hearing on Tiny Homes. There were no citizen comments. Pelzl closed the public hearing.

Pelzl opened the public hearing on minimum lot frontages. There were no citizen comments. Pelzl closed the public hearing.

RV Parking

Swinger noted the numerous complaints received by the Zoning Office regarding recreational vehicles parked on streets, whether used as dwellings or simply parked there for extended periods of time. This can cause safety concerns for emergency vehicle access and street maintenance. Swinger asked for feedback on whether the Commission should recommend to Council to include on-street parking of RVs and larger vehicles in the General Offenses Code, which would be enforced by the Police Department. Swinger noted that some complaints included concern that the person in the RV is not paying property or income taxes, not using local utilities, but is using local services.

MacQueen suggested the possibility of one piece of property being used for storage of such vehicles for a small fee. Swinger noted that we did not have one in town, but there were some in close proximity to the Village. Pelzl noted that enforcement of parking on the streets was not the jurisdiction of the Planning Commission.

Pelzl opened the public hearing on RV parking. Becky Campbell spoke, asking if there was a fine for illegal parking and could it be added to that section?

Pelzl closed the public hearing.

Pelzl asked if, based on Section 452.20, Swinger had a recommendation. Donnell noted that he felt it should be the Police Department's jurisdiction and not the Zoning Office's. Pelzl asked the process for that be explained. Swinger explained that it would require the passage of an ordinance.

MacQueen voiced a concern that the RV may be the only option. Bates explained that the Police Department was very proactive in finding other solutions for people who are using RVs as a dwelling.

Pelzl MOVED to recommend to Council that a restriction on RV parking on the street be included in the General Offenses Code, with a stipulation that there be included something to prohibit them from simply moving place to place in the Village. Donnell SECONDED. All ayes by voice vote.

Comprehensive Land Use Plan

Doden noted that the summer had just begun and he was finishing up classes. He would begin work on the Plan review immediately.

Pelzl noted that she had spoken to Karen Wintrow, who had a log of pictures that could be used in the update as exhibits.

Donnell and, Doden will meet, then Swinger to schedule the next special meeting of the Commission to work on the Plan.

AGENDA PLANNING

- Review of the Comprehensive Land Use Plan.
- Minimum Lot Frontages
- Tiny Homes ó wording for inclusion in Code
- Home, Inc. PUD
- Home, Inc. Senior Housing Development

Pelzl noted the next meeting is July 9, 2018 at 7:00 PM. Doden noted he would not be present. Pelzl confirmed Williams was available as alternate.

ADJOURNMENT

At 8:04pm, MacQueen MOVED and Doden SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Rose Pelzl, Chair

Attest: Judy Kintner, Clerk

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



PLANNING COMMISSION

MEETING DATE: Monday, July 9, 2018

STAFF REPORT: Denise Swinger, Zoning Administrator

HEARING NOTICE: *“Text Amendments -The Village of Yellow Springs is applying for an amendment to the zoning code to clarify minimum lot frontage requirements and to add driveway standards.”*

Amend Chapter 1260.02 (e) Minimum Lot Frontage - to clarify the meaning of the zoning code as it relates to future road access easements.

Amend Chapter 1260.03 (a) Parking and Storage ó adding driveway standards to this section.

Amend Chapter 1260.04 (a) (13) Uses ó striking driveways text from this section.

Below are the changes made to Chapter 1260.02 (e) Minimum Lot Frontage as a result of Planning Commission’s discussion regarding this interpretation of the zoning code. Driveway requirements were also added to the zoning code. In researching driveway standards in the Planning section of the Codified Ordinances, there was a section under 1226.06 Design Standards (Exhibit A) which allows under certain circumstances, twenty (20) foot frontages. This may be the reason why there are a few locations in the Village where there are lots the width of a driveway at the street. Planning Commission may want to consider this at some point since access easements may be problematic for future owners.

