

**VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION**

The Village of Yellow Springs Planning Commission will meet in regular session on Monday, June 11, 2018 at 7PM in Village Council Chambers on the second floor of the Bryan Community Center, 100 Dayton Street, Yellow Springs, Ohio 45387

CALL TO ORDER

ROLL CALL

REVIEW OF AGENDA

REVIEW OF MINUTES

COMMUNICATIONS

COUNCIL REPORT

CITIZEN COMMENTS

PUBLIC HEARINGS:

OLD BUSINESS

- Minimum Lot Frontages
- RVs/Tiny Homes/Mobile Homes
- RV parking
- Review of the Comprehensive Land Use Plan

NEW BUSINESS

AGENDA PLANNING

- Comprehensive Land Use Plan

ADJOURNMENT

**Planning Commission
Regular Meeting Minutes**

Council Chambers 7:00pm

Monday, April 9, 2018

CALL TO ORDER

The meeting was called to order at 7:00 P.M.

ROLL CALL

Planning Commission members present were Rose Pelzl, Chair, Council Representative Marianne MacQueen, Frank Doden, Susan Stiles and Ted Donnell. Also present were Denise Swinger, Zoning Administrator, and Chris Conard, Village Solicitor.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Minutes of April 9, 2018 were reviewed. Stiles MOVED to ADOPT THE MINUTES AS AMENDED. Doden SECONDED and the MOTION PASSED 5-0.

Minutes of April 24, 2018 (Work Session) were reviewed. Stiles MOVED to ADOPT THE MINUTES AS AMENDED. MacQueen SECONDED and the MOTION PASSED 5-0.

CONSENT AGENDA

Minor Subdivision and replat of two properties located at 450 Allen Street -Parcel ID #F19000100160001300, property owner: Mary Jane Short, and 1212 Corry Street-Parcel ID #F19000100160008000, property owners: Timothy Barhorst and Barbara Zulliger.

Donnell MOVED and Pelzl SECONDED a MOTION TO APPROVE THE CONSENT AGENDA. The MOTION PASSED 5-0 ON A VOICE VOTE.

COMMUNICATIONS

Antioch Proposal for Pocket Neighborhood Development. Swinger noted that the Housing Advisory Board (HAB) had advised the Antioch College Village group to send documents on to Planning Commission as an “FYI”, prefatory to their planned submission of a proposal later this year, and that these are those initial documents.

Housing Documents from Housing Advisory Board (3 items which were compiled and presented to Council on 5/7/18). MacQueen explained the documents, noting that she would like PC to remain informed as to the process.

COUNCIL REPORT

MacQueen noted that Council had heard the first reading of seven ordinances related to minor changes to the zoning code, all of which were the result of recommendations from Planning Commission (PC). These will receive second reading/public hearings on May 21st.

CITIZEN COMMENTS

Pat Brown stated her support of the Antioch College Village concept.

PUBLIC HEARINGS:

Conditional Use Application – Carol Gifford and Daniel Merfeld, owners of 102 Pleasant Street in the R-B, Moderate Density Residential District, are seeking approval for an accessory dwelling unit. Parcel ID #F19000100110014400.

Swinger noted that the property owners want to build a 24 X 24 foot garage with an efficiency apartment/ADU above off the North Walnut Street side of their property. Their plan is for it to be a long-term rental. She observed that the applicants have met all required conditions for approval.

Donnell noted that the site plan shows the setback encroaching into an alley.

This was discussed at some length.

Carol Gifford stated that there is a discrepancy in the dimensions on the provided map, and that the discrepancy seems in error. She noted that the property includes an abandoned alley, and so has a “flag shape”.

Swinger explained that the property extends behind the other properties on the block because it includes an alley.

Conditional Use Application – Steven and Stacey Wirrig, owners of 335 Orton Road in the R-A, Low Density Residential District, are seeking approval for an accessory dwelling unit. Parcel ID#F19000100160003100

The property owners’ pool house is classified as an Accessory Dwelling Unit. In addition, they intend to build an in-ground pool which is considered an accessory structure under the general provisions of the zoning code. One of the provisions is that the swimming pool be properly secured (see section 1260.04 below). The property owners would like to use an automatic pool cover instead of erecting a fence around the pool. The zoning code does allow for other protective devices if they afford the same or better safety protection.

On the Conditional Use application the property owner wrote, “The retractable cover provides equal or better protection than fencing, as it isolates the water itself removing temptation that exists with only a fence, supports the weight of several adults, can be closed in seconds when moving into the house or another part of the yard, and unlike a fence gate, it is very visible if it is open or closed. The cover type being considered is an Automatic Pool Covers, Inc. brand and is UL listed,”

OLD BUSINESS

Minimum Lot Frontages.

NEW BUSINESS

AGENDA PLANNING

- RVs/Tiny Homes/Mobile Homes.
- RV parking.
- Review of the Comprehensive Land Use Plan.

ADJOURNMENT

At 8:56pm, Stiles MOVED and Doden SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Rose Pelzl, Chair

Attest: Judy Kintner, Clerk

Please note: These minutes are not verbatim. A DVD copy of the meeting is available at the Yellow Springs Library during regular Library hours, and in the Clerk of Council’s office between 9 and 3 Monday through Friday.



TO: PLANNING COMMISSION
FROM: DENISE SWINGER
MEETING DATE: JUNE 11, 2018
RE: MINIMUM LOT FRONTAGE

Below you will find staff's report from the May 14th meeting of the Planning Commission. During this meeting, the Planning Commission did not come to a resolution on the interpretation of the zoning code's Minimum Lot Frontage. Once the Planning Commission has agreement, staff suggests an amendment to clear up any confusion and to prevent various interpretations of its meaning.

