ARTICLE 1
GENERAL PROVISIONS

Section 1.01 Title

This Resolution and any subsequent amendments shall be known as and may be cited and referred to as the "Bethel Township Zoning Resolution, Miami County, Ohio".

Section 1.02 Intent and Purpose

First adopted on December 8, 1956, this Resolution, formally adopted by the Township Trustees on June 12, 2007, is based on the Bethel Township Comprehensive Land Use Plan, adopted November 30, 2010, the purpose of which is to lessen the congestion on public streets, to reduce undue hazards due to flooding, and to promote the public health, and safety. This above-mentioned Plan has been formulated with due consideration, among other things, to:

A. The character of each district of the Township and its peculiar suitability for particular uses;
B. The conservation of property values;
C. The general trend and character of building and population development;
D. The advancement of social and economic stability; and
E. The adequate provision of public transportation, streets, highways, sewers, water mains, schools, recreational areas, and other public facilities.

Except as otherwise provided in this Section, in the interest of the public health and safety, the Bethel Township Board of Township Trustees may regulate by Resolution, in accordance with a comprehensive plan, the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures, including tents, cabins, recreational vehicles and mobile homes, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the Township.

The Board of Trustees may divide all or any part of the unincorporated territory of the Township into districts or zones of such number, shape, and area as the Board of Trustees determines. All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

Section 1.03 Applicability

This Resolution has been passed under the authority granted to the Township under Section 519.01 et seq. of the Ohio Revised Code and embraces the provisions thereof regarding enforcement and penalties for violations.

Section 1.04 Jurisdiction

The provisions of this Zoning Resolution shall apply to all land, land development, use of all structures, and uses of land within the unincorporated areas of Bethel Township, Miami County, Ohio.

Section 1.05 Interpretations and Conflict

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 Administrator or by the Board of Zoning Appeals.

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 §2.06.D of this Resolution.

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. Where such standards are in conflict with any other lawfully adopted rules or regulations, the more restrictive shall govern.

In its interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Wherever the requirements of this Resolution are at variance with the requirements of any other lawfully adopted rules, regulations, or Resolutions, the most restrictive or that imposing the highest standards shall govern.

This Resolution is not intended to interfere with or revoke any easements, covenants, or agreements between private parties, provided that wherever this Resolution proposes a greater restriction upon the use of buildings or land, upon the location or height of buildings or structures, or upon requirements for open areas than those that are imposed or required by such easements, covenants, or agreements between parties, the provision of this Resolution shall govern.

Section 1.06 Validity and Severability

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 1.07 Zoning Certificate Required

With the exception of agricultural uses as regulated by Section 519.21 of the Ohio Revised Code, it shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a Zoning Certificate is issued by the Zoning Administrator in accordance with Article 2, Administration and Enforcement, Section 2.06, Zoning Certificate.

Furthermore:

A. Such Zoning Certificate, when issued, shall state that such building, premises or a part thereof, and the proposed use thereof are in conformity with the provisions of this Resolution.
B. The Zoning Administrator shall not issue any Zoning Certificate for grading, excavation,

or construction unless the plans, specifications, and the intended use conform to the provisions of this Resolution.

Section 1.08 Transitional Rules

A. Effective Date
This Resolution shall be in full force and effect 30 days following the adoption date of the Resolution by the Board of Township Trustees.

B. Violations Continue

Any violation under previous Resolutions repealed by the adoption of this Zoning Resolution shall continue to be a violation under this Resolution and are subject to penalties and enforcement under Article 40, Violations and Corrective Actions, unless the use, structure, building, development, construction, or other activity complies with the provisions of this Resolution.

C. Nonconformities Continue

Any legal nonconformity under any previous resolutions repealed by this Resolution shall also continue to be a legal nonconformity under this Resolution, as long as the situation that resulted in the nonconforming status under the previous Resolutions continues to exist.

If a legal nonconformity under the previous Resolutions repealed by this Resolution becomes conforming because of the adoption of this Resolution, then the situation will be considered conforming and shall no longer be nonconforming subject to the nonconforming use regulations.

D. Approved Projects
1. Any building, structure, or development for which a building permit or Zoning Certificate was issued prior to the effective date of this Resolution may, at the applicant's option, be completed in conformance with the issued permit and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this Resolution.
2. If the building or structure is not completed within the time required under the original issued Certificate or Permit or any extension granted as of the effective date of this Resolution, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this Resolution unless the Zoning Commission grants additional extensions.
3. Any application submitted prior to the effective date of this Resolution shall be subject to the standards in effect at the time of application.
4. Any reapplication for an expired project approval shall meet the standards in effect at the time of reapplication.

- Sept 10, 2026 (previous version Sept, 2018) – updated §1.05 – Resolution #26-08-076; cosmetic formatting.

ARTICLE 2
ADMINISTRATION AND ENFORCEMENT

Section 2.01 Purpose

This Article sets both the powers and duties of the Township Board of Trustees, Zoning Commission, the Board of Zoning Appeals and the Zoning Administrator with respect to the administration of the provisions of this Resolution.

Section 2.02 Township Board of Trustees

For the purpose of this Resolution, the Board of Township Trustees shall have the following duties:

A. Initiate proposed amendments to this Resolution.
B. Review and decide on all proposed amendments to this Resolution.
C. Perform all other duties as specified in Chapter 519 of the Ohio Revised Code and as specified in this Resolution.

Title 5 of the Ohio Revised Code shall regulate the election of the Trustees; establish their rules of meetings, meeting times, and quorum.

