

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2023-24**

**REPEALING AND REPLACING CHAPTER 1284.02: "DEFINITIONS A-B"
OF THE YELLOW SPRINGS ZONING CODE**

Whereas, It has become necessary to add a definition of the term "Aid to Construction" to the Village of Yellow Springs Zoning Code,

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

Section 1. Chapter 1284.02 "Definitions A-B" of the Codified Ordinances of the Village of Yellow Springs, Ohio is hereby repealed in its entirety.

Section 2. The new Chapter 1284.02 entitled "Definitions A-B" of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A, with deletions in ~~strike through~~, and additions **bolded and underlined**.

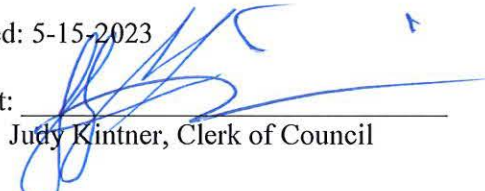
Section 3. This ordinance shall be in force and effect at the earliest period allowed by law.



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 2023-24

1284.02 DEFINITIONS: A-B.

Accessory dwelling unit. A second dwelling unit subordinate to the principal dwelling that shares ownership and utility connections with the principal unit on a single family zoned lot.

Accessory structure. A detached subordinate structure, the use of which is incidental to, customarily associated with, and related to the principal structure or use of the land and which is located on the same lot as the principal structure or use.

Accessory use. A use incidental to, and on the same lot as, a principal use.

Addition. Any construction which increases the size of a building or facility in terms of site coverage, height, length, width or gross floor area, such as a porch, attached garage or carport, or a new room or wing.

Affordable dwelling unit. A dwelling available to low income households earning 80% or less of area median income as defined by the U.S. Department of Housing and Urban Development, for which total housing costs are 30% or less of the household's total monthly gross income.

Affordable dwelling unit, permanently. A dwelling unit in which a legal mechanism such as a ground lease, enforceable deed restriction, and/or 501(c)3 nonprofit organization's policy ensures affordability, as defined by HUD, to low income households for some extended time period, usually ending with the durable life of the unit(s).

Agribusiness. A business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals (but not including slaughtering, rendering or tanning); veterinarian and/or technical support facilities.

Agricultural. The use of land for farming, dairying, pasturage, agriculture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce. Agricultural uses shall not include the commercial feeding of garbage or offal to swine and other animals.

Aid to construction. An amount of money paid to the municipality by the developer or property owner for required infrastructure improvements.

Alley. A public right-of-way 30 feet or less in width, but not less than 12 feet, which affords only secondary means of access to abutting property.

Alterations, structural. Any change in the supporting members of a building, such as walls, floors, columns, beams or girders.

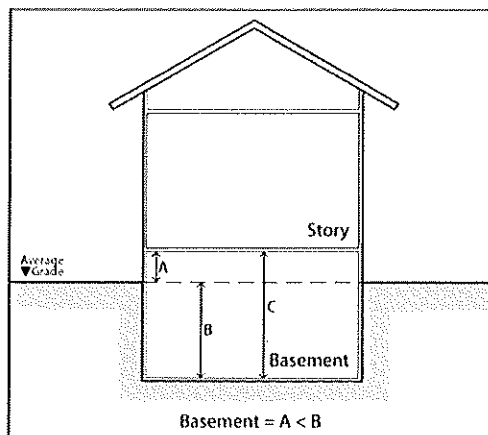
Aquifer. A geological unit in which porous and permeable conditions exist and are capable of yielding usable amounts of water.

Aquifer recharge area. An area that has soils and geological features conducive to allowing significant amounts of surface water to percolate into ground water.

Awning. A roof-like structure, generally made of canvas or plastic, mounted above a storefront, window or door and projects from the building wall as an architectural detail and provides shelter from sun and rain.

Bar. A lounge, tavern, beer parlor, night club or similar establishment principally operated for the sale of alcoholic beverages to be served on the premises.

Basement. A story, all or partly underground, having at least one-half of its height below the average level of the adjoining ground.



Bed and breakfast inn. A house, or portion thereof, where short-term lodging rooms and breakfast and light snacks are provided and where the operator lives on the premises or in adjacent premises.

