

VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION
REGULAR MEETING

Council Chambers: 6pm

Monday, October 12, 2026

The Village of Yellow Springs Planning Commission will meet in regular session on Monday, October 12, 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 September 15, 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:

- Table 1250.02 Schedule of Uses: Business Districts – A zoning code text amendment to include Smoke & Vape Shops in the business district use table.
- Chapter 1260.04 Uses – A zoning code text amendment to include Smoke & Vape Shops as a land use permitted with special standards.

OLD BUSINESS

Date Center Information (Holt/Stiles: 10 min.)

NEW BUSINESS

AGENDA PLANNING

Discussion of Proposed Amendment to Section 1266.02 Sign General Provisions – A zoning code text amendment to allow a reduction in the time for changeable message displays on electronic message centers (Little Art Theatre)

Conditional Use Request for Food Trucks at 1 Morgan Place. Chapter 1262.03 Conditional Use General Standards; Educational Institution (E-I). Greene County Parcel #F19000100140005700 (Antioch College)

ADJOURNMENT

Planning Commission Regular Meeting Minutes

In Council Chambers @ 6:00pm

Tuesday, September 15, 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, Scott Osterholm, 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 August 11, 2026 Regular Meeting

DeVore Leonard MOVED TO APPROVE the Minutes of the August 11, 2026 Regular Planning Commission meeting as amended. Green SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

COMMUNICATIONS

There were no communications.

COUNCIL AND COMMITTEE REPORTS

Active Transportation Committee. Arellano reported on the AT Plan update, which is now in month four. Public comment was gathered at an August community event as well as an online questionnaire. Comment was made on sidewalks, speeding, and a recommendation for e-bike/scooter safety education.

Arellano shared an educational flyer geared towards e-bike/scooter safety.

Council. DeVore Leonard updated PC regarding the start date for an Interim Village Manager.

Village Staff Report/Information. Holt shared information on State Chapter memberships for APA membership.

CITIZEN COMMENTS

There were no comments made.

PUBLIC HEARINGS

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.

Holt explained that 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 re-

quires 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, Holt stated, 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.

Green asked whether developers would be able to access the information being removed, noting that there is a fair amount of instruction provided in that section of the code.

Holt responded that the detail provided in the code is more specific than is normally seen in a zoning code, opining that removal of the information will not pose any detriment to a developer.

Holt responded to a follow-up question from Stiles, stating that a developer would normally go to the County for such information.

Stiles OPENED THE PUBLIC HEARING on text amendments to Section 1226.13. There being no comment, Stiles CLOSED THE PUBLIC HEARING.

Green MOVED and Osterholm SECONDED a MOTION TO RECOMMEND TO COUNCIL THE TEXT AMENDMENTS TO SECTION 1226.13 "SUBDIVISION FEES" AS RECOMMENDED BY STAFF.

Stiles CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE, with Salmonson ABSTAINING.

*DeVore Leonard left the dias.

Amend Title Four of the Planning and Zoning Code to remove APPENDIX A "Fee Schedule".

Stiles OPENED THE PUBLIC HEARING ON REMOVAL OF APPENDIX A. There being no comment, Stiles CLOSED THE PUBLIC HEARING.

Stiles MOVED TO APPROVE THE STAFF RECOMMENDATION TO REMOVE APPENDIX A FROM THE PLANNING & ZONING CODE. Green SECONDED, and the MOTION PASSED 3-0, with Salmonson ABSTAINING.

OLD BUSINESS

Housing Need Assessment Key Findings. Holt reported that Bowen has sent the final Housing Assessment Update. There has been an update in the number of cost-burdened homeowners (by 2.5%), she noted.

PC briefly discussed several of the findings.

DeVore Leonard commented that the report has provided a number of units needed (328), but that number is not an exact science and is based more on market interest.

Information was provided on access to the Bowen Study on the Village website.

Date Center Information Update. Stiles presented high-level information on Data Centers.

NEW BUSINESS

Smoke and Vape Shop Draft Text Discussion. Stiles reported on a recent meeting dealing with the smoke/vape shop issue.

Holt reported that a meeting with related businesses was requested. She stated that the meeting was sparsely attended, and staff will follow up with all businesses who did not attend. Holt stated that the initial text she is proposing is simple and provides time to study the matter further.

Holt asked PC to weigh in on the proposed text amendment, which would add “Smoke and Vape Shop” to Table 1250.02 and to Sections 1260.04 “Uses” and 1262.08 “Specific Requirements.”

Proposed text:

1260.04 USES.

(a) Accessory Buildings and Structures.

(14) D.

(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.

There was general agreement to this requirement.

(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.

Discussion regarding how to best regulate this use ensued.

PC members disagreed as to whether conditions (2) and (3) were both necessary.

There was discussion regarding clustering and location of such businesses and whether this has an effect on young persons or other potentially problematic effects.