Section 2.03 Zoning Administrator

The Zoning Administrator, as established by Section 519.16 of the Ohio Revised Code, shall have the following responsibilities and powers:

A. Enforce the provisions of this Resolution and interpret the meaning and application of its provisions.
B. Receive, review and make determinations on applications for Zoning Permits and Certificates of Occupancy.
C. Issue Zoning Certificates as provided by this Resolution and keep a record of same with notations of special conditions involved.
D. Review and process plans pursuant to the provisions of this Resolution.
E. Make determinations as to whether violations of this Resolution exist, determine the nature and extent thereof, and notify the owner in writing, specifying the exact nature of the violation and the manner in which it shall be corrected by the owner, pursuant to the procedures in this Resolution.
F. Conduct inspections of buildings and uses of land to determine compliance or non-compliance with this Resolution.
G. Maintain permanent and current records required by this Resolution, including but not limited to the Official Zoning Map, Zoning Certificates, inspection documents and records of all variances, amendments and Conditional Uses. These records shall be made available for use of the Board of Township Trustees, Zoning Commission, the Township Board of Zoning Appeals and to the public.
H. Revoke a Zoning Permit or approval issued contrary to this Resolution or based on a false statement or misrepresentation on the application.
I. Document non-conforming uses and structures.
J. Such other duties as specified from time to time by the Board of Township Trustees.

Section 2.04 Comprehensive Land Use Plan

The Bethel Township Comprehensive Land Use Plan was initiated by the Bethel Township Trustees to help guide future growth, development and enhancement of the Township while keeping in mind the rural traditions and values of a strong community. This Comprehensive Land Use Plan is a guide for Planning and Zoning and is not the sole determiner of allowed zoning changes, conditional uses and variances.

Section 2.05 Zoning Commission

The Township Board of Trustees, for the purpose and intentions of this Resolution, hereby creates and establishes the Bethel Township Zoning Commission, hereafter referred to as the Zoning Commission. The Zoning Commission shall be appointed and organized as established under Section 519.04, Township Zoning Commission, of the Ohio Revised Code.

A. Powers and Duties

The Zoning Commission shall have all the appropriate power and duties prescribed by law and by this Resolution. The Zoning Commission shall have the following duties and powers:

1. Initiation of Zoning Resolution and Map Amendments

   To initiate proposed amendments to this Resolution. Any proposed amendment that is denied by the Zoning Commission shall not be resubmitted for a period of less than twelve (12) consecutive months. All amendments shall be reviewed, and recommendations made to the Board of Township Trustees.

2. Other Duties

   Perform all other duties as specified in Chapter 519 of the Ohio Revised Code and as specified in this Resolution.

B. Alternates

1. The Township Board of Trustees may appoint two (2) alternate members to the Zoning Commission, for terms to be determined by the Township Board of Trustees as identified in Section 519.04 of the Ohio Revised Code.
2. An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission to guarantee a quorum.
3. An alternate member shall meet the same appointment criteria as a regular member.
4. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. If the hearing is tabled for vote where the alternate member is present, the alternate shall be required to attend the next meeting scheduled for vote on the tabled matter.

Section 2.06 Board of Zoning Appeals

The Township Board of Trustees, for the purpose and intentions of this Resolution, hereby creates and establishes the Bethel Township Board of Zoning Appeals, hereafter referred to as the Board of Zoning Appeals. The Board of Zoning Appeals shall be appointed and organized as established under Sections 519.13, through 519.15 of the Ohio Revised Code.

A. Powers and Duties

The Board of Appeals shall have all the appropriate power and duties prescribed by law and by this Resolution. The Board shall have the following duties and powers:

1. Administrative Review

   To hear and decide appeals only in such cases where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Administrator/Enforcing Officer in the enforcement of this Resolution. The concurring vote of a majority of those members of the Board present and voting shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Administrator/Enforcing Officer or to decide in favor of the applicant on any matter upon which the Board is required to pass under the terms of this Resolution.

2. Determination of Similar Uses
   To determine if uses not specifically mentioned in this Resolution are similar to uses permitted within a district.

3. Determination of District Boundary Location

   To determine the exact location of any district boundary if there is uncertainty as to exact location thereof. In making such determination the Board shall be guided by the provisions of this Resolution.

4. Conditional Use Permits

   To hear and decide only such conditional uses as the Board of Appeals is specifically authorized to pass on under the terms of this Resolution or to deny Conditional Use Permits when not in harmony with the intent and purpose of this Resolution. The following requirements shall be complied with prior to any approval or denial of a conditional use permit by the Board of Appeals.

   a. A written application for a conditional use is submitted indicating the section of this Resolution under which the conditional use is sought and stating the grounds on which it is requested.
   b. A public hearing shall be held as required under Section 519.15 of the Ohio Revised Code.
   c. The Board of Appeals shall determine:
      1. Authority: If it has the authority to grant the request.
      2. Adverse Affect: That the granting of the conditional use will not adversely affect the neighborhood in which the conditional use is to be located.
      3. Conditions: In granting any Conditional Use Permit, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity to the provisions of this Resolution. The Board of Zoning Appeals shall require a performance bond or letter of credit to assure conformance to such conditions and safeguards as may be necessary. Violation of such conditions and safeguards shall cause the aforementioned performance bond to be forfeited or a draft to be drawn on the full amount of the letter of credit and shall be deemed a violation of this Resolution and punishable under Article 40, Violations and Corrective Actions.

         A Conditional Use Permit shall expire in one (1) year after it is issued unless actual construction has taken place or is underway except as provided elsewhere in this Resolution. A conditional use permit issued for other than construction shall expire in six (6) months after it is issued unless the actual use has been established. The validity of a Conditional Use Permit will continue until such use is terminated by the discontinuance of the use, by

special conditions set forth by the Board of Zoning Appeals, or by change of ownership of the property on which such use is located. However, change of property ownership shall not invalidate a conditional use permit issued for a dwelling constructed as a second residence in the A-2 and A-1 Agricultural Districts.

4. Variances
   a. To vary the strict application of any of the requirements of this Resolution in the case of exceptionally irregular, narrow, shallow or deep lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship - not economic in nature - that would deprive the owner of the reasonable use of the land or building involved but in no other case. The fact that another use would be more profitable is not a valid basis for legally granting a variance.