Board. The Board of Zoning Appeals.

Boarding house, rooming house or lodging house. A building, or part thereof, other than a hotel, motel or restaurant, for three or more unrelated persons, not transients, where no meals are served and no cooking or dining facilities are available in individual rooms.

Buffer. A strip of land which provides visual separation and aesthetic relief between potentially incompatible uses through some combination of screen and greenbelt.

Building. Any structure attached to the ground, which has a roof and walls or rood supports and is designed or intended for the enclosure, shelter or protection of persons, animals or property. This definition does not include mobile homes.

Building envelope. The maximum three dimensional volume on a lot within which a structure can be built, as permitted by applicable height and setback requirements.

Building, height. The vertical distance from the proposed average finished grade to the highest point of the roof for flat and shed roofs, the ridge for hip and gable roofs and the deck line for mansard and gambrel roofs.

Building, principal. A building in which is conducted the main or principal use of the lot on which said building is located.

Business districts. The B-1 and B-2 Zoning Districts.

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2023-22**

**REPEALING AND REPLACING CHAPTER 1258 "SCHEDULE OF DISTRICT USES"
OF THE YELLOW SPRINGS ZONING CODE**

Whereas, The Schedule of District Uses must be updated to reflect any amendments to uses in all districts; and,

Whereas, Council for the Village of Yellow Springs has made changes to uses in several districts as a result of an endeavor to broaden the ability of developers to create more housing types in more districts in the village,

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

Section 1. Chapter 1258 of the Codified Ordinances of the Village of Yellow Springs, Ohio is hereby repealed in its entirety.

Section 2. A new Chapter 1258 entitled "Schedule of District Uses" of the Codified Ordinances of the Village of Yellow Springs, Ohio is hereby enacted to read as set forth in Exhibit A, with deletions in ~~strike through~~, 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 2023-22

1258.01 DISTRICT USES.

The following table summarizes the uses allowed within the respective zoning districts, either as permitted or conditional uses.

Table 1258.01 Schedule of Uses by District										
Use	C	E-I	R-A	R-B	R-C	B-1	B-2	I-1	I-2	Specific Conditions
Table 1258.01 Schedule of Uses by District										
Use	C	E-I	R-A	R-B	R-C	B-1	B-2	I-1	I-2	Specific Conditions
Accessory Uses										
Accessory buildings, structures and uses	P	P	P	P	P	P	P	P	P	1260.04
*Pools and spas are not allowed in District C and I- 2										
Accessory dwelling unit			C	C	C					1262.08(e)(1)
Cafeteria facilities located within a principal use		P						P	P	
Caretaker residence		P						C	C	
Child care facilities located within a principal use		P						C	C	
Corporate offices incidental to the principal use								P	P	
Day care - Family			P	P	P					
Day care - Group		C	C	C	C					
Home occupations ¹		C	C	C	C	C				See footnote 1
Outdoor patio seating in conjunction with a permitted restaurant		P				C	C	C	C	
Outdoor storage related to a principal use		C						C	C	
Retail incidental to the manufacture or production of goods on the premises, not exceeding 30% of the total floor area of the principal building								C	C	
Vehicle wash facilities for trucks and trailers								P	P	
Agricultural and Animal-Related Uses										
Agribusiness		C						C	P	
Breweries, distilleries and bottling plants								P	C	
Community gardens	P	P	P	P	P					
Farm, including raising animals		C	C	C	C			C	C	
Food processing plants		C						C	P	
Greenhouse/nursery (not including retail sales)		P						C	P	