STAFF REPORT:

With the update to the zoning code and the results of the visioning process directing growth through infill development, staff is seeing an increase in inquiries from residents asking what they can do with their properties. Each inquiry has its own unique circumstances and staff would like to know how the Planning Commission interprets Section 1260.02 (e) of the zoning code. Section 1260.02 (e) Minimum Lot frontage states:

Any lot created after the effective date of this code shall have frontage on an improved public street or approved private street or access easement, equal to the minimum required lot width in the zoning district in which it is located.

Staff has reviewed this with our legal representative at Coolidge Wall, and interprets Section 1260.02 (e) as follows:

Because a lot can have frontage on an access easement, as well as on a public or private road, a lot that sits behind another lot and has no access to the road can still be used as long as there is an access easement that runs along the new lot for the required distance/frontage in that district.

In trying to further understand this, staff asked if the access easement to the landlocked lot stops at the lot line boundary or does it extend the appropriate frontage width for that district along the landlocked lot line. For example, if the property line width for R-A requires 60-foot frontage, would the easement need to run an additional 60 feet in order to show that there is the required width along the landlocked lot? The answer from our legal representative was yes, it has to be extended 60 feet as there needs to be 60 feet of frontage within the easement.

Exhibit A is an aerial view of a property which recently had a replat. The property owner placed an easement on a 20 foot wide driveway to allow for utilities and for road access to a landlocked lot. The property is located in Residential C which requires frontage of 40 feet. The road access

easement extends a total of 149.49 feet, running along the side yard property line of the lot with frontage on Corry Street for 109.49 feet and then an additional 40 feet along the landlocked property's lot line of 41.02 feet.

Once the easement reaches the landlocked property, could the easement extend inside the landlocked property for the additional 40 feet or does it need to stay on the property that is granting the easement?

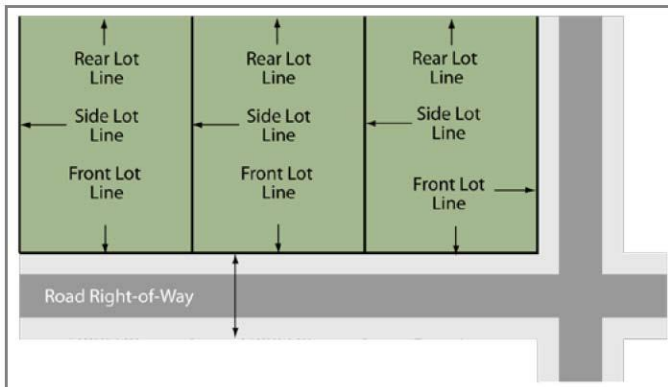
In this case, had there not been 40 feet of frontage available along the shorter landlocked lot line, it is staff's understanding that the owner could get an access easement from the abutting property owner (school) for 40 feet. In my discussions with legal, it was determined the easement could go in either direction along the outside of the landlocked property's lot line. Staff would like Planning Commission to weigh in on this because of the zoning code's lot line boundary definitions. Would we need to determine the frontage on the landlocked lot based on what is in the zoning code or does it even matter on a landlocked lot? See below:

Lot lines. The lines bounding a lot, as defined below:

(1) *Lot line, front.* In the case of an interior lot, the line separating the lot from the street right-of-way or road easement. Through and corner lots shall have two front lot lines.

(2) *Lot line, rear.* The lot line opposite and most distant from the front lot line. On a corner lot, the rear lot line is opposite the shorter of the two front lot lines. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. A through lot has no rear lot line.

(3) *Lot line, side.* The lot lines connecting the front and rear lot lines of an interior or corner lot or connecting the front lot lines of a through lot.

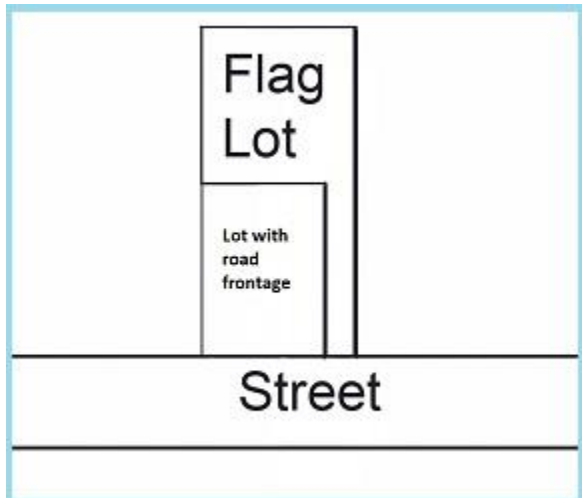


If the Planning Commission decides it does matter and the land-locked lot does not have the frontage, then is it a non-buildable lot? It may make sense to require it with the creation of any new lots, but with existing land-locked lots it may not since Chapter 1282.05 (a) states: *A lot of record that exists at the time of adoption or amendment of this code that does not meet the*

minimum requirements for lot width or lot area may be used for any permitted use in the district in which the lot is located, provided that any building or structure constructed on the lot complies with all other requirements of the zoning district.

Exhibit B is a land-locked property off Livermore Street. Residential A requires that new lots must be a minimum of 7,500 square feet, however this lot is grandfathered in. What makes this an interesting example is that the frontage along Livermore Street is 119.75 feet, just 4 inches shy of 120 feet. If it was 120 feet, could it be a lot split instead of a road access easement? If yes, could the lot split show the required frontage but then narrow and run along the side of the property until it reaches the landlocked lot spanning out to 60 feet again? A recent example of this is the recently auctioned Arnovitz property in the township (**Exhibit B-Part II**). The required frontage is 300 feet in the township, but then it narrows to reach the landlocked acreage. If the Village decides to allow lot splits in this way, could the property owner first apply to the BZA for a variance of 4 inches?

