

VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION
REGULAR MEETING

Council Chambers: 6pm

Tuesday, September 15, 2026

The Village of Yellow Springs Planning Commission will meet in regular session on Tuesday, Sept. 15, 2026 @ 6PM. The meeting will be broadcast live via Channel 5 Community Access cable station, which is simultaneously shown on the Village's "Community Access Yellow Springs" YouTube station. For any questions, contact the Council Clerk at clerk@yso.com or at 937-767-9126.

CALL TO ORDER

ROLL CALL

REVIEW OF AGENDA

REVIEW OF MINUTES

1. Minutes of August 11, 2026 Regular Meeting

COMMUNICATIONS

The Clerk will receive and file:

COUNCIL AND COMMITTEE REPORTS

Active Transportation Committee
Council
Village Staff Report/Information

CITIZEN COMMENTS

PUBLIC HEARINGS

Text Amendments:

- Amend Chapter 1226.13 SUBDIVISION FEES – A text amendment to remove specific fee from the Planning and Zoning Code and require a park dedication fee for replats and minor subdivisions
- Amend APPENDIX A ZONING FEE SCHEDULE – A text amendment to remove Appendix A from the Planning & Zoning Code

OLD BUSINESS

Housing Need Assessment Key Findings (Holt/DeVore Leonard: 15 min.)
Date Center Information Update (Stiles: 5 min.)

NEW BUSINESS

Smoke and Vape Shop Draft Text Discussion

AGENDA PLANNING

Smoke and Vape Text Amendments

ADJOURNMENT

Planning Commission Regular Meeting Minutes

In Council Chambers @ 6:00pm

Tuesday, August 11 2026

CALL TO ORDER

The meeting was called to order at 6:00 P.M.

ROLL CALL

Planning Commission members present were Susan Stiles, Chair, Stephen Green, Gary Zaremsky, Gavin DeVore Leonard and Anthony Salmonson. Also present were Planning and Zoning Director Nia Holt, and Planning and Economic Development Assistant Aaron Arellano.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

1. Minutes of July 14, 2026 Regular Meeting

Zaremsky MOVED TO APPROVE the Minutes of the July 14, 2026 Regular Planning Commission meeting as amended. Green SECONDED, and the MOTION PASSED 4-0 ON A VOICE VOTE, with Salmonson abstaining due to absence from that meeting.

COMMUNICATIONS

There were no communications.

COUNCIL AND COMMITTEE REPORTS

Active Transportation Committee. There was no report.

Council. There was no Council report.

Village Staff Report/Information. Holt briefly presented information on APA membership and training.

CITIZEN COMMENTS

There were no comments made.

PUBLIC HEARINGS

Heather Stewart, applicant, has submitted a Conditional Use application for food trucks at 1 Morgan Place. Chapter 1262.03 Conditional Use General Standards; Educational Institution (E-I). Greene County Parcel #F19000100140005700.

Holt introduced the hearing as follows:

MadCab Events currently hosts seasonal food truck rallies in Xenia and Enon and is proposing to expand this event model to serve the Yellow Springs community and its visitors. The applicant is requesting approval of a conditional use to allow a seasonal food truck rally to be held weekly on Mondays from May through August.

The proposed event will be hosted in partnership with Antioch College at 1 Morgan Place through August 31, 2026, as a pilot program to evaluate community interest and the viability of a recurring food truck rally in Yellow Springs. The applicant held its first event on July 13, 2026, which was reported to be successful. The rally took place from 5:00 p.m. to 9:00 p.m., with vendor setup beginning at 3:00 p.m. and all food trucks departing the site by approximately 9:30 p.m. If the Conditional Use Permit is approved, future events will follow this same schedule.

The plan is for four to five food trucks to station on a walking path located at the rear of the proposed site. On-street motor vehicle parking is located close by as are several bike racks. There is no plan for any outdoor seating, Holt said, and the fire lane is to be blocked off with cones.

Holt noted that she is recommending waiver of the requirement that food trucks be parked on an approved parking lot.