Kennels								C		
Produce and other food products terminals								C	P	
Riding stables	C	C								
Veterinary clinics					C		C			
Commercial Services										
Business machine sales & service							P	P		
Cleaning services							P	P		
Electric, plumbing supplies sales & service						P	P	P		
Glass sales & service							P	P		
HVAC sales & service							P	P		
Locksmith shops							P	P		
Machinery and equipment sales & service							P	P	P	
Mail order businesses and fulfillment centers							P	P	P	
Pest control services							P	P		
Petroleum products sales							C	P		
Printing, photocopying and publishing services		P				P	P	P	P	
Repair shops (non- automotive)							P	P		
Tool and equipment rental							P	P		
Construction										
Building material and lumber supply, including lumber yards								C	P	
Contractors' offices and shops (not including outdoor storage)								P	P	
Landscaping services								C	P	
Educational										
Administrative offices		P								
Auditorium buildings		P								
Classroom buildings		P								
Commercial schools and studios including art, dance, martial arts, and music		P				P	C	C		
Schools (elementary, middle, high)			C	C	C					1262.08(c)(2)
Trade schools								P	P	
Training centers, engineering or sales								P	P	
Food, Drink, Entertainment and Hospitality										
Bars, taverns, clubs and restaurants serving alcoholic beverages		C				C	C	C		
Bed and breakfasts		C	C	C	C	C				1262.08(e)(2)
Brew pubs and similar establishments		C				C	C	C		
Farmers market		P				C	C	C		
Hotels and motels		C				C	C			
Internet sweepstakes café							C			
Mobile vending (food trucks)		C				C	C	C	C	
Restaurants, excluding drive-in or drive-thru facilities		C				P	P	C		

Community centers and senior centers	P				P					
Cultural buildings	P			C	C					
Field house	C									
Forest and wildlife preserves	P	P								
Golf courses and country clubs	C									
Indoor commercial recreation such as theaters, bowling lanes and skating rinks	C				C	C				
Interpretive centers	P	P								
Natorium	P									
Outdoor commercial recreation such as mini-golf and batting cages						C				1262.08(d)(1)
Public parks/playgrounds/recreation areas	C	P	C	C	C					
Stadium	C									
Swimming pools and spas	P	P	P	P	P	P	P			
Research and Technical Facilities										
Research, development and testing laboratories and facilities	P							P	P	
Residential										
Boarding homes				C						1262.08(e)(3)
Continuing care retirement community	C		C	C						
Dormitories	P									
Dwellings, attached single-family	C	C	P	P						
Dwellings, multiple-family	C	C	C	P						
Dwellings, single-family detached	C	P	P	P	P					
Dwellings, two-family	C	C	P	P						
Dwelling units on the upper floors of buildings with nonresidential uses at street level					C	P	P			1262.08(e)(4)
Dwelling units in buildings with nonresidential uses								C	C	1262.08(e)(4)
Pocket neighborhood developments			C	C	C					1262.08(e)(6)
Transient guest lodging	C	C	C	C	C	C				1262.08(e)(7)
Retail										
Artisan shops, such as glass blowers, metal sculptures, wood carvers and weavers producing their goods and selling them for retail on premises						C	P	C		
Bicycle sales, rental and repair						P		C		
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	C					P	P			

General retail of 10,000 square feet UFA or more						C	P			1262.08(a)(3)
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Mortuaries and funeral homes						C	C			1262.08(a)(2)
Outdoor market or covered bazaar		P								
Radio, television and recording studios		P				C	P	P	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	C	C	C	C	C	C	C	1242.06

1 Home occupations are permitted in all Residential Districts and the E-I and B-1 Districts, subject to issuance of a permit by the Zoning Administrator to verify compliance with the conditions of Section 1262.08(e)(5).

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2023-22**

**REPEALING AND REPLACING CHAPTER 1258 "SCHEDULE OF DISTRICT USES"
OF THE YELLOW SPRINGS ZONING CODE**

Whereas, The Schedule of District Uses must be updated to reflect any amendments to uses in all districts; and,

Whereas, Council for the Village of Yellow Springs has made changes to uses in several districts as a result of an endeavor to broaden the ability of developers to create more housing types in more districts in the village,

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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 2023-22

1258.01 DISTRICT USES.

The following table summarizes the uses allowed within the respective zoning districts, either as permitted or conditional uses.

