

RECORD OF PROCEEDINGS
MIAMI TOWNSHIP ZONING COMMISSION

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

JANUARY 7, 2021

Held _____,

(YEAR)

The Miami Township Zoning Commission met virtually in regular session on Thursday, January 7, 2021 at 7:00 p.m.

The meeting was called to order by Chair Mark Schulte.

The Pledge of Allegiance was given.

Upon roll call the following members were present: Jeff Baumgarth, Lasserre Bradley, Ed Marcin, John Rademacher, and Mark Schulte. Also present: Board Alternate Karen Wikoff, Board Secretary Nicole Browder and Planning & Zoning Administrator Brian Elliff.

Miami Township Trustee Mary Makley Wolff was present and administered the oath of office to swear-in the Commission for 2021. She also expressed her appreciation for their service to the community.

Mr. Elliff noted for the purposes of the annual organization of the board that Mr. Schulte would be continuing as Chair and Mr. Baumgarth as Vice Chair for 2021 to fulfill two-year terms in keeping with the new bylaws.

There was no old business.

The Common Rules of Conduct were waived and there were no continued hearings.

Public hearings: Case #575, Mobile Food Vendors & Deck Setbacks (Text Amendment), was called and the notice of public hearing was read. Mr. Elliff reported that the Commission received meeting materials including copies of the prior memos regarding the text amendment process and noted that the Board of Trustees has initiated it with Zoning Commission input. He stated that the collective input from each Board has been drafted into a final text amendment for the Zoning Commission to consider from the Board of Trustees by way of Resolution 2020-39, Agreeing to Initiate Amendments to the Zoning Resolution of Miami Township, Clermont County, Ohio, which was adopted at the November 17, 2020 Trustee Business Meeting, copy attached hereto.

Mr. Elliff displayed the proposed text amendments with redline to the Commission and explained the changes and additions in each section of the final text amendments regulating deck setbacks, mobile food vendors and technical corrections.

For decks, the final text amendment language was revised to the following:

- The projection allowance into the rear yard area was changed from 15' to 16' based on information that 16' is a standard deck length.
- The language now specifies that the 10' side yard setback must be maintained.

Mr. Elliff continued reviewing the text language and shared that the revisions concerning deck setbacks would be included in Chapter 8 (where fences are also regulated). He stated that it is convenient within this legislation to include a few other technical corrections to that chapter:

- Wording is added to Section 8.01C3c to state where fencing may be placed in corner side yards relative to the location of the structure
- Section 8.01C4a would be amended to correct an omission, and clarifies that limited fencing is allowed in the front yard of large corner lots (making it consistent with the rest of that section)

Mr. Schulte asked the Commission if there were any questions or comments regarding the proposed text amendments concerning decks.

Mr. Baumgarth held discussion regarding the photo of the deck example as to the starting and ending point of measurement and whether the stairs or edge of the walking surface would be

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included. Mr. Elliff confirmed the measurement would be to the edge of the walking surface at the farthest projecting point, excluding staircases.

Mr. Elliff next reviewed the mobile food vendor text amendment language. He stated it would situate into Chapter 21 under temporary uses. He recalled that the proposed regulation was in response to complaints received by Township Administrator Wright that food vendors were appearing in the same place time after time.

Mr. Elliff explained that 21.04 Sections A & B identify where the food vendors may and may not appear. Examples of food vendors in residential zoning settings was shared. He stated that one of the changes made to the exceptions was to use the phrasing "with the approval of the property owner". In reviewing that he noted that they may want to include churches in residential zones as well, worded similarly.

Next, Mr. Elliff reviewed 21.04 Section C stating this was the time limiter on the food vendors. He explained that appearance is limited to 48 hours (a weekend). He highlighted that if the vendor appears for three consecutive weeks, then the vendor must relocate, with a maximum of six times over ten weeks.

Mr. Elliff reviewed definitions for food vendors that was included and noted it differentiates that this applies to an adult which would exclude lemonade stands. He shared scenarios for the definitions.

Mr. Elliff reviewed 21.04 Section E pertaining to site arrangement and safety precautions. He stated that the Township does not want to regulate everything that happens with mobile food vendors. He shared Section E provides for where the mobile food vendors can setup. He highlighted that he changed the requirement of 15 feet from the right of way to 10 feet.

He also pointed out that the vendors shall comply with applicable health and safety rules. He stated that Clermont County General Health District does regulate the food vendors and issues permits. He stated this regulation allows the zoning official to require the food vendor produce its appropriate permits.

Mr. Elliff reviewed that Section F pertains to proof of permission from the property owner. He stated this allows the zoning official to request proof be shown that the property owner has given permission and if proof is not shown, then the food vendor can be asked to close its operation.

Next, Mr. Elliff reviewed Section H relating to exemptions as follows: ice cream trucks; outdoor areas of permanent restaurants; food trucks actively serving construction sites; vendors invited by a business; nonprofit or civic organization to serve its employees or patrons; festival or special event; exempt under Ohio law; or door-to-door sales and home deliveries.

Mr. Elliff add that the last technical correction is to delete the definition of Household pets from Chapter 28. The definition was moved to Chapter 25 in prior legislation, but the earlier legislation referenced an incorrect chapter.

Mr. Schulte asked the Commission if there were any questions or comments regarding the proposed text amendments concerning mobile food vendors.

Mr. Rademacher discussed mobile food vendors in residential areas where parties are hosted at homes, and the example given was a graduation party. Mr. Elliff reviewed scenarios of having a caterer at a residence with a tent in the backyard or a food truck that would sit in the homeowner's driveway and stated this would be considered a private party not subject to these regulations. The Commission held discussion about adding an exception for private parties. It was suggested that the language "or catering a private party" could be added to the addition of excepting churches.

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The Commission continued discussion relative to definitions of food vendors and the myriad of scenarios that may or may not need identified in the text amendment regulations.

Mr. Baumgarth made a motion to approve the text amendments of Case #575 inclusive of the addition of churches in Section 21.04(B) as subsection (4), seconded by Mr. Rademacher with all voting "AYE".

New business: Mr. Schulte announced Case #576, Todd Property – Clover Apartments (major RPUD amendment).

Mr. Marcin made a motion to set Case #576 for February 4, 2021, seconded by Mr. Schulte with all voting "AYE".

With no further business to come before the Commission, Mr. Schulte made a motion to adjourn the meeting, seconded by Mr. Marcin with all voting "AYE".

Respectfully submitted,



Mark Schulte, Chair



Nicole Browder, Secretary

Sound reference

C: Zoning Commission
Planning & Zoning Administrator
File