

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2025-03**

REPEALING AND REPLACING SECTION 1268.02 “APPLICABILITY” OF THE YELLOW SPRINGS ZONING CODE TO REMOVE REQUIREMENT OF SITE PLAN REVIEW FOR PERMITTED USES

Whereas, in the current zoning code, all new permitted uses occupying a building 5,000 square feet in size or greater require site plan approval from Planning Commission; and,

Whereas, Council believes that expediting review of new larger-scale projects when possible is in the best interests of the economic development of the village, and permitting the Zoning Administrator to administratively approve new, permitted uses assists in this effort; and

Whereas, the zoning code will continue to contain a clause allowing the Zoning Administrator to refer a site plan application to Planning Commission if they believe the project could negatively impact surrounding properties,

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

Section 1. Section 1268.02 of the Codified Ordinances of the Village of Yellow Springs, Ohio is hereby repealed in its entirety.

Section 2. A new Section 1268.02 of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth in Exhibit A, with deletions in ~~strike through~~, and additions **bolded and underlined**.

Section 3. This ordinance shall be in force and effect at the earliest period allowed by law.

Kevin Stokes, President of Council

Passed: 1-21-2025

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL:

Stokes __Y__ DeVore Leonard_Y__ Housh_Y__
Brown_Y__ Gustafson_Y__

Exhibit A to Ordinance 2025-03

SECTION 1268.02 APPLICABILITY.

Site plan review shall be required, as applicable, under the following conditions, unless exempted by Section 1268.03:

(a) Level A Review. The Zoning Administrator shall review site plans in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:

- (1) Any permitted use within any zoning district,
- (2) Additions to existing buildings or parking areas in any zoning district.

(3) Changes in the use of any existing building in any zoning district; provided the use is a permitted use in that zoning district.

(4) When, in the opinion of the Zoning Administrator, a project which otherwise qualifies for Level A site plan review may have a negative impact on surrounding properties, the Zoning Administrator may, at their discretion, submit the site plan to the Planning Commission for review. In such cases, the Planning Commission shall follow the review procedure for Level B site plans and may require any additional information needed to make an informed decision.

(b) Level B Review. The Planning Commission shall act upon all site plans, other than those provided for Level A review, in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:

~~—(1) Any permitted use within any zoning district occupying a building of 5,000 square feet or more.~~

- (2) Any conditional use in any district.
- (3) Any Planned Unit Development.
- (4) As otherwise required by this code.