Osterholm commented that schools and daycares should be prioritized as locations to which such shops should not be permitted to locate in proximity.

Holt clarified that the purpose of the amendment is to put parameters in place until a Conditional Use can be put in place, so that the proposed language does not need to be perfect at this point, just feasible and effective.

PC members agreed that they did not wish to permit either drive-thrus or walk-up windows, thus eliminating consideration of amendment to 1262.08 "Specific Requirements".

Holt noted throughout the discussion that existing shops are grandfathered in, with the exception of condition (8), with which existing shops will have to comply if the amendment is passed by Council.

PC then discussed the provided draft definitions.

Time was spent discussing where smoke and vape items would be displayed and whether there would be adequate sequestering of these items from children.

PC asked that Holt research this matter and provide guidance in the upcoming text amendment language.

FUTURE AGENDA

Smoke and Vape Text Amendments.

ADJOURNMENT

At 7:16pm, Stiles MOVED and Green SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 ON A VOICE VOTE.

Susan Stiles, Chair

Attest: Judy Kintner, Clerk



Smoke & Vape Shop Text Amendment

Planning Commission

Staff Report

October 12, 2026

SMOKE & VAPE SHOP 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) **Zoning Code Text Amendment to Table 1250.02 Schedule of Uses: Business Districts** –include Smoke & Vape Shops in the business district use table.
- 2) **Zoning Code Text Amendment to Chapter 1260.04 Uses** – include Smoke & Vape Shops as a land use permitted with special standards.
- 3) **Zoning Code Text Amendment to Chapter 1284 Definitions** – add definitions of “Smoke and/or Vape Shop” and “General Retail Use.”

CASE SUMMARY

The Village proposes to establish *Smoke and Vape Shop* as a distinct land use in the Zoning Code. Currently, smoke and vape shops are not separately defined and are reviewed as general retail. The proposed amendments would:

- (1) Add smoke and vape shops to Table 1250.02 as a permitted use in the B-1 Central Business and B-2 General Business Districts, subject to annual registration;
- (2) Add use-specific standards in new Section 1260.04(i), including registration requirements and specific conditions for new shops; and
- (3) Add definitions for “Smoke and Vape Shop” and “General Retail” uses.

In response to concerns regarding the growing number of smoke and vape shops in the downtown business district, youth access, and the preservation of business diversity within a limited commercial area, the Council adopted a 180-day moratorium on permits for new smoke and vape shops through Ordinance No. 2026-11 on June 1, 2026.

The moratorium provided staff with time to review the Village’s regulations, engage with a steering committee and affected businesses, and research and develop potential regulations. The moratorium expires on November 28, 2026. Given this timeline, staff is proposing regulations to address the immediate concerns while allowing continued community engagement as the Village evaluates whether additional regulations may be appropriate.



Smoke & Vape Shop Text Amendment

Planning Commission

Staff Report

October 12, 2026

STAFF RECOMMENDATION & REASONING

Staff recommends that Planning Commission provide a **positive recommendation to Village Council** to approve the zoning text amendments to Table 1250.02, Section 1260.04(i), and the Definitions, with the recommendations below, subject to the Commission's review of the buffer maps (Exhibits B and C). Staff finds that the amendments clarify the intent of the Code, are consistent with the purposes of the B-1 and B-2 Districts. Additionally, the proposed amendments promote public health, safety, and general welfare by limiting youth exposure and clustering. Standard (2) is noted as not directly applicable because the amendments fill a gap rather than correct an error. Since Ordinance No. 2026-11 expires on November 28th timely action is requested. The Village Solicitor has reviewed the proposed text amendments prior to the submission of this staff report.

Recommended Actions: **Buffer distance** – Staff request that Planning Commission make a recommendation to the Village between 300 and 500 feet after reviewing Exhibits B and C. Staff recommends choosing the 500 buffer. This distance is constant will other language in the Zoning Code and aligns with current feedback obtained so far.

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 amendments would clarify the intent of the Code by creating a defined use for smoke and vape shops, separating it from General Retail, and stating the standards that apply. The 20% floor-area threshold used in the temporary moratorium becomes a permanent definition. Refinements to the definition are recommended above.

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

Finding: Not directly applicable. The amendments fill a gap in the Code rather than correct an error.

(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: The definition addresses hemp-derived cannabinoid and CBD products and excludes State-approved marijuana dispensaries, consistent with Ohio Senate Bill 56 (effective March 2026), which limits intoxicating hemp sales to licensed dispensaries. State law on local regulation of tobacco and nicotine products is unsettled given the challenge by 21 cities to Ohio's preemption statute (Columbus v. State) was argued before the Ohio Supreme Court on June 9, 2026.



