MIAMI COUNTY DEPARTMENT
OF DEVEVLOPMENT
STAFF REPORT
Bethel Township

Applicant's Name: Bethel Township

Date: July 21, 2026 Application: Zoning Text Amendment

Nature of Request: To amend the Bethel Township Zoning Resolution, updating 18 Articles.

The township is proposing to amend the Bethel Zoning Resolution with updates to 18 articles that focus on four main themes; creating new standards, cross references, modifications to existing standards, and reaffirming existing processes and powers. A brief introduction of the proposed updates as proposed by the Township is listed below.

- **Enforcement Framework**
  - The addition of Article 1.05, Interpretations and Conflicts
  - Edits to Articles 2.03, Zoning Administrator, and 2.15, Conformance
  - Edits to Article 3, Definitions, pertaining to Junk Motor Vehicle & Junk Yard
  - Full Rebuild of Article 40, Violation and Correction Actions

- **Drainage and Stormwater Management**
  - The creation of Article 34, Drainage and Stormwater Management
  - The addition of cross references to the new Article 34 for zoning districts and pond regulations.

- **Conditional Use Continuity, Abandonment, and Transfer Framework**
  - Addition of Article 2.06, Item D, Material modifications for Conditional Uses.

- **Heavy Truck Parking Conditional Use Standards**
  - Additions and revisions to Article 13, I-2- Heavy Industrial District
  - Revisions to Article 13.02, Principle Permitted Uses, and 13.04, Conditional Permitted Uses.
  - Addition of Article 13.04, Item A, Conditional Use Standards for Heavy Truck Parking.
  - Update to Article 3, Definitions, to include a definition for "Heavy Truck".
  - Update to Article 12, I-1 Light Industrial, prohibiting Heavy Truck Parking.
  - Article 30.28 cross references 13.04 A for residential commercial vehicle restrictions.
  - Article 35 now includes stall dimensions and vehicle type definitions.
  - Article 38 now include section 38.03.E.6 for heavy truck screening.

Comments: Overall staff is in favor of the Township's intent to modernize its zoning resolution and associated procedures. Staff has reviewed the townships' proposed updates and has provided the following specific comments.

Article 2.07.C- Zoning Certificates for Home Occupations

- Item C.2 -Home occupation certificates would expire in 5 years.
    - Staff feels this could become burdensome on staff as well as applicants/landowners. Staff would recommend renewal upon change of use or property ownership.

Article 3-Definitions

- The township proposes to permit a maximum of 5 junk vehicles.
    - The county and most other townships in Miami County with their own zoning offices permit up to 2 junk vehicles. Permitting up to 5 junk vehicles could lead to some unsightly situations which technically meet the townships zoning requirements. The township might consider reducing the allowable number of junk vehicles.

    - Staff would remind the Township that Townships can enact and enforce Junk Motor Vehicle Towing Resolutions outside the scope of their zoning authority. Enforcement of issues through these means is often more efficient and effective than the traditional zoning violation enforcement process.

Article 12.05 & Article 13.05-34.03 A

- In these sections the township refers to a subdivision as the creation of 3 or more lots.
    - Staff would recommend that the township's definition of a subdivision follows that of the Ohio Revised Code. Counties and Townships are not granted platting authority through the ORC unless 6 or more lots are created. Specifically, the creation of 5 lots or less is classified as a minor subdivision which does not allow for the requirement for roads or other public or private infrastructure (stormwater/drainage) to be installed.

    - If drainage concerns with any proposed rezoning or lot split are severe, staff recommends denial of the application on those grounds.

Article 14- F-1 Flood Plain District

- It appears that the Township is using its F-1 Zoning District and the FEMA Special Flood Hazard Area (SFHA) interchangeably. The SFHA is set by FEMA outside of the scope of zoning and is regulated through the Miami County Flood Damage Reduction Resolution. Bethel Township has an F-1 Zoning District in its zoning map which mostly aligns with the Conservancy District's Flood Easements obtained following the 1913 flood. These areas are not identical. Differences can be seen in Attachments B.1 & B.2. This discrepancy should be cleared up.

