

Village of Yellow Springs
PLANNING COMMISSION
BY-LAWS & RULES OF PROCEDURE

ARTICLE I
NAME OF COMMISSION

SECTION 1.01

The name of the Commission shall be the **Village of Yellow Springs Planning Commission**.

ARTICLE II
AUTHORIZATION AND ENFORCEABILITY

SECTION 2.01 AUTHORIZATION

The authorization for the establishment of the Yellow Springs Planning Commission is set forth in Section 713.02 of the Ohio Revised Code and Section 64 of the Charter of Yellow Springs, Ohio.

SECTION 2.02 ENFORCEABILITY

No provision of these Rules of Procedure that conflicts with or restricts rights provided by the Constitution of the United States, the Constitution of the State of Ohio, the Yellow Springs Charter, the Codified Ordinances of Yellow Springs, or the common law shall have any force or effect. Recommendations to the Village Council related to zoning amendments or capital improvements shall be weighed against the current Comprehensive Land Use Plan and Council Goals.

SECTION 2.03 PARLIAMENTARY AUTHORITY

Robert's Rules of Order, current edition (RRO), shall serve as the parliamentary authority in all matters not addressed in these Rules of Procedure or by the Village Charter. RRO shall serve as guidance without binding authority. Rules of Procedure set forth in these By-Laws, Yellow Springs Codified Ordinances, and/or the Village Charter shall control.

ARTICLE III
ORGANIZATION AND OFFICERS

SECTION 3.01 COMMISSION

The Yellow Springs Planning Commission shall consist of five (5) members and up to two (2) alternate members. One (1) member shall be a member of the Village Council, appointed by the Village Council every two (2) years. The remaining four (4) members shall be appointed by the Village Council to staggered five-year terms so that not more than one (1) member is regularly appointed each year. No more than one (1) of the four (4) appointed members may reside outside the Village limits. All other members shall reside within the Village limits. Alternate members shall be appointed by the Village Council and shall serve in accordance with the terms and procedures established by Council.

SECTION 3.02 CHAIR

The Chair shall be elected annually by the Commission and shall serve a one-year term unless earlier resignation or re-election by majority vote. Only currently appointed members are eligible. No nomination requires a second.

The Chair shall preside at all meetings, decide procedural questions pursuant to Robert's Rules of Order and Section 2.03 herein, and perform all duties required by law. The Chair shall sign all matters requiring Commission action.

SECTION 3.03 VICE-CHAIR AND CHAIR PRO-TEM

The Vice-Chair shall be elected immediately after the Chair and shall serve a one-year term. The Vice-Chair shall act in the absence or disability of the Chair. In the absence of both the Chair and Vice-Chair, a quorum of the Commission shall appoint a Chair Pro-Tem for that meeting to exercise the powers of the Chair until such meeting adjourns.

SECTION 3.04 STAFF AND DUTIES

The Planning Commission is advised by the Planning & Zoning Department. The Department, Clerk, and/or Solicitor shall administer applications, maintain records, prepare minutes, issue legal notices, notify adjacent property owners, and prepare staff reports and application packets.

SECTION 3.06 ORIENTATION AND TRAINING

The Village of Yellow Springs strongly encourages each Commission member and any alternate(s) to participate in orientation and continuing education opportunities to promote informed and effective service on the Planning Commission.

(A) New Commission members are encouraged to complete at least one (1) hour of orientation training within six (6) months of appointment with the Clerk and Planning & Zoning Staff.

(B) Commission members are encouraged to complete a minimum of fifteen (15) hours of continuing education during each five (5) year term of office.

1. Acceptable training topics include, but are not limited to, land use planning, housing best practices, site plan review, zoning, ethics, open meetings and public records laws, parliamentary procedure, and Planning Commission duties and responsibilities.
2. Participation in orientation and continuing education may be considered by the Council when evaluating reappointments to the Commission.

SECTION 3.07 REMOVAL OF MEMBERS

Members may be removed by majority vote of Village Council pursuant to Section 17 of the Village Charter. Grounds include, but are not limited to, neglect of duty, malfeasance, conflict of interest, or refusal to enforce the law including Village Ordinances.

SECTION 3.08 ETHICS

Members are subject to the Ohio Ethics Law (ORC 102.01, *et. seq.*) and shall adhere to the American Planning Association's *Ethical Principles in Planning*.

ARTICLE IV MEETINGS

SECTION 4.01 REGULAR MEETINGS

Regular meetings shall be held at the Yellow Springs Government Offices at times established annually. The first regular meeting of the calendar year shall include the election of officers and Community Reinvestment Area Housing Council delegate, approval of the annual calendar, review of these rules, and receipt of departmental reports. Meetings may be rescheduled or canceled with at least two (2) business days' notice.

SECTION 4.02 SPECIAL MEETINGS

Special meetings may be called by the Chair or Planning & Zoning Staff with at least forty-eight (48) hours' written notice in compliance with ORC 121.22. Only noticed items may be considered.

SECTION 4.03 WORK SESSIONS

Work Sessions are noticed public meetings for informational purposes only. No deliberation or substantive votes shall occur. No public hearings shall occur at Work Sessions.

SECTION 4.04 AGENDA

Planning & Zoning Staff or the Clerk shall prepare agendas. The Chair may meet with staff before the meeting to hold an agenda consultation meeting. Items not on the agenda may be considered only by majority approval of the Commission upon proper motion and second with an affirmative vote.

SECTION 4.05 MINUTES

The Clerk or Solicitor shall maintain official minutes as public records. The minutes shall show clearly each decision made by action of the Commission.

SECTION 4.06 CONTINUANCES AND WITHDRAWALS

The Commission may continue matters to a date certain. Withdrawals do not entitle applicants to refunds. Any request for withdrawal or continuance of a duly advertised application must be considered at the advertised meeting. Planning Commission shall have the authority to continue a public hearing to later date.