In **Exhibit C**, the owner has three 25 foot frontage lots. He would like to do a replat, combining three lots into two lots. There is enough room to create a second lot, but not enough frontage (50 feet in Residential B) to have a lot split. The property owner is interested in creating a flag lot, which is not allowed in the zoning code. The property owner made reference in a meeting with staff that there are a number of lots with only 25 foot frontage. Why these were created isn't known and would have to be researched further. Are flag lots something Planning Commission would want to consider? Flag lots (aka panhandle lots) are long, slender strips of land resembling flag poles that extend from a lot with just enough frontage for vehicle access.



If the Planning Commission does not want to have flag lots, can the owner replat this property as long as the road access easement language is included? Replats do not require approval by the Planning Commission. Should replats be reviewed by the Planning Commission if there are road access easements involved?

Staff wants to prevent issues for not only future property owners, but future zoning staff as property road access easements can become problematic. Should zoning have specific requirements a property owner must include in their road access easement in order to approve?

For example, identifying the property owners who must maintain the road and/or whether fences are allowed within the easement area, etc. Should we require that the road access easement be recorded with Greene County? If so, is it recorded on both properties?

Exhibit D is a large property in Residential A. Several residents in Residential A have made inquiries on everything from lot splits to pocket neighborhood developments. This is another example where there is enough land to create a lot with a road access easement, but not enough frontage for two separate lots on the public street. Can this property have an additional curb cut for a driveway? Can they ask for a lot split after seeking a 2.6 foot variance to the front yard width?

DRIVEWAYS - The zoning code does not fully address the allowance of additional curb cuts for driveways on existing streets. The examples presented (**Exhibit B, C and D**) require road access which means additional curb cuts may be required to the street. Typically, staff relies on the standards in Chapter 1264 for guidance on these decisions, and regulations for driveways are not well-detailed.

In the case of **Exhibit A**, staff allowed only one driveway access that the property with frontage on Corry Street will share with the landlocked property. Staff made this determination by reviewing various sections of the Planning and Zoning codes, and receiving input from the street superintendent, who expressed concerns with the school abutting the property and the school bus drop off zone.

See below for other specific mentions of driveways within the Planning and Zoning code:

Planning Code Chapter 1226.06 Design Standards states: (a) *Undeveloped Land*.

- (1) *Streets. Streets shall conform to the Official Thoroughfare Plan of the Village of Yellow Springs and shall be dedicated by the owner. Pavements of streets and construction of curbs, gutters, associated storm sewers, driveway aprons and water and sanitary sewer systems, shall be according to Greene County specifications, especially those found in Article 8 of the Subdivision Regulations of Greene County, Ohio, as amended. Calculation of potential runoffs and the storm sewer system so dictated shall be arrived at using the methods provided for in the "Run-off Control/Sediment Abatement Resolution, Greene County, Ohio."*

Planning Code Chapter 1226.06 Design Standards states: (a) *Undeveloped Land*.

C. Driveway connections crossing drainage swales must conform to Greene County specifications complete with concrete headwalls as called for by Sections 816 and 817 of the Greene County Subdivision Regulations, as amended. These crossings are to be an integral part of the stormwater management plan as to location, grade and size.

Zoning Code Chapter 1260.01 Buildings and Structures states: *Visibility into and out of any driveway or street shall remain unobstructed.*

Zoning Code Chapter 1260.04 (a) (13) *Residential access driveway shall be at least three feet from side property lines and construction shall ensure that drainage is sloped away from adjacent properties.*

Zoning Code Chapter 1264.02 GENERAL REQUIREMENTS.

(b) *Location.* Off-street parking facilities required for all uses other than single and two-family dwellings shall be located on the lot or within 300 feet of the building(s) or use they are intended to serve, as measured along lines of public access from the nearest point of the parking facility to the building(s) or use served. Off-street parking facilities required for single- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage. All residential driveways shall meet Village engineering standards. In the B-1, Central Business District, parking facilities shall be located within 600 feet of the building or use to be served.

Zoning Code Chapter 1264.03 (b) (5) Off-Street Parking and Facility Design states:

Ingress and egress. Adequate vehicular ingress and egress to the parking area shall be provided by means of clearly limited and defined drives. All parking lots shall provide interior access and circulation aisles for all parking spaces. The use of public streets for maneuvering into or out of off-street parking spaces shall be prohibited. Ingress and egress to a parking lot in a nonresidential zoning district shall not be through a residential district, except in instances where access is provided by means of an alley that forms the boundary between a residential and nonresidential district. Except in the B-1 District (downtown), access to nonresidential parking lots shall meet the following standards:

A. Ingress and egress driveways shall be located no closer than 50 feet to the intersecting right-of-way of two streets and no closer than three feet to any adjoining property line.

B. Driveways shall not exceed 30 feet in width, as measured at the right-of-way line.

C. A maximum of one driveway shall be permitted per street frontage; provided a second driveway may be allowed where the frontage exceeds 200 feet.

D. No driveway shall be closer than 75 feet to another driveway on the same or abutting property.

E. Driveways shall be perpendicular or no more than 30 degrees from perpendicular to the curb.

F. Driveways shall not be located closer than 25 feet to any property line, unless approved as a shared driveway for two or more properties.

G. All driveways shall be constructed in accordance with the Village engineering standards.

Staff would like to see the addition of standards for residential driveways, including but not limited to the distance between curb cuts within the three Residential Districts, the width of the driveway with and without utilities, and the width of the driveway if the length exceeds beyond a certain distance, in order to allow access for essential services. Standards for driveway width

requirements to dedicate utilities and to allow for essential services to reach these landlocked locations will be important as we move forward with infill development.