- Staff would request verbiage added to this section requiring that "In addition to all Bethel Township Zoning requirements, any development located within a FEMA Special Flood Hazard Area shall also require a flood plain development permit from the Miami County Department of Development". This requirement already exists, but this language could help to clarify and prevent miscommunication.

Article 38.03 E.7-Buffer Stables and Riding Academy

- Introduces language requiring buffering for Stables and Riding Academies.
  - If located on lots greater than 5 acres in area, staff believes these uses and associated structures to be protected under the agricultural provisions of the Ohio Revised Code through either the definition of "Agriculture" or Agritourism". If determined to be "Agritourism" townships may regulate the following:

    1. The size of structures used primarily for agritourism.

    2. The size of parking areas but not including parking area improvements such as requirements for drainage, parking area base or paving, or any other improvement.

    3. Setback building lines for structures used primarily for agritourism.

    4. Egress or ingress for the agritourism parcel.

  - Staff would recommend that the Township seek further legal advice in this regard so as not to limit property rights in accordance with the ORC.

Article 40 -Violations and Corrective Actions

- Zoning Appeals are typically heard by the Township's Board of Zoning Appeals not by the Township Trustees. (Pg. 40)
  - Staff would encourage the township to seek legal advice on this addition.
- The number of days allowed for appeal of decisions should be consistent throughout the Zoning Resolution.
  - Article 34.08, Item D, Page 28 allows 20 days for appeal.
  - Article 40.03, Page 39 allows 30 days for appeal.

In addition to the above specific comments, staff would recommend that the township pay close attention to comments provided by the County Engineer's Office regarding proposed changes. Their comments are included and incorporated into staff's report as Attachment A.

Staff Recommendation: Staff recommends that additional review of these proposed updates is strongly considered by the Township prior to adoption. As proposed, this would appear to be a substantial amendment to the townships' zoning resolution, and as such, an open house or other venue for township residents to provide comment prior to formal public hearings is suggested.

As noted several times throughout this report, additional legal review to ensure compliance with all provisions of the Ohio Revised Code is also strongly recommended.

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MIAMI COUNTY ENGINEER'S OFFICE

Attachment A
Engineer's Comments

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Paul P. Huelskamp PE, PS • Miami County Engineer

July 10, 2026

Mr. Dan Suerdieck
Planning Director
Miami County Commerce Center
Troy, Ohio 45373

Dear Mr. Suerdieck:

At this time, the Miami County Engineer's Office have completed an initial review and are able to offer the following comments. This initial review of the proposed Bethel Township zoning resolution updates was based upon for Articles 1, 2, 3, 12, 13, 14, 30, 34, 35, 38, 39, and 40 dated May 29, 2026 as provided by the Miami County Department of Development. References to any Miami County standard are indicative of standards and regulations in place and utilized by Miami County at the time of review. The proposed document would significantly benefit from further review and refinement. Furthermore, there are provisions that may warrant further evaluation to ensure consistency with applicable sections of the Ohio Revised Code and other governing requirements.

The proposed resolution updates have been reviewed specifically for references and/or potential involvement of the Miami County Engineer or Miami County Sanitary Engineer. In the future please include, advise, and solicit review from any entities that proposed updates affect, potentially obligate, reference, etc. To ensure the accuracy of any review site plan review performed by the Miami County Engineer, the requirements of Bethel Township must mirror the requirements of Miami County, i.e., the Subdivision Design and Construction Standards, Miami County Stormwater Management Control Regulations, etc. The Miami County Engineer's Office will review and provide comments specific to engineering-surveying aspects, but ensuring compliance with all current zoning regulations shall be the responsibility of Bethel Township. We strongly suggest the proposed updates be reviewed by the Miami County Prosecutor to ensure compliance with current statutes.

