

**MONTGOMERY COUNTY PLANNING COMMISSION  
COUNTY ADMINISTRATION BUILDING  
451 WEST THIRD STREET  
DAYTON, OHIO 45422-1350**

**MINUTES  
NOVEMBER REGULAR MEETING**

**November 9, 2017**

**The Eighth Regular Meeting of the Montgomery County Planning Commission was held Thursday, November 9, 2017, at 8:30 a.m. in the Tenth Floor Hearing Room, County Administration Building, 451 West Third Street, Dayton, Ohio.**

**MEMBERS PRESENT:**     *Sheila Crane*                             *Doug Harnish*  
                                  *Michael Cromartie*                     *Deborah Lieberman*  
                                  *Carl Daugherty*                             *William Uhl, II*

**OTHERS PRESENT:**     *Larry Weissman, Planning Staff*  
                                  *Angela Swartz, Planning Staff*  
                                  *Bert Kelsey, County Engineer's Office*  
                                  *Charles Schaffer, County Environmental Services Dept.*  
                                  *Alex Hale, County Prosecutors Office*  
                                  *Ryan Lee, Washington Township, Zoning Case Z 720*

**MINUTES:**

On a motion by Mr. Daugherty, and seconded by Mr. Uhl, it was moved to approve the minutes from the regular meeting held Thursday, September 14, 2017.

All approved; Motion carried.

**ZONING:**

**Miami Township ZC 425-17**

Mr. Weissman stated the Township Zoning Commission has initiated this case in order to amend the Township Zoning Resolution to update and clarify Article 3 Enforcement and Penalties as follows.

- Clarify language relating to the issuance of zoning certificates for planned developments and for change of use.
- Clarify language that exempts from zoning review the installation of play sets, outdoor utility rooms, low decks and other accessory residential uses.
- Specify an application process for the exemption from zoning review of agricultural uses.
  
- Specify a prohibition on marijuana related land uses, except for lawful personal possession of medical marijuana.

The amendments do not introduce any new land uses, or substantially alter any lawful uses that are common within the Township. The amendments would add clarity to the existing regulatory framework, and help to avoid the potential for confusion or delay in the implantation of routine and common zoning practice.

Based on the above information and analysis, staff recommends approval of the proposed text amendments.

On a motion by Mr. Daugherty and seconded by Ms. Crane, it was moved to recommend approval of the Miami Township Zoning Case ZC 425-17 as recommended by the Planning Staff.

All approved; Motion carried.

### **Washington Township Z - 720**

Mr. Weissman stated the Trustees have initiated this case in order to amend various sections of the Township Zoning Resolution to create standards for the issuance of zoning certificates related to the development of wireless communication antennae, towers and accessory equipment in residential districts, as well as within the public right of way. The proposed text and it's rationale have been suggested by the Township legal counsel, who has reviewed the relevant statutes and as the proposed amendments.

Overall, the standards appear to be based on common industry practices, and have been adopted by some other townships in nearby counties. The standards appear to encourage sound principals of urban design.

The intent of the amendments is to minimize the potential for blight and visual clutter within residential areas and within public rights of way. The text as submitted provides a logical and reasonable method to achieve that goal.

Based on the above information and analysis, staff recommends approval of the proposed text amendments, with the comment that that because this area of development is an emergent and ubiquitous field, challenges to the amendments may arise upon their implementation, and all relevant statutory exemptions from local zoning must be adhered to.

Mr. Ryan Lee with Washington Township addressed the Planning Commission stating that Mr. Weissman had covered everything. The Township plans to recognize all state and federal laws that override township zoning.

On a motion by Ms. Lieberman and seconded by Mr. Uhl, it was moved to recommend approval of the Washington Township Zoning Case Z -720 as recommended by the Planning Staff.

All approved; Motion carried.

**REPLATS:**

**Harrod Plat - Butler Township**

Mr. Weissman stated that this is a replat to combine two platted and developed lots, under common ownership, into one lot of record. A single family home and accessory uses have been constructed on the property, but span across the existing lot line between the two lots. No change of use is proposed, but the combination of the lots will allow new additions and alterations to be made to the unfettered by the separation of the property by lot lines.

Staff recommends approval of the Record Plan.

On a motion by Mr. Cromartie and seconded by Ms. Crane, it was moved to recommend approval of the replat for the Harrod Plat in Butler Township as recommended by the Planning Staff.

All approved; Motion carried.

7470 Miller Lane Plat – Butler Township \*(0)

The Estates of Paragon, Section 4 – Washington Township \*(30)

The Trails of Saddle Creek, Section 5-A – Washington Township \*(0)

\*(Indicates number of reapprovals)

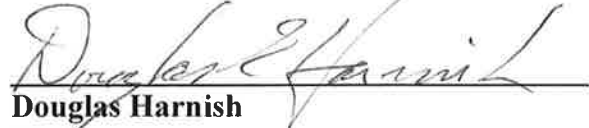
Mr. Weissman indicated that the aforementioned plats have not been recorded within the 120-day time frame and are on the agenda for reapproval.

On a motion by Mr. Uhl, and seconded by Ms. Lieberman, it was moved to recommend reapproval of 7470 Miller Lane Plat in Butler Township, The Estates of Paragon, Section 4 in Washington Township and The Trails of Saddle Creek, Section 5-A in Washington Township.

All approved; Motion carried.

Meeting was adjourned as there was no further business to come before the Planning Commission.

  
per Erik Collins  
Executive Director

  
Douglas Harnish  
Chairman

Date Approved: 12/14/17