

MIAMI TOWNSHIP ZONING COMMISSION  
Minutes –July 18, 2023, Mtg.

The Miami Township Zoning Commission met on Tuesday, July 18, 2023, in the Miami Township Administration Office (Firehouse Training Rm.), 101 E. Herman Street, Yellow Springs, Ohio. Present were Commissioners Brian W. Corry (Chairman), Dale Amstutz, and Joe Fulton; Miami Township Zoning Inspector Richard Zopf; and secretary for the meeting Charles Swaney.

A quorum being present, Mr. Corry called the meeting to order at 7:00 p.m. The Commissioners reviewed the minutes of their June 20, 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; and begin consideration of Township regulation of small-scale solar arrays.

The Commissioners resumed their deliberations regarding Subsection 18.52 of the Miami Township Zoning Resolution (Temporary Exceptions/ Temporary Structures and Uses). Mr. Corry briefly summarized the Commission’s deliberations to date concerning the possible revision or elimination of Subsection 18.52, and distributed a draft proposal (attached) for revision of the temporary use provisions, providing for both non-renewable and renewable permits, with strict standards/requirements for the latter. As currently written, Subsection 18.52 does not define “temporary,” thus fostering ambiguity in its interpretation/application/enforcement. Referencing the Township’s Comprehensive Land Use Plan, the Commissioners acknowledged that their primary considerations in revising Subsection 18.52 must be to secure for Township landowners the “quiet enjoyment” of their property, and to preserve the rural atmosphere/agricultural character of the Township; arguably, the potential economic benefit that a temporary land use may produce for the Township and its residents should be a secondary consideration.

Mr. Zopf reported that the Miami Township Board of Zoning Appeals granted a temporary use permit to a Fairfield-Yellow Springs Road landowner for four previously-booked commercial events.

The Commissioners turned their attention to the Miami Township Trustees’ 6-month moratorium on small-scale solar installations in the Township to allow time for the Zoning Commission to recommend appropriate zoning regulation of same. Ohio law now provides that local government shall have the authority to regulate solar installations of less than 50 megawatts (which would encompass commercial solar installations of less than approximately 300 acres as well as residential/private installations). Township legal counsel has provided a template to assist the Commission in drafting solar regulations, and the Commissioners have begun their study of same. Solar installations could be regulated as a principal permitted/conforming use, or as a conditional use, in each zoning district. The Township’s Comprehensive Land Use Plan expresses support for alternative energy use/generation, but in the context of residential/private facilities as opposed to commercial installations. First considering residential/private solar facilities, the commissioners agreed that rooftop installations should be allowed as a principal permitted use in all zoning districts. Following further discussion, they tentatively agreed that ground-mounted residential/farm/private (as opposed to commercial) solar installations might also be appropriate under certain circumstances/conditions.

With respect to regulation of small-scale commercial solar installations, the Commissioners agreed that a primary goal should be to minimize the conversion/use of agricultural land and established natural areas. The new regulations should somehow address the potential for developers to link-up one or more permitted small-scale installations. Mr. Zopf pointed out that until such time as solar regulations are proposed by the Commission and duly adopted by the Township Trustees, commercial solar installations/operations are not permitted under the Township Zoning Resolution (no provisions addressing same).

The Commissioners agreed to study the counsel-provided template further, and to continue their discussion of small-scale solar installations at their next meeting, scheduled for 7 p.m. on Tuesday, August 15, 2023. The meeting was adjourned at approximately 9:00 p.m..

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Brian W. Corry, Chairman

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Charles D. Swaney, Secretary