



RESOLUTION #26-05-051

A RESOLUTION DIRECTING THE PLANNING & ZONING DEPARTMENT TO INITIATE TEXT AMENDMENT CHANGES TO THE BETHEL TOWNSHIP ZONING RESOLUTION

The Bethel Township Board of Trustees, Bethel Township, Miami County, Ohio met in special session on the 20<sup>th</sup> day of May, 2026 with the following Trustees being present: Kama Dick, Julie Reese and Josh Wilkerson.

Trustee DICK (WITH DRAWN) moved for the adoption of the following resolution:

WHEREAS, the Bethel Township Planning & Zoning Department has recommended that a text change be initiated to the current zoning resolution of Bethel Township, Miami County, originally established on December 8, 1956; AND

WHEREAS, staff recommends that several articles be amended to reflect the immediate needs of the Township; AND

WHEREAS, the Bethel Township Board of Trustees, Miami County are permitted under section 519.12 of the Ohio Revised Code to amend the zoning resolution. THEREFORE

BE IT RESOLVED, by Bethel Township Board of Trustees, Miami County that the Planning & Zoning Department initiates the process of amending the Bethel Township Zoning Resolution to reflect the staff recommendations as follows:

1. **§2.08.A.2 Nonconformities - General Provisions: safety-restoration carve-out**
  - **Issue:** Clarify conditions of repairing a damaged building for safety reasons
  - **Current:** No nonconformity shall be enlarged, expanded, or extended unless such alteration is in full compliance with all requirements of this Zoning Resolution. However, nothing in this Section shall be deemed to prevent the strengthening or restoration to a safe condition of a structure ~~in accordance with an order of~~ a public official who is charged with protecting the public safety and who ~~could declare such structure to require repair or restoration in accordance with applicable codes or regulations regulating the safe condition of structures in Bethel Township.~~
  - **Proposed:** No nonconformity shall be enlarged, expanded, or extended unless such alteration is in full compliance with all requirements of this Zoning Resolution. However, nothing in this Section shall be deemed to prevent the strengthening or restoration to a safe condition of a structure **pursuant to a written order issued by** a public official who is charged with protecting the public safety and who **has determined that the structure presents an actual or imminent hazard requiring repair. This carve-out is not a freestanding right of repair-in-place and may not be invoked absent such a written order.**
  
2. **§2.08.C.2 Nonconformities – Nonconforming Structures and Buildings - Termination by failure to restore damaged structures**
  - **Issue:** fix the valuation method
  - **Current:** In the event that any nonconforming structure or building is destroyed by any means to the extent of more than fifty (50) percent of the ~~assessed value~~ as ~~shown~~ on the tax duplicate prior to the time of damage of such structure, exclusive of foundation, shall not be rebuilt, restored or reoccupied for any use unless it conforms to all regulations of this Zoning Resolution, the building code and any other applicable codes. The owner shall have the option of either clearing the lot of the damaged structure or building or restoring the structure or building for a use that conforms with the regulations of this Resolution.
  - **Proposed:** In the event that any nonconforming structure or building is destroyed by any means to the extent of more than fifty (50) percent of the **true market value (i.e., 100% appraised value)** as **determined from the Miami County Auditor's tax duplicate, or as established by a current appraisal performed by a licensed Ohio real estate appraiser,** prior to the time of damage of such structure, exclusive of foundation, shall not be rebuilt, restored or

reoccupied for any use unless it conforms to all regulations of this Zoning Resolution, the building code, and any other applicable codes. The owner shall have the option of either clearing the lot of the damaged structure or building or restoring the structure or building for a use that conforms with the regulations of this Resolution.

3. **§2.08.C.2 Nonconformities – Nonconforming Structures and Buildings - Termination by failure to restore damaged structures**

- **Issue:** need to define “extent of destruction”
- **Proposed:** For purposes of this Section, 'extent of destruction' shall mean the replacement-cost-new of the destroyed or unsalvageable components of the structure, computed exclusive of foundation, as determined by a written report from a licensed Ohio engineer or licensed Ohio building contractor submitted with the zoning certificate application required by this Section.