Smoke & Vape Shop Text Amendment

Planning Commission

Staff Report

October 12, 2026

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

Finding: The proposed amendments supports Sustainable Yellow Springs Comprehensive Plan's community priorities to maintain the character of the Village as a small, sustainable community and to improve economic diversity and its land stewardship principle that places be created with an integrated mix of uses, with close attention to compatibility. Limiting the number and clustering of one business type and separating it from youth-centered uses helps keep the commercial district diverse and compatible.

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

Finding: The required age gating signage reinforces the State and Federal minimum sales age of 21, and the definition follows the State's current separation of dispensary sales from other retail and protected land uses.

(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: Section 1250.01 describes the B-1 District as the focal point of the Village's commercial activity, with pedestrian-oriented uses of small-town scale, and the B-2 District as a confined area for general retail that should not become a proliferation of uses that detract from the central business hub. Smoke and vape shops are retail uses that fit the range of uses in both districts. The cap, spacing standard, and prohibitions on drive-thrus, walk-up windows, and outdoor display keep the use consistent with those purposes.

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

Finding: The separation from schools, parks, the library, day cares, and other youth uses, and the prohibitions on outdoor display and drive-thrus, limit conflicts with youth-oriented uses and with the pedestrian character of B-1. The combined effect of the buffers, spacing, and cap on available B-1 and B-2 sites is shown in Exhibits B (300 feet) and C (500 feet). The Commission should consider whether to recommend a buffer distance of 300 feet or 500 feet to the Village Council.

(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 amendments are supported by staff's observations of the number and concentration of existing shops, the location of protected uses, the buffer analysis (Exhibits B and C), the concerns



Smoke & Vape Shop Text Amendment

Planning Commission

Staff Report

October 12, 2026

Council stated in adopting Ordinance No. 2026-11, and community feedback. Staff reviewed similar regulations from other Ohio communities such as Green, Fairlawn, and Urbana.

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

Finding: The amendments do not change building intensity or demand on roads, water, sewer, or other public facilities. Annual registration and enforcement add modest work for the Planning Office, and the registration fee set by Council resolution will reflect that cost.

(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 standards are intended to limit youth exposure to tobacco and nicotine products, prevent clustering of a single business type, and protect the character of the B-1 and B-2 Districts; All of which promotes public health, safety, and general welfare.

EXHIBIT LIST:

Exhibit A – Proposed Smoke & Vape Text Amendments

Exhibit B – Smoke & Vape Shop Maps – 300 ft Buffer

Exhibit C – Smoke & Vape Shop Maps – 500 ft Buffer

Exhibit D – Steering Committee & Business Visits Summaries

EXHIBIT A

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 Vape Shop*	P	P	
*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.

EXHIBIT A

(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.

EXHIBIT A

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.

EXHIBIT A

(4) Built/constructed in another manner, proof of certification by a registered Ohio design professional.

(i) Smoke and 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. The registration application shall be submitted to the Village Planning Office by the last Friday of May.

- a. *Renewal.* The renewal of an issued registration under this section shall be handled in the same manner as the original application. The application for renewal shall be made at least thirty (30) days, but not more than sixty (60) days, before the expiration of the current registration.
- b. *Denial, Suspension, Revocation.* Ground for denying the issuance or renewal of a registration include, but are not limited to, the following:
 - i. The applicant is under the age of twenty-one (21).
 - ii. The applicant has previously had a registration revoked.
 - iii. The applicant fails to provide the information required on the registration application or provides false or misleading information.
 - iv. The applicant is prohibited by the federal, state, or local law or regulation from holding a tobacco retail license.
 - v. The number of registrations in the Village of Yellow Springs has already been exceeded or will be exceeded by the issuance of the requested registration and the business not a nonconforming shop.
 - vi. The business for which the registration is requested does not comply with the proximity requirements and it is not a nonconforming shop.

(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 [300/500] 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 [300/500] feet of any school, college, public park, public library, 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

EXHIBIT A

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 and walkup windows shall not be permitted.
- (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.

(Ord. 2013-19. Passed 9-16-13; Ord. 2016-03. Passed 4-18-16; Ord. 2017-23. Passed 9-18-17; Ord. 2018-18. Passed 5-21-18; Ord. 2018-41. Passed 11-5-18; Ord. 2020-26. Passed 10-19-20.)

