

MIAMI TOWNSHIP ZONING COMMISSION
Minutes –November 21, 2023, Mtg.

The Miami Township Zoning Commission met on Tuesday, November 21, 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; township resident Jennifer Adams; 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 September 19, 2023, meeting; upon motion and second, they approved same. Mr. Corry presented the agenda for this meeting: finalize the revision of Subsection 18.50, et.seq. of the Township Zoning Resolution (Temporary Exceptions); and continue consideration of regulation of small-scale solar arrays. Mr. Zopf suggested that the Commissioners also begin consideration of the regulation of short-term rentals (Bed & Breakfast operations).

The Commissioners affirmed their intention to revise Subsections 18.50 et. seq. of the Zoning Resolution to better define when (under what circumstances) a temporary use exception to the zoning regulations should be considered. They tentatively agreed to relocate/redesignate what has been Subsection 18.51 (Temporary Buildings and Structures) to Section 14 of the Resolution as Subsection 14.9, vesting jurisdiction over temporary structures in the Township Zoning Inspector rather than the Board of Zoning Appeals (BZA), and to rearrange/redesignate existing subsections 14.6 and 14.9 as subsections 14.61 and 14.62 under subsection 14.60 (Swimming Pools).

Following an extended discussion of the purpose of zoning regulation of land use, and of the potential negative impact of nonconforming use on adjoining/neighborhood landowners, the Commissioners reviewed a working document outlining a proposed revision of the temporary use exception provisions in the Resolution. The Commissioners tentatively agreed to adopt the working document in principle as new subsection 18.50 of the Resolution to the effect that the BZA shall have the authority, upon application and public hearing, to permit a use that does not conform to the regulations prescribed elsewhere in the Resolution for the district in which it is located subject to the following: the use does not involve the erection of a structure which is not removed within one week after the end of the permitted use; the use shall not continue/be permitted during more than two (2) consecutive calendar days during any one calendar year; and the use shall be subject to such conditions as the BZA may consider necessary or appropriate to safeguard the public health, safety, convenience, and general welfare. Mr. Zopf agreed to prepare a final draft of the Subsection 18.50 revision, and a draft of the necessary BZA application form, for final approval at the Commission's December meeting.

The Commissioners briefly discussed the controversy that ensued earlier this year when they provided the BZA with a copy of the Zoning Commission's minutes reflecting upon a matter that was to come before the BZA for a public hearing. Consistent with the language already contained in Subsections 18.445 and 18.455 of the Resolution, the Commissioners agreed to insert a provision into their proposed Section 18 revision making it explicit that the Zoning Commission may provide a recommendation to the BZA with respect to any matter that may be or become before it (although nothing in the Resolution or applicable law has prohibited such a recommendation heretofore).

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.

Ms. Adams briefly addressed the Commission. She has studied various approaches to the regulation of solar displays, and will provide the Commissioners with four examples of ordinances that the Commission might want to consider in formulating their recommendations to the Township Trustees.

Mr. Zopf briefly addressed the problems associated with the increasing incidence of short-term rentals of Township property. He noted that simply renting real property is not considered a commercial activity currently restricted by the Zoning Resolution.

The Commissioners agreed to hold their next meeting at 7 p.m. on Tuesday, December 19, 2023, and adjourned.

Brian W. Corry, Chairman

Charles D. Swaney, Secretary