Included is a recent email from the Village's Fire Chief Colin Altman who wrote:

“Access for firefighting and emergency medical incidents is definitely a concern for me, particularly in light of this spate of lot splits and “creative” home locating. The Ohio Fire Code does not address access to individual homes; however, I would recommend a minimum lane width of 12-14’ to allow for apparatus access in the event of an emergency, particularly if the lane is longer than 75’. The grade should be no more than 10%, which shouldn’t really be an issue in the village. The fire code references AASHTO HB-17 for construction of load bearing structures, but that may be excessive for a residence. Our ambulances weight around 4-5 tons, and our fire trucks are 12-20 tons.”

Greene County's Regional Planning & Coordinating Commission office provided an example of Xenia Township's driveway regulations and suggested we research Tipp City and Sugarcreek Township if we want to put into place standards for driveways in the Village. **Exhibit E** is Xenia Township's driveway regulations.

Respectfully submitted,

Denise Swinger

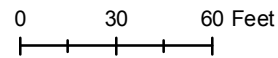
Customized Property Map



Greene County Legend

1 inch = 60 feet

- | | | | | | | | |
|--|--------------------|--|-----------|--|-----------------|--|-----------------------------|
| | Interstate Highway | | Schools | | Parks | | Parcel Number
Lot Number |
| | US Highway | | Parks | | Parcel Boundary | | Corporation Lines |
| | State Route | | Buildings | | Hydrography | | Topography |
| | Local Roads | | | | | | |



This map was prepared as the tax map for Greene County as prepared by the Greene County Engineer in accordance with Section 5713.09 of the Ohio Revised Code. Greene County assumes no legal responsibility for the information contained on this map. Users noting errors or omissions are encouraged to contact the Greene County GIS Department.

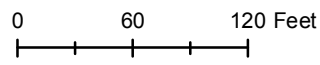
Customized Property Map



Greene County Legend

1 inch = 100 feet

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| | Interstate Highway | | Schools | | Parcel Number
Lot Number | | |
| | US Highway | | Parks | | Parcel Boundary | | |
| | State Route | | Buildings | | Corporation Lines | | |
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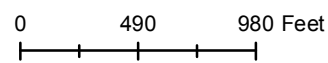
Customized Property Map



Greene County Legend

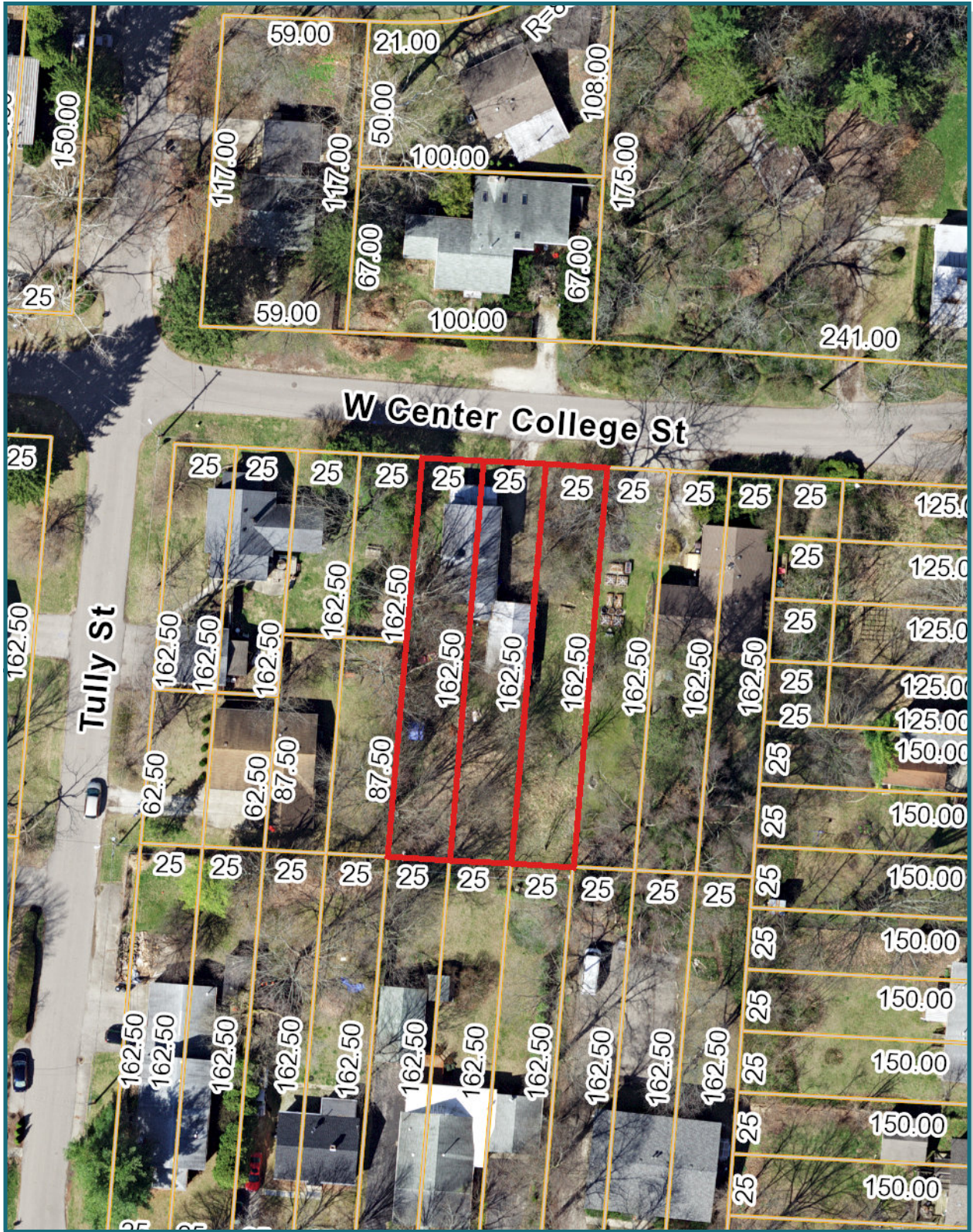
1 inch = 800 feet

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|--|--------------------|--|-------------|-----------|-------------------|
| | Interstate Highway | | Schools | 71 | Parcel Number |
| | US Highway | | Parks | 51 | Lot Number |
| | State Route | | Buildings | | Parcel Boundary |
| | Local Roads | | Hydrography | | Corporation Lines |
| | | | | | Topography |