Definitions

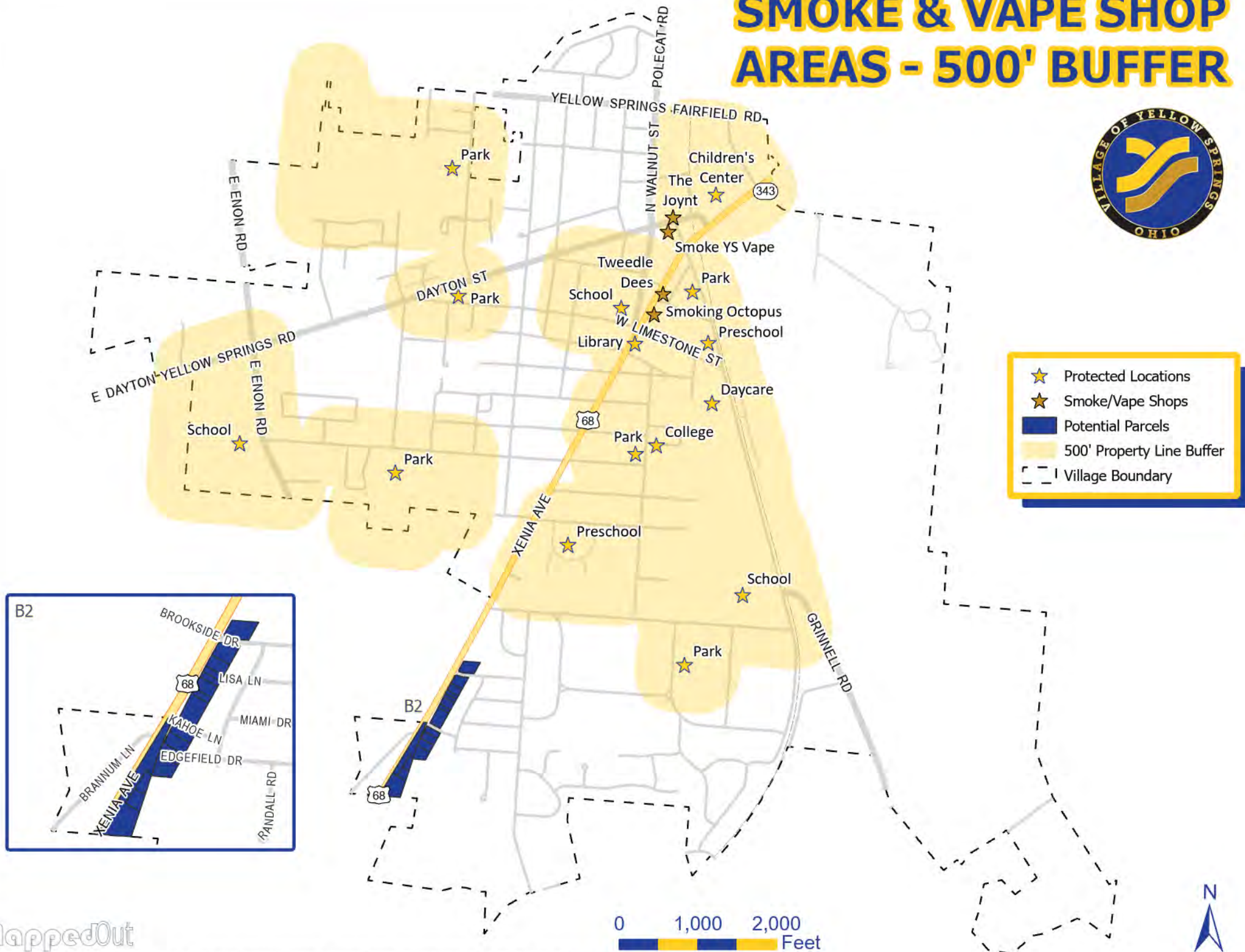
G

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.