Holt noted that she had checked with several other communities in which Stewart operates food truck rallies, and their experience regarding compliance has been good.

Salmonson noted that the requirement for provision of restrooms is regards assuring facilities for the food truck operators.

Zaremsky received confirmation that this event had been held several times, but had required an event approval at a cost of \$100 per event.

Holt pointed out that Stewart would have to submit a plan to staff annually to assure continuing compliance.

Stewart provided some background on her business setting up food truck rallies and her experience to date in the village. She noted that 3-4 trucks per event is about right for the village.

Responding to a question from Green, Stewart commented that there is a building with a bathroom onsite, but that she does not advertise this availability.

Stewart responded to Salmonson, stating that she uses cones to deter parking on the grass.

Holt noted that requirement of a formal agreement with Antioch regarding access to restrooms is listed as a condition of approval.

Stiles OPENED THE PUBLIC HEARING. There being no comment, she CLOSED THE PUBLIC HEARING.

Planning Commission worked through the recommendations with the applicant and Zoning Administrator, amending the initial recommendations to create the following conditions:

1. The applicant shall submit an annual plan to the Planning Office by the last Friday in March, including property owner approval for the upcoming season, hours of operation, number of food trucks and other vendors, and demonstrate compliance with the conditional use requirements (e.g., health and fire inspections, waste removal). The annual plan may include minor adjustments, such as changes to the day of week or months of operation, provided they remain consistent with the approved conditional use. The Zoning Administrator shall review the plan for compliance.

2. Each participating food truck vendor shall provide a current Greene County Health Department permit prior to participating in any event to be included with the annual plan.
3. The applicant shall coordinate with Miami Township Fire to ensure an on-site inspection occurs for each food truck.
4. The applicant shall provide by September 11th, 2026, either (a) provide a portable restroom facility on-site for the duration of each event, or (b) submit an amended written agreement with Antioch College demonstrating that a specific, identified restroom facility within reasonable walking distance of the site will remain open and accessible to food truck vendors throughout the full duration of each event. Documentation satisfying either option shall be provided to the Village Planning's Office for review and approval.
5. Any signage associated with the food truck rally shall comply with Chapter 1266 Signs of the Village Zoning Code.
6. Waive the off-street parking requirement to park in an approved parking lot contained in 1262.08(d)(1)(B).

Green MOVED TO APPROVE THE CONDITIONAL USE REQUEST WITH THE CONDITIONS AS AMENDED BY PLANNING COMMISSION (above). Zaremsky SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

OLD BUSINESS

Council/Planning Commission Priorities. Holt noted that many of the priorities identified by PC have been identified at the Council level. She noted the Smoke/Vape Shop and Data Center moratoriums and need to develop code amendments to address these areas.

Holt stated that conservation development and zero energy housing will need to come before PC for any required code amendments.

Holt then pointed out that her SWOT analysis of the zoning code had identified “low hanging fruit” in terms of amendments that could positively affect housing options in the village.

Finally, Holt noted that the Community Reinvestment Area legislation requires a CRA delegate from PC for the required CRA Housing Council.

Stiles MOVED TO APPOINT GREEN AS THE PC REPRESENTATIVE TO THE CRA HOUSING COUNCIL. Zaremsky SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Addressing questions raised by DeVore Leonard, Holt explained that once there is a housing project that falls under the CRA, the CRA Housing Council assures that the project is following the approved agreement.

DeVore Leonard asked that more information be provided to PC ahead of time if there is to be a decision rendered during the meeting.

Holt asked for any volunteers to work on gathering information on zoning regulations for Data Centers. There were no volunteers.

Responding to a question from Green, Holt stated that because all of the aforementioned project areas will come before PC for zoning regulations, it is helpful to have someone from the commission involved in the process early on.

Zaremsky volunteered to follow up with TGL regulation and parking.

Stiles and Zaremsky are currently working on the smoke shop regulation topic.