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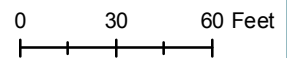
Customized Property Map



Greene County Legend

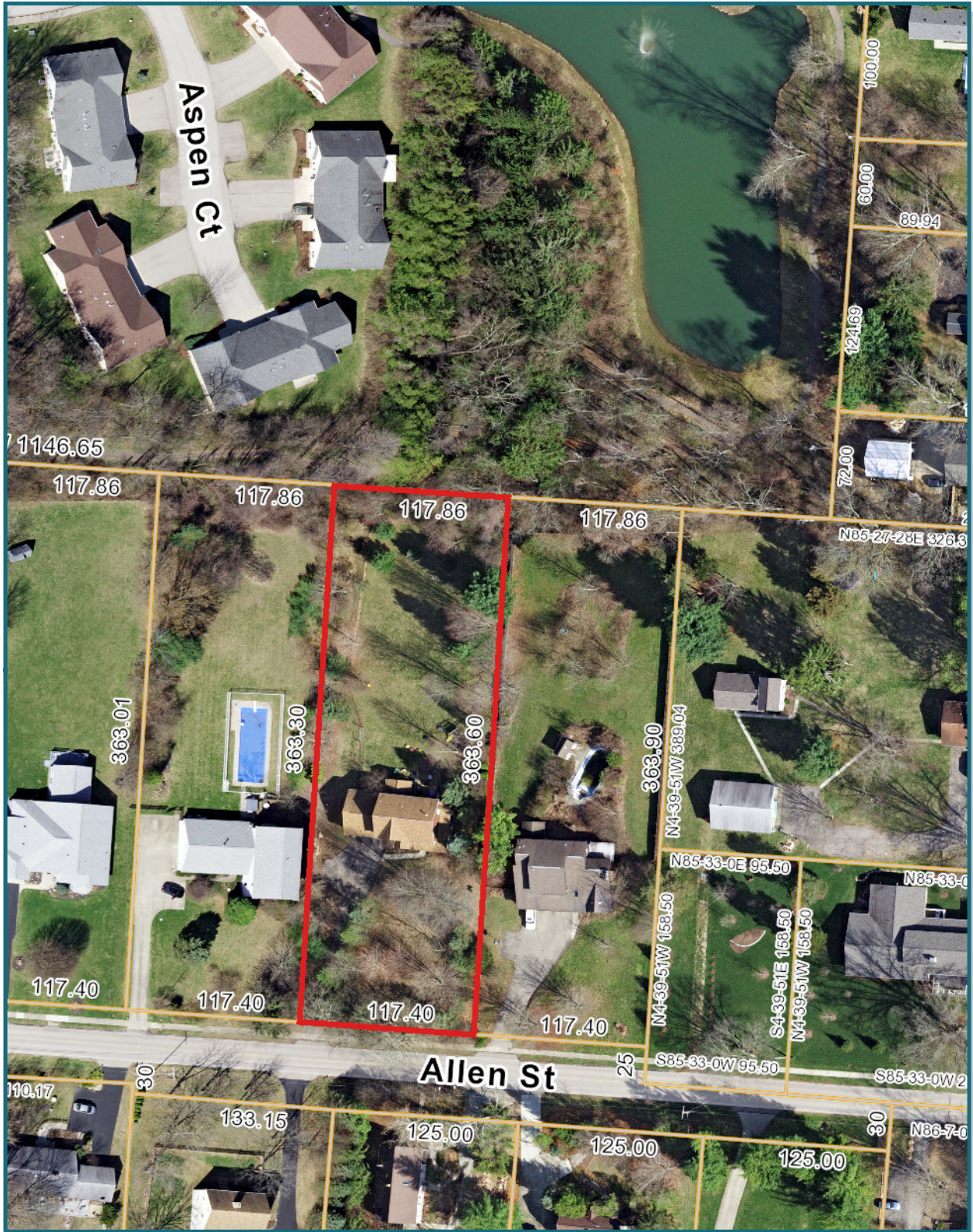
1 inch = 60 feet

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| | Interstate Highway | | Schools | | Parcel Number
Lot Number |
| | US Highway | | Parks | | Parcel Boundary |
| | State Route | | Buildings | | Corporation Lines |
| | Local Roads | | Hydrography | | Topography |



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Customized Property Map



Greene County Legend

1 inch = 100 feet

- | | | | | | | | | | |
|--|--------------------|--|-------------|--|-----------------------------|--|-------------------|--|--|
| | Interstate Highway | | Schools | | Parcel Number
Lot Number | | Parcel Boundary | | |
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XENIA TWP. ZONING TEXT

523.9 Driveways

Any and all access points on roads shall require a driveway permit, and be constructed to the specifications listed on the permit.