4. **§30.35 Drainage and Stormwater Management**

- **Issue:** No such section exists to address drainage and stormwater run-off. §30.01.F only addresses FEMA floodplains.
- **Proposed:** Full new section with purpose, applicability (subdivisions ≥3 lots, rezonings ≥3 acres, new impervious >10K sf, expansions >25%), standards (compliance with Miami County stormwater regs + engineer-sealed drainage plan + maintenance plan), approval mechanics, and enforcement tie to Article 40.

5. **§30.01 General Regulations — add subsection G**

- **Issue:** Added Section 30.35, need to ensure compliance with it when a building or structure is erected or modified.
- **Proposed:** G. In conformance with the drainage and stormwater management requirements of Section 30.35 where applicable.

6. **Articles 5 R-1AAA, 7 B-2, 8 B-3, 9 B-1, 15 A-1, and 16 A-2 Section x.05 Lot Development Standards**

- **Issue:** District articles list development standards but don't mention drainage - added section 30.35, need to ensure compliance with it by referencing it in the various districts in the Lot Development Standards sections.
- **Current (example, this may not be the last entry in all districts):**

Minimum Floor Area for Residential Uses	• 1,500 Square Feet
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- **Proposed (add Drainage and Stormwater Management row to end of table):**

Minimum Floor Area for Residential Uses	• 1,500 Square Feet
Drainage and Stormwater Management	• All subdivisions, rezonings, and construction within this District shall comply with the drainage and stormwater management requirements set forth in Section 30.35 where applicable

7. **Proposed Article 40 (9 sections)**

- **Issue:** Need more clarity as to what constitutes a violation and the process the Township will follow when a violation occurs.
- **Current:**
- **Proposed:**
  - **§40.01 Unlawful Activity** — keeps current language + adds subsection (C) making junk vehicles and nuisance conditions zoning violations
  - **§40.02 Definitions (NEW)** — Junk Motor Vehicle, Collector's Vehicle, Nuisance, Property, Authorized Officer
  - **§40.03 Investigation and Notice of Violation (NEW)** — written notice contents, certified-mail + posting service, three cure windows (30 days general / 10 days junk vehicle / 7 days nuisance), daily-offense rule
  - **§40.04 Administrative Hearing (NEW)** — request-within-cure-period rights, 7-day hearing notice, 14-day decision, ORC §2506 appeal path

- **§40.05 Junk Motor Vehicle Enforcement** (*NEW* — activates ORC §§505.173, 505.871) — 72-hour storage threshold, Collector's Vehicle carve-out, removal authority
- **§40.06 Nuisance Property Enforcement** (*NEW* — activates ORC §§505.86, 505.87, 971.34, 5579.05) — property-specific resolution mechanics, notice procedures including date-stamped photo of posting, preserves existing Res. #24-11-108
- **§40.07 Abatement and Cost Recovery** (*NEW*) — Township abatement authority, **rates updated to \$175/hr labor and \$350 admin fee** (the 2005 resolution's \$115/\$200 doesn't cover actual cost anymore), lien process through Miami County Auditor
- **§40.08 Penalties and Cumulative Remedies** (*lightly expanded*) — keeps the misdemeanor + civil action language, adds explicit cumulative-remedies clause
- **§40.09 Severability and Implementation** (*NEW*) — Currently missing

#### 8. §1.05 Interpretations and Conflict

- **Issue:** Need to clarify that if it is not explicitly listed in the zoning code, then it is not permitted. Does not exist today in the zoning regulations.
- **Proposed – add these paragraphs to the beginning of Section 105:**
  - Principal Permitted Uses. Only a use designated as a principal permitted use shall be allowed as a matter of right in a zoning district. A use which is not specifically mentioned as a principal permitted use within a zoning district shall not be permitted as a principal use upon any property by the Zoning Inspector until such use is added to the list of principal permitted uses through amendment of this zoning resolution.
  - Accessory Permitted Uses. Only uses designated as accessory permitted uses shall be allowed as a matter of right in a zoning district. Any accessory permitted use not designated shall be allowed only upon appeal and after determination by the Board of Zoning Appeals that such use is customarily incidental and subordinate to the principal permitted use of the property.
  - Conditional Permitted Uses. Uses designated as conditional permitted uses shall be permitted within a zoning district only upon issuance of a conditional use permit by the Board of Zoning Appeals in accordance with the provisions of Article 10, Section 1002.
  - Lot Development Standards. The lot development standards set forth for each zoning district shall be the minimum standards allowed for lot development within such zoning district. If such development standards are in conflict with any other lawfully adopted rules or regulations, the more restrictive shall govern.

