

# VILLAGE OF YELLOW SPRINGS, OHIO

## Ordinance 2021-22

### AMENDING SECTION 1268.09 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO FOR SITE PLAN REVIEW EXPIRATION

**Whereas**, Chapter 1268 of the Village of Yellow Springs Codified Ordinances addresses site plan review for developments within the Village, and Section 1268.09 specifically establishes a date of expiration of site plan review; and

**Whereas**, after being advised of certain developments in the Village which experienced difficulty in obtaining construction materials and scheduling contractors due to supply chain shortages in 2020 and 2021, as well as delays in inspections by the Greene County Building Regulations Department, Village Staff and the Planning Commission reviewed the expiration parameters set forth in Section 1268.09 of the Village Codified Ordinances and other zoning code deadlines and determined it is in the best interest of the Village to expand the site plan approval expiration from 12 to 24 months, given the broad impact of the COVID19 pandemic, as a measure to protect health, safety and welfare; and

**Whereas**, Planning Commission pursuant to Section 1276.02(a) of the Village Codified Ordinances, after “review of effectiveness and appropriateness” of the code section, voted June 15, 2021 to recommend the amendment to Section 1268.09 of the Codified Ordinances to Council;

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

**Section 1.** Section 1268.09 of the Codified Ordinances of the Village of Yellow Springs, Ohio is amended to read as set forth below with new language underlined and **bolded** and deleted language in ~~strikethrough~~:

#### **1268.09 EXPIRATION.**

Site plan approval shall expire ~~12~~ **24** months after the date of approval, unless substantial construction has been commenced and is continuing. The Zoning Administrator, in the case of a Level A site plan, or the Planning Commission, in the case of a Level B site plan, may grant one extension of up to 12 additional months; provided the applicant requests, in writing, an extension prior to the date of expiration of the site plan. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the site plan approval shall become null and void.  
(Ord. 2013-19. Passed 9-16-13.)

**Section 2.** Council makes the findings that this Text Amendment is consistent with Section 1280.02(a) of the Village Codified Ordinances in that they clarify the intent of the code; address recent case law; do not create incompatible land uses within a zoning district; are supported by the findings of reports, studies, or other documentation on functional requirements, contemporary

building practices, environmental requirements and similar technical items; are consistent with the Village's ability to provide adequate public facilities and services; and are consistent with the Village's desire to promote the public health, safety, convenience, comfort, prosperity and general welfare of the community.

**Section 3.** This ordinance shall take effect at the earliest time allowed by law.

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Brian Housh, President of Council

Passed: 7-19-2021

Attest: \_\_\_\_\_  
Judy Kintner, Clerk of Council

**ROLL CALL**

Housh\_\_Y\_\_

MacQueen\_\_\_\_Y\_\_

Stokes\_\_Y\_\_

Kreeger\_\_Y\_\_ Curliss\_\_Y\_\_