      No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance. No variance in the strict application of this Resolution shall be granted by the Board of Zoning Appeals unless and until the applicant submits, and the Board concurs with the following:

      1. Conditions and Circumstances: That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
      2. Property Rights: That literal interpretation of the provisions of this Resolution would deprive the applicant of property rights commonly enjoyed by other properties in the same district under the terms of this Resolution.
      3. Applicant Not at Fault: That the special conditions and circumstances do not result from the actions of the applicant, his agents, or prior property owners.
      4. No Special Privilege: That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.
      5. Harmony with Locality: That the variance requested shall not alter the essential character of the locality.
   b. Procedure for Consideration of Petitions for Variance:
      1. The Board of Zoning Appeals shall make a finding that the reasons set forth in the application are valid and justify the granting of the variance. The Board shall also determine if the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.
      2. Under no circumstances shall the Board of Appeals grant a variance, which will permit a use, which is not permitted in the district involved.
      3. Conditions: The Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. The Board of Zoning Appeals shall require a performance bond or irrevocable letter of credit to assure conformance to such conditions and safeguards as the

Board may require.

4. Violation: Violation of such conditions and safeguards when such are made a party of the terms under which a variance is granted, shall cause the aforementioned performance bond to be forfeited or a draft to be drawn on the full amount of the letter of credit and shall be deemed in violation of this Resolution punishable under Article 40, Violations and Corrective Actions.
5. Public Hearings: Prior to taking action on a request for a variance, the Board of Appeals shall hold a public hearing and give notice to property owners as in Section 2.05 A. 4. b., of this Resolution.

c. Effective Date:

The decision of the Board of Zoning Appeals shall not become final until the expiration of five (5) days from the date of entry of such order unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

B. Withdrawal Procedure

Any application for a variance, conditional use, change of use, and expansion of a non-conformity or appeal may be withdrawn by the applicant up to seven (7) days before the scheduled public hearing thereon. Such request must be in writing, signed by the applicant and filed in the office of the Zoning Administrator holding such hearing. Such withdrawal shall void said application and cancel all future proceedings upon said application. If said withdrawal is not properly and timely filed, Article 2.05 C, Application Frequency Limitations shall apply to any future applications. In no case shall application fees be refunded, either in part or in whole, regardless of the proceedings or lack thereof, after the filing of any such application for a variance, conditional use or appeal.

C. Application Frequency Limitations

For any parcel of property or portion thereof only one (1) of each of the following applications shall be filed for consideration during any consecutive twelve (12) month period: Conditional Use Permit, Change of Use Permit or Variance.

D. Regulation of Conditional Uses

The provisions of this Section of this Resolution apply to the location and maintenance of any and all conditional uses.

1. Purpose

In recent years the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, and safety of the community.

Towards these ends, it is recognized that this Resolution should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, and method of operation, intensity of use, public facilities requirements, traffic generation, impact and effect on surrounding properties. Accordingly, conditional use permits shall conform to the procedures and requirements of this Resolution.

2. Contents of Conditional Use Permit Application

   Any owner or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Administrator. The application shall contain the following information:

   a. Name, address and phone number of the applicant;
   b. Legal description of the property or the tax map of the property;
   c. Zoning district;
   d. Description of existing use;
   e. Description of proposed conditional use;
   f. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic access ways, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such information as the Board of Zoning Appeals may require;
   g. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes and vibration.
   h. A thorough drainage and stormwater management plan.
   i. A fee established by Resolution.

3. General Standards for All Conditional Uses

   In addition to the specific requirements for conditionally permitted uses, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

   a. Is in fact a conditional use as established under the provisions of this Resolution and appears on the list of conditionally permitted uses adopted for the district involved;
   b. Will be in accordance with the general objectives, or with any comprehensive plan and/or the zoning resolution;
   c. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intending character of the general vicinity and that such use will not change the essential character of the same area;
   d. Will not be hazardous or disturbing to existing or future neighboring uses;
   e. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer; and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
   f. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
   g. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
   h. Will have vehicular approaches to the property which shall be so designed as not

to create an interference with traffic on surrounding public thoroughfares;

i. Will not result in the destruction, or loss of a natural, scenic, or historic feature of major importance.

4. Invalidation of Conditional Use Permit

For the purposes of this Resolution, a conditional Use Permit shall cease to be valid at such time as the premises for which it was issued is no longer occupied by the holder of said permit or a change of ownership has occurred or until such use is terminated by the discontinuance of the use. A Conditional Use Permit shall also be immediately invalidated upon conduct in any manner not approved by the Board of Zoning Appeals.

5. Specific Criteria for Conditional Uses.

The following are specific conditional use criteria and requirements for those uses conditionally permitted in this Resolution. Nothing in this shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in accordance with this Resolution.

j. Sexually Oriented Businesses.

In every instance where a conditional use permit has been applied for in the I-1 Light Industrial District or I-2 Heavy Industrial District for a Sexually Oriented Business, the applicant shall comply with the following conditions:

1. No Sexually Oriented Business shall be established within 1000 feet of any area zoned as a Residential District or as an Office-Residential District. No Sexually Oriented Business shall be located within 1000 feet of the right-of-way on any divided, limited access highway.
2. No Sexually Oriented Business shall be established within 1000 feet of any school, library, teaching, educational facility, whether public or private, governmental or commercial, that is attended by persons under eighteen (18) years of age. The term “school” includes any school grounds.
3. No Sexually Oriented Business shall be established within 1000 feet of any park or recreational facility attended by persons less than eighteen (18) years of age. The term park or playgrounds, nature trails or recreational trails, swimming pools, reservoirs, athletic fields, basketball or tennis courts, pedestrian or bicycle paths, wilderness areas, park districts, or other similar public land.
4. No Sexually Oriented Business shall be established within 1000 feet of any permanently established place of religious services or worship which is attended by persons less than eighteen (18) years of age or day care centers of Type A or B family care home as defined by the Ohio Revised Code.
5. No Sexually Oriented Business shall be established within 1000 feet of any other Sexually Oriented Business or any of the following;
   a. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
   b. Pawn shops.
   c. Pool or billiard halls.
   d. Pinball palaces, halls or arcades.
   f. Dance halls or discotheques.

g. Video arcades or establishments known by other descriptions, but which provide video game and/or other games or entertainment attended or participated by persons under (18) years of age
h. Tattoo parlors/body piercing operations, excluding ear-piercing operations.