SECTION 4.07 CALENDAR

The Commission shall establish annual filing deadlines for agenda items. All matters to come before the Commission shall be filed with the Department of Planning & Zoning in accordance with the established Planning Commission calendar.

SECTION 4.08 CONDUCT OF MEETINGS

(A) **Quorum:** Three (3) members of the Commission shall constitute a quorum.

(B) **Order of Business:**

1. Call to Order and Roll Call
2. Excuse Absent Members
3. Additions or Corrections to the Agenda

4. Approval of Agenda
5. Approval of Minutes
6. Communications & Reports
7. Citizen Comments
8. Oath
9. Public Hearing/Reviews
10. Close Public Hearing
11. Commission Discussion and Motion
12. Future Agenda Items
13. Adjournment

(C) **Public Hearings:** A duly noticed official hearing shall be held for the limited purpose of providing the public an equitable opportunity to comment on matters before the Commission. All testimony shall be given under oath, records shall be retained in accordance with Records Commission policy, and the Commission shall deliberate and vote only after the evidentiary and public comment portions of the hearing are closed. All Commission meetings shall be open to the public pursuant to Ohio Revised Code 121.22.

(D) **Oath:** The Chair shall require all persons intending to provide testimony before the Commission to take an oath at the outset of their testimony. Each oath shall apply for the duration of the meeting and include the individual's name and full address for the record.

(E) **Time Limits:** The applicant shall be afforded the time necessary to present the case. Speakers, other than Staff and the applicant, shall be limited to two (2) minutes per speaker as the standard time for testimony. However, the Chair, in consultation with the Solicitor, may modify this time limit under circumstances such as a large number of individuals wishing to testify or other considerations affecting the efficient conduct of the hearing. At all times, the Chair retains the authority to ensure the orderly administration of the Commission's business, including limiting or otherwise modifying public comment, recessing the meeting, or taking any other appropriate action.

(F) **Public Conduct:** Testimony shall proceed without interruption, and no questioning or argument shall occur between audience members. Disorderly or disruptive conduct between audience members that unduly interferes with the Commission's orderly administration of its business is strictly prohibited. The Commission shall not accept evidence during the public hearing; all evidence must be submitted to Staff at least two (2) business days prior to the hearing to allow adequate review. The Commission is not bound by strict rules of evidence but may exclude testimony or evidence that is irrelevant, immaterial, incompetent, or repetitious.

SECTION 4.09 ACTIONS

(A) **Decisions:** Any action on regular business shall require the approval of a majority of the quorum of the Commission. All motions shall be sufficiently detailed for the record and shall include adequate findings of fact and conclusions of law, and may affirm, overturn, or modify the Staff recommendation in whole or in part and apply conditions.

(B) **Discussion:** The Commission may discuss the agenda item either before or after considering motions related to the subject; however, once the public hearing on the item is closed, Commission members shall not direct questions to any person, other than Staff or the applicant. Members of the audience shall not direct questions or comments to the Commission, the applicant, Staff, or other audience members, except as permitted by the Chair.

(C) **Voting:** Each member shall vote on any question unless excused due to a personal or private interest in the matter. An abstention shall be recorded as a vote in favor of the prevailing side. The responsibility of recusal or announcement of a conflict of interest rests with the affected Commission member.

(D) **Conflicts of Interest:** Members shall not participate in or vote on any matter in which that member has a conflict of interest pursuant to law.

(E) **Absences:** Commission members are expected to attend all regular meetings and will be considered absent if not present within ten (10) minutes of roll call. If a member accumulates five (5) absences within a twelve (12) month period, the Clerk or appropriate staff shall report the absences to the Village Manager for Village Council review, and a member with three (3) unexcused absences in the same period may be subject to removal by the Village Council. Members must notify the Zoning Administrator or Clerk at least three (3) business days prior to a meeting if unable to attend, or the absence may be deemed unexcused.

ARTICLE V

MATTERS PENDING BEFORE THE COMMISSION

SECTION 5.01 CONTENT

Every matter brought before the Planning Commission by any person, official, organization, or agency, on which the Commission is authorized or required to act, shall be submitted in writing and include all required information. Such information may include maps, surveys, drawings, plans, charts, or other descriptive data.

SECTION 5.02 OFFICIAL DETERMINATION

(A) **Form of Decision:** The Commission's final decision shall be duly entered and signed by the Chair in the form of the official minutes.

(B) **Notice of Decision:** Planning & Zoning Staff shall notify all interested parties and provide the applicant with an exact copy of the Commission's written order granting or denying the application. The Chair shall announce the Commission's decision immediately following the final vote.

(C) **Conditions of Approval:** Any condition imposed by the Planning Commission on a development or platting approval must be stated in the Commission's order and in the zoning certificate issued by the Planning & Zoning Department. The certificate remains valid only while all such conditions are met.

ARTICLE VI AMENDMENT, CHANGE, OR SUSPENSION

SECTION 6.01 AMENDMENT OR CHANGE

These Rules may be amended by a concurring vote of four (4) members, provided that copies of the proposed amendment have been included in the notice of such meeting.

SECTION 6.02 SUSPENSION

These Rules may be suspended by a concurring vote of three (3) members.

ARTICLE VII EFFECTIVE DATE

SECTION 7.01 EFFECTIVE DATE

These Rules of Procedure were adopted and became effective on July 14, 2026.

These By-Laws and Rules of Procedure as true, correct, and adopted by the Planning Commission of the Village of Yellow Springs, Greene County, State of Ohio on the 14th day of July 2026 with a 5 yea to 0 nay vote in accordance with the Village of Yellow Springs Charter.