#### 9. §2.07.A.2. Zoning Certificate – Applicability – Change in Use

- **Issue:** Zoning Department and Fire Department have no way to track where Home Occupation businesses are located in the Township. Need to clarify that a change in use includes Home Occupations.
- **Current:** A Zoning Certificate shall be required for any of the following: 2. Change in use of an existing building, accessory building, lot, or portion thereof, to a use of a different classification, excluding changing to any agricultural use;
- **Proposed:** A Zoning Certificate shall be required for any of the following: 2. Change in use of an existing building, accessory building, lot, or portion thereof, to a use of a different classification, **including, but not limited to, Home Occupations, and** excluding changing to any agricultural use;

#### 10. §2.07.C Zoning Certificate – Zoning Certificates for Home Occupations and Fencing

- **Issue:** Zoning Department and Fire Department have no way to track where Home Occupation businesses are located in the Township. Need to clarify that a ZC is required for Home Occupation and that it must be renewed every 5 years (at the same fee as any other Zoning Certificate). The township has a ton of problems related to not following the regulations when a fence is erected. Requiring a permit gives the zoning director the chance to inform the applicant of the existing fence, wall, and hedge rules.
- **Current:** Section 2.07.C is currently Exemptions from Zoning Certificates – suggest adding the Zoning Certificates for Home Occupations as Paragraph C and and Fences, Walls, and Hedges as Paragraph D and renumbering current paragraphs C-F to E-H. This will allow for a logical order of the new information.
- **Proposed:**
  - Add new paragraph C: **Zoning Certificates for Home Occupations**
  - Add new sub-paragraph C.1: **A Zoning Certificate shall be required for all Home Occupations.**

- Add new sub-paragraph C.2: **Home Occupation Zoning Certificates shall expire 5 years from the date of issue. Upon expiration, the applicant is responsible for obtaining a new Zoning Certificate should they wish to continue the Home Occupation.**
- Add new sub-paragraph C.3: **All Home Occupations shall comply with the Home Occupation requirements set forth in Section 30.27.**
- Add new paragraph D: **Zoning Certificates for Fences, Walls, and Hedges**
- Add new sub-paragraph D.1: **A Zoning Certificate shall be required for all Fences, Walls, and Hedges.**
- Add new sub-paragraph D.2: **All Fences, Walls, and Hedges shall comply with the Fences, Walls, and Hedges requirements set forth in Section 30.06.**
- Renumber the current paragraph C and subsequent paragraphs.

#### 11. §38.03.E.2 Minimum Materials and Standards – Screening

- **Issue:** Clarify that a road does not qualify as a buffer when a buffer or screening is required.
- **Current:** 2. Screening may consist of walls, fences, natural vegetation, earthen mounds or a combination thereof.
- **Proposed:** 2. Screening **shall** consist of walls, fences, natural vegetation, earthen mounds or a combination thereof. **An easement, street, road, alley, or other surface meant for vehicle passage shall not qualify as valid screening.**

#### 12. §12.03 and §13.03 Accessory Permitted Uses

- **Issue:** Clarify that a Retail Business is only permitted as an accessory use when it is incidental to a principally permitted use (as others in the list specify).
- **Current:** Retail Business
- **Proposed:** Retail Business **Customarily and Incidental to the Principal Permitted Use.**