Table 1258.01 Schedule of Uses by District										
Use	C	E-I	R-A	R-B	R-C	B-1	B-2	I-1	I-2	Specific Conditions
Table 1258.01 Schedule of Uses by District										
Use	C	E-I	R-A	R-B	R-C	B-1	B-2	I-1	I-2	Specific Conditions
Accessory Uses										
Accessory buildings, structures and uses	P	P	P	P	P	P	P	P	P	1260.04
*Pools and spas are not allowed in District C and I- 2										
Accessory dwelling unit			C	C	C					1262.08(e)(1)
Cafeteria facilities located within a principal use		P						P	P	
Caretaker residence		P						C	C	
Child care facilities located within a principal use		P						C	C	
Corporate offices incidental to the principal use								P	P	
Day care - Family			P	P	P					
Day care - Group		C	C	C	C					
Home occupations ¹		C	C	C	C	C				See footnote 1
Outdoor patio seating in conjunction with a permitted restaurant		P				C	C	C	C	
Outdoor storage related to a principal use		C						C	C	
Retail incidental to the manufacture or production of goods on the premises, not exceeding 30% of the total floor area of the principal building								C	C	
Vehicle wash facilities for trucks and trailers								P	P	
Agricultural and Animal-Related Uses										
Agribusiness		C						C	P	
Breweries, distilleries and bottling plants								P	C	
Community gardens	P	P	P	P	P					
Farm, including raising animals		C	C	C	C			C	C	
Food processing plants		C						C	P	

Greenhouse/nursery (not including retail sales)		P						C	P	
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Kennels								C		
Produce and other food products terminals								C	P	
Riding stables	C	C								
Veterinary clinics					C		C			
Commercial Services										
Business machine sales & service							P	P		
Cleaning services							P	P		
Electric, plumbing supplies sales & service						P	P	P		
Glass sales & service							P	P		
HVAC sales & service							P	P		
Locksmith shops							P	P		
Machinery and equipment sales & service							P	P	P	
Mail order businesses and fulfillment centers							P	P	P	
Pest control services							P	P		
Petroleum products sales							C	P		
Printing, photocopying and publishing services		P				P	P	P	P	
Repair shops (non- automotive)							P	P		
Tool and equipment rental							P	P		
Construction										
Building material and lumber supply, including lumber yards								C	P	
Contractors' offices and shops (not including outdoor storage)								P	P	
Landscaping services								C	P	
Educational										
Administrative offices		P								
Auditorium buildings		P								
Classroom buildings		P								
Commercial schools and studios including art, dance, martial arts, and music		P				P	C	C		
Schools (elementary, middle, high)			C	C	C					1262.08(c)(2)
Trade schools								P	P	
Training centers, engineering or sales								P	P	
Food, Drink, Entertainment and Hospitality										
Bars, taverns, clubs and restaurants serving alcoholic beverages		C				C	C	C		
Bed and breakfasts		C	C	C	C	C				1262.08(e)(2)
Brew pubs and similar establishments		C				C	C	C		
Farmers market		P				C	C	C		
Hotels and motels		C				C	C			
Internet sweepstakes café							C			
Mobile vending (food trucks)		C				C	C	C	C	
Restaurants, excluding drive-in or drive-thru facilities		C				P	P	C		

Sexually oriented businesses								P		1262.08(d)(3)
Health Care and Social Assistance										
Hospitals							C			
Medical and dental laboratories							C	C	C	
Medical and dental offices and clinics		C				C	P			
Manufacturing										
Building material manufacturing including milling, planning and joining								C	C	
Chemical manufacturing and storage								C	C	1262.08(b)(1)
Machine, sheet metal and welding shops								C	C	
Manufacturing, compounding, processing, packaging, treating or assembly from previously prepared materials								P	C	
Metal stamping, pressing and buffing								C	C	
Paint, rust proofing and rust coating								C	C	
Tool and die shops								C	C	
Offices and Financial Services										
Banks, credit unions and similar financial institutions, excluding drive in and drive-thru facilities		P				P	P			
Offices for executive, administrative, professional, real estate, accounting and similar professional activities		P		C	C	P	P	P		
Personal Services										
Day care, nursery schools and child care establishments		P				P	P			
Health and fitness clubs		P				P	P			
Personal service establishments such as barber and beauty shops, tailors, photo studios, shoe repair and watch repair						P	P			
Tattoo parlor						P				
Public/Quasi-Public										
Cemeteries (green burial method only)	C									
Churches and customary related uses		P	C	C	C	C	P			1262.08(c)(1)
Government offices, buildings and facilities	P	P	C	C	C	P	P	P	P	
Libraries		P			C	C				
Recreation and Leisure										
Art galleries, museums and similar cultural facilities		P				P				
Assembly and performance halls		P				C				
Ball fields		C								