6. Distances shall be measured by a straight-line distance without regard for intervening structures from the property lines or the zoning boundaries of any lot or parcel of land which includes or which is operated or used in connection with a building in which a Sexually Oriented Business is located or in which any activity described referred to in this section is located. If property lines cannot be clearly established, measurements shall be taken from the closest exterior structural wall or section of wall enclosing the sexually oriented business to the nearest property line or zoning boundary of the other use in question.
7. All building openings, entries, windows, and the like at any sexually oriented business shall be located, covered, or screened in such a manner as to protect any public or semi-public area, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from pubic or semi-public areas, any sidewalk, or any street.
8. No screens, loudspeakers or sound equipment shall be used by a sexually oriented business that can be seen, heard or discerned by the public from public or semi-public areas, any discerned by the public from public or semi-public areas, any sidewalk, or any street.
9. Off street parking shall be provided in accordance with Article 35, Off-Street Parking and Loading, of this Resolution for similar uses, as well as all other standards for permitted uses within the I-1 Light Industrial District and I-2 Heavy Industrial District.

Section 2.07 Zoning Certificate

A. Applicability

A Zoning Certificate shall be required for any of the following:

1. New construction or structural alteration of any building or structure, including accessory buildings;
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;
3. Grading, excavation, or modification of any lot requiring an Earth Movement Permit from the Ohio Department of Natural Resources.
4. Occupancy and use of vacant land excluding agricultural land;
5. Change in the use of land to a use of a different classification; or
6. Any change in the use of a nonconforming use.

B. Zoning Certificates for Nonconforming Uses

1. A Zoning Certificate shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Resolution.
2. Application for such certificate for a nonconforming use shall be filed with the

Zoning Administrator by the person with legal authority to file for a Zoning Certificate.

3. Such applications shall be made within one (1) year of the effective date of this Resolution.

C. Zoning Certificates for Home Occupations
   1. A Zoning Certificate shall be required for all Home Occupations.
   2. Home Occupation Zoning Certificates shall expire 10 years from the date of issue or change in nature of home occupation or change of ownership. To show intent to continue operation, the permit shall be renewed by application to the Zoning Administrator by the applicant. If finding that the permit holder is in compliance with the permit conditions, the Zoning Administrator shall issue a renewal. If conditions have not been met by the applicant, action will be taken to revoke the original permit.
   3. All Home Occupations shall comply with the Home Occupation requirements set forth in Section 30.27.

D. Zoning Certificates for Fences, Walls, and Hedges
   1. A Zoning Certificate shall be required for all Fences, Walls, and Hedges.
   2. All Fences, Walls, and Hedges shall comply with the Fences, Walls, and Hedges requirements set forth in Section 30.06.
   3. An application for a Zoning Certificate for a fence, wall, or hedge shall not require a Drainage and Stormwater Management Plan.

E. Exemptions from Zoning Certificates
   1. Essential Services
      Essential services shall be permitted as authorized and regulated by law and other resolutions of the Township and County, it being the intention to exempt such essential services from the application of this Zoning Resolution.
   2. Agricultural Uses
      a. Agricultural structures and uses on lots with a lot area of five (5) acres or more shall be exempt from the requirements of this Resolution and property owners shall not be required to obtain a Zoning Certificate for such uses per Section 519.21 of the ORC.
      b. For any platted subdivision approved under Section 711.05, 711.09 or 711.10 of the ORC, or in any area consisting of 15 or more lots approved under Section 711.131 (711.13.1) of the ORC that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the Township shall require a Zoning Certificate for:
         1. Agriculture uses on lots of one (1) acre or less;
         2. Setbacks, heights and sizes of buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five (5) acres.
         3. Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five (5) acres when at least 35% of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under Section 4503.06 of the

ORC. After 35% of the lots are so developed, dairying and animal and poultry husbandry shall be considered a nonconforming use of land and buildings or structures pursuant to Section 519.19 of the ORC.

F. Review Procedure
   1. Step 1 – Application
      a. The applicant shall submit two (2) copies of the application to the Township Zoning Administrator prior to submitting for a Miami County Building Permit.
      b. The application shall include all such forms, maps, drainage and stormwater management plan, and information, as may be prescribed for that purpose by the Bethel Township Zoning Department to assure the fullest practicable presentation of the facts for the permanent record. A list of minimum submittal requirements may be adopted by the Board of Township Trustees.
      c. Payment of all required fees as established in the Bethel Township fee schedule.
   2. Step 2 – Review

      The Township Zoning Administrator shall review the application for conformance with the provisions of this Zoning Resolution.
   3. Step 3 – Decision
      a. Within three (3) business days of the application (Step 1), the Township Zoning Administrator shall approve and issue the Zoning Certificate or deny the application and in so doing state, in writing, the reasons for the action taken.
      b. Upon approval, the Zoning Administrator shall return one, signed copy of the application and maintain the second copy of the application for Township records.
      c. If the application is denied, the applicant may submit a revised application and sketch plan for review in accordance with the review procedure, or the applicant may appeal the decision to the Board of Zoning Appeals in accordance with Section 2.05 A. 1., Administrative Review, of this Zoning Resolution.

G. Review Criteria

   All applications for a Zoning Certificate shall demonstrate conformity with the applicable provisions of this Zoning Resolution.