CHAPTER 1260 General Provisions

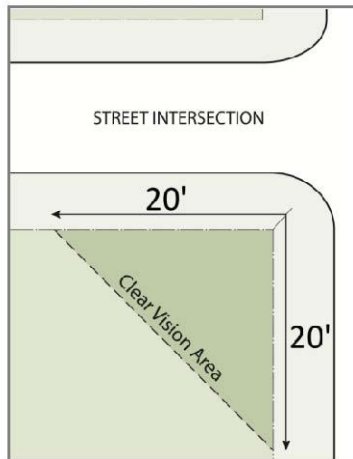
1260.02 DIMENSIONAL PROVISIONS.

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

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

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

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



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

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

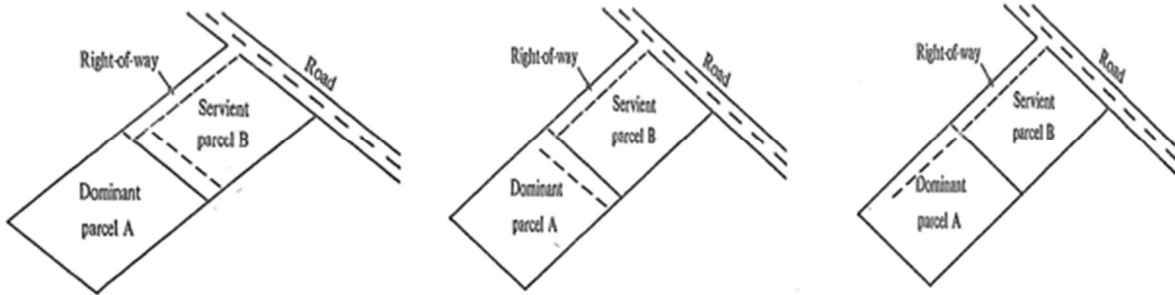
(1) Churches, schools, hospitals and public buildings including, but not limited to: libraries, museums, art galleries, fire stations or public buildings of a cultural, recreational or administrative nature.

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

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

(e) Minimum Lot Frontage. Any lot created after the effective date of this code shall have frontage on an improved public street or approved private street or access easement, equal to the minimum required lot width in the zoning district in which it is located. If an access easement is required to reach the lot, the minimum required lot width may run along the inside property line

of the lot being accessed. If the lot is located on a private street or access easement, specific requirements for ingress/egress will apply.



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

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

1260.03 DRIVEWAY STANDARDS, PARKING AND STORAGE.

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

(1) All driveways shall be constructed and subsequently maintained to meet the following standards:

- A. A driveway must commence at a dedicated road
- B. Shall be a minimum width of 15 feet constructed with a base substantial enough to support vehicles to 40,000 lbs. gross vehicle weight (GVW)
- C. Residential access driveways shall be at least three feet from side property lines and construction shall ensure that drainage is sloped away from adjacent properties

- D. A utilities easement for storm, sewer, water, electric and gas is to be maintained along the back and side yard property lines as it was in the original subdivision.
- E. Free from overhead obstructions to a height of 13 feet 6 inches and side-to-side obstructions to a width of eight (8) feet from the center line of the driveway
- F. Any incline, decline, dip, hump and/or curve must take into consideration the turning radius, ground clearance, and traveling envelope of all vehicles to include emergency vehicles
- G. Addresses for properties on private drives or road access easements must be clearly marked and visible from the public street

(2) Any driveway in excess of 1,000 feet in length shall, in addition to the conditions/standards outlined in section 1, be required to also meet the following conditions:

- A. Have a vehicle pull-off near the mid-point, and additional pull-offs for every 500 feet thereafter
- B. Have a turnaround at the end suitable for use by emergency vehicles

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

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

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

(d) Storage and Repair of Vehicles.

(1) The repair, restoration and maintenance of vehicles in any Residential District shall be conducted entirely within an enclosed building, except for those activities that can be and are

completed in less than seven days. All such repair shall take place on private property and may not be conducted within the public right-of-way.

(2) It shall be unlawful for the owner, tenant or lessee of any building or lands within the Village to permit the open storage or parking of any inoperable motor vehicle, machinery or equipment, or parts thereof, outside of an enclosed garage or enclosed building, for a period of more than 48 hours. An inoperable motor vehicle for purposes of this subsection shall include motor vehicles which, by reason of dismantling, disrepair or other cause, are incapable of being propelled under their own power, or are unsafe for operation on the streets and highways of this state because of the inability to comply with the State Motor Vehicles and Traffic Code, or do not have a current license and registration, as required for operation by the State Motor Vehicles and Traffic Code.

