



**Planning Commission
Hearing Request:
Map/Text Amendment**

Planning & Zoning Department
100 Dayton St, 2nd Floor
Yellow Springs, OH 45387
(937) 767-1702

[FOR OFFICE USE ONLY]

Case #: _____

Hearing Date: _____

Applicant Information

Property Address:	_____					
Property Owner:	_____		Phone:	_____	Email:	_____
Applicant Name:	_____		Phone:	_____	Email:	_____
Mailing Address:	_____					

Project Information

Property Address	_____	Greene Co. Parcel #	_____
Current Zoning District	_____	Proposed District	_____

Required Attachments

- Vicinity Map With:
- Survey
 - Property Lines
 - Proposed Zoning District
 - Principal Use of all properties within 300 feet
 - Legal Description
 - Streets
 - Existing Use of all buildings
 - Petition
 - Existing Zoning District

SEE REVERSE FOR MORE INFORMATION

Applicant Signature: _____ Date: _____

FOR OFFICE USE ONLY

Zoning District Change:	_____	Hearing Date:	_____
Text Amendment Change:	_____	Approved <input type="checkbox"/> Denied <input type="checkbox"/>	_____
Fee: \$ _____	Date Paid:	_____	_____
Zoning Administrator		Date	

CHAPTER 1280

Amendments and Rezoning

[1280.01](#) Initiation of amendments.

[1280.02](#) Review guidelines.

[1280.03](#) Amendment process.

1280.01 INITIATION OF AMENDMENTS.

Amendments to this zoning code and the official zoning map may be initiated by:

(a) The Village Council, upon approval of a motion;

(b) The Planning Commission, upon approval of a motion;

(c) Any citizen, person, firm or corporation with an interest in property within the Village who submits an application in the proper form, along with required fees, may request a rezoning of property in which case the applicant shall show proof of ownership or other legal interest in the property in question. A citizen, person, firm or corporation may request the Planning Commission or Village Council to initiate a text amendment.

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

1280.02 REVIEW GUIDELINES.

In making a decision on proposed text or map amendments to the zoning code, the following guidelines may be considered by the Planning Commission and Village Council:

(a) Text Amendment. The proposed amendment would:

(1) Clarify the intent of the code;

(2) Correct an error in the code;

(3) Address changes to State legislation, recent case law or opinions from the Attorney General of the State of Ohio;

(4) Affect the implementation of the Comprehensive Plan and the Vision: Yellow Springs and Miami Township document;

(5) Promote compliance with changes in other County, State or Federal regulations;

(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 of the range of uses provided for within the district;

(7) Not create incompatible land uses within a zoning district;

(8) Be supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items;

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

(10) Be consistent with the Village's desire to promote the public health, safety, convenience, comfort, prosperity and general welfare of the community.

(b) Zoning Map Amendment (Rezoning). The rezoning and the uses permitted in the proposed district:

(1) Are consistent with the goals, policies and future land use map of the Comprehensive Development Plan and the Vision: Yellow Springs and Miami Township document; or, if conditions have changed significantly since the plan was adopted, is consistent with recent development trends in the area;

(2) Are compatible with the site's physical, geological, hydrological and other environmental features;

(3) Are compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts;

(4) Can be accommodated on the subject property, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting; and

(5) Do not result in a spot zone.

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

1280.03 AMENDMENT PROCESS.

(a) All petitions for amendments to this zoning code shall be in accordance with Section [1280.01\(c\)](#), filed with the Zoning Administrator in writing, signed and accompanied by a fee established by resolution of the Village Council.

(b) At all times during the process, the text of proposed changes and associated maps and reports from the Planning Commission, shall be open for inspection in the office of the Clerk of Council or in some officially designated location

(c) The Zoning Administrator shall forward the application to the Planning Commission upon a determination that the application is complete. Incomplete applications shall be returned to the applicant and shall not be processed further until fully completed.

(d) All petitions for amendments and rezoning, without limiting the right to file additional material, shall contain the following:

(1) The petitioner's name, address and interest in the petition as well as the name, address and interest of every person, firm or corporation having a legal or equitable interest in the land.

(2) The nature and effect of the proposed amendment.

(3) If an individual property or several adjacent properties are proposed for rezoning, a location map, showing the location of the properties generally in the Village, a legal description of the land(s) proposed for rezoning, the present zoning classification(s), the zoning classification of all abutting properties, and all public and private rights-of-way and easements bounding and intersecting the land under consideration.

(4) Any changed or changing conditions in the area of the proposed rezoning or in the Village which make the proposed amendment reasonable and necessary to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.

(5) All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.

(e) Public Hearing and Notice; Planning Commission Action.

(1) The Planning Commission shall make a recommendation upon an application for amendment or rezoning within 30 days after the public hearing is closed.

(2) The Planning Commission shall hold a public hearing on any amendment or rezoning, notice of which shall be given in a newspaper of general circulation within the Village at least ten days prior to the hearing. All notices of public hearing shall state the time, date, place and purpose of the public hearing. A notice for a rezoning shall also include a map of the affected area.

(3) If the application is for rezoning ten or fewer parcels, the same notice shall be mailed no less than 20 days prior to the date of the hearing, to all property owners abutting and across the street from the subject parcel. Notices shall be sent to the last known address of the respective property owners as appearing on the Greene County Auditor's current tax list.

(4) At least ten days prior to the scheduled public hearing for a rezoning, a temporary sign approximately six square feet in area shall be posted by the Village on the property subject to the rezoning 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:

A. The specific request being made;

- B. Date of the public hearing;
- C. Location of the public hearing; and
- D. Location where additional information may be obtained regarding the request.

(5) At the public hearing, the Planning Commission shall consider the merits of the case, as well as public testimony, and make a recommendation to approve or deny the amendment in question, following the review guidelines of Section [1280.02](#). The commission shall submit its recommendation to the Village Council no more than 30 days after the public hearing has closed unless the applicant agrees to a longer period.

(f) Village Council Action. Upon receipt of the recommendation of the Planning Commission, the Village Council shall hold a public hearing on the amendment, after publication and notice in accordance with the process outlined in subsection (e) above.

(g) Modification. The Village Council may modify and subsequently adopt the proposed amendment, adopt it as presented by the Planning Commission or deny the amendment. The Council may refer any proposed modifications back to the Planning Commission for additional review and recommendation.

(h) Ordinance. All amendment and rezoning approvals shall be by ordinance.