S

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

SMOKE & VAPE SHOP AREAS - 500' BUFFER



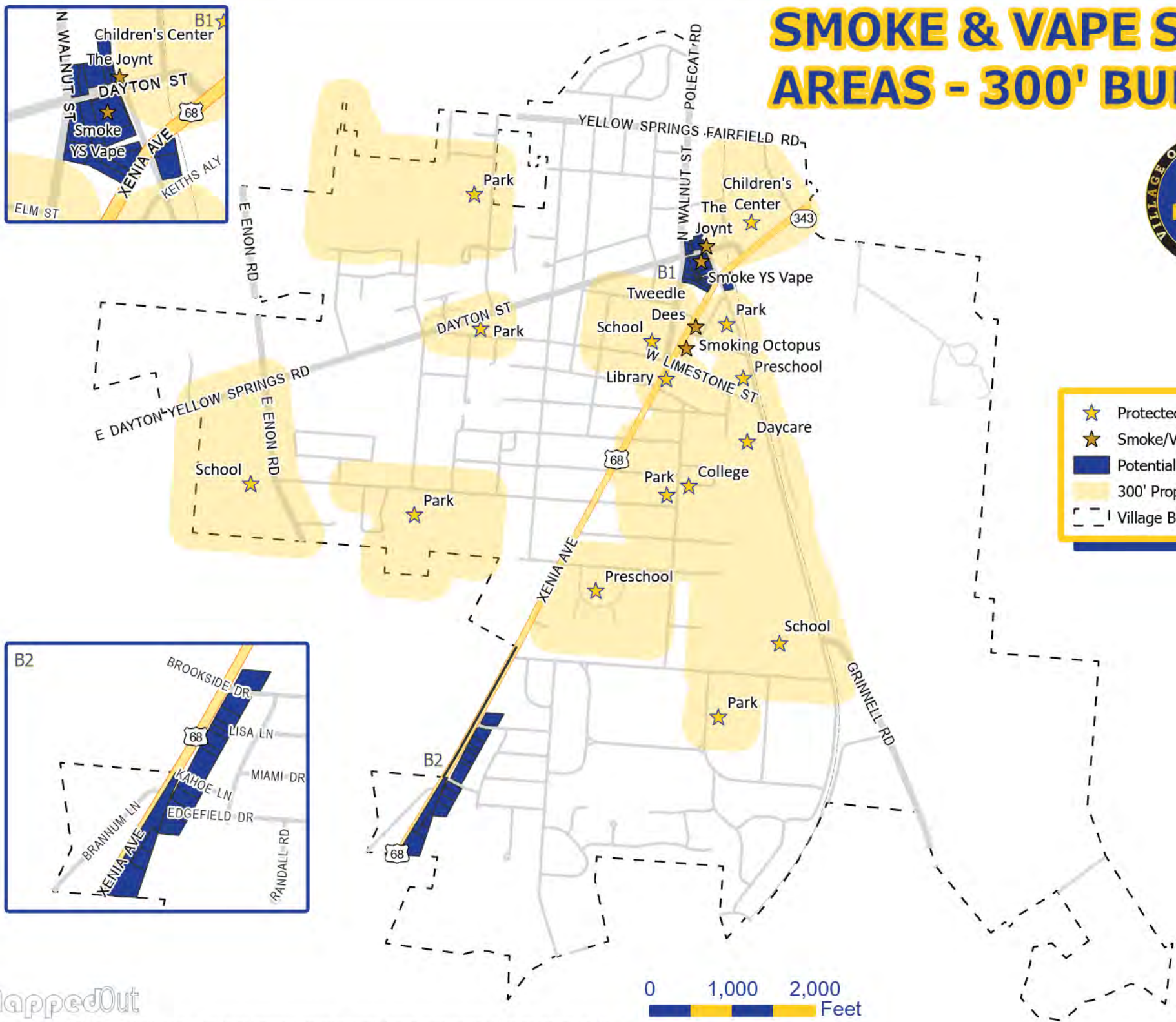
0 1,000 2,000 Feet



SMOKE & VAPE SHOP AREAS - 300' BUFFER



- ★ Protected Locations
- ★ Smoke/Vape Shops
- Potential Parcels
- 300' Property Line Buffer
- - - Village Boundary





The Village of **YELLOW SPRINGS**

Business Visit Summary

Staff spent an afternoon on September 17th visiting six (6) businesses that sell smoke and/or vape products to discuss potential regulations. Managers at four (4) of the six (6) businesses were available to provide comments. The comments below consolidate similar feedback and identify how many of the businesses that provided comments raised each issue.

Key Themes

Support for responsible sales and age verification – 4 of 4 businesses

- All businesses support reasonable measures to prevent underage sales.
- Businesses described existing practices including ID scanning, employee ID checks, entrance age-gating, and age-related signage.
- One business noted that its current signage is outdated and references age 18 instead of 21.

More information is needed – 4 of 4

- Businesses want additional information before supporting specific regulations.
- Requested information includes:
 - o Which businesses would be subject to the regulations
 - o Registration requirements and procedures.
 - o Enforcement and violation procedures.
 - o Draft regulatory language.

Regulations should reflect different business types – 3 of 4

- Businesses operate differently and should not automatically be subject to the same requirements.
- Mixed-use retailers believe they should be distinguished from businesses primarily selling smoke, vape, THC, or cannabis products.
- Businesses suggested considering the percentage of floor space/inventory devoted to regulated products and the primary nature of the business.
- One business reported that less than 5% of its floor area is used for vape/tobacco products.
- Another requested that the proposed percentage threshold be increased.

Protect existing businesses – 3 of 4

- Businesses expressed concern that new regulations could negatively affect existing, responsible businesses.
- Two businesses stated that existing businesses should be able to sell or transfer ownership without zoning restrictions preventing the transaction.
- One business requested that existing nonconforming status transfer with the sale of the business.

Signage, storefronts, and age-gating – 3 of 4

- Businesses raised concerns about overly restrictive storefront and signage requirements.
- One mixed-use retailer wants to continue displaying general merchandise such as clothing, art, jewelry, and toys while limiting displays of age-restricted products.
- One business is concerned that excessive signage restrictions could reduce visibility into the store.
- Businesses believe age-gating requirements should account for differences between dedicated 21+ businesses and mixed retail businesses.

Business caps/density – 2 of 4

- One business supports a cap, stating that there may be too many similar businesses for the size of the community.
- Another expressed concern that a cap below the number of existing businesses could gradually force existing businesses out.
- Businesses want clarification about how any cap would apply to existing businesses versus future businesses.