(3) It shall be unlawful for the owner, tenant or lessee of any lot or building in a Residential District to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked for purposes of construction being conducted on that lot.

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

1260.04 USES.

(a) Accessory Buildings and Structures.

(1) Accessory buildings or garages shall be considered to be part of the principal building and subject to all setback requirements of the principal building, if structurally and architecturally integrated into the building or if attached by an enclosed breezeway or similar enclosed structure not greater than ten feet in length. Detached accessory buildings shall be located at least ten feet from any principal building.

(2) Accessory buildings and structures shall not be erected in any front yard.

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

(4) An accessory building or structure designed for and containing a vehicle entrance to be accessed from an existing publicly dedicated and commonly used alley may be located on the rear lot line, if parking space plans have been approved by the Zoning Administrator.

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

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

(7) An accessory building or accessory structure shall not be constructed or occupied on a lot before the principal building or use on the lot is constructed.

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

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

(10) Swing sets, playground equipment, garden trellises, well-head covers, portable or temporary pools less than 24 inches in depth, and similar above-ground yard equipment accessory to a residential use shall be exempt from the provisions of this zoning code, except for height limitations, or unless specific provision is made for such equipment by Village ordinance.

(11) Buildings and structures accessory to nonresidential uses shall meet the minimum setback requirements and height limitations for principal buildings in the respective zoning district.

(12) Accessory structures and buildings shall share all public utilities (water/ sewer/electric) with the principal building. Accessory structures and buildings will not be separately metered.

~~—(13) Residential access driveways shall be at least three feet from side property lines and construction shall ensure that drainage is sloped away from adjacent properties.~~

(1413) Private swimming pools and spas. All private swimming pools and spas shall be considered accessory structures and may be constructed in any rear yard not closer than five feet from any property line or building, excluding zoning districts Conservation and I-2 (Industrial) and must meet the following criteria:

A. Every person owning land on which there is situated a swimming pool or spa shall erect an adequate enclosure or fence surrounding either the property or pool area, sufficient to make such body of water inaccessible to small children. Such enclosure or fence, including gates therein, shall not be less than four feet above the outside underlying ground and shall be of a type of construction which cannot be easily climbed by small children. All gates shall be self-closing and self-latching with latches placed at least 42 inches above the outside underlying ground or otherwise made inaccessible from the outside to small children. A dwelling structure, garage or accessory building of at least four feet in height may constitute a portion of such enclosure. A natural barrier, hedge, removable ladder or other protective device may be used so long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure, fence, gate, and latch described herein.

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

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

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

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

(c) Illegal Dwellings. The use of any basement for dwelling purposes is prohibited in any zoning district, unless the basement meets the appropriate Village building codes. Buildings

erected as garages or accessory buildings shall not be occupied for dwelling purposes, except in conformance with the requirements of Section [1262.08\(e\)\(1\)](#) for accessory dwellings.

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

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

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

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

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

1226.06 DESIGN STANDARDS.

(a) Undeveloped Land.

(1) **Streets.** Streets shall conform to the Official Thoroughfare Plan of the Village of Yellow Springs and shall be dedicated by the owner. Pavements of streets and construction of curbs, gutters, associated storm sewers, driveway aprons and water and sanitary sewer systems, shall be according to Greene County specifications, especially those found in Article 8 of the Subdivision Regulations of Greene County, Ohio, as amended. Calculation of potential runoffs and the storm sewer system so dictated shall be arrived at using the methods provided for in the "Run-off Control/Sediment Abatement Resolution, Greene County, Ohio."

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

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

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

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

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

(3) **Sidewalks.** ADA compliant sidewalks shall be required along all public streets unless the estate street design is being utilized. The Planning Commission may require ADA compliant sidewalks along estate streets if they are deemed necessary. ADA compliant sidewalks along local streets shall be provided as required by the Commission and may include use of "black top" in lieu of concrete and of one-side-of-the-street installation. Such sidewalks shall meet sidewalk construction specifications approved by the Village of Yellow Springs.