H. Expiration
   1. If the work described in the Zoning Certificate has not begun within twelve (12) months from the date of issuance, the Zoning Certificate shall expire, and written notice thereof shall be given to the person(s) affected.
   2. If the work described in any Zoning Certificate has not been substantially completed within one (1) year from the date of issuance, the Zoning Certificate shall expire and written notice thereof shall be given to the person(s) affected, together with notice that further work as described in the canceled Zoning Certificate shall not proceed unless and until a new Zoning Certificate is obtained or an extension is granted by the Zoning Commission for good cause shown by the applicant.
   3. Upon expiration of a Zoning Certificate, a new Zoning Certificate application, including all applicable fees, shall be required. Failure to complete construction within a reasonable period of time may cause an expiration of the Zoning Certificate.

Section 2.08 Nonconformities

In the interest of the promotion of the public health, safety and general welfare, Bethel Township realizes that it is necessary to regulate legal nonconforming uses and parcels of land.

A. General Provisions

Nonconformities must comply with the following general provisions:

1. Any nonconforming use, building, structure, site, lot or sign lawfully existing on the effective date of this Zoning Resolution, or subsequent amendment, may be continued except as provided herein and so long as it remains otherwise lawful.
2. 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.
3. No nonconformity shall be moved in all or part for any distance, to any other location on the same or on any other lot unless the entire structure and use shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
4. No use, structure, building or sign which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure has ceased or has been terminated under the provisions of this Zoning Resolution unless it shall thereafter conform to all regulations of this Zoning Resolution.
5. In all enforcement proceedings, the person who claims the benefit of nonconformity shall have the burden to prove that they lawfully existed on the effective date of this Zoning Resolution.
6. Nothing contained in this Section shall require any changes to be made in plans, construction, or designated use of any building, structure or use for which an application for a building permit was filed prior to the effective date of this Zoning Resolution or any amendment which would make the use nonconforming.

B. Regulation of Nonconforming Uses

Nonconforming uses shall be subject to the following regulations:

1. Right to continue

   A nonconforming use lawfully established prior to the effective date of this Zoning Resolution, or prior to any subsequent amendment which creates such nonconformity, may be continued and maintained unless the nonconforming use is abandoned for a period of six (6) months or more. The right to continue the nonconforming use continues even though there is a change of ownership or change of occupant or change of management where there is no change in the operation of the nonconformity. The Board of Zoning Appeals is authorized to modify a nonconforming use if the Board of Zoning Appeals determines that the modification of the nonconforming use would promote the public health, safety and welfare of the neighborhood in which the nonconformity exists through

improvement of property values, avoidance of blighting influences, reduction of traffic, lowering of noise, improvement of the maintenance of the nonconforming structure, or enhancement of services necessary by the occupants of nearby properties.

2. Termination of nonconforming uses

   A nonconforming use shall terminate if it has ceased to operate for a period of six (6) months or more or in the event that any building or structure that is devoted in all or part to a nonconforming use is destroyed by any means to an extent more than fifty (50) percent of the appraised value based on the county tax duplicate for the subject property prior to the time of damage of such structure, exclusive of foundations. In the event the nonconforming use is terminated by means of destruction of the structure as described in this section, the owner may either demolish the rest of the structure and clear the lot or remodel the structure for a use that does conform to the zoning of the district in which the structure is located.

3. Termination of non-structural nonconforming use

   Any nonconforming use of land that does not involve any building or structure may be continued for a period of two (2) years after the enactment of this ordinance or any amendment to it that creates the nonconformity, at the end of which period such nonconforming use shall cease or be changed to a conforming use.

C. Nonconforming Structures and Buildings

A nonconforming structure or building shall not be modified in any manner which increases the degree of nonconformity unless it is to bring the structure or building fully into compliance with all the provisions of this Zoning Resolution, except as otherwise specified in this Section.

1. Nonconformity with residential development regulations

   Any residential structure or building that is nonconforming in regard to minimum side or rear yard width may be expanded provided such expansion does not increase the degree of nonconformity along a particular lot line or violates any other provision of this Zoning Resolution. The Zoning Administrator/Enforcing Officer shall determine that the expansion is necessary to avoid hardship on the owner or occupant, to promote property values in the neighborhood, or to avoid blighting influences in the neighborhood.

2. Termination by failure to restore damaged structures

   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.

   When such a nonconforming structure or building is damaged or destroyed to the extent of fifty (50) percent or less of the assessed value as shown on the tax duplicate prior to the time of damage, no repairs or rebuilding shall be permitted

except in conformity with this Section and other applicable regulations of this Zoning Resolution and the following conditions:

A zoning certificate in regard to the restoration or reconstruction shall be applied for no later than six (6) months after the destruction, and rebuilding or restoration shall be completed within two (2) years.

Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to the damage or destruction.

D. Nonconforming Sites

Nonconforming items on a site shall not be modified, expanded or altered in any manner which increases the degree of nonconformity unless brought fully in conformance with all the provisions of this Zoning Resolution except as otherwise specified in this section.

1. Nonconforming Bufferyards

In the event that the nonconformity is a result of non-compliance with the bufferyards required by this Zoning Resolution, and when the land area of the subject property and location of existing structures precludes provision of the required bufferyards, the nonconformity shall, as a pre- condition to issuance of a permit, be required to comply fully with conditions determined by the Zoning Administrator/Enforcing Officer that will accomplish substantially the same effect as would be accomplished if the nonconforming site did comply to the buffering standards of this code as provided in Article 38, Landscape and Buffer Regulations.

2. Nonconforming Landscaping and Screening

In the event that a site or structure is nonconforming as a result of the landscaping and screening requirements of this Zoning Resolution, the following standards shall be met:

All required vehicular use area perimeter screening and screening for service and storage areas shall be provided for all new or additional parking, service or storage areas being added to the structure or site.