#### 13. §2.15 Conformance with Bethel Township Miami County Zoning Resolution

- **Issue:** Applicants are asking for certificates, variances, conditional uses, and re-zonings when the property has violations or non-conformities. Need to add section 2.15 to clarify that the Township will not be processing any zoning applications if pre-existing violations exist or if violations are discovered during the research process. Note the gap in numbering to leave for future conformance requirements, such as with ODNR.
- **Proposed:**
  - A. Bethel Township will not process any applications for a parcel that has outstanding violations that have yet to be corrected.
  - 1. If violations are discovered during the research process for the application, the applicant shall be notified of the violations and informed that the application will be suspended until such time the violations are corrected.
  - B. If non-conformities exist or are discovered during the application research process, the applicant may submit, or be asked to submit, a variance or conditional use request(s) to bring the non-conformities into compliance.
  - 1. If the application is a rezoning request, the rezoning request will be processed first, followed by the variance or conditional use request(s). The two will be only be approved contingent on both the rezoning and variance(s)/conditional use(s) being approved.

#### 14. §3.02 Words and Terms Defined

- **Issue:** Manufactured Home, Permanently Sited is considered a single-family dwelling, but the minimum floor space is much less than that of a single family dwelling. Also, there is a “is a is” typo.
- **Current:** A permanently sited manufactured home ~~is a~~ is considered a single-family dwelling if it meets all the additional criteria:
  - 1. The structure is affixed to a permanent foundation and is connected to appropriate utilities.
  - 2. The structure, excluding any addition, has a minimum width of 22 feet.
  - 3. The structure has a minimum length of 22 feet.
  - 4. Excluding garages, porches, and attachments, the manufactured home has a minimum living area of **900** square feet.
  - 5. The manufactured home has a minimum 6-inch eave overhang including appropriate guttering.
  - 6. The manufactured home was manufactured after 1/1/95.
  - 7. The manufactured home is not located in a manufactured home park.

- **Proposed:** A permanently sited manufactured home **is** considered a single-family dwelling if it meets all the additional criteria:
  - 4. Excluding garages, porches, and attachments, the manufactured home has a minimum living area **that meets the target zoning district’s specified “Minimum Floor Area for Residential Uses”**.

#### 15. §3.02 Words and Terms Defined

- **Issues:**
  - new terms are missing from our definitions and refer to other missing definitions.
  - **Auto Wash Facility** needs to be changed to **Automobile Wash Facility** for consistency.
  - **Bed and Breakfast Establishments** needs to reference section 30.34 for rules and regulations.
  - **Dwelling** includes “for one household, family or individual” but is used as a basic term and could have more than one family – that number of families is specified as “Dwelling, One-Family” or “Dwelling, Two-Family”.
  - **Loan Offices** term is used in B-1, B-2, and B-3, but there is no definition. It is part of the trio “Banks, Loan Offices, and Other Financial Institutions.”
- **Current:**
  - **Auto Wash Facility** –
  - **Bed and Breakfast Establishments** - A one family dwelling whose premises are permanently occupied by a family that offers overnight accommodations and breakfast to transient guests for compensation.
  - Dwelling – A building or **portion** thereof, designed for occupancy for residential purposes and having sleeping, kitchen and bathroom facilities **for one household, family or individual**. A dwelling unit may include an Industrialized Unit but shall not include a Manufactured Home unless it meets the additional requirements as identified in “Dwelling, Manufactured Home, Permanently Sited”.
- **Proposed:**
  - **(update) Automobile Wash Facility** –
  - **(new) Automobile** – A passenger vehicle designed for operation on ordinary roads, typically having four wheels, powered by an internal combustion engine or electric motor and able to carry a small number of people.
  - **(update) Bed and Breakfast Establishments** - A one family dwelling whose premises are permanently occupied by a family that offers overnight accommodations and breakfast to transient guests for compensation. **See Section 30.34 for rules and conditions.**
  - **(new) Car Wash** – See “Automobile Wash Facility”.
  - **(new) Data Center** – A physical facility that houses computing infrastructure, including servers, storage, and networking equipment, to store, process, and manage digital data for businesses and services.
  - **(update) Dwelling** – A building or portion thereof, designed for occupancy for residential purposes and having sleeping, kitchen and bathroom facilities. A dwelling unit may include an Industrialized Unit but shall not include a Manufactured Home unless it meets the additional requirements as identified in “Dwelling, Manufactured Home, Permanently Sited”.
  - **(new) Dwelling, Barndominium** – A barn-inspired structure converted into a modern, livable home, often combining residential and functional spaces like workshops or garages. A Barndominium is considered a single-family dwelling for purposes of this Resolution.
  - **(new) Barndominium** – See “Dwelling, Barndominium”.
  - **(new) Single Family Dwelling** – See “Dwelling, One Family”.
  - **(new) Tiny Home** – See “Dwelling, Tiny”.
  - **(new) Dwelling, Tiny** – A residential dwelling that is 500 square feet or less. These homes are designed to maximize function in a compact footprint, often featuring multi-purpose areas and clever storage solutions to ensure comfortable living despite limited space.
  - **(new) Loan Office** – See “Financial Institution”.
  - **(new) Short-Term Rental** – a furnished property rented for brief, transient stays, governed by lodging laws rather than traditional landlord-tenant regulations, and designed to provide flexible, temporary accommodation for travelers while offering income opportunities for property owners.
  - **(new) Solar Farm** – An installation of solar panels that convert sunlight directly into electricity using photovoltaic cells.
  - **(new) Solar Farm, Commercial** – A large installation of solar panels spread over an open field that convert sunlight directly into electricity using photovoltaic cells for profit.