(4) **Easements.** Easements with right-of-way widths up to ten feet, as required, shall be provided on rear lot lines and along side lot lines in addition to those required by the developer.

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

A. Adequate access to such lots is provided and poses no nuisance to adjoining lots. Adequate access shall accommodate emergency needs, parking and any other requirements specific to the location.

B. The relation to the adjoining lots is acceptable in that required setbacks can be maintained, adequate privacy is preserved and apparent nuisances (light, noise) are avoided.

C. A minimum frontage of twenty feet shall be required for all such lots.

D. Uncommon lot configurations are permitted access on local streets only.

(6) Street trees. All subdivisions shall contain plans for tree planting along public streets of the new development. The following guidelines shall be followed:

A. Tree selection shall be taken from the Village of Yellow Springs Recommended Trees list, contained in Appendix B following the text of these Subdivision Regulations.

B. Existing trees over two inches in caliper may be used to satisfy these requirements.

C. The minimum size (trunk caliper) for new trees shall be no less than one and one-half inches.

D. The developer shall be required to maintain the trees for one year after the trees are planted and to replace any tree that dies within such one-year period. At the end of one year, the trees become the responsibility of the Village of Yellow Springs.

E. The spacing between large trees (a mature height of fifty feet) shall be forty-five to fifty feet; the spacing between medium trees (a mature height of thirty feet to fifty feet) shall be thirty-five to forty feet, and the spacing between small trees (a mature height of ten to thirty feet) shall be twenty-five to thirty feet.

F. Tree location shall be at least twenty feet from street intersections, twenty-five feet from utility poles and ten feet from fire hydrants.

G. Tree lawns shall be a minimum of six feet.

(7) Interior landscaping. All subdivisions shall include an interior landscaping plan that shall consist primarily of new tree planting or the preservation of existing trees and/or hedges within the development site.

A. Preservation of existing landscaping materials. All trees having a trunk diameter of six inches or greater, as measured twenty-four inches from ground level, shall be preserved unless such trees are exempted as follows:

1. Trees within public rights-of-way or utility easements, or a temporary construction easement as approved by the Planning Commission;

2. Trees within the ground coverage of proposed structures or within twelve feet from the perimeter of such structures;

3. Trees within the driveway access to parking or service areas or proposed areas to service a single-family home;

4. Trees that, in the judgment of the Village Tree Committee or some other agent with similar expertise, are damaged, diseased or overmature, interfere with utility lines or are an inappropriate or undesirable species for the specific location.

B. Preservation of exempted trees. It is encouraged that exempted trees subject to destruction be preserved by relocation and replanting whenever possible.

C. Tree planting requirements for all new developments. The following landscape requirements shall apply:

Use	Requirements
All residential, residential PUD and PND, and residential site plan review districts.	Tree plantings equal to one-half inch in tree trunk size for every 150 square feet in ground coverage by a single-family structure. Such plantings shall be required within the property lines of each structure.
Educational Institution, Office/ Research and General Business Districts.	In addition to the requirements of Ch. 1264 , landscaped areas equal to 100 square feet for 1,000 square feet of building ground coverage or fraction thereof. Such landscaped areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches or other materials designed and located complementary to the structures.
Light Industrial, commercial and industrial PUD.	In addition to the requirements of Chs. 1254 and 1264 , there shall be plantings equal to one inch in tree size for every 2,000 square feet of building ground coverage or fraction thereof.

D. New tree plantings. If new tree plantings are required for conformance to the landscaping requirements of this chapter, the applicant shall indicate on the landscape plan the location and size of such tree plantings. If such landscape plan is approved, the applicant shall plant such trees within one year or at the next planting season after issuance of a building permit.

(b) Land Abutting Existing Streets. Where lots are platted along an existing street, the developer may be required to improve the street and storm sewer, water and sanitary sewer systems and facilities and to provide ADA compliant sidewalks and street trees as specified in subsection (a) hereof insofar as such improvements are applicable.

(Ord. 91-12. Passed 12-2-91; Ord. 94-9. Passed 6-6-94; Ord. 2017-18. Passed 9-18- 17; Ord. 2017-40. Passed 11-7-17.)



