

MIAMI TOWNSHIP ZONING COMMISSION
Minutes –September 19, 2023, Mtg.

The Miami Township Zoning Commission met on Tuesday, September 19, 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; and secretary for the meeting Charles Swaney.

A quorum being present, Mr. Corry called the meeting to order at 7:02 p.m. The Commissioners reviewed the minutes of their August 15, 2023, meeting, and the revised minutes of their July 18, 2023 meeting; upon motions and seconds, they approved same. Mr. Corry presented the agenda for this meeting: consideration of revisions to Section 18 of the Township Zoning Resolution; and consideration of regulation of small-scale solar arrays.

The Commissioners resumed their deliberations regarding revision of Subsections 18.50, 18.51, and 18.52 of the Miami Township Zoning Resolution (Temporary Exceptions/ Temporary Structures and Uses). Mr. Corry distributed a draft of a comprehensive revision of these provisions. Under the proposed language, an application for a temporary use would be governed by the same process as an application for a variance or a conditional use under subsections 18.441 through 18.443 of the Zoning Resolution; that is, the Board of Zoning Appeals (BZA) would have the power to permit a temporary nonconforming use, and to place appropriate conditions on such use, after considering the recommendations of the Zoning Commission, if any. The draft proposal would re-locate the provisions of Subsection 18.51 (Temporary Buildings) to Section 14 of the Resolution. Under the proposed revision (new Subsection 18.51 to replace existing subsection 18.52), the BZA would have the authority to grant a permit for a temporary nonconforming use of premises for a maximum of two consecutive days during any 12-month period. Again, the thinking is that a nonconforming use that continues for an extended period of time, or that recurs frequently, is not in fact “temporary,” and permitting such use nullifies the applicable land use restrictions imposed by the Zoning Resolution. Mr. Zopf advised the Commissioners that the BZA has issued a temporary use permit to the Yellow Springs Chamber of Commerce to sell bottled water and T-shirts at the Whitehall Farm sunflower field for two consecutive 3-day weekends in October; a permit that would not be authorized under the proposal under consideration. Following an extended discussion, the Commissioners unanimously agreed to proceed to revise the Zoning Resolution per tonight’s discussion, with Mr. Zopf agreeing to put the language in final form for the initial public hearing

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 zoning may 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 studied same. Solar installations could be regulated as a principal 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. The Commissioners have 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 agricultural land for installation of solar panels, and should preserve the rural feel of the Township. The Commissioners agreed that rooftop solar installations (or ground-mounted installations of equivalent size) for the generation of power to be consumed on the premises should be allowed as a principal use in all zoning districts, and 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. One of those conditions: the power generated by the installation should not exceed the average annual power consumed on the property for residential and agricultural purposes. The Commissioners and Mr. Zopf discussed the intention/purpose clause of the new solar regulations and whether those regulations should be incorporated into the Resolution as a new (separate) Section, or as part of existing Section 14 (Special Provisions).

Mr. Zopf suggested that the Commission may, at some point, want to consider yet another matter: regulation of short-term rentals of Township property. .

The Commissioners tentatively agreed to meet at 7 p.m. on October 17, 2023, and adjourned at 8:40 p.m..

Brian W. Corry, Chairman

Charles D. Swaney, Secretary