NEW BUSINESS

Finding of Fact Procedure. Holt described a new procedure for identifying facts and conditions in the approval letter sent to successful applicants.

FUTURE AGENDA

Conditional Use Home Occupation
Zoning Fee Text Amendments

ADJOURNMENT

At 7:09pm, DeVore Leonard MOVED and Green SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Susan Stiles, Chair

Attest: Judy Kintner, Clerk



Zoning Fees Text Amendment

Planning Commission

Staff Report

September 15, 2026

PLANNING & ZONING FEES TEXT AMENDMENT

LOCATION: Village of Yellow Springs, Ohio
PARCEL No: N/A
ZONING: N/A
APPLICANT: Village of Yellow Springs
STAFF: Nia Holt, Planning & Zoning Director

REQUEST(S):

- 1) Text amendment to Chapter 1226.13, *SUBDIVISION FEES*, to remove specific fees from the Planning & Zoning Code and require a park dedication fee for replats and minor subdivisions.
- 2) Removal of Appendix A, *Zoning Fee Schedule*: remove Appendix A from the Planning & Zoning Code.

CASE SUMMARY

Planning and zoning fees are currently codified in Chapter 1226.13 and are listed in Appendix A of the Village Zoning Code. Because the fees are fixed within the Zoning Code, any adjustment, even one intended to reflect current administrative costs, requires a formal text amendment and ordinance. This process involves both Planning Commission review and Village Council action for a change in the planning and zoning fee schedule. This process is disproportionate to the administrative nature of routine fee updates and can discourage keeping fees current.

On July 6, 2026, Council adopted a similar approach for building permit fees, establishing that fees would be set and adjusted by resolution rather than through ordinances. This amendment extends that approach to planning and zoning fees, allowing Council to adjust fees by resolution and consolidating the various fee provisions into a single, Council-adopted fee schedule. This will streamline the fee-setting process and make applicable fees easier for residents, contractors, and other applicants to locate.

STAFF RECOMMENDATION & REASONING

Staff recommends that Planning Commission provide **a positive recommendation to Village Council** to approve the text amendment to Chapter 1226.13 and removal of Appendix A. Staff finds the proposed zoning code changes is administrative and procedural in nature. It does not alter any substantive standard, requirement, or obligation under the Zoning Code, including the existing park dedication requirement for replats and minor subdivisions. It satisfies the applicable standards under the Code's text amendment criteria. Standards (3), (5), (6), and (7) are noted as not directly applicable given the administrative nature of the amendment.



Zoning Fees Text Amendment

Planning Commission

Staff Report

September 15, 2026

STANDARDS & STAFF ANALYSIS

1280.02(a) REVIEW GUIDELINES. In making a decision on proposed text amendments to the Zoning Code, the following guidelines may be considered by the Planning Commission:

(1) The proposed amendment would clarify the intent of the code.

Finding: The proposed text amendments would clarify that fee amounts are fiscal and administrative matters properly set and adjusted by Council resolution. The amendments uphold that those underlying fundamental requirements, including the existing requirement that a park dedication fee be paid for replats and minor subdivisions, remain fully intact in the Planning & Zoning Code.

(2) The proposed amendment would correct an error in the code.

Finding: The proposed amendments corrects the inefficiency of fee amounts being fixed in the Zoning Code and Appendix A, which requires a full text amendment and ordinance to update even minor dollar figures.

(3) The proposed amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Ohio.

Finding: Not directly applicable.

(4) The proposed amendment would affect the implementation of the Comprehensive Plan and the Vision: Yellow Springs and Miami Township document.

Finding: The existing park dedication requirement continues unchanged, preserving its role in implementing Sustainable Yellow Springs Comprehensive Plan and Vision document goals related to parkland and open space. The amendment itself furthers goals related to transparent, accessible, and efficiently administered local government by consolidating fee information.

(5) The proposed amendment would promote compliance with changes in other County, State or Federal regulations.

Finding: Not directly applicable.

(6) In the event the amendment would add a use to a district, that use would be fully consistent with the purpose of the district and the character within the district.