PLANNING COMMISSION

MEETING DATE: Monday, July 9, 2018

STAFF REPORT: Denise Swinger, Zoning Administrator

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

Rose Pelzl, Ted Donnell and I met with Al Kuzma, the Building Official for Greene County Building Regulations (GCBR), to get a better understanding of the requirements for the use of tiny homes. As a result of this discussion, staff would like to add Tiny Homes under the General Provisions section of the code because of the numerous questions that have been fielded by the zoning office. The key to their use is 1) the certificate of occupancy and, 2) that they are placed on a single family zoned lot, with the exception of a PUD or a PND. A definition of a tiny home has also been included.

GCBR will need proof that the tiny home was constructed using home construction and safety standards. This proof of certification is outlined in 1260.04 (h) below. With this certification, the Village can issue a zoning permit. The zoning permit, along with the proof of certification, will then be taken to GCBR where they will oversee the construction of the permanent foundation prior to issuing a certificate of occupancy.

In the case of a tiny home park, where tiny homes on wheels would stay a few days before moving on, it would not be allowed in our current code as it would require a certificate of occupancy each time a tiny home would park there. Because this type of use functions as a camp park, it is essentially operating as a business. It would need to be added to the zoning code in a location where a business can operate. Camp parks are regulated by the Ohio Dept. of Health. If it is a tiny home park similar to a mobile home park where people live there on a permanent basis, this type of park would be regulated by the State of Ohio Dept. of Commerce’s Manufactured Home program.

Chapter 1260 General Provisions

1260.04 USES

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

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

1284.09 DEFINITIONS: T-U.

Tiny home. A dwelling unit built on a permanent chassis with or without wheels and designed to be used as a single-family dwelling, with a permanent foundation, when connected to utilities.



July 5, 2018

TO: Yellow Springs Village Council

FROM: the Village Manager's Housing Advisory Board (HAB)

RE: Recommended Housing Initiative Process

Developing a housing plan will be a complex process. We have broken it down into stages which are listed consecutively. They may occur simultaneously as well. We may loop back to previous stages as we work our way through the process. Below is the suggested step-by-step Housing Initiative process:

1. Gather information and identify the issues
2. Assess resources
3. Develop a Vision and Policy Statement
4. Create Housing Targets
5. Develop Strategies to meet the Targeted Goals
6. Create the Housing Initiative Plan
7. Begin Implementation

Step 1. Gather Information and Identify Issues: We have just completed the first stage of gathering information through the Housing Needs Assessment – which included citizen surveys – and the recent Community Conversations on Housing. Issues such as rental and homeownership housing for seniors of all income levels and for lower and middle-income families have risen to the top of community members' concerns.

Step 2: Identify and assess and potential resources

This is an ongoing cross-cutting step. We have already contacted a number of resource groups and individuals. The HAB will begin to develop a list individuals, groups and organizations including their contact information and type of expertise and services offered. We will need to decide if there are critical stages for which we will need paid and/or unpaid consultants. There are communities such as Burlington VT and other smaller communities that we can contact. We can certainly take advantage of people we've already contacted such as Josh Abrams and Patrick Bowen. Josh indicated he would be willing to come to Yellow Springs as a one-time pro bono consultant as part of a visit to family in Cincinnati. Patrick is also willing to come back to talk with Council one more time.

Step 3. Develop a simple Vision and Policy Statement: The Housing Advisory Board recommends that Council develop a simple Vision and Policy Statement – a statement of what we want and how we envision housing in the Village to support the community. It can be the touchstone, a first step on this journey (see example below). This step will put Council on record as making a commitment to housing development that meets the needs of the community. HAB recommends that Council be efficient in creating a statement and not get bogged down in wordsmithing. We can always continue working on this as we move through the other stages and/or come back to it.

Yellow Springs has a housing stock that enables a diverse community to live and work here.



