

Held

FEBRUARY 8, 2021

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The Miami Township Board of Trustees met in a virtual meeting, as permitted in Bill 197 passed by the Ohio General Assembly, on Monday, February 8, 2021 for the purpose of hearing Case #575 Mobile Food Vendors, Decks, Technical Corrections (Text Amendment) and any other business to come before the Board. Ms. Wolff called the meeting to order and led the Pledge of Allegiance. Mr. Ferry called the roll and Mary Makley Wolff, Karl Schultz and Ken Tracy, were in attendance.

Public hearings: Case #575 Mobile Food Vendors, Decks, Technical Corrections (Text Amendment) was called and the notice of public hearing was read.

Mr. Elliff reported the Miami Township Zoning Commission met January 4, 2021 and heard Case #575. The Zoning Commission adopted a motion recommending to the Miami Township Board of Trustees approval of the text changes in Resolution 2020-39 with one addition to section 21.04(B)(4), "at a church with approval of the property owner". This resolution with the modification recommended by the Zoning Commission was now before the Board for its consideration.

Mr. Elliff shared a PowerPoint presentation and reviewed the proposed redline text changes with the Board. He displayed the changes for Chapter 8 noting it would now include fences and decks. He highlighted the addition of the (H) Resort District text which was omitted previously. He referenced re-numbering changes and a technical correction that talked about the correct placement of fences in corner side yards. He stated the location of where a fence can be placed in nonconforming scenarios was clarified. He next reviewed subsection four to make it consistent on larger lots and stated the regulations allow, for example, the "white picket fence" so the omitted word was added.

Mr. Elliff next reviewed the section on decks. He recalled that this came about due to the number of cases for decks extending into the rear yard setback and the common practice of allowance such. He stated the Township's practice has not been to allow it although in the PUD regulations it was allowed, but not permitted in the underlying regulations. He clarified the new section would allow it and decrease the number of variance requests. He noted the length was changed to 16 feet to align with a standard deck length.

Mr. Schultz discussed the distance a deck could be from the property line (under the proposed text change). Mr. Elliff explained that it could extend conceivably to the property line if you had a very short back yard because of the way it is written; allowing it to extend up to 16 feet. He stated that most of the Township's yards are around the 35 foot mark. Mr. Elliff stated it would be unusual where it pushes the property line that far and there is also a requirement that the side yard setback of 10 feet must be maintained at all times.

Next, Mr. Elliff discussed the food vendors as all new text as there are no existing regulations. He reviewed the proposed addition that would be placed in Chapter 21 (temporary uses). He stated this applies in the business districts and residential with the approval of the property owner. In subsection B, the Zoning Commission recommended the addition to allow appearing at churches with property owner approval. Subsection C manages how often food vendors can appear and Mr. Elliff recalled this addresses the issue brought to Administrator Wright's attention. He clarified that once the food vendors relocate for a few weeks, they can return if they prefer.

Mr. Elliff reviewed the signage that food vendors can display. A 16 square foot sign is permitted and signage on the vehicle is okay. No windsocks are permitted.

Mr. Elliff continued with Section E regarding site arrangement and safety requirements. He explained the proposed text is to allow for a hands-off approach rather than regulating with permits, however, if a safety concern arises it allows the Township to make a request to look over the site plan. Location set up is identified including parking lots and empty lots while being cognizant of not creating a safety or parking access issue. Setup in relationship to the right of

RECORD OF PROCEEDINGS

Minutes of

MIAMI TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

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20

way is defined, and it allows for setting up of tables and chairs. Permits are required from the Board of Health and may be reviewed by the Miami Township Fire Department. Written permission from the property owner is to be produced upon request and if unable, the Township could cease the operation.

Mr. Elliff explained that exclusions were included in the food vendor text such as ice cream trucks, activities exempt under Ohio law like agriculture, activity associated with a permanent business, for example. He also stated a definitions section was added.

Next, Ms. Wolff called for whether correspondence was received regarding the application. Mr. Ferry reported no correspondence was received.

Ms. Wolff announced the public comment portion of the meeting and asked for those wishing to speak to submit their name and address.

There being no additional persons present to speak on the application, the public portion of the meeting was closed.

Mr. Elliff presented the recommendation of the Planning & Zoning Administrator. He reported that staff recommended the adoption of the text amendments for Case #575 concerning mobile food vendors, decks and other technical corrections and to make a motion to approve the text amendment to the Miami Township Zoning Resolution as contained in Resolution 2020-39 as modified by the Zoning Commission to add subsection 21.04(B)(4), "at a church with approval of the property owner".

The Board held discussion on Case #575.

Mr. Ferry discussed whether a food vendor could be close to an existing restaurant. Mr. Elliff stated that would be permissible as there is no setback requirement from an existing restaurant. Mr. Tracy added that would be possible so long as permission from property owner was obtained.

Mr. Schultz asked for the background on the section applied to churches. Mr. Elliff explained there is an exemption for church festivals and the text amendment allows for a food vendor to setup, for example, after Sunday service.

Mr. Schultz made a motion in Case #575 text amendments concerning mobile food vendors, decks and other technical corrections to approve the text amendments to the Miami Township Zoning Resolution as contained in Board of Trustees Resolution 2020-39 as modified by the Zoning Commission recommendation, seconded by Mr. Tracy with all voting "AYE".

With no further business to come before the Board, the meeting was adjourned at 7:18 p.m.

ATTEST:


Eric Ferry, Fiscal Officer


Mary Makley Wolff, Chairperson