Respectfully Submitted:

Paul P. Huelskamp

Paul P. Huelskamp, PE, PS
Miami County Engineer

PPH/deb
Enc.

MCEO initial comments to Bethel Township Zoning resolution updates for attachment to MCEO letter dated July 10, 2026:

The Miami Soil & Water Conservation District administers and inspects sediment and erosion control in Miami County. Has the MSWCD been contacted regarding the proposed Bethel Township Zoning Resolution Updates?

Has the Miami County Sanitary Engineer's Office been provided a copy of the proposed Bethel Township Zoning Resolution updates?

Articles 1 General Provisions, 2 Administration, Procedures, and Permitting, and 3 Definitions are considered by MCEO to be primarily Planning & Zoning areas of oversight.

Section 12.05, Page 13 "Drainage Plan has been approved under §34.08 with the recommendation of the Miami County Engineer"

The MCEO will provide comments based upon a site plan and stormwater facilities meeting development standards that mirror and reference the Miami County standards and regulations in place at the time of review.

Section 13.04A, Subsection B, Page 15 "alternative porous surface approved by the Township Trustees in consultation with the Miami County Engineer"

The Miami County Engineer recommends hard surface bituminous asphalt or portland cement concrete in conformance with Miami County Subdivision Design and Construction Standards. (The County Engineer should not be the determining agency for deviation from hard surface materials.) The use of 'chip & seal' or gravel for truck depots, areas of repeat turning movements, traffic flow, etc. is difficult to maintain and has been problematic at various locations. Deviation from hard surface should be a Planning Commission decision.

Section 13.04A, Subsection D, Page 15 "Stormwater management shall comply with Miami County Sanitary Engineer Standards"

This should be changed to reference the Miami County Regulations relating to stormwater; the Miami County Sanitary Engineer is not involved with stormwater management or regulations.

Section 13.04A, Subsection D, Page 16 "Heavy truck parking is permissible on I-2 parcels with direct frontage on a roadway classified by the Miami County Engineer as a collector road or higher."

The MCEO recommends this be stated differently to accurately and clearly identify the Township's intent of referencing 'collector road or higher.' Although the Miami County Subdivision Design and Construction Standards do provide a reference to 'collector,' this reference is primarily related to the type of subdivision street or road, right-of-way width, required overall street width to be constructed, etc. The reference in the construction standards may not accurately depict actual traffic volumes. For classification of roadways throughout Miami County, the statewide ODOT Roadway Functional Classification system that is locally administered by Miami Valley Regional Planning Commission is utilized. There are a limited number of roadways in Bethel Township meeting the functional classification requirements to be 'collector' roadways.

Section 13.05, Page 17 "Drainage Plan has been approved under §34.08 with the recommendation of the Miami County Engineer"

The MCEO will provide comments based upon a site plan and stormwater facilities meeting development standards that mirror and reference Miami County standards and regulations in place at the time of review.

Section 14.05, Page 19 "Drainage Plan has been approved under §34.08 with the recommendation of the Miami County Engineer"

The MCEO will provide comments based upon a site plan and stormwater facilities meeting development standards that mirror and reference Miami County standards and regulations in place at the time of review.

Article 34, Scope & Section 34.01, Page 21 "engineering review and permitting authority of the Miami County Engineer, the Miami County Sanitary Engineer"

The authority of the Miami County Engineer and Sanitary Engineer are limited by Ohio Statute. Plan review completed by the Miami County Engineer is completed and

comments returned to the governing entity The MCEO review is typically considered a cursory level review as plans are required to be signed and stamped by a Professional Engineer and/or Professional Surveyor. The Miami County Engineer's enforcement authority is typically limited to the road right-of-way, or effects thereto.