The Yellow Springs Village Government, with community members, is committed to being a welcoming community which is environmentally and economically sustainable. People are drawn to Yellow Springs for a variety of reasons. This requires housing that enables people of diverse ages, races, ethnicities, incomes, skills and life styles to be able to afford to live here. We aim for a balance of housing stock to meet the needs of our population across the age spectrum, valuing seniors as well as children and those in between; families with school age children as well as single people. We understand that each villager contributes to the wholeness and health of the community and are particularly committed to those struggling to remain in Yellow Springs because of affordability challenges. We also welcome newcomers wishing to move to our community. We encourage housing and workplaces that allow Villagers of all income levels to live and work here. We recognize that, while homeownership is a goal for many, there are many others for whom renting is the best option and we seek a balance of both. Mixed income housing and increased density in all new housing development will be essential to reach our goals of promoting affordability and healthy neighborhoods.

Commented [LK1]: This seems like a sentence that could be cut – but wanted to respond to the recommendation. I don't recall who asked for this particular change.

Step 4. Set 5 – 10 Year Goals: The fourth step is developing our specific housing targets. We need to grapple with the amount and types of housing we want over a particular period of time. While we have only partial control over this, we are more likely to get what we want if we have done the difficult work of deciding what that is. We will need to consider the impact of additional housing on various factors including infrastructure, services, schools, sense of community, implications of becoming a city, potential new employers / economic development, etc. Adding a significant amount of housing in a short time would have a significant impact on the community. We need to consider the costs and the benefits, the opportunities and the risks. Having determined our goals can help us work with developers. Developers who are interested in building the types of units we want will be more likely to come to us.

Commented [LK2]: Will they? How will they learn about us?

HAB suggests that Council develop specific housing unit targets using the trend projections from the HNA balanced with priorities expressed by the community and affirmed by Council. Council may use resource people to assist in establishing realistic and doable goals. These target goals should include the approximate number of units desired, including the number of rental and homeownership, low-income, middle and upper income, and various housing types. This should include rehab, reuse and in-fill projections. The goals should be based on what Council determines to be a balanced population across various constituency groups. The targeted goals are not cut in stone, but rather will serve as benchmarks. We can assess our current housing stock in general to develop goals but the demand is the best measure of need. Emily Seibel can assist in assessing demand for workforce and lower income housing targets.

Or does this mean that if our goals are clearly articulated it will be more likely that developers who are interested will come to us?

Step 5. Develop Strategies based on the Targeted Goals:

Council will make the ultimate decisions on best strategies. The strategies will have impacts on staff time, as well as financial and other resource considerations. Council should utilize the HAB, staff, Planning Commission, local stakeholders such as realtors, developers and landowners. We may want at least one consultant to help us decide the strategies best suited for Yellow Springs. Probably it makes sense to have an outside resource person help develop a framework for the Glass Farm development and other Village-owned land.



Below is a list of potential general strategies:

- Use public land. We will need to develop strategies and a framework for developing mixed-income housing on Village-owned land. Clearly the Glass Farm is the biggest and prime property for housing. However, there are smaller parcels that might be considered as well.
 - We may consider purchasing property for housing development as well.
- Reach out to and collaborate with developers and landowners of large parcels to determine what type of support and incentives the Village could provide that would be effective for encouraging mixed-income developments on private land within the village.
- Promote recent zoning changes and consider new zoning incentives to encourage in-fill development by individual property owners (such as lot splits, pocket neighborhoods, flag lots and Accessory Dwelling Units).
- Work with for-profit and non-profit developers to seek funding sources for developments that the market alone can't provide such as Low Income Tax Credit Housing.
- Create a local revenue source, such as a Housing Trust Fund and/or the Yellow Springs DCIC, to support moderate and low-income housing development.
- Develop mechanisms to provide direct financial and technical assistance to individual buyers, renters, and homeowners for new builds and/or rehab/reuse in the form of direct grants or low-interest loans.
- Utilize Home, Inc. as our local non-profit housing developer and consultant.
- Develop support for the use of Section 8 vouchers in the Village.
- Support and promote alternative housing options ranging from mobile homes, to co-housing, to home sharing strategies.
- Consider extending our borders if and when compelling opportunities arise.

