

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2019-13**

**REPEALING SECTION 1226.11 “MINOR SUBDIVISIONS” OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING
NEW SECTION 1226.11 “MINOR SUBDIVISIONS”**

Whereas, the Codified Ordinances of the Village of Yellow Springs regarding minor subdivisions currently do not address the electric lines and transformers as a notation on the recording instrument; and

Whereas, because the Village of Yellow Springs owns and operates an electric utility, these items should be considered as part of the whole when discussing necessary infrastructure improvements;

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

Section 1. Chapter 1226.11 entitled “Minor Subdivisions” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Chapter 1226.11 entitled “Minor Subdivisions” 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 ~~striketrough~~, 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: 4-15-2019

Attest: _____

Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh __Y__ Marianne MacQueen __Y__ Kevin Stokes __Y__

Lisa Kreeger __Y__ Kineta Sanford __Y__

1226.11 MINOR SUBDIVISIONS.

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

(1) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road or public utilities.

(2) The proposed subdivision is not contrary to applicable subdivision or zoning regulations.

(3) No more than five lots will be created following division of the original parcel.

(4) A tract of land proposed for minor subdivision has not been involved previously in minor subdivision approval during the last two years and appears unlikely to be further subdivided subsequently.

(5) The Village is provided sufficient guarantee of necessary easements and the property owner has specifically dedicated the same.

(6) The recording instrument has a notation stating that each buildable lot will be provided with separate and adequate water and sewerage connection laterals, and electric transformers and electric lines.

(7) An appropriate recording instrument has been prepared by a registered surveyor showing the minor subdivision, a vicinity sketch of the location of the subdivision, bearings and distances along each lot line and a certification that proper iron pins have been driven at each lot corner to delineate property boundaries.

(8) A copy of the recording instrument has been submitted to the Planning Commission by the Zoning Administrator at least ten days prior to a regularly scheduled Planning Commission meeting, and, if the Planning Commission takes no action at that meeting, the minor subdivision is deemed approved.

(b) If approval is given under terms of the above provisions, the Zoning Administrator shall, within 14 working days after submission, approve such proposed division of land and, upon presentation of a conveyance for said parcel and a properly prepared survey sheet of the property, shall sign the conveyance.