Registration – 2 of 4

- One business is neutral toward registration but wants more information about the process.
- Another does not object to registration as long as the process is not overly burdensome.

Walk-up windows – 2 of 4

- Two (2) businesses believe walk-up windows should be allowed when practical.
- Businesses noted that walk-up windows could assist with age-gating.
- One business cautioned that walk-up windows should not create sidewalk or neighborhood impacts.

Enforcement and due process – 2 of 4

- Regulations should clearly define violations and enforcement procedures.

- Businesses should receive notice and an opportunity to correct violations before losing the ability to operate.
- One business requested a hearing and appeal process.

Additional Comments

- A business noted that some customers rely on hemp products for medical needs and asked that regulations consider these customers.
- Another business stated that parents also have a role in preventing children from accessing products that may be unsafe or inappropriate.

Overall Feedback

Businesses generally support reasonable age-verification and responsible-sales requirements but want regulations that are proportionate to the type and scale of each business. The primary concerns are avoiding overly broad definitions, protecting existing businesses, ensuring any registration or enforcement process is workable, and providing sufficient local information to justify density and other restrictions.



The Village of **YELLOW SPRINGS**

Stakeholder Meeting Notes Summary

Meeting Date: August 18, 2026

Density Caps

- Where these businesses are located matters as much as the raw number.
 - Group flagged retail context and the need for a "wide variety of stores" in the community, not just this use.
- Federal/state law was flagged as more important than a local cap in some participants' view.
- Safety was tied directly to density: fewer establishments = less risk to kids.
- Oberlin's cap was raised as a reference point.
- Specific ask: cap should be set *below* what the Village currently has
 - Example floated: something like a 4,000:1 population ratio, in the 2–4 range).
 - Group wants to understand what market force is actually driving demand before locking in a number.
- PD involvement in this decision was raised as a need.*

Spacing Between Businesses

- Preference for a distance greater than the current legal limit.
- ORC's 500-foot standard was referenced as a benchmark.
- Suggestion given to consider the same spacing requirements for TGL units. Question raised whether variances should be allowed for this spacing requirement these uses.

Buffer from Youth-Centered Uses

- Urbana and Oberlin were raised as reference communities.
- Consensus that achieving a meaningful buffer is difficult given the Village's current commercial layout.
- Distinction raised between recreational and medical (cannabis) uses; buffer logic may not be identical for both.
- Group preference: the furthest defensible distance.

Signage Requirements

- Support for signage covering vape, cigarettes, and cannabis/hemp products, tied to a 21+ age restriction across all uses.
- Open question on whether gas stations should be allowed to carry these products and post signage, or whether sales should be confined to defined/dedicated areas.
- Strong theme: signage alone isn't sufficient, but it is still important. Village needs to actively enforce it, not just require it.
- Support for an age gate at the door with posted expectations.
- A pointed question was raised: should this use face *more* regulation than alcohol?
- Outdoor signage was supported by PD.*

Storefront & Service Operations

- Clear preference from business stakeholder: no kids in stores, even with a parent.
- Mixed feelings on drive-thrus: traffic concerns were raised, but a walk-up window was seen as a reasonable middle ground.

- o Need to check state requirements
- Interest in knowing what merchandise would actually be displayed.
 - o Strong theme: nothing in the windows that could attract kids; displays should be limited to vape/smoke/THC product only; not used to draw attention from outside.
- PD liked the idea of a conditional-use drive-through as a way to help with age gating.*

Cannabis vs. Smoke/Vape: Same or Different Regulations?

- The majority (all) wanted these uses regulated the same.
- If treated differently, the group flagged a need to distinguish retail vs. cultivator vs. processor uses; these aren't interchangeable operations.

Existing (Nonconforming) Businesses

- Separating fact from rumor: Strong call to get the facts on what each of the current businesses is actually doing before writing rules around them.
- General agreement that legal nonconformity should apply to all 7 identified existing businesses.
- Two suggestions were raised for how to handle nonconforming/grandfathered status going forward:
 1. No transfer on sale: nonconforming status would not transfer to a new owner if the business is sold.
 - *Pro*: the number of these uses would not expand over time.
 - *Con*: current business owners could not realize the value of their business (as a nonconforming use) when selling it.
 2. **Violations void nonconforming rights**: documented violations (2–3 instances of underage sales and/or other identified restrictions) could void nonconforming status; this was flagged as the preferred option.
 - *Pro*: allows business owners to sell their business as its current (nonconforming) use, preserving sale value.
 - *Con*: raises enforcement questions such as who tracks this and what counts as adequate documentation.
- Permitting: interest in a formal permit process, described as a tool that's already available/existing
 - o Question of whether there should be two permit paths (one for existing businesses, one for new).
- Enforcement plan was flagged as a gap needing definition.
- Florida was raised as a reference jurisdiction (North Carolina was considered and crossed out).
- Strong interest in a public education campaign: targeted at kids, parents, and adults; reinforcing that synthetic vape products aren't safe, alongside a physical barrier/checkpoint at the door.