Finding: Not directly applicable.

(7) The proposed amendment would not create incompatible land uses within a zoning district.



Zoning Fees Text Amendment

Planning Commission

Staff Report

September 15, 2026

Finding: Not directly applicable.

- (8) The proposed amendment would be supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.**

Finding: The proposed text amendments are supported by the administrative findings. Fixed dollar fees in the Zoning Code and reflected in Appendix A require a full text amendment and ordinance to update; an unnecessarily burdensome process for routine adjustments. Planning and Zoning fees should be adjustable by resolution to keep pace with land and development costs. Consolidating all fee amounts into a single Council-adopted fee schedule improves administrative efficiency and makes fees easier for residents and contractors to find.

- (9) If applicable, the proposed amendment would be consistent with the Village's ability to provide adequate public facilities and services.**

Finding: Through this proposed text amendment, the park dedication fee amount can be updated by resolution rather than ordinance. Therefore, the Village retains and improves its ability to keep the fee aligned with actual land/park development costs over time, supporting adequate parkland provision as subdivision activity occurs.

- (10) The proposed amendment would be consistent with the Village's desire to promote public health, safety, convenience, comfort, prosperity and general welfare of the community.**

Finding: The proposed amendments promotes convenience and administrative efficiency by consolidating fee amounts into one accessible, easily updated schedule, while leaving all underlying foundational provision protections fully in place. Staff finds this direction to be more responsive to actual costs over time.

EXHIBIT LIST:

Exhibit A – Proposed Text Amendments

Exhibit A

~~1226.13 SUBDIVISION FEES.~~ 1226.13 PARK DEDECATION FEE REQUIREMENTS.

(a) Preliminary Plats. Concurrently, upon submission of any preliminary plat for Village review, the developer or his or her agent shall make payment for review services in the amount of two hundred dollars (\$200.00). Such fee is nonrefundable and is applicable to each preliminary plat upon which specific action to approve or disapprove is taken by the Planning Commission. Resubmission of a previously disapproved preliminary plat shall require another payment of the fee provided for herein. For any new subdivision of less than five lots, the developers or property owners shall pay the park fee listed in the approved fee schedule per lot created for capital improvements to the nearest dedicated park. For subdivisions of five lots or more, see Section 1226.07.

~~(b) Final Plats.~~

~~(1) Concurrently, upon submission of any final plat for Village review, the developer or his or her agent shall make payment for review services in the amount of one hundred dollars (\$100.00) and, in addition, shall pay for review services of twenty dollars (\$20.00) for each developable lot.~~

~~Such fees are nonrefundable and are applicable to each final plat upon which specific action to approve or disapprove is taken by the Planning Commission. Resubmission of a previously disapproved final plat shall require another payment of the fees provided for herein.~~

~~(2) Before final approval signatures are placed upon a final record plat, the developer or his or her agent shall deposit with the Village an amount of money to be used to defray the cost of inspection, review and legal services borne by the Village and directly attributable to the development. This sum shall normally be equal to four percent of the approved estimate of construction costs for bonding purposes. Upon acceptance of public improvements by the Village, this four percent fund shall be adjusted in accordance with actual expenditures for review and inspection services. If the money deposited exceeds the cost incurred by the Village, the balance shall be returned to the developer; alternatively, if costs incurred by the Village exceed the four percent deposit, additional money shall be paid by the developer before improvements are accepted.~~

~~(c) Minor Subdivisions. Before approval of any minor subdivision, the developer or his or her agent shall make payment for review services in the amount of fifty dollars (\$50.00) for each new lot created (the residual of the original parcel shall be excluded). If the minor subdivision requires Planning Commission approval, a payment in the amount of one hundred dollars (\$100.00) shall additionally be required. Additional fees may be collected in cases where recovery of incurred costs is necessary. Amendments to submitted plans requiring further review will be assessed such fees. The exact fee will be determined by the incurred cost of the review, the total of which will be passed on to the applicant.~~