Section 34.01, Subparagraph C, Page 21 "R.C. §6131 through §6137 (county and township drainage petitions)"

Please clarify the intent and ensure the accuracy and compliance with current statute. The Ohio Revised Code Chapters 6131 through 6137 is not believed to grant any governing authority to Township Trustees in regards to petition drainage improvements. The reference to 'township drainage petitions' could be misleading.

Section 34.02, Subparagraph C, Page 22 "A Drainage Plan shall conform to Miami County Engineer drainage standards"

The Miami County Engineer does not maintain a set of drainage standards. The statement should be updated to reference Miami County standards and regulations in place at the time of review. This would help ensure all Miami County DoD Standards, Miami County Subdivision Design and Construction Standards, Miami County Stormwater Management Control Regulations (Sediment and Erosion Control Regulations), etc. are encompassed.

Section 34.02, Subparagraph F, Page 22 "Maintenance Plan"

The enforcement of the stated maintenance plan may have limitations; legal review is suggested. Please ensure no reference or inference is made to the Miami County Engineer, Miami County Sanitary Engineer, etc. suggesting Miami County entities or official have the authority to enforce, inspect, enact, etc. the 'maintenance plan.'

Section 34.03, Subparagraph A, 1-7, Page 23 "Activities triggering drainage plan requirement such as: "A2 zoning amendments affecting three (3) or more acres," "A4 any substantial improvement of an existing building, structure, or site," etc.

The intent appears to require drainage plans, i.e. analysis, site plan, calculations, drainage infrastructure, etc. for all development activities on existing or new tracts. Is this for all zoning types-districts? This may exceed resources available for review, and

necessitate the securement of third party review by the Township, with related fees paid by the Developer and/or Township. The timeline for completion of any review is directly affected by the number of submittals received and other daily duties and responsibilities of the Miami County Engineer.

Section 34.03, Subparagraph A, 8, Page 24 "any other activity for which the Miami County Engineer, the Miami county Sanitary Engineer...requires a stormwater prevention plan....."

This item 8 needs revised. The requirement for a stormwater pollution prevention plan is not governed, nor reviewed by the Miami County Engineer or Miami County Sanitary Engineer.

Section 34.04, A, Page 24 "prepared and sealed by a Professional Engineer"

Has the Township intentionally omitted Professional Surveyor in regards to preparation of a 'drainage plan?'

Section 34.04, B1, Page 24 "one-foot contour intervals or as required by the Miami County Engineer"

This sentence should be updated to state 'one-foot contour intervals or as required by the reviewing agency.'

Section 34.04, B4, Page 25 "demonstrating compliance with §34.05 and with Miami County Engineer standards"

The reference to Miami County Engineer needs to be changed to Miami County Subdivision Design and Construction standards or Miami County standards and regulations in place at the time of review.

Section 34.04, B8, Page 25 "evidence of submittal to the Miami County Engineer or Miami County Sanitary Engineer"

All initial submittals must be made to Bethel Township by the developer and then delivered by Bethel Township to the reviewing agency to ensure all communications,

formal procedures, permitting processes, etc. are fully documented by Bethel Township. This will ensure the submittal meets all Bethel Township zoning requirements prior to any review by Miami County or other entities, agencies, etc. Please note that all current 'county zoning' reviews originate at the Miami County Department of Development.

Section 34.05, Page 25 "references to Miami County Engineer or Miami County Sanitary Engineer standards for stormwater"

These references should be updated to Miami County standards and regulations in place at the time of review relating to stormwater. The MCEO will provide comments based upon a site plan and stormwater facilities meeting development standards that mirror and reference the county standards in place at the time of review. This includes pre-development peak rate. Uniformity in the requirements for site plan or drainage plan review completed by MCEO is strongly recommended.

Section 34.05, Subparagraph E & F, Page 26 "...that would constitute an actionable nuisance under Ohio common law...."