*** Police Department Follow-Up:** PD was unable to attend the meeting due to other duties, so staff consulted with them separately afterward. Key input:

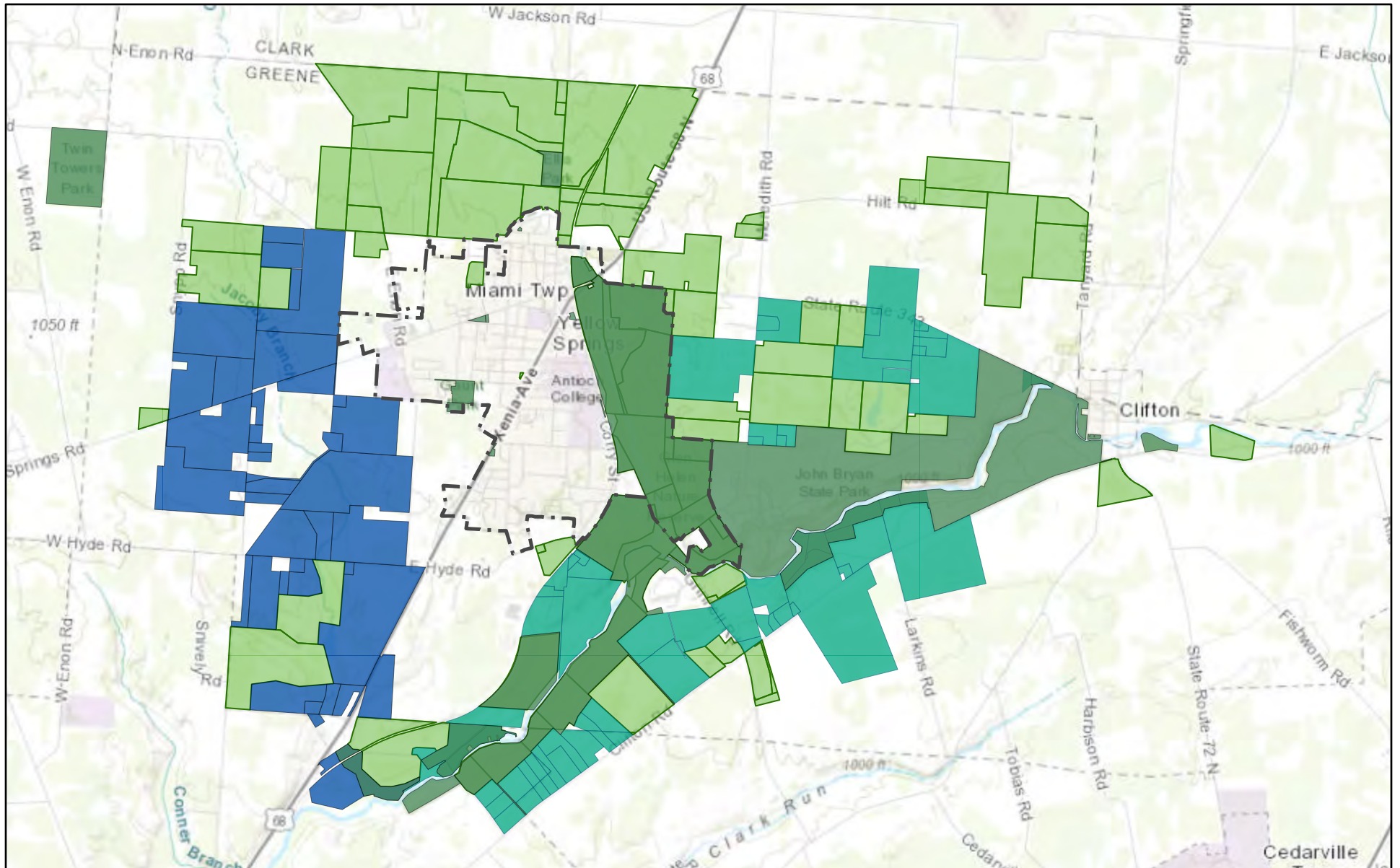
- PD wants clarity on enforcement responsibility and mechanics before rules are finalized.
- PD supports the conditional-use drive-thru/walk-up window concept as a tool for age gating.
- PD supports outdoor signage requirements.

Next Step

Convene a second, narrower stakeholder session limited to the 7 existing businesses identified as legal nonconforming uses. This session should work through the permit/enforcement mechanics, the nonconforming-status-on-sale question, and the violation-based loss of nonconforming rights, since these items affect the 7 businesses most directly and were not fully resolved in this session.

