

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2018-19**

**REPEALING SECTION 1262.02(b) “PROCEDURES: PUBLIC NOTICE” OF THE
CODIFIED ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND
REPLACING IT WITH A NEW SECTION 1262.02(b) “PROCEDURES: PUBLIC
NOTICE”**

Whereas, Section 1262.02(b) of the Codified Ordinances of the Village of Yellow Springs, Ohio currently names the Clerk of Council as the person responsible for the public notification regarding conditional use hearings; and

Whereas, this function is better performed by the Zoning Administrator, who normally is the person who ensures that all affected parties receive proper notice under the Zoning Code procedures; and

Whereas, changing the party responsible for public notice of conditional use hearings will streamline operations and align the Ordinance with a more efficient process,

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

Section 1. Chapter 1262.02(b) entitled “Procedures: Public Notice” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Chapter 1262.02(b) entitled “Procedures: Public Notice” 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 deleted language in ~~strike through~~, 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.

Brian Housh, President of Council

Passed: 5-21-18

Attest: _____
Patti Bates, Deputy Clerk of Council

ROLL CALL

Brian Housh __Y__ Marianne MacQueen __Y__ Judith Hempfling __Y__
Kevin Stokes __Y__ Lisa Kreeger __Y__

1262.02 PROCEDURES.

Applications for conditional uses shall be considered by the Planning Commission in accordance with the following procedures:

(a) Application. An application for conditional use approval shall be made to the Planning Commission in writing, on a form for that purpose, and shall be filed with the Zoning Administrator at least 20 days before the next regularly scheduled meeting at which it is to be heard. The application must be accompanied by a fee, as established by the Village Council, a site plan in accordance with the requirements of [Chapter 1268](#) and such other material as the Commission determines necessary.

(b) Public Notice. When an application has been filed in proper form with the required data, the ~~Clerk of Council~~ Planning and Zoning Administrator shall cause notice of the time, place and purpose of the hearing to be given, in writing by first class mail, to the applicant(s), to owners of property contiguous to and directly across the street from the property that is the subject of the conditional use application. The notice shall be given at least seven days in advance of the hearing, noting the request and the property location. The name and address of any property owner on the most recent property record of the Greene County Auditor shall be the address used for public notification. If the address is unclear or uncertain, the property owner may be notified by legal notice published one time at least seven days in advance of any hearing, listing the address of the property to receive notification.

(c) Sign. At least ten days prior to the scheduled public hearing, a temporary sign six square feet in area shall be posted on the property subject to a conditional use request. The sign shall be removed within three days following the public hearing at which the request was heard. The sign shall contain the following information:

- (1) The specific request being made;
- (2) Date of the public hearing;
- (3) Location of the public hearing; and
- (4) Location where additional information may be obtained regarding the request

(d) Representation. The applicant shall appear at the public hearing in person or by agent. If the applicant or authorized representative is not present, no action shall be taken by the Planning Commission on that application.

(e) Record of Proceedings. The Planning Commission shall keep minutes of its proceedings, showing the action of the Commission and the vote of each member or, if absent or failing to vote, indicating such fact. The Commission shall act by resolution.

(f) Required Vote. The concurring vote of three Planning Commission members shall be necessary to approve a conditional use application.

(g) Review Criteria. The Planning Commission shall review the application in relation to the general standards of this chapter for conditional uses, as provided in Section [1262.03](#), and any specific standards required for the use proposed, as identified in this chapter.

(Ord. 2013-19. Passed 9-16-13.)