

MIAMI TOWNSHIP ZONING COMMISSION
Minutes –June 20, 2023, Mtg.

The Miami Township Zoning Commission met on Tuesday, June 20, 2023, in the Miami Township Administration Office (Firehouse Training Rm.), 101 E. Herman Street, Yellow Springs, Ohio. Present were Commissioners Brian W. Corry (Chairman), Gregory Shrader (Vice Chairman), Dale Amstutz, and Fred Legge; Miami Township Zoning Inspector Richard Zopf; Miami Township Board of Zoning Appeals (BZA) Chairman Richard Silliman; and secretary for the meeting Charles Swaney.

A quorum being present, Mr. Corry called the meeting to order at 7:01 p.m. The Commissioners reviewed the minutes of their April 18, 2023, meeting; upon motion and second, they approved same. Mr. Corry presented the agenda for the meeting (continue consideration of Section 18.52 of the Township Zoning resolution; begin consideration of Township regulation of small-scale solar arrays), and recapped the discussions held at the April 18, 2023 meeting.

The Commissioners resumed their deliberations regarding Subsection 18.52 of the Miami Township Zoning Resolution (Temporary Exceptions/ Temporary Structures and Uses). For Mr. Silliman's benefit, Mr. Corry briefly summarized the Commission's deliberations to date concerning the possible revision or elimination of section 18.52, sharing in general terms his discussions w/the Commission's legal counsel. Mr. Shrader offered a preliminary draft of a proposed revision to Section 18.52. Following some discussion, Mr. Legge proposed that Section 18.51 be relocated out of Section 18 (Board of Zoning Appeals) and that Section 18.52 be modified slightly ("tightened up") and remain in Section 18. The Commissioners discussed whether a separate provision dealing with "festivals" or "events in the open" (activities not involving the construction of a permanent structure) should be introduced into the Zoning Resolution. Mr. Zopf advised that the Zoning Resolution primarily addresses building, with other governmental agencies (building dept., health dept., OEPA) backstopping the zoning regulation, but that no such other agency routinely regulates events in the open/festivals, making their regulation fraught with difficulties for the zoning administrator.

Mr. Corry asked Mr. Silliman for his thoughts on the temporary exception provision. Mr. Silliman opined that the existing provision is actually functioning fairly well and may not need any significant revision: it provides the BZA with discretion to consider each application for a temporary use on its own merits, and provides ample opportunity for input from the general public. He stressed that the interests of the Township and the Village of Yellow Springs are intertwined: what benefits the Village generally also benefits the Township.

The Commission turned its attention to Township regulation of small-scale solar arrays. Ohio law now vests siting regulation for solar arrays of less than 50 megawatts (which translates into approximately 300 acres of solar panels) in local government. The Miami Township Trustees recently enacted a six-month moratorium on the construction of small-scale commercial solar arrays in the Township pending enactment of appropriate regulations. The Trustees have provided the Zoning Commission with sample/pro-forma regulations to be customized and incorporated into the Township Zoning Resolution. The Commissioners agreed to study same and be prepared to make decisions regarding the enactment of Township regulation of small-scale solar arrays at their July meeting

Mr. Zopf advised that the Zoning Resolution does not currently address short-term residential rental activity in the Township. This activity has become prevalent in the Village of Yellow Springs, and the Village has responded with appropriate land-use regulation to protect neighbors. It may only be a matter of time until the Commission will also want to consider such regulation.

The Commissioners set their next meeting for 7 p.m. Tuesday, July 18, 2023, and adjourned at 9:02 p.m.

Brian W. Corry, Chairman

Charles D. Swaney, Secretary