~~(d) Replats. Before approval of any replat, the developer or his or her agent shall make payment for review services in the amount of twenty-five dollars (\$25.00). If the replat requires Planning Commission approval, a payment in the amount of one hundred dollars~~

Exhibit A

~~(\$100.00) shall additionally be required. Additional fees may be collected in cases where recovery of incurred costs is necessary. Amendments to submitted plans requiring further review will be assessed such fees. The exact fee will be determined by the incurred cost of the review, the total of which will be passed on to the applicant.~~

~~—(e) Park Fees. For any new subdivisions of less than five lots, the developers or property owners shall pay a park fee of five hundred dollars (\$500.00) per lot created for capital improvements to the nearest dedicated park. For subdivisions of five lots or more, see Section 1226.07.~~

~~(Ord. 2018-46. Passed 11-5-18; Ord. 2020-27. Passed 10-19-20; Ord. 2022-10. Passed 4-18-22.)~~

APPENDIX A

~~Fee Schedule~~

The following amended fee schedule shall apply to non-governmental applications and appeals file pursuant to the regulations outlined in the Village's Zoning Code:

Zoning Permits

-

~~—Demolition permit~~

~~\$25.00~~

~~—Fence~~

~~\$35.00~~

~~—Home Occupation Permit~~

~~\$25.00~~

~~—Sign Permit~~

~~\$25.00 per sign~~

~~—Transient Guest Lodging permit~~

~~\$25.00~~

~~—Working in the ROW permit—expires 30 days from scheduled date of completion~~

~~\$50.00~~

~~—Zoning Compliance Permit~~

~~\$25.00~~

Exhibit A

~~New Construction Zoning Permit~~

-

~~—Accessory Structure~~

~~\$75.00~~

~~—Addition~~

~~\$100.00~~

~~—Deck~~

~~\$50.00~~

~~—Single Family~~

~~\$150.00~~

~~—Two Family & Single Family Attached~~

~~\$200.00~~

~~—Multi family & Commercial~~

~~\$300.00~~

~~Planning Commission Applications~~

-

~~—Conditional Use Application~~

~~\$200.00~~

~~—Lot Subdivision (Not associated with dev plan or PUD~~

~~\$100.00 + \$50 per lot (subject to a park fee - Ch. 1226.13 - Subdivision Fees)~~

~~—Map/Text Amendment Request~~

~~\$300.00~~

~~—Planned Unit Development (PUD) Application:~~

-

~~—Preliminary Plan Application~~

~~\$300.00~~

~~—Final Plan Application~~

~~\$150.00~~

Exhibit A

~~—Level B Site Plan Review Development Application~~

~~\$100.00~~

~~—PUD or Level B Plan Re-application/Amendment²²~~

~~\$50.00~~

~~—Right of way Vacation Request~~

~~\$50.00 (if petition as included) per Section 1224.03(a) — \$100.00 (if no petition included)~~

~~—Board of Zoning Appeals Applications~~

~~-~~

~~—Variance Application Request~~

~~\$200.00~~

~~—Administrative Appeal~~

~~\$100.00~~

~~—Village Council Appeal from Planning or Board~~

~~\$100.00*~~

~~—Other Related Fees~~

~~-~~

~~—Fine for starting work without obtaining a permit~~

~~Cost of the permit, plus 100%~~

~~—Additional fees may be collected in cases where recovery of incurred costs is necessary. Amendments to submitted plans requiring further review will also be assessed such fees. The exact fee is determined by the incurred cost of the review.~~

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~~*According to Section 1276.03(b)(6) — \$30.00 refunded if appeal affirmed~~

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~~(Ord. 2015-05. Passed 5-4-15; Ord. 2017-47. Passed 12-18-17; Ord. 2020-34. Passed 11-16-20; Ord. 2023-06. Passed 2-21-23.)~~

Table 1250.02 Schedule of Uses: Business Districts			
Retail	B-1	B-2	Specific Conditions
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)
Smoke and/or Vape Shop*	P	P	Section 1260.08(a)(4)
*Annual registration required under Section 1260.04(i)			

[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 as measured from its furthest extension, including roof eaves, balconies, porches or decks, 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. Accessory structures may not be built within 7.5 feet of 7,200-volt distribution lines and an inspection by the Village's Public Works Department is required prior to zoning approval. Relocation of lines will require aid to construction at the expense of the developer.