The Planning Commission will discuss this topic at their September meeting.

Yellow Springs Parks and Conservation Areas - Public



10/7/2026

Village Boundary

Yellow Springs Area Parks

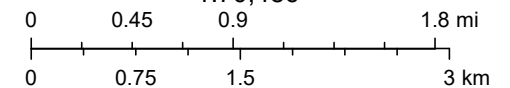
Jacoby Greenbelt

Country Commons Conservation Areas

Tecumseh Land Trust Conservation Easements

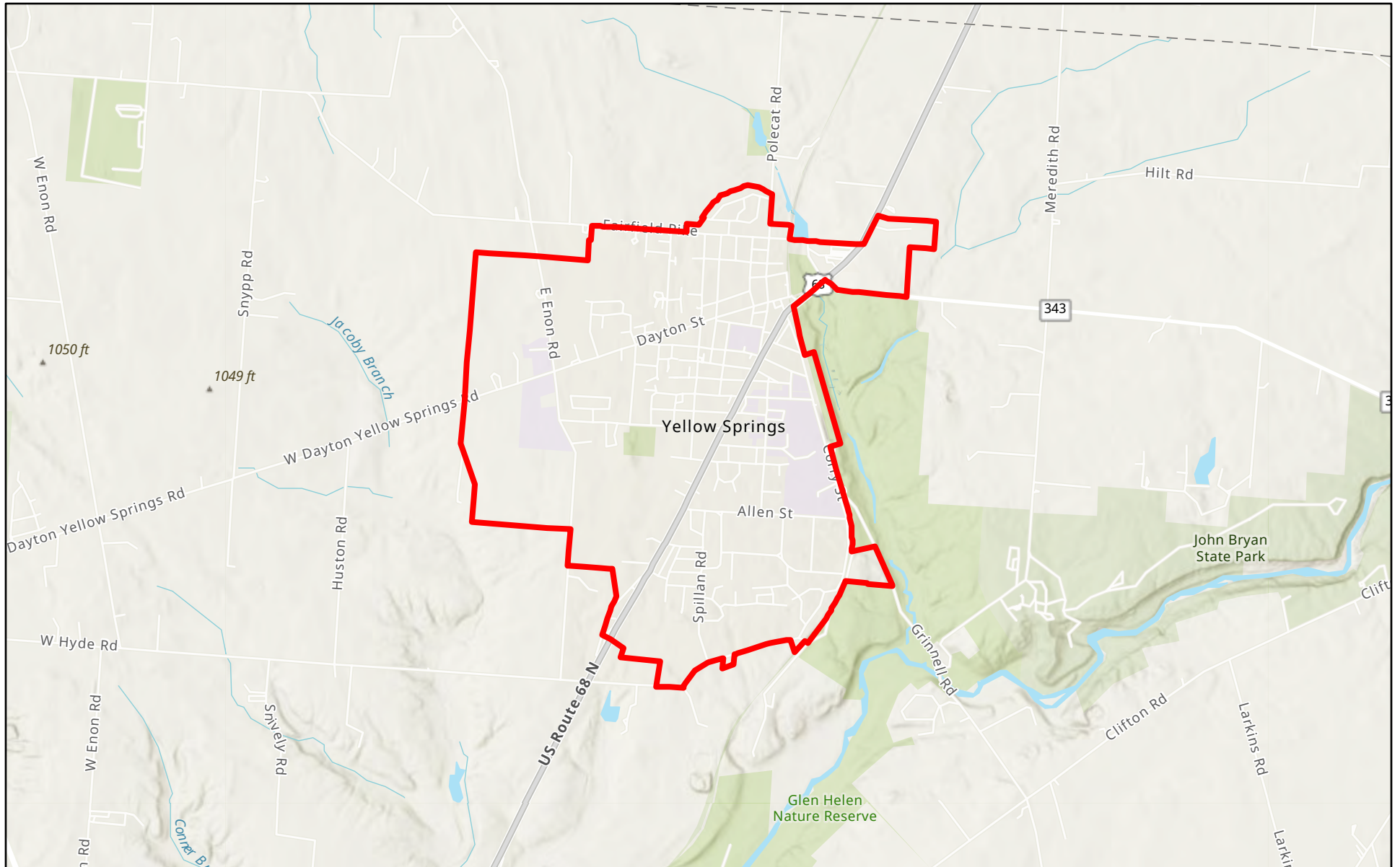
Citations

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This data was obtained from Greene County, Ohio, GIS Department, Greene County GIS, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, NGA,

YS Urban Service Boundary

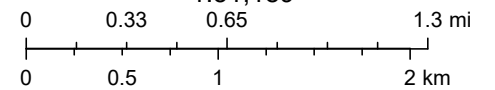


10/7/2026

 Urban Service Boundary

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Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community, Esri, NASA, NGA, USGS, FEMA