The review of this entire document, including this Section and Subparagraphs with the Miami County Prosecutor is strongly encouraged. The Miami County Engineer will not be offering any review, interpretation, or opinion related to either of these subparagraphs. The reference to determining applicability of the reasonable-use doctrine should be directed to the Miami County Prosecutor; the MCEO does not provide legal advice, counsel, or review.

Section 34.06, Subparagraph C, Page 26 "reference to Miami County Engineer requires a greater setback"

Setbacks are a subject and determination of 'Planning & Zoning.' Uniformity in the required setbacks throughout Miami County is encouraged, i.e. utilize the same setbacks of Miami County Department of Development. The MCEO typically discourages deviation from the established setback distances as suggested in this subparagraph.

Section 34.06, Subparagraph D, Page 26 "safety features"

The MCEO will not complete review or provide comments related to this section.

Section 34.07, Page 27 "Maintenance Plan"

The review of this section with the Miami County Prosecutor is encouraged to ensure the legality of all aspects outlined by the section. The MCEO will not complete review, provide comments, perform work, etc. related to this section.

Section 34.08, Subparagraph B, Page 27 "County Engineer Coordination"

The '30-days for response' should be modified to include initial comment, request for additional information, request for time extension, etc. Storm sewer connections are inspected by the County Engineer within the road right-of-way. The Miami County Sanitary Engineer approves, inspects, etc. connections to central water and central sanitary sewer systems. Additional consultation with the Miami County Sanitary Engineer's Office is suggested.

Section 34.08, Subparagraph C, Page 27 "Approval Required, County Engineer recommendation as has been received, that the Plan complies with this Article"

The Miami County Engineer and Miami County Sanitary Engineer will review submittals and provide comments specific to certain engineering and design aspects. Ensuring submittals complies with applicable zoning codes, articles, requirements, etc. is the responsibility of Bethel Township. Ensuring the submitted plan complies with Bethel Township Zoning is the responsibility of the developer's licensed engineer and/or licensed land surveyor.

Section 34.08, Subparagraph E, Page 28 "Independent Engineering Review"

Based upon the proposed Bethel Township Zoning Resolution updates, the Township will likely need to utilize this section for engineering review to ensure compliance with the updated zoning articles. Modification to the proposed Bethel Township Zoning Resolution updates must be made for consideration of review and comment of Bethel Township sites by the MCEO. Ensuring compliance with the ORC is the responsibility of Bethel Township.

Section 34.11, Subparagraph D, Page 29 "Drainage improvements undertaken directly by Bethel Township, by the Miami County Engineer, by the Ohio

Department of Transportation, or by a public utility.....but shall coordinate with the Zoning Administrator"

The review of this section with the Miami County Prosecutor is strongly encouraged; the legality and enforcement of aspects outlined by this section is believed to conflict with the ORC. The Miami County Engineer, Miami County Sanitary Engineer, Ohio Department of Transportation, etc. are not required by the ORC to obtain Township Zoning or Township Trustee approval for maintenance or infrastructure projects under their respective jurisdiction and oversight. The courtesy of correspondence to notify the Township of upcoming projects could be considered, but performance of duties within respective jurisdictions will not be dictated by the Township. The regulation of public utilities by the Township, (as currently organized) is believed to be in direct conflict with the ORC.

Section 34.12, Subparagraph A, Page 29 "Cross-References"

Ensure the reference to 'conformance with Miami County Sanitary Engineer Standards' is accurate.

