

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2018-45**

**REPEALING SECTION 1226.12 “REPLATS” OF THE CODIFIED ORDINANCES OF
THE VILLAGE OF YELLOW SPRINGS, OHIO AND ADOPTING NEW SECTION
1226.12 “REPLATS”**

Whereas, Codified Ordinance Section 1226.12 of the Village of Yellow Springs, Ohio establishes guidelines and regulations for replats in the Village; and

Whereas, the Village Council has determined that it would be in the best interest of the Village to adopt a new Section 1226.12 entitled “Replats” of the Codified Ordinances of the Village of Yellow Springs, Ohio to include formal action by the Planning Commission in certain circumstances as determined by the Zoning Administrator.

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

Section 1. Section 1226.12 entitled “Replats” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Section 1226.12 entitled “Replats” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A, which is attached hereto and incorporated herein by reference, with the new language underlined and **bolded**.

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: 11-5-2018

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh __Y__ Marianne MacQueen __Y__ Judith Hempfling __Y__

Kevin Stokes __Y__ Lisa Kreeger __Y__

EXHIBIT A

1226.12 REPLATS.

(a) Approval of a replat by the Zoning Administrator, without formal action by the Planning Commission and Council, may be granted if a submitted record plan meets all of the following conditions:

(a 1) The proposed replat is not contrary to applicable subdivision and zoning regulations, including, but not limited to, the runoff control/sediment abatement regulations.

(b 2) The same number of lots as in the original plat, or less, are created.

(c) ~~Upon approval, the replat shall be submitted by the applicant to the Greene County Recorder for incorporation into the Official Tax Map records within 90 days.~~

(d) ~~The applicant will be held responsible for any negative impact on surrounding lots which becomes apparent within one year from the date of recordation of the plat.~~

(b) Approval of a replat by the Zoning Administrator with formal action by the Planning Commission shall be required in the following circumstances, along with additional conditions:

(1) **The proposed replat is located along a private street or access easement. Approval by the Planning Commission may be granted upon review of additional criteria specified in 1260.02 (e) and 1260.03 (a) of the Yellow Springs Zoning Code.**

(2) **The proposed replat has a minimum frontage of twenty (20) feet available to access an existing land-locked lot. Approval by the Planning Commission may be granted upon review of additional criteria specified in 1226.06 (a) (5).**

(3) **The proposed replat creates an uncommon lot configuration. Uncommon lot configurations may be incorporated into a replat if it poses no apparent nuisance and the Planning Commission deems it appropriate. Approval by the Planning Commission may be granted upon review of additional criteria specified in 1226.06 (a) (5).**

(4) **Approval of the replat 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, and such other material the Planning Commission determines is necessary.**

(5) **Public Notice. When an application has been filed in proper form with the required data, the 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 replat 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) Upon approval, the replat shall be submitted by the applicant to the Greene County Recorder for incorporation into the Official Tax Map records within 90 days.

(d) The applicant will be held responsible for any negative impact on surrounding lots which becomes apparent within one year from the date of recordation of the plat.