(4) A stormwater management plan shall be submitted with the permit application following the Appendix: Stormwater Guidelines for Low Impact Development of the Planning Code.

(5) 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.

(6) 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.

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

(8) 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.

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

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

(11) 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.

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

(13) 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.

(14) 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.

(h) Tiny Home. A structure built on a permanent chassis with or without wheels which 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, proof of certification by a registered Ohio design professional.

(i) Smoke and/or Vape Shop.

- (1) Registration required. An annual registration shall be made to the Zoning Administrator, together with payment of such fee as may be established by Village Council. A conditional use approval shall be required if the smoke and/or vape shop will include a drive-thru, walk up window or more than 40% available floor area is devoted to the display, retail sale, storage, or use of tobacco, hemp-derived cannabinoid, smoking, or vaping products.
- (2) The total number of smoke and/or vape shop permitted within the Village shall not exceed 1 for every 1,000 inhabitants residing in the Village based on the most recent federal decennial census data.
- (3) No smoke and/or vape shop may be established, operated or enlarged within 500 feet of another similar use. Such distance shall be measured in a geometrically straight line, which represents the shortest distance between the property line of the space occupied by an existing smoke and/or vape shop to the nearest property line of the proposed smoke and/or vape shop which is seeking to be established, operated, or enlarged.
- (4) No smoke and/or vape shop shall be located within 500 feet of any school, university, public park, public library, place of religious assembly, child day care center, or other use established specifically for the activities of minors. The required separation distance shall be measured as a straight line representing the shortest distance between the property line of the proposed smoke and/or vape shop and the nearest property line of the protected use, regardless of whether the protected use is located within or outside the jurisdiction of the Village of Yellow Springs.
- (5) Signage. A smoke and/or vape shop shall post clear signage near each public entrance, which must state the legal age of purchase and that minors may not enter the premises, unless accompanied by a parent or legal guardian.
- (6) Outdoor storage of merchandise or display of merchandise shall not be permitted.
- (7) Drive thrus shall not be permitted. Walkup windows shall require an approved Level A site plan and age gating plan.
- (8) Nonconforming shops. Any change or expansion of a legal nonconforming use shall require full compliance with this section. A legal nonconforming shop shall have 180 days from the effective date of this ordinance to submit its initial registration under subsections (1) with the Village Planning Office.

Smoke & Vape Shop Definitions – DRAFT

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General Retail Use. A land use, or the use of a building or portion of a building, engaged principally in the sale or rental of new or used merchandise, goods, or products directly to the consumer, including accessory storage, display, and office space incidental to such retail sale. General Retail Use does not include any use that independently satisfies the definition of Smoke & Vape Shop set forth in this section.

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Smoke and/or Vape Shop. Any building, establishment, or structure that predominately sells any product containing, or made from, tobacco, nicotine, hemp-derived cannabinoids, or CBD, which may be chewed, consumed, inhaled, smoked, or vaporized — including but not limited to cigarettes, cigars, chew, hookah, pipes, snuff, shisha, waterpipes, electronic vaping devices, or other products and associated aerosols and liquids — and which satisfies one or both of the following:

- a. Devotes twenty percent (20%) or more of its available floor area to the display, retail sale, storage, or use of tobacco, hemp-derived cannabinoid, smoking, or vaping products; or
- b. Derives fifty-one percent (51%) or more of its gross revenue from the sale of tobacco, hemp-derived cannabinoid, and/or electronic smoking and vaping products.

A hookah lounge shall be included within this use classification. A marijuana dispensary approved under State law shall not be included under this definition.