- (new) Solar Farm, Private Use – An installation of solar panels that convert sunlight directly into electricity using photovoltaic cells for personal use.
- (new) Solar Power Plant – See “Solar Farm, Commercial”.
- (new) Wind Farm – A group of wind turbines installed in a specific area to capture the kinetic energy of moving air.
- (new) Wind Farm, Commercial – A group of wind turbines installed in a specific area to capture the kinetic energy of moving air for profit.

16. §xx.02 Principal Permitted Uses (PU), §xx.03 Accessory Permitted Uses (AU), §xx.04 Conditional Permitted Uses (CU)

- **Issue:** overabundance of certain businesses in the Township – moving some permitted uses to conditional uses or removing them from the permitted/accessory/conditional use list (removing would, in effect, place a moratorium on them). Many of the terms listed in the articles in the PU/AU/CU lists do not have definitions – we need to provide a window to get the proper definitions in place.
- **Current:**
  - I-1 PU 12.02 • Building and Trades, Contractor’s Yards, Utility Storage Yards
  - I-1 PU 12.02 • Automobile Filling Station
  - I-1 PU 12.02 • Automobile, Recreational Vehicle, Boat Sales
  - I-1 PU 12.02 • Automobile, Truck, and Recreational Vehicle Repair
  - B-1 PU 9.02 • Convenience Store
  -
- **Proposed:**
  - move to I-1 CU 12.04 • Building and Trades, Contractor’s Yards, Utility Storage Yards
  - move to I-1 CU 12.04 • Automobile Filling Station
  - move to I-1 CU 12.04 • Automobile, Recreational Vehicle, Boat Sales
  - move to I-1 CU 12.04 • Automobile, Truck, and Recreational Vehicle Repair
  - move to B-1 CU 9.04 • Convenience Store

Trustee WILKERSON (WITHDRAWN) seconded the motion and the Board voted as follows upon roll call:

**Vote:** Trustee Kama Dick \_\_\_\_\_  
 Trustee Julie Reese \_\_\_\_\_  
 Trustee Josh Wilkerson \_\_\_\_\_

Attest: Rhonda Ross  
 Rhonda Ross, Fiscal Officer  
 Bethel Township, Miami County, Ohio

MOTION TO TABLE RESOLUTION # 26-05-051

TRUSTEE DICK

SECONDED

TRUSTEE REESE

VOTE :

TRUSTEE DICK yes  
TRUSTEE REESE yes  
TRUSTEE WILKERSON abstain

Kane Dick  
Julie Reese  
Joshua WilkerSON