

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2020-35**

**AMENDING SECTION 1242.06 “USES NOT LISTED” OF THE CODIFIED ORDINANCES OF
THE VILLAGE OF YELLOW SPRINGS, OHIO**

Whereas, Codified Ordinance Section 1242.06 of the Village of Yellow Springs, Ohio provides the procedures for the Zoning Administrator, Planning Commission, Board of Zoning Appeals and Council to consider zoning applications for “uses not listed” in the Zoning Code; and

Whereas, Village Council has determined in the best interest of the Village to amend the Zoning Code to reflect that zoning has historically had an exclusionary effect on affordable housing as well as entrepreneurial efforts by those seeking to repurpose existing structures,

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

Section 1. Section 1242.06 of the Codified Ordinances of the Village of Yellow Springs, Ohio be amended to read as set forth below with new language **underlined and bolded** and deleted language in ~~strike through~~:

SECTION 1242.06 USES NOT LISTED

(a) As presumption of prohibition of uses has historically been used for exclusionary purposes, the Zoning Administrator shall review any application for a A use that is not listed, either by right or by conditional approval, in a zoning district, ~~shall not be permitted in that district and shall only be permitted in a district where it is specifically listed as either a use by right or by conditional approval;~~ **determine whether such use is similar to a permitted or conditional land use listed in the district, and, if so, refer the application to the Planning Commission for conditional use approval, and if not, deny the application;**

(b) If a proposed use of land or building is not specified by this code in any district, the Village Manager or designee shall determine if the use is similar to a permitted or conditional land use authorized in the district in which the land or building is located. If the use is found to be similar, it may be established in accordance with the requirements and procedures established in the code for the similar use. The Village Manager or designee shall notify the Planning Commission of this action, who shall then determine if the code should be amended to specifically include the use;

(c) Alternatively, the Village Manager or designee may refer the determination to the Planning Commission in the first instance.

Brian Housh, President of Council

Passed: 11-16-2020

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Housh Y MacQueen Y Stokes Y
Kreeger Y Curliss Y