When the land area of the subject property and location of existing structures precludes provision of the required landscaping and screening, the nonconformity shall, as a pre-condition to the issuance of a permit, be required to comply fully with conditions determined by the Zoning Administrator/ Enforcing Officer that will accomplish substantially the same effect as would be accomplished if the nonconforming use did comply to the landscaping and screening standards of this Zoning Code as provided in Article 38, Landscape and Buffer Regulations.

3. Nonconforming Parking.

Where an existing structure or site is nonconforming with regard to off- street parking and loading, a new permitted use may be substituted, or an existing permitted use may be expanded if the following conditions are met:

a. The requirements of the code for off-street parking and loading shall be met for the existing structure, as well as for any expansion.

b. If the Zoning Administrator/Enforcing Officer finds that the constraints of physical features or size of the site preclude meeting the requirements of subsection (3.a.) above, then, where the new or expanded use is required by this Zoning Resolution to have a greater number of spaces than the existing use, then the number of new parking and loading spaces required to be provided shall be the difference between those required for the new or expanded use and those that would be required for the existing use.

4. Nonconforming Street Access

Where an existing nonconforming site is nonconforming in regard to street access, the site shall be brought into conformity with the provisions of this Zoning Resolution for street access or shall be brought as close to conformity as the physical circumstances make possible through the following devices:

Elimination of multiple curb cuts on individual street frontages of the site;

a. Elimination of access from non-residential uses to residential streets;
b. Combination of access points with those of adjoining sites; or
c. Realignment of access points to meet standards set forth elsewhere in this Zoning Resolution or other applicable code.

The Zoning Administrator/Enforcing Officer shall determine the application of this Subsection in accordance with the standards and criteria set forth in this Section.

5. Nonconforming Vehicular Use Areas

A non-conforming vehicular use area, including any off-street parking and driveway for a single-family use, shall not be modified in any manner which increases the surface area of the vehicular use area unless the surface pavement is brought fully into compliance with all the provisions of this Zoning Resolution and the following:

Vehicular use areas, nonconforming due to curbing, shall be curbed in accordance with the provisions of this Zoning Code upon the following:

Whenever a nonconforming vehicular use area is expanded, the edge of the expanded pavement area shall be separated from adjoining, non-paved surfaces with curbing in accordance with the provisions of this Zoning Resolution, except as may be otherwise specified in this Zoning Resolution.

At such time a nonconforming vehicular use area is eventually expanded in area equal to twenty-five (25) percent of the area of the initial nonconforming portion, then the entire nonconforming section shall be curbed in accordance with the provisions of this Zoning Resolution.

Whenever a nonconforming vehicular use area is modified to accommodate required bufferyards and landscaping in accordance with Article 38, Landscape and Buffer Regulations, the edges where pavement is removed shall be curbed in accordance with the provisions of this Zoning Regulations, except as may be otherwise specified in this Zoning Regulations.

The edges of portion of a nonconforming vehicular use area that are reconstructed shall be curbed in accordance with this Zoning

Resolution. The term "reconstructed" shall, as a minimum, include the removal of the surface pavement and its subsequent replacement.

E. Nonconforming Lots of Record

A nonconforming lot of record may be used for the development of a single family residential use in any district in which such use is permitted. Where the lot of record is smaller than the minimum lot size for the district in which the lot is located, development shall occur by determining, as a percentage, how much smaller the nonconforming lot of record is smaller than the minimum lot size and proportionally applying that percentage to the side and rear setback requirements. For example, if the subject lot is twenty-five (25) percent smaller than the minimum required for the lot, up to a twenty-five (25) percent reduction in the setbacks may be permitted upon approval by the Zoning Administrator/Enforcement Officer. The front yard setback shall not be reduced. All other development standards and regulations shall conform to all the standards of the zoning district in which the lot is located.

F. Nonconforming Signs

Nonconforming signs are subject to the provisions contained in Article 36, Sign Regulations.

G. Nonconformity Due to Lack of a Permit or Certificate

For any nonconformity which is nonconforming only because of the absence of the appropriate permit or certificate, the nonconformity shall not be enlarged, altered or extended to occupy a greater land area without first securing the issuance of the required permit or certificate. The nonconformity shall be deemed to be conforming upon the issuance of the permit or certificate. Any nonconforming use which is designated as a conditional use in the district wherein it is located shall remain a nonconforming use until such conditional use permit or certificate has been obtained. If a permit or certificate is not obtained within thirty (30) days after an order is issued by the Zoning Administrator/Enforcement Officer, Bethel Township shall pursue such means as it deems necessary to achieve compliance with this Zoning Resolution.

Section 2.09 Amendments

The Zoning Resolution text or map may be amended according to the provisions of this Section:

A. Powers of Township Trustees

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Township Trustees may, by resolution, after receipt of a recommendation thereon from the Zoning Commission and subject to the procedures provided by law, amend, supplement or change the regulations, district boundaries or classifications of property now or hereafter established by this Zoning Resolution or amendments hereof. The Zoning Commission shall submit its recommendations regarding all applications or proposals for amendments or supplements to the Township Trustees for action.

B. Initiation

Amendments to this Zoning Resolution or map may be initiated in one of the following

ways:

1. By referral of a proposed amendment to the Zoning Commission by the Trustees;
2. By adoption of a motion by the Zoning Commission; or
3. By the filing of an application by at least one (1) owner of record within the area proposed or affected by such amendment.

