

MIAMI TOWNSHIP ZONING COMMISSION
Minutes –August 15, 2023, Mtg.

The Miami Township Zoning Commission met on Tuesday, August 15, 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 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 7:10 p.m. The Commissioners reviewed the minutes of their July 18, 2023, meeting; upon motion and second, they approved same with two substantive changes. Mr. Corry presented the agenda for this meeting: consideration of possible revisions to Section 18.52 of the Township Zoning Resolution; and 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). 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. Last month, Mr. Corry distributed a draft proposal for revision of the temporary use provisions, providing for both non-renewable and renewable permits, with strict standards/requirements for the latter. One approach to the regulation of temporary uses: consider “needed” exceptions and “desired” (profit-motivated) exceptions separately. To disguise a periodic/repeated/annual event/activity conducted for commercial purposes as a temporary use simply invalidates the provisions of the Zoning Resolution regulating such activity. At length, the Commissioners concluded that a temporary use exception for a commercial activity should be non-renewable and limited to one per 12-month period for a duration nte 2 days. As to the application procedure for a temporary use permit: might it be an improvement if the Zoning Resolution simply mandated the same process as currently mandated for conditional use permits and variances? The Commissioners agreed to consider this question at their next meeting.

The Commissioners turned their attention to the Miami Township Trustees’ request that the Zoning Commission draft recommendations for the regulation of small-scale solar installations in the Township. 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. Following some discussion, the Commissioners agreed that the Township’s regulation of small-scale solar installations must be guided by the general goals of the Comprehensive Land Use Plan; in particular, the regulation should minimize the conversion/loss of productive land for installation of solar panels, and should preserve the rural feel of the Township. The Commissioners previously agreed that rooftop installations should be allowed as a principal permitted use in all zoning districts. Following further discussion, they agreed that ground-mounted residential/farm/private (as opposed to commercial) solar installations should also be allowed as either a principal or conditional use, at least in some zoning districts, under certain circumstances/subject to certain conditions. Those circumstances/conditions will be considered in detail at next month’s Commission meeting.

Mr. Zopf reported that the Miami Township Board of Zoning appeals will consider an agri-tourism proposal at its Thursday, September 14, 2023, meeting.

The Commissioners will hold their September meeting at 7 p.m. on Tuesday, September 19, 2023. The meeting was adjourned at 8:54 p.m..

Brian W. Corry, Chairman

Charles D. Swaney, Secretary