523.10 Driveway Standard Regulations

The intent and purpose of driveway regulations are to provide a suitable means of ingress and egress between the road and the principal structures by the owners, occupants, delivery, and emergency vehicles. The improvements are to be installed and maintained by the owner. A driveway and culvert permit issued by the Xenia Township Road Department shall be required for any driveway cuts and before issuance of a zoning permit for any principal structure as defined in Section 201 of the Xenia Township Zoning Resolution. There shall be

no more than one principal structure per driveway, unless approved by the Xenia Township Board of Zoning Appeals. If approved, the Board of Appeals shall require all deeds include covenants and agreements indicating that the said lane or drive is a private drive and that it shall be maintained and kept in a state of good repair by the private landowners to whom the lane provides ingress and egress. The covenants and agreements shall clearly indicate that said private drive and individual turn-around are not public roadway and that Xenia Township shall have no responsibility for maintenance of the private drive and/or turn-around.

1. All driveways shall be constructed and subsequently maintained to meet the following standards.
 - a. A driveway must commence at a dedicated road.
 - b. Shall be a minimum width of 12 feet constructed with a base substantial enough to support vehicles to 40,000 lbs. gross vehicle weight (GVW);
 - c. Free from overhead obstructions to a height of 13 feet 6 inches and side-to-side obstructions to a width of 7 feet from the center line of the driveway;
 - d. Any incline, decline, dip, hump and/or curve must take into consideration the turning radius, ground clearance, and traveling envelope of all vehicles to include emergency vehicles.
2. Any driveway in excess of 1000 feet in length shall, in addition to the conditions/standards outlined in Section A, be required to also meet the following conditions:
 - a. Have a vehicle pull-off near the mid-point, and additional pull-offs for every 500 feet thereafter;
 - b. Have a turnaround at the end suitable for use by emergency vehicles;
3. Should Greene County Soil & Water recommend a culvert, pipe or bridge; no zoning permit will be issued until recommendations are completed. It is recommended that a pre-manufactured culvert, pipe or bridge be used. If a custom design is used, then it must be designed by a professional engineer and approved by the Township before construction.



TO: PLANNING COMMISSION

FROM: DENISE SWINGER

MEETING DATE: JUNE 11, 2018

RE: TINY HOMES-MOBILE AND MANUFACTURED HOMES

At the April 9th meeting of the Planning Commission, we began to explore the zoning code's definition of a modular and/or mobile home. Because the minimum square footage requirement was removed from the zoning code in the 2013 update, the zoning office is receiving inquiries regarding the construction of tiny homes. According to the International Residential Code (IRC) Appendix Q, the definition of a tiny house is "a dwelling that is 400 square feet (37 sq. m) or less in floor area, excluding lofts." Often the inquiries pertaining to tiny homes are best described in the Zoning Code's definition of a "manufactured home," but according to tiny home builders, it is not (Exhibit A).

People are asking if they can pull a tiny house onto a lot, hook it up to utilities and live in it. Currently, if someone inquires specifically about this type of dwelling, the definition of a "manufactured home" is explained (see Pg.2). In staff's interpretation, it needs to be located on the ground, with or without a permanent foundation and be connected to utilities. The reason for staff's interpretation of its location on the ground is because the definition of a "dwelling unit" in the zoning code excludes portable buildings (see Pg. 2). Because the zoning code does not include a definition of a portable building, having a tiny house on a permanent chassis with wheels that can be removed, is staff's interpretation of a portable building. A tiny house can have a certificate of occupancy issued and it is regulated by local building departments. Does this mean it can stay on wheels and fit the definition of our zoning code? What is the definition of a portable building? What is meant by "without" a permanent foundation?

The zoning code's definition of a manufactured home also states it is to be designed for use as a single-family dwelling. Does this mean that you cannot use a manufactured home in the construction of an accessory dwelling unit?

Further clarification of the zoning code by the Planning Commission is needed. It is important that we have this understanding as we move forward. With the goal of infill development, the zoning code needs to be clear so there is no confusion by staff, residents or builders on its intent.

Below are the definitions for an Accessory Dwelling Unit, a Manufactured Home, a Single-Family Dwelling Unit and a Dwelling Unit in the Zoning Code. Also included is a definition of a portable house from Wikipedia. Please consider the Zoning Code's current text as it relates to the tiny house movement and more specifically, tiny homes on wheels.

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.

1284.03 DEFINITIONS: C-D

Dwelling:

(1) Dwelling, multiple family. A building designed for occupancy by three or more families living independently of one another.

(2) Dwelling, single-family. A detached building designed exclusively for and occupied exclusively by one family.

(3) Dwelling, single-family attached. A multiple-family building containing at least three dwelling units; in which each unit has its own front and rear access to the outside on the ground floor; and where units share one or more common walls but not a common floor/ceiling

(4) Dwelling, two-family. A building consisting of two dwelling units or designed for or used by two families or housekeeping units living independently of one another. May also be referred to as a duplex.

(5) Dwelling, manufactured home. See "manufactured home."

Dwelling unit. A permanent building or portion of a building, having cooking and sanitary facilities, designed or used exclusively for residential occupancy by one family as a single housekeeping unit, but not including hotels/motels, recreational vehicles, tents or **portable buildings.**

1284.06 DEFINITIONS: L-M-N

Manufactured home. A factory-built, single family structure, transportable in one or more sections, which is built on a permanent chassis in compliance with the National Manufactured Home Construction and Safety Standards (42 USC, Sec. 4301) and designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to utilities. **The term "manufactured home" includes "mobile home."** Recreational vehicles and temporary buildings are not included in this definition.

A **portable**, demountable or **transportable** building, is a building designed and built to be movable rather than permanently located. A common modern design is sometimes called a modular building, but **portable** buildings can be different in that they are more often used temporarily and taken away later.

Portable building - Wikipedia

https://en.wikipedia.org/wiki/Portable_building

WHAT EXACTLY IS A TINY HOUSE?