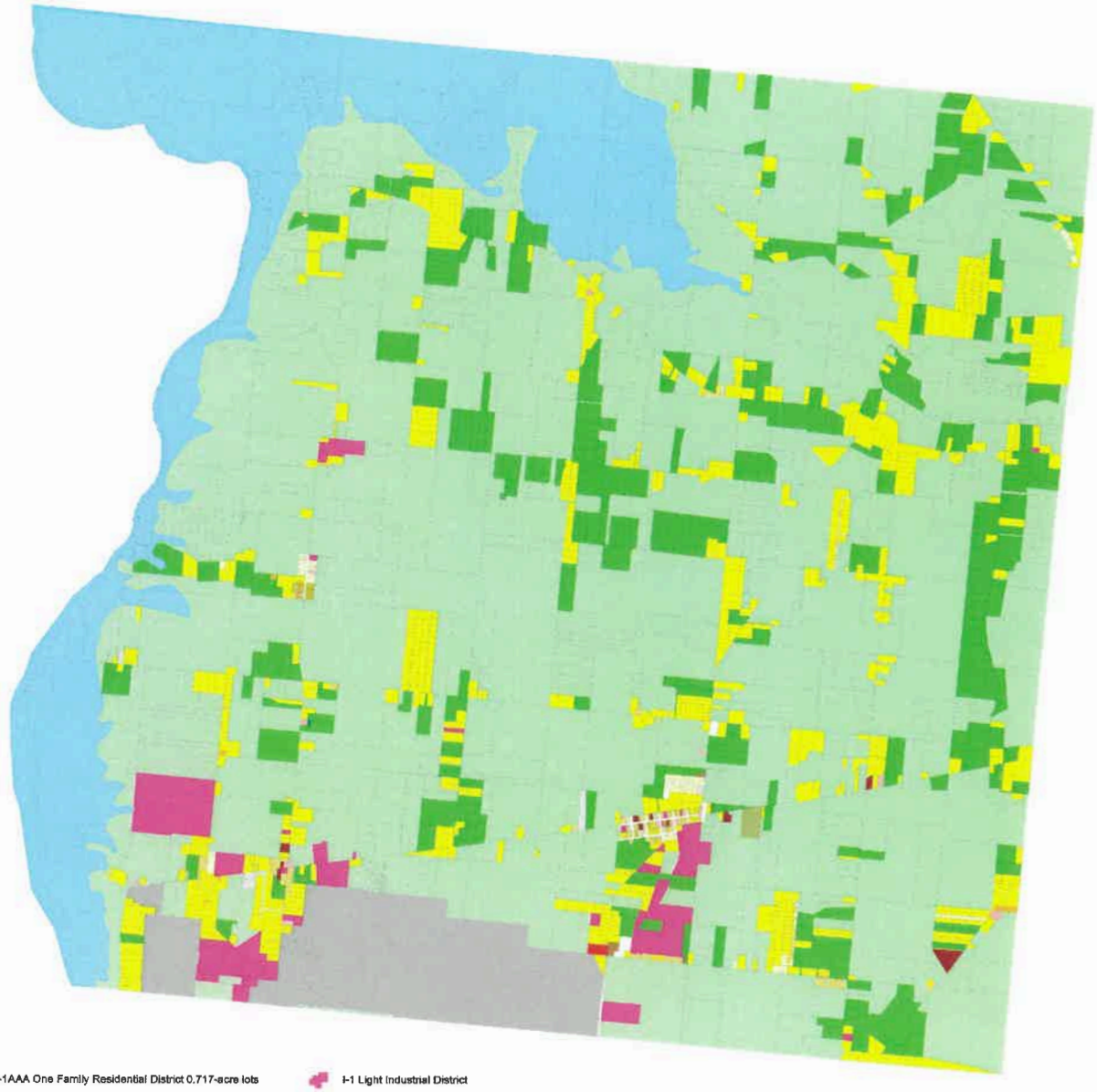
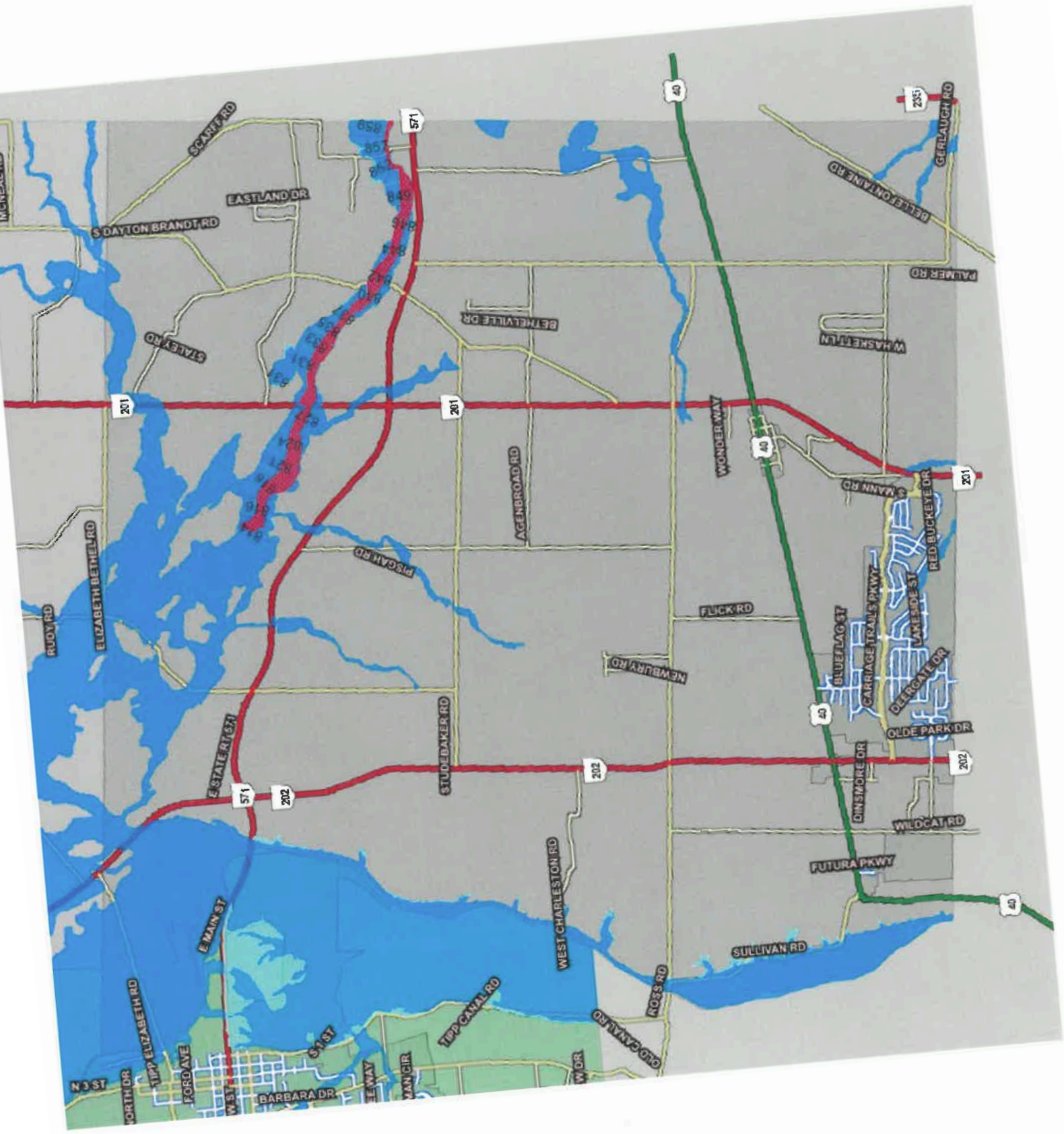
Articles 35 Off-Street Parking and Loading, 38 Landscape and Buffer Requirements, 39 Pond Regulations, Article 40 Violations and Corrective Actions

Articles 35, 38, 38, and 40 are considered by MCEO to be Planning & Zoning areas of oversight.

Has the Miami Soil & Water Conservation District been contacted concerning their review of ponds in Bethel Township?

********** End **********

Bethel Township Zoning, 2017 - DRAFT



Attachment B.2
FEMA Designated Flood Plain