



The Village of **YELLOW SPRINGS**

MEMORANDUM

TO: Village Council and Interim Village Manager

FROM: Nia Holt, Planning & Zoning Director

DATE: October 13, 2026

RE: Ordinance 2026.20 - *Repealing and Replacing Section 1226.13 of the Village Planning and Zoning Code – Modification Recommended*

Background: Planning and zoning fees are currently established within the Village Zoning Code through Chapter 1226.13 and Appendix A. Changes to these fees require a formal text amendment and ordinance, including Planning Commission review and Village Council action, because the fees are codified.

The original proposed amendment removed the fee-related language from Chapter 1226.13, while retaining the requirement for park dedication fees associated with newly subdivided minor plat developments. The intent was to lay the groundwork for Village Council to adopt and adjust planning and zoning fees by resolution, consistent with the process Council adopted for building permit fees on July 6, 2026.

The Planning Commission reviewed the original amendment (Exhibit A) on September 15, 2026, and provided a positive recommendation to Village Council. Following that review, the Village Solicitor reexamined the proposed text and made a legal recommendation that the language related to subdivision deposits and additional review fees be retained in Chapter 1226.13. Staff has prepared a modified version of the text amendment that incorporates the Solicitor's recommendation (Attached).

Staff Recommendation: Staff recommends that Village Council adopt the modified text amendment to Chapter 1226.13, as enclosed in the attached Modified Exhibit A.

MODIFIED EXHIBIT A

1226.13 SUBDIVISION FEES AND DEPOSITS.

(a) **Subdivision Fees Nonrefundable.** Preliminary Plats. Concurrently, upon submission of any preliminary plat for Village review, the developer or his or her agent shall make payment for review services in the amount of two hundred dollars (\$200.00). Such fee is nonrefundable and is applicable to each preliminary plat upon which specific action to approve or disapprove is taken by the Planning Commission. Resubmission of a previously disapproved preliminary plat shall require another payment of the fee provided for herein. **Such fees are nonrefundable and are applicable to each plat upon which specific action to approve or disapprove is taken by the Planning Commission. Resubmission of a previously disapproved plat shall require another payment of the fees as provided in the fee schedule adopted by Village Council.**

(b) Final Plats **Deposits.**

~~— (1) Concurrently, upon submission of any final plat for Village review, the developer or his or her agent shall make payment for review services in the amount of one hundred dollars (\$100.00) and, in addition, shall pay for review services of twenty dollars (\$20.00) for each developable lot.~~

{2} Before final approval signatures are placed upon a final record plat, the developer or his or her agent shall deposit with the Village an amount of money to be used to defray the cost of inspection, review and legal services borne by the Village and directly attributable to the development. This sum shall normally be equal to four percent of the approved estimate of construction costs for bonding purposes. Upon acceptance of public improvements by the Village, this four percent fund shall be adjusted in accordance with actual expenditures for review and inspection services. If the money deposited exceeds the cost incurred by the Village, the balance shall be returned to the developer; alternatively, if costs incurred by the Village exceed the four percent deposit, additional money shall be paid by the developer before improvements are accepted.

(c) **Additional Review Fees.** Minor Subdivisions. Before approval of any minor subdivision, the developer or his or her agent shall make payment for review services in the amount of fifty dollars (\$50.00) for each new lot created (the residual of the original parcel shall be excluded). If the minor subdivision requires Planning Commission approval, a payment in the amount of one hundred dollars (\$100.00) shall additionally be required. **Additional fees may be collected in cases where recovery of incurred costs is necessary. Amendments to submitted plans requiring further review will be assessed such fees. The exact fee will be determined by the incurred cost of the review, the total of which will be passed on to the applicant.**

(d) Replats. Before approval of any replat, the developer or his or her agent shall make payment for review services in the amount of twenty-five dollars (\$25.00). If the replat requires Planning Commission approval, a payment in the amount of one hundred dollars (\$100.00) shall additionally be required. Additional fees may be collected in cases where

~~recovery of incurred costs is necessary. Amendments to submitted plans requiring further review will be assessed such fees. The exact fee will be determined by the incurred cost of the review, the total of which will be passed on to the applicant.~~

—(e) **Minor Plat** Park Fees. ~~For any new subdivisions of less than five lots, the developers or property owners shall pay a park fee of five hundred dollars (\$500.00) per lot created for capital improvements to the nearest dedicated park. For subdivisions of five lots or more, see Section 1226.07.~~ **For any new subdivision of less than five lots, the developers or property owners shall pay the park fee listed in the approved fee schedule per lot created for capital improvements to the nearest dedicated park. For subdivisions of five lots or more, see Section 1226.07.**



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To: Village Council
From: Amy Blankenship, Village Solicitor
Re: Spring Meadows Subdivider's Agreement
Date: October 19, 20

The Spring Meadows developer, Enon Road Project I, LLC, is moving forward with Phases 3 and 4 of the development. That will require additional infrastructure work which will ultimately be inspected by and accepted by the Village prior to Village Council's approval of the final plats. This process is in accordance with Section 1226.09(a)(1) of the Village's Codified Ordinances. The Subdivider's Agreement in your packet outlines the parties' responsibilities during this time of construction.

Village Planning Commission approved the preliminary plat for Phases 3 and 4 on November 11, 2025. The developer submitted the final plat for Phase 3 on October 9, 2026. That will be reviewed by Planning Commission on November 10, 2026 and then provided for Village Council's consideration with Planning Commission's recommendation. The final plat for Phase 4 is expected to be submitted in October of 2027.