A DWELLING THAT IS 400 SQUARE FEET OR LESS IN FLOOR AREA EXCLUDING LOFTS. ¹



-Official International Code Council (ICC) Definition adopted 2017

Certificate of Occupancy Potential:
DIY Build Potential:
Size:
Construction Code:
Regulating Agency:

✓
✓
400 Sq Ft or Less
IRC Appendix Q
Local Building Departments

WHAT A TINY HOUSE IS NOT

PARK MODEL

A park model is a trailer-type RV designed to provide temporary accommodation for recreation, camping or seasonal use. ²



Certificate of Occupancy Potential:
DIY Build Potential:
Size:
Construction Code:
Regulating Agency:

⚠
⚠
400 Sq Ft or Less
ANSI 119.5
RVIA



MANUFACTURED HOME

Manufactured/mobile homes are built as dwelling units of at least 320 Sq Ft with a permanent chassis to assure the initial and continued transportability of the home. ⁵

Certificate of Occupancy Potential:
DIY Build Potential:
Size:
Construction Code:
Regulating Agency:

✓
⚠
320 Sq Ft or more
MH Construction & Safety Stds
HUD

RV

An RV is a vehicle designed as temporary living quarters for recreational, camping, travel or seasonal use. ⁴



Certificate of Occupancy Potential:
DIY Build Potential:
Size:
Construction Code:
Regulating Agency:

⚠
⚠
Defined by NHTSA
NFPA 1192
RVIA

DEFINITIONS/RESOURCES

Certificate of Occupancy Issued by local authority indicating a building meets building code requirements and is suitable for permanent occupancy.

IRC Appendix Q The official, national building code for tiny houses found in the 2018 International Residential Code (IRC).

ANSI American National Standards Institute oversees the development of standards for RVs and other products, services, and systems.

RVIA Recreational Vehicle Industry Association is the national trade association representing RV manufacturers and their suppliers.

HUD Department of Housing and Urban Development is a cabinet department in the US government that develops and executes policies on housing and metropolises.

NHTSA National Highway Traffic Safety Administration agency within the US Dep't of Transportation

1. tinyhousebuild.com/code 5. hud.gov
2. rvia.org 4. rvda.org

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EXHIBIT A

What Are Tiny Houses?

by **Gabriella** on November 2, 2017 in **Codes and Zoning, Uncategorized, Zoning/Codes** – TinyHouseBuild.com

Nearly all news stories addressing *what are tiny houses* say something like, “A common definition for a tiny house doesn’t exist...” Well we have good news; if you’ve been wondering just what a tiny house is, a definition has FINALLY been established!

In 2017, Andrew Morrison and Martin Hammer wrote International Residential Code (IRC) Appendix Q: Tiny Houses, and after intense vetting and a three stage voting process, it was approved by the International Code Council (ICC). After months of effort, advocacy work, and overcoming a *lot* of obstacles, we are VERY pleased to reveal the official definition of a tiny house:

TINY HOUSE. A dwelling that is 400 square feet (37 sq m) or less in floor area excluding lofts.

Plain and simple! Why is it important to have a uniform tiny house definition?

- If you want to go the legal route for your tiny house build, at some point you’ll need to go into the building department. Using the right terminology will help officials see that you know what you’re talking about (which will make them more likely to give you a building permit and Certificate of Occupancy).
- Being able to definitively answer the question *what are tiny houses* places us all on the same page when addressing the tiny house movement, what challenges we face collectively, and where we go from here.
- Having a definition helps us know what a tiny house is NOT. A tiny house is *not* a Park Model (trailer type RV designed to provide *temporary* accommodations for recreation, camping or seasonal use). A tiny house is *not* a Manufactured Home (Manufactured Homes are built by a certified manufacturing plant as dwelling units of at least 320sqft with a permanent chassis to assure the initial and continued transportability of the home). As a point of clarification, **Manufactured Homes are often misidentified as “Mobile Homes”**. However, the term *Mobile Home* only refers to Manufactured Housing built prior to 1976. Anything built post 1976 in this classification is officially and legally referred to as Manufactured Housing. Finally, a tiny house is *not* an RV (vehicle designed as *temporary* living quarters for recreational, camping, travel or seasonal use).

- A definition for Tiny House allows people in the community to speak with banks and other lending institutions and show them that the home they're considering is actually a legally defined entity and one that comes with its own code language and guidelines. This makes the home much more official in the lenders' eyes.
- The official definition also allows those of us in Tiny Homes to work directly with insurance agencies to identify the home in legal terms. Once again, the inclusion of an official definition and an official code guideline (Appendix Q) legitimizes the home for insurance agents and their underwriters.

One of the most exciting aspects of Appendix Q: Tiny Houses, is that it creates a legal pathway for people to occupy their tiny as a full time residence by acquiring a Certificate of Occupancy (CoO). A CoO is not attainable through an RV certification, nor with Park Models. They are possible with a Manufactured Home but DIYers can't legally build their own Manufactured Home.

As far as the DIY builder goes, the only option for acquiring a CoO for a Tiny House (and thus a legal residence) is by following Appendix Q.

This is really important because most of us living the tiny house lifestyle are looking for HOUSING options, not *recreational* options. In most cases, without a CoO, you simply don't have a legal residence. To be clear, there are locations around the U.S. and around the world that currently allow for people to live in RVs full time, or in homes without any code oversight. However, those areas are few and far between and they certainly don't exist in most residential neighborhoods.