Step 6: Develop a Housing Initiative Plan: The Housing Plan will be a living document that will help guide Planning Commission and future Councils. It will be a basis to assist developers in planning developments and the Village in negotiating with developers. It would include the Vision and Policy Statements, the 5-10 Year Goals, and the Strategies to meet those goals. It would be monitored on an ongoing basis by Council, staff and Planning Commission and updated as needed, probably every 5 years. We may consider using outside assistance to develop and write the plan. What will be the role of the Housing Advisory Board? Will Council want to create a different body or mechanisms to move the Plan forward? These and other questions will need to be addressed.

Step 7. Begin implementing Strategies: We do not have to have a fully developed and documented plan to take advantage of opportunities as they arise. For example, we can start engaging with Antioch College now to encourage the inclusion of low and moderate income units in the Antioch College Village housing development. The Housing Initiative Process will have many moving parts. While we want to be prudent and careful in considering how we move forward, we also want to act as quickly as possible to 1) take advantage of the momentum we've already started, and 2) demonstrate to the community that we are serious about the creation of housing (especially low and moderate income units) that allows those who want to live here (especially our current citizens) do so. HAB foresees the major push



occurring after we have decided on the strategies best suited to Yellow Springs and when we have developed a plan for the Glass Farm.

DRAFT

Report to the Village Manager's Housing Advisory Board

The Ohio Community Development Corporation Association (Ohio CDC) sponsored a day-long workshop on Gentrification on June 7th that Denise Swinger and I attended. The presenters Brian Higgins and Mark Barbash have affordable and mixed-income housing development experience in Columbus as non- and for-profit developers, and in local government and as consultants. The 20 or so attendees who came from Columbus, Cincinnati, Cleveland and Canton work in non-profit CDCs and in local government.

The term “gentrification” was coined by British sociologist Ruth Glass in 1964 and referred to the influx of wealthy persons into the cities which pushed out the lower and working class residents. The conditions for gentrification began as factories located within cities began being replaced by tech businesses and other who built outside the cities. Leading up to WWII blue collar workers moved into cities to work in factories that were located there. Because of the proximity and public transportation workers had easy access to their places of work. As factory jobs were replaced by white collar jobs, the inner cities started to become depressed. The increasing number of white collar workers took advantage of the automobile to move into the suburbs and move out of the cities closer to many of the new workplaces.

After a couple decades of inner city disinvestment, artists and other young people of the ‘creative class’ began to take advantage of the cheap housing in those neighborhoods. Once they began invigorating these areas other middle class people followed, attracted to cheap housing and the amenities created by those who preceded them. This flow into the inner and near city neighborhoods created – and is continuing to create – higher property values, more regulations and more private and public investment. The unchecked result has been – and continues to be – that the former residents are forced to leave because they can’t afford the higher taxes, increased zoning regulations, and rent. The culture and heritage of the neighborhood is lost as the older residents move out. Many of these people are forced into more substandard housing or become homeless.

Housing in the United States has always been market driven. Efforts by the federal, state and local governments to support housing for the poor and lower middle class has historically been discouraged. The number of public housing units (which has been decreasing across the country) serve only a fraction of those who need affordable housing. As we have seen in Yellow Springs a significant minority of lower and lower middle income households are housing cost burdened. Because of the power of the market – and those who want to keep it in place – and the relative lack of public funding, it is very difficult to effectively manage gentrification.

The forces of gentrification are not all negative as seen from a progressive viewpoint. Increasing investment and the initial resulting mixed-income households that result can have a positive value for the neighborhood as a whole. But left unchecked, the market rules and the original residents are the losers. Unfortunately, by the time neighbors, community organizations and local governments discern what is happening, it is frequently too late.

The most critical time to impact gentrification and encourage equitable development is when it first starts. The workshop included lists of indicators of neighborhood change and gentrification as well as tools for equitable development. Indicators that gentrification is occurring include such things as change in property values and disinvestment and investment, demographic changes, racial composition, and the lack of, increase in, and/or types of businesses. The tools to impact gentrification in large part involve investment – such as purchasing vacant properties, rehab, land banks, and construction of new

affordable units. Once gentrification has taken hold, however, the cost of doing this dramatically increases. Nonetheless, other tools can be used. These are included below.

