

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2023-20**

**REPEALING AND REPLACING CHAPTER 1250 “BUSINESS DISTRICTS” OF THE
VILLAGE OF YELLOW SPRINGS ZONING CODE**

Whereas, Planning Commission recommends changing from conditional to permitted use, dwelling units on the upper floors of buildings with nonresidential uses at street level in B-1, Central Business District and adding as a permitted use dwelling units on the upper floors of building with nonresidential uses at street level in B-2, General Business District.

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

Section 1. Chapter 1250 of the Codified Ordinances of the Village of Yellow Springs, Ohio is hereby repealed in its entirety.

Section 2. The new Chapter 1250 entitled “Business Districts” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A, with deletions in ~~strickethrough~~, and additions **bolded and underlined**.

Section 3. This ordinance shall be in force and effect at the earliest period allowed by law.

Brian Housh, President of Council

Passed: 5-15-2023

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh __Y__ Kevin Stokes __Y__ Marianne MacQueen __Y__

Carmen Brown __Y__ Gavin DeVore Leonard __Y__

Exhibit A to Ordinance 2023-20

1250.01 PURPOSE.

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

(b) "B-2," General Business District. The B-2 District accommodates general retail and/or auto-dependent businesses. Uses within this district typically require high visibility, major arterial frontage, good access and ample parking. While these uses are provided for, the B-2 District is intended to be limited to a confined area so as to prevent the creation of a commercial strip and a proliferation of uses that would detract from the central business hub of the community.

1250.02 SCHEDULE OF USES.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of Table 1250.02 may be used for the purposes denoted by the following abbreviations:

- (a) Permitted Use (P). Land and/or buildings in this district may be used by right.
- (b) Conditional Use (C). Land and/or buildings in this district may be permitted only if conditional use approval is granted, upon a finding that the general requirements of Chapter 1262 are met.
- (c) Specific Conditions. Indicates requirements or conditions, as listed in Chapter 1262, are applicable to specific uses.

Table 1250.02 Schedule of Uses: Business Districts			
Use	B-1	B-2	Specific Conditions
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Use	B-1	B-2	Specific Conditions
Accessory Uses			
Accessory buildings, structures, and uses	P	P	Section 1260.04
Home occupations	C		Section 1262.08(e)(5)
Outdoor patio seating in conjunction with a permitted restaurant	C	C	
Food, Drink, Entertainment and Hospitality			
Art galleries, museums and similar cultural facilities	P		

Assembly and performance halls	C		
Bars, taverns, clubs and restaurants serving alcoholic beverages	C	C	
Bed and breakfasts	C		Section 1262.08(e)(2)
Brew pubs and similar establishments	C	C	
Community centers and senior centers	P		
Cultural buildings	C		
Farmers' market	C	C	
Hotels and motels	C	C	
Indoor commercial recreation such as theaters, bowling lanes and skating rinks	C	C	

Internet sweepstakes café	C		
Mobile vending (food trucks)	C	C	Section 1268.08(d)(1)
Outdoor commercial recreation such as mini-golf and batting cages		C	Section 1262.08(d)(3)
Restaurants, excluding drive-in or drive-thru facilities	P	P	
Health Care and Social Assistance			
Hospitals		C	
Medical and dental laboratories		C	
Medical and dental offices and clinics	C	P	
Office, Financial and Commercial Services			
Banks, credit unions and similar financial institutions, excluding drive-in and drive-thru facilities	P	P	
Business machine sales & service		P	
Cleaning services		P	
Electric, plumbing supplies sales & service	P	P	
Glass sales & service		P	
HVAC sales & service		P	
Locksmith shops		P	
Machinery and equipment sales & service		P	
Mail order businesses and fulfillment centers		P	
Offices for executive, administrative, professional, real estate, accounting and similar professional activities	P	P	
Pest control services		P	
Petroleum products sales		C	
Printing, photocopying and publishing services	P	P	
Repair shops (non-automotive)		P	
Tool and equipment rental		P	
Personal Service			
Commercial schools and studios including art, dance, martial arts, and music	P	C	
Day care, nursery schools and child care establishments	P	P	
Health and fitness clubs	P	P	
Personal service establishments such as barber and beauty shops, tailors, photo studios, shoe repair and watch repair	P	P	
Tattoo parlor	C	C	
Public/Quasi-Public			
Churches and customary related uses	C	P	
Government offices and facilities	P	P	
Libraries	C		
Residential			
Dwellings, single-family detached	P		
Dwelling units on the upper floors of buildings with nonresidential uses at street level	<u>C</u> <u>P</u>	<u>P</u>	Section 1262.08(e)(4)
Transient guest lodging	C	C	Section 1262.08(e)(7)
Retail			

Artisan shops, such as glass blowers, metal sculptors, wood carvers and weavers producing their goods and selling them for retail on premises	C	P	
Bicycle sales, rental and repair	P		
Building supply and equipment sales, not including lumber yards		C	
General retail catering to the needs of the community, but less than 10,000 square feet of UFA	P	P	
General retail of 10,000 square feet UFA or more	C	P	Section 1262.08(a)(3)
Vehicle Sales, Service and Related Uses			
Drive-in and drive-thru facility for banks, pharmacies, restaurants and dry cleaners	C	C	Section 1262.08(a)(1) and 1262.08(d)(2)
Sales of new and used vehicles, boats, farm implements and similar vehicles and equipment		C	Section 1262.08(h)(1)
Sale of new vehicle parts, not including installation/repair		P	
Truck and trailer rental		C	
Vehicle and equipment rental		C	
Vehicle repair, major		C	Section 1262.08(h)(2)
Vehicle repair, minor		C	Section 1262.08(h)(3)
Vehicle service stations		C	Section 1262.08(h)(4)
Vehicle wash facilities		C	Section 1262.08(h)(5)
Other			
Mortuaries and funeral homes	C	C	Section 1262.08(a)(2)
Showrooms for home improvements, decorations and similar items, not including outdoor storage	P	P	
Radio, television and recording studios	C	P	
Utility and public service buildings, not including outdoor storage		P	
Uses similar to other uses permitted in this district and consistent with the purpose of the district, as determined in accordance with Section 1242.06	C	C	Section 1242.06
Veterinary clinics		C	

1250.03 SPATIAL REQUIREMENTS.

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

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

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

Table 1250.03a Dimensional Requirements: Business Districts

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

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

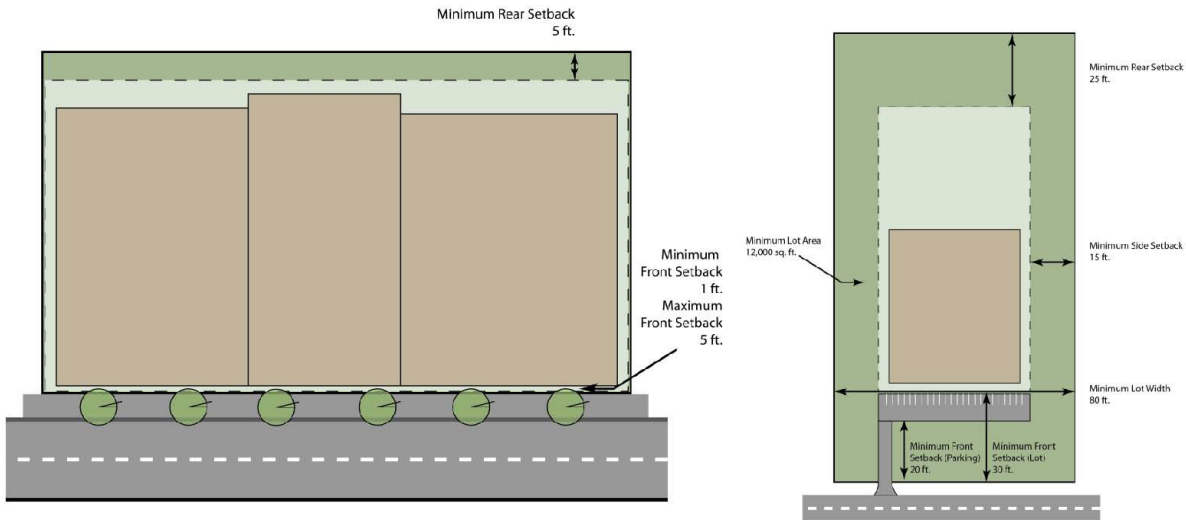
2 Buildings shall be set back at least one foot, but not more than ten feet, from the right-of-way line.

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

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

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

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



1250.04 SITE DEVELOPMENT REGULATIONS.

In addition to the requirements of this chapter, all development in the business districts shall meet the applicable requirements as listed elsewhere in this code:

- (a) General Provisions, see Chapter 1260.
- (b) Conditional Use Requirements, see Chapter 1262.
- (c) Parking and Loading, see Chapter 1264.
- (d) Signs, see Chapter 1266.
- (e) Site Plan Review Requirements, see Chapter 1268.
- (f) Buffering and Screening Requirements, see Chapter 1270.
- (g) Overlay Zone Requirements,
see Chapter 1256.