Some people in the tiny house community have suggested that a tiny house is simply a small home, outside of the realm of conventional housing. They suggest that the size of the home is relative to the inhabitants and not something that one can pin a number to. In fact, Andrew himself says something similar at our workshops and in his presentations when he discusses the "feeling" or "perception" of a tiny home. He talks about "Human Scale" as the focus of housing. For example, a family of 10 may not find living in 400 square feet to be an option. For them, an 800 sf home may be the way to go and it will, believe me, still fit the description "tiny." It won't, however, meet the *definition* of a Tiny House in legal terms. So yes, tiny may be relative from a feeling standpoint, but not from a quantifiable, legal perspective.



TO: Planning Commission

FROM: Denise Swinger, Zoning Administrator

MEETING DATE: June 11, 2018

RE: RECREATIONAL VEHICLE PARKING

The Village often deals with issues surrounding the parking of recreational vehicles on public rights-of-way and properties. Specifically, we have had numerous citizen complaints of people parking RVs on public streets and parking lots and using it as a dwelling. There is no language in the general offenses code enabling the police department to enforce limitations. Recreational vehicles are only mentioned in the zoning code under 1260.03 Parking and Storage and therefore, must follow the zoning process for enforcement. Although 1260.03 states it is unlawful to park on public rights-of-way and properties, it only is unlawful if the vehicle is being used as a dwelling. In order to prove this, the vehicle would need to be monitored 24/7. Since code enforcement is left to the zoning administrator, the police department often helps with these complaints. Entering a recreational vehicle requires a search warrant granted by a judge. Even then, conclusive evidence may be difficult to prove since RVs typically contain household items for lodging. Below is the zoning code's language for parking and storage. Under 1260.03 (b) there is a suggested change for Planning Commission to consider.

1260.03 PARKING AND STORAGE.

(a) Outdoor Storage. Outdoor storage of merchandise, equipment, supplies, products or other materials shall only be permitted in those districts and under the conditions specifically authorized by this code. Storage of household items in Residential Districts is permitted in the rear yard only and if not in violation of other laws (nuisance, litter and trash).

(b) Recreational Vehicle Parking. It shall be unlawful for any person to park or cause to be parked any mobile home or recreational vehicle on any street, alley, highway, or other public place in the Village and to use the same as a dwelling. This provision shall not prohibit the temporary occupancy for periods up to 72 hours of a recreational vehicle; provided the recreational vehicle contains sleeping accommodations, is parked on a lot in a Residential District, and is for the use of the owner of that lot or guests of the owner.

(b) Recreational Vehicle Parking. It shall be unlawful for any person to park or cause to be parked any mobile home or recreational vehicle on any street, alley, highway, or other public place in the Village and to use the same as a dwelling. Recreational vehicles may be parked on private lots for off-street parking in side yards or backyards (no front yards). If used for temporary occupancy, the recreational vehicle may be parked for up to 72 hours on private lots

in side yards or backyards (no front yards) in Residential Districts only, and must be for the use of the owner of the lot or guests of the owner.

(c) Storage and Repair of Vehicles.

(1) The repair, restoration and maintenance of vehicles in any Residential District shall be conducted entirely within an enclosed building, except for those activities that can be and are completed in less than seven days. All such repair shall take place on private property and may not be conducted within the public right-of-way.

(2) It shall be unlawful for the owner, tenant or lessee of any building or lands within the Village to permit the open storage or parking of any inoperable motor vehicle, machinery or equipment, or parts thereof, outside of an enclosed garage or enclosed building, for a period of more than 48 hours. An inoperable motor vehicle for purposes of this subsection shall include motor vehicles which, by reason of dismantling, disrepair or other cause, are incapable of being propelled under their own power, or are unsafe for operation on the streets and highways of this state because of the inability to comply with the State Motor Vehicles and Traffic Code, or do not have a current license and registration, as required for operation by the State Motor Vehicles and Traffic Code.

(3) It shall be unlawful for the owner, tenant or lessee of any lot or building in a Residential District to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked for purposes of construction being conducted on that lot.

There are a number of recreational vehicles openly parked on private properties in Yellow Springs. Some communities do not allow them to be parked in residential areas except for the expeditious loading or unloading of people and property. This may be too restrictive and drastic a change for Yellow Springs. Planning Commission may want to consider a restriction on the number of recreational vehicles that can be openly parked on a private property in a residential area.

The bigger issue is the parking of recreational vehicles on public streets, which was recently discussed at a staff meeting with the superintendents and police chief. The Village's street crew considers it a safety hazard, especially when trying to maintain the streets for snow plowing, etc. In staff's opinion, public streets should not be used for storage. The parking of recreational vehicles on public streets limits access and may be difficult for essential services such as a fire truck to navigate. 452.20 of the General Offenses code is the only place where the codified ordinances mentions parking of larger vehicles. If RVs are not banned from parking on public streets or property, it was suggested a time limit be imposed and/or specific locations where RVs may park on public property.

Staff suggests Planning Commission make a recommendation to the Police Chief and Council to consider adding language regarding recreational vehicles to the general offenses code.

452.20 PARKING OF TRUCKS AND CONSTRUCTION EQUIPMENT IN RESIDENTIAL ZONES.

No person shall park any truck exceeding 10,000 pounds gross vehicle weight, or twenty feet in length, nor any wheel or track-mounted construction equipment, including, but not limited to, trailers, tractors, loaders, dozers, air compressors and cement mixers, within the public right-of-way of any street in any residentially zoned area of the Village. An exception may be made, at the discretion of the police, for construction equipment left in place on a project currently underway in such a residential zone.

The zoning code's definition for a recreation vehicle is described below:

1284.08 DEFINITIONS: R-S.

Recreational vehicle. Vehicles or equipment used primarily for recreational or leisure purposes including, but not limited to, motor homes, camper trailers, travel trailers, pop-up campers, boats, snowmobiles, motorcycles, dune buggies and similar vehicles and the trailers used to transport them.