C. Application

An application for an amendment, if filed by property owners pursuant to subsection (B) hereof, shall be transmitted to the Zoning Administrator and shall contain, at a minimum, the following information where applicable:

1. The applicant's name, address, e-mail address (if applicable), and telephone number;
2. The proposed amendment to the text or map of this Zoning Resolution;
3. An accurate legal description of the property involved;
4. Existing and proposed uses and districts;
5. A map, drawn to scale, showing property lines, ownership, street addresses when known, streets and existing and proposed zoning. The map shall also depict all land within 200 feet of the boundaries of the area to be zoned and such other items as may be required by the Zoning Commission.
6. Any deed restrictions, easements, covenants and/or encumbrances to be imposed to control the use, development and maintenance of the area to be zoned;
7. A list of all property owners within 200 feet, contiguous to and directly across the street from the parcel proposed to be rezoned and their addresses as appearing on the County Auditor's current tax list. The requirement for addresses may be waived when more than ten parcels are proposed to be rezoned.
8. Estimates of the utility requirements of the area (including sewer, water and electricity requirements) and potential traffic generation, if requested by the Zoning Commission;
9. A thorough drainage and stormwater management plan;
10. A statement as to how the proposed amendment relates to the Comprehensive Land Use Plan and to neighboring properties;
11. The application shall be signed by the applicant, or the applicant's agent, attesting to the truth and exactness of all information supplied by the application, provided that an individual signing as the applicant's agent shall furnish proof of his authority to act for the applicant; and
12. A fee as established by the Township Trustees.

D. Transmittal of Application to the Miami County Planning Commission

Upon the filing of an application by at least one (1) owner of property, the proposed amendment or application shall be transmitted to the Miami County Planning Commission for review. The commission provides a recommendation to the Bethel Township Zoning Commission. This is only a recommendation.

E. Transmittal of Application to the Zoning Commission

Upon referral by the Township Trustees or the filing of an application by at least one (1)

owner of property, the proposed amendment or application shall be transmitted to the Zoning Commission.

F. Recommendations by Zoning Commission

Within thirty (30) days after the first regular meeting of the Zoning Commission after the receipt of the proposed amendment, the Zoning Commission shall recommend to the Township Trustees that the amendment be approved as requested or that the amendment be denied. A public hearing shall be held by the Zoning Commission prior to its recommendation to the Township Trustees. Notice of the time, place and purpose of such hearing shall be given by publication at least once in a newspaper of general circulation in the Township. The publication shall be not less than ten (10) days prior to the hearing date.

In addition, where the proposed amendment is to effect a change in the Zoning Map and ten (10) or fewer parcels are to be rezoned, written notice of the hearing shall be mailed by the Zoning Administrator, by first-class mail, at least ten (10) days prior to the hearing date, to the owners of all property within 500 feet of the boundaries of the area to be rezoned. Failure of delivery of such notice shall not invalidate the proceedings or findings of the Zoning Commission.

G. Action by the Township Trustees

No amendment shall be deemed to pass or take effect without the concurrence of at least a majority vote of those present at the Township Trustees meeting. If ~~the Township Trustees do not grant a public hearing (Second Reading) for a zone change or, if~~ upon a public hearing a zone change is not passed by the Trustees, the applicant, or any other person seeking the zone change in reference to the same property, shall not be permitted to apply for a zone change for at least six (6) months. If the applicant is refused the zone change upon application after the expiration of the six (6) month period, no new application from him or her shall be considered until the expiration of one (1) year from the date of the second refusal.

H. Standards for Zoning Map Amendments

Only recommendations made by the Zoning Commission shall be considered for map amendments. All recommendations by the Zoning Commission for Zoning Map amendments shall be consistent with the Township's adopted plans, goals, and policies and with the intent of this Resolution.

Prior to making a recommendation on a proposed rezoning, the Zoning Commission shall make a finding to determine if the following conditions exist.

Findings shall be made by the Zoning Commission on each of the following matters based on the evidence presented.

1. The extent to which the proposed amendment and proposed use are in compliance with and deviate from adopted plans, goals and policies.
2. The suitability of the property in question for the uses permitted under the proposed zoning.
3. The adequacy of public facilities such as transportation, utilities, and other required public services to serve the proposed use.
4. The effect of the proposed rezoning on surrounding uses.
5. The effect of the proposed rezoning on the economic viability of existing developed and vacant land within the Township.

The Zoning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and not solely for the interest of the applicant.

Section 2.10 Conformance with Miami County Sanitary Engineer Standards

All sanitary sewer or on-site decentralized sanitary sewer systems serving two or more parcels of land shall be submitted for review and approval by the Miami County Sanitary Engineers Office prior to any Zoning Certificate being issued.

Such submissions and review shall occur during any site plan review process or Planned Development review process in Bethel Township. On-site systems serving one parcel of land and/or commercial and industrial projects shall be reviewed and approved by the Miami County Health District and/or the State of Ohio EPA.

Section 2.15 Conformance with Bethel Township Miami County Zoning Resolution

A. No Application While Outstanding Violations. The Zoning Administrator shall not accept or process a rezone, variance, or conditional use application on any parcel that has outstanding zoning violations, including violations discovered during processing of the application, except as provided in Subsections C, D, and E of this Section.
B. Sequencing. Where rezoning and a variance or conditional use are both sought, the rezoning application shall be filed, heard, and acted upon first; the variance or conditional use application shall be heard after the rezoning.
C. Abatement Plan Exception. The Zoning Administrator may accept an Abatement Plan from a property owner that establishes a reasonable timeline and method for curing the outstanding violations. Upon acceptance of an Abatement Plan, the Township shall process the owner's zoning applications notwithstanding the existence of the violations being cured under the Plan, provided that:
    1. The Abatement Plan is in writing, signed by the property owner, and accepted by the Zoning Administrator;
    2. The Plan includes specific milestones and a final cure date not exceeding one hundred eighty (180) days from acceptance, with one ninety (90) day extension available upon written finding of good cause;
    3. The owner remains in compliance with the Plan's milestones; and
    4. The applications being processed are not in furtherance of, or do not perpetuate, the underlying violations.
D. New Owner Exception. A new property owner who acquired title without actual knowledge of the violations, and within thirty (30) days of acquisition demonstrates to the Zoning Administrator a good-faith effort to identify and address violations, may submit applications subject to acceptance of an Abatement Plan under Subsection C.
E. This section shall not apply to any application whose purpose is to cure the violation(s) identified.