The Gentrification Tool Box

- A local CDC can increase its impact and utilize its expertise and local knowledge by partnering with larger for-profit and non-profit developers, organizations and businesses.
- Developing a Neighborhood (community) Plan that includes what the community wants in terms of housing, businesses and other amenities, including neighborhood mapping, involving community members, prioritizing investments, and identifying assets.
- Using Community Land Trusts to keep the affordable housing permanently affordable.
- Land Banking (a majority of Ohio counties have land banks but Greene County does not). Land banks were started in Ohio by the Western Reserve Land Conservancy. Land banks acquire property through eminent domain, gifting or purchase and can hold them for reuse.
- Developing Community Benefit Agreements or “Good Neighbor Agreement” in which the local government works with a developer to provide incentives for the housing that the market can’t provide.
- Commercial White Boxes – buildings made available for reuse after minimal and basic rehab.
- Inclusionary Zoning (most effective in “hot” markets where development options are limited).
- Code Enforcement and mitigation; vacant property abatement; and empty Homes Tax
- Be intentional and focus on the doable.

Lessons for Yellow Springs

Yellow Springs has experienced increasing housing costs and a type of gentrification that has made it difficult for low income people to move here or even to continue to live here. However, it has not had the same historical forces that most inner city neighborhoods have experienced. For example, there has never been a time of middle class flight to the suburbs, significant disinvestment, or very low land and housing values. Some of the tools that might work in an inner city neighborhood – when gentrification first starts and land and housing values are still low – will probably are not be as effective or impactful in Yellow Springs. Land banking property, for example, requires a source of abandoned property and/or being able to acquire property at a low cost.

Yellow Springs does have some of the resources and tools available that were noted in the workshop. Our local CDC – Home, Inc. – is a Community Land Trust. It recently successfully sought a grant from the Morgan Family Foundation that will enable it to purchase the remaining Wright State Physicians property. It is my understanding that it is creating a partnership with St. Mary’s Development Corp. (a larger and respected CDC) to seek additional funding to build low-income senior apartments on the property. Yellow Springs has involved the community in visioning, planning and, most recently, the Housing Needs Assessment. While it does not seem that Inclusionary Zoning will be effective in our village, we can develop Community Benefits Agreements with developers. Village Council and Planning Commission have been and can continue to make zoning changes that encourage and make it easier to develop mixed-income developments and affordable housing. While it may not make sense to create a land bank, the Village does already own property such as the Glass Farm on which affordable housing and a mixed income development can be built.

Marianne MacQueen

Greene County 2017 Income Definitions and Financials

Annual Household Gross Area Median Income

		1 Person	2 People	3 People	4 People
Moderate	120 % AMI	\$53,402 (\$25.67/hr)	\$61,050	\$68,700	\$76,350
Area Median	100% AMI	\$44,502 (\$21.40/hr)	\$50,875	\$57,250	\$63,625
<Low, >moderate	80% AMI	\$35,650 (\$17.14/hr)	\$40,700	\$45,800	\$50,900
Very Low	50% AMI	\$22,281 (\$10.71/hr)	\$25,437	\$28,625	\$31,813
Extremely low	30% AMI	\$13,351 (\$6.42/hr)	\$15,263	\$17,175	\$19,088

GROSS ANNUAL INCOME: the total income, before taxes and other deductions, received by all members of the tenant's household. There shall be included in this total income all wages, social security payments, retirement benefits, military and veteran's disability payments, unemployment benefits, welfare benefits, interest and dividend payments and such other income items as the Secretary considers appropriate.

Area Median Income (AMI): A term of art used by some federal programs to describe published income standards for various areas of the country that are used as benchmarks for determining household eligibility for federally funded programs. For example, homebuyers assisted with HOME or CDBG funds generally must have incomes at or below 80% of area median income. AMIs are calculated and published annually by HUD. "Median" means that half of all households in the area are estimated to have more than this amount of income.

Moderate-Income Household: As widely defined by governmental and nonprofit organizations, a household with an income between 80% and 120% of area median income.

Low-income Household: As widely defined by governmental and nonprofit organizations, a household with an income at or below 80% of area median income.

Very Low-Income Household

As widely defined by governmental and nonprofit organizations, a household with an income at or below 50% of area median income.

Extremely Low-income Household: As widely defined by governmental and nonprofit organizations, a household with an income at or below 30% of median income.