

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE #2017-21**

**REPEALING SECTION 1284.05 “DEFINITIONS: H-I-J-K” OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING
NEW SECTION 1284.05 “DEFINITIONS: H-I-J-K”**

Whereas, Codified Ordinance Section 1284.05 of the Village of Yellow Springs, Ohio provides the definitions beginning with the letters H-I-J-K for the Village of Yellow Springs Zoning Code; and

Whereas, Village Council has determined that it would be in the best interest of the Village to adopt a new Section 1284.05 entitled “Definitions: H-I-J-K” of the Codified Ordinances of the Village of Yellow Springs, Ohio to add the definition of homeowners association,

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

Section 1. Section 1284.05 entitled “Definitions: H-I-J-K” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Section 1284.05 entitled “Definitions: H-I-J-K” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A with new language underlined and **bolded**, which is attached hereto and incorporated herein.

Section 3. This ordinance shall take effect and be in full force at the earliest date permitted by law.

Karen Wintrow, President of Council

Passed: 9-18-2017

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Karen Wintrow Y Brian Housh Y

Gerald Simms Y

Judith Hempfling Absent

Marianne MacQueen Y

EXHIBIT A

1284.05 DEFINITIONS: H-I-J-K.

Hazardous substances. Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or coming in contact with the material that is regulated by a governmental agency.

Historic structure. Any structure that is:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by:

A. An approved state program, as determined by the Secretary of the Interior; or

B. Directly by the Secretary of the Interior in states without approved programs.

Home occupation. An occupation or profession conducted, as an accessory use in a dwelling or a detached accessory building on the same lot as a principal dwelling, by a member or members of the resident family and which is clearly accessory and incidental to the residential use of the lot. Also referred to as a "home-based business."

Homeowners Association (HOA). An organization of homeowners of a particular subdivision, condominium development, planned unit development or pocket neighborhood development whose purpose is to provide a common basis for preserving, maintaining and enhancing their homes and property.

Hotel/motel. A building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. A hotel (as distinct from a motel) contains a central interior lobby and provides daily room cleaning and linen changes. Other supportive facilities may also be included such as, but not limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities and similar facilities/services intended principally to serve registered guests.

Impervious surface. Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land.

Junk. Any motor vehicles, machinery, appliances, products or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

Junk yard. An establishment or place of business which is maintained or operated for the purpose of storing, keeping, buying or selling scrap or salvageable materials, including dismantled vehicles, or for the maintenance or operation of an automobile graveyard.

Kennel. Any premises used to board, breed, sell, train or treat more than three dogs, cats or other domestic pets who are more than six months old.