- Sept 10, 2026 (previous version Sept, 2018) – updated §2.06.D.2.f (BZA, Regulation of CUs, Contents of CU Permit Application) to add a drainage and stormwater management plan; add Home Occupations to §2.07.A.2 (Zoning Cert, Applicability, Change in Use); add Home Occupations and Fences to§2.07.C (Zoning Cert); add drainage and stormwater mgmt plan to 2.07.F.1.b (Zoning Cert, Review, Application) and 2.09.C (Amendments, Application); add §2.15 – Resolution #26-08-076.

ARTICLE 3
DEFINITIONS

Section 3.01 Interpretation of Definitions

For the purpose of this Zoning Resolution, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular. The word "shall" is mandatory.

The following words and terms, wherever they occur in this Zoning Resolution, shall be construed as herein defined unless the context clearly indicates otherwise. Words not defined in this Zoning Resolution shall be interpreted in accordance with definitions in: The Zoning Dictionary by Lehman and Associates; The Latest Illustrated Book of Development Definitions by Harvey S. Moskowitz; the applicable Fire Code; the State Statutes; or the State Building Code. If a word or term is not defined as identified by the protocol above, it shall have the meaning set forth in the latest editions of Webster's New World College Dictionary.

Section 3.02 Words and Terms Defined

A

Abutting – Having a common border with, or being separated from, such a common border by a right-of-way, alley, or easement.
Accessory Use or Building – See "Use or Building, Accessory".
Adult Entertainment Facility – See "Sexually Oriented Business":
Agriculture – The use of land for farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. "Agriculture" shall also be limited by the definition of "Agriculture" as per the O.R.C. Section 519.01.
Agricultural Business – Any establishment supporting local agricultural practices including, but not limited to: feed mills, dairy supplies, poultry processing, creameries, auction yards, agricultural veterinarians, seed sales, grain elevators, large farm implement sales and service, and agricultural product processing facilities.
Agricultural Structure – Any building or item constructed or erected that requires location on the ground that is used for agricultural purposes (e.g. Barn, Silo, Water Trough, etc.).
Alley – Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.
Alteration – Any change, addition, or modification in construction or type of occupancy or any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

Amusement Park – A business, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, restaurants, and souvenir sales.
Animal Hospital – See "Veterinarian Clinic".
Apartment – A suite of rooms or a room in a multi-family building arranged and intended as a place of residence for a single family or for a group of individuals living together as a single housekeeping unit herein defined.
Assisted Living Facility – An extended care facility in an establishment that specializes in providing necessary care and services to the frail elderly and/or special needs population, who require assistance in caring for themselves.
Authorized Officer – The Zoning Administrator, Zoning Inspector, Township Administrator, or any other person designated in writing by the Board of Township Trustees to enforce this Resolution.
Auto Wash Facility – The use of a tract of land, building, or portion thereof, for the manual or automatic washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment, for profit.
Automobile – A self-propelled motor vehicle designed for the transportation of persons or property on a public street or highway, with a manufacturer's gross vehicle weight rating (GVWR) of less than twenty-six thousand and one (26,001) pounds. The term includes passenger cars, sport utility vehicles, vans, pickup trucks, and similar vehicles in private or commercial use; it does not include Heavy Trucks (as defined herein), motorcycles, recreational vehicles, off-road vehicles, or trailers.
Automobile, Mobile Home, Recreational Vehicle, Boat, Truck, Trailer and Farm Implement Sales and Service – A lot or building for the display and temporary storage, for sale, of new or used motor vehicles including RV's, trucks, motorcycles, and farm equipment and implements, mobile homes or boats, where repair or service work is incidental to the operation of new vehicle sales.
Automobile Filling Station – See "Convenience Store.
Automobile Repair Garage – A business conducting general repair, rebuilding or reconditioning of engines, transmissions, mufflers, motor vehicles or trailers, including but not limited to: body work, frame work, welding, and painting.
Automobile Wrecking, Junk or Salvage Yard – See "Junk Yard".

B

Bar or Tavern – An establishment serving alcoholic beverages or spirituous liquors in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.
Bank – See "Financial Institution".
Barndominium – See "Dwelling, Barndominium".
Basement – That portion of a building having one-half or more of its floor to ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half feet.
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.
Billboard – A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the property, building, or structure on which the sign is located.
Block – The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating), unsubdivided acreage, river or live stream or between any of the foregoing and any other barrier to the continuity of development or corporate limits of a municipality.
Board of Zoning Appeals – The Board of Zoning Appeals (BZA) of Bethel Township, Miami County, Ohio.

Building – Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattel, or property of any kind.
Building Height – The vertical distance measured from the front finished grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a pitch, hip or gambrel roof.
Building Services and Supplies – An indoor or outdoor establishment where lumber and other building materials such as, but not limited to, brick, tile, cement, insulation, roofing materials, and the like are sold at retail.
Building Setback Line – A line, parallel to the street, and touching that part of a building closest to the street. The "building setback line" shall constitute the largest encroachment of the building (e.g. overhang or eave), rather than the foundation.

C

Carport – A covered automobile/motor vehicle parking space not completely enclosed by walls or doors. A carport shall be subject to all the provisions described in this resolution for an accessory building.
Carry-Out or Drive Through Facility – A place of business or portion thereof, from which persons can conduct the major portion of their transactions without leaving their motor vehicles.
Cemetery – A place for burying or interment of human remains.
Cemetery, Pet – A place for burying or interment of domesticated animals.
Child Care – Any place recognized by Ohio Revised Code Section 5104.01 in which supervision is provided for preschool or school age children.
Clinic – An establishment where human patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists or other licensed medical practitioners.
Club, Fraternal – A non-profit organization of persons for special, common purposes or for the promulgation of sports, arts, sciences, literature, politics or the like. Clubs shall exclude places of worship or groups organized solely or primarily to render a service carried on as a commercial or profit-making enterprise.
Collector's Vehicle – See "Vehicle, Collectors".
Commercial Entertainment – A facility for any profit-making activity which provides services