Community centers and senior centers		P				P				
Cultural buildings		P			C	C				
Field house		C								
Forest and wildlife preserves	P	P								
Golf courses and country clubs		C								
Indoor commercial recreation such as theaters, bowling lanes and skating rinks		C				C	C			
Interpretive centers	P	P								
Natatorium		P								
Outdoor commercial recreation such as mini-golf and batting cages							C			1262.08(d)(1)
Public parks/playgrounds/recreation areas	C	P	C	C	C					
Stadium		C								
Swimming pools and spas		P	P	P	P	P	P	P		
Research and Technical Facilities										
Research, development and testing laboratories and facilities		P						P	P	
Residential										
Boarding homes					C					1262.08(e)(3)
Continuing care retirement community		C		C	C					
Dormitories		P								
Dwellings, attached single-family		C	<u>C</u>	P	P					
Dwellings, multiple-family		C	<u>C</u>	C	P					
Dwellings, single-family detached		C	P	P	P	P				
Dwellings, two-family		C	<u>C</u>	P	P					
Dwelling units on the upper floors of buildings with nonresidential uses at street level						C	<u>P</u>	<u>P</u>		1262.08(e)(4)
Dwelling units in buildings with nonresidential uses								<u>C</u>	<u>C</u>	1262.08(e)(4)
Pocket neighborhood developments			C	C	C					1262.08(e)(6)
Transient guest lodging		C	C	C	C	C	C			1262.08(e)(7)
Retail										
Artisan shops, such as glass blowers, metal sculptures, wood carvers and weavers producing their goods and selling them for retail on premises						C	P	C		
Bicycle sales, rental and repair						P		C		
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		C				P	P			

General retail of 10,000 square feet UFA or more						C	P			1262.08(a)(3)
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Outdoor market or covered bazaar		P								
Showrooms for home improvements, decorating and similar items, not including outdoor storage						P	P			
Transportation and Warehousing										
Bottled gas storage and distribution								C	C	
Cartage, express and parcel delivery facilities								C	C	1262.08(f)(1)
Heliports and helipads		C						C	C	
Mini-warehouse, self-storage facilities								C		1262.08(f)(2)
Storage of hazardous materials		C							C	1262.08(b)(1)
Warehouses and distribution centers								C	P	1262.08(f)(1)
Wholesale businesses								C	P	
Utilities										
Public utility buildings								P	P	
Solar facilities (nonresidential)		C						P	P	
Telephone exchange buildings								P	P	
Utility and public service buildings, not including outdoor storage							P			
Utility substations								P	P	
Wind energy conversion systems(single accessory)		C						C	C	
Wind energy conversion systems (commercial)		C								
Wireless communication facilities and towers	C	C						C	C	1262.08(g)(1)
Vehicle Sales, Service and Related										
Drive-in and drive-thru facility for banks, pharmacies, restaurants and dry cleaners						C	C			1262.08(a)(1) and 1262.08(d)(2)
Sales of new and used vehicles, boats, farm implements and similar vehicles and equipment							C			1262.08(h)(1)
Sale of vehicle parts, not including installation/repair							P			
Truck and heavy equipment repair									C	
Truck and trailer rental							C	C		
Vehicle and equipment rental							C	C		
Vehicle repair, major							C	C		1262.08(h)(2)
Vehicle repair, minor							C	C		1262.08(h)(3)
Vehicle service stations							C	C		1262.08(h)(4)
Vehicle wash facilities							C	C		1262.08(h)(5)
Waste Processing and Disposal										
Recycling collection and/or processing facility (non-hazardous)		C							C	
Other										

Mortuaries and funeral homes					C	C			1262.08(a)(2)
Outdoor market or covered bazaar		P							
Radio, television and recording studios		P			C	P	P	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	C	C	C	C	C	C	1242.06

1 Home occupations are permitted in all Residential Districts and the E-I and B-1 Districts, subject to issuance of a permit by the Zoning Administrator to verify compliance with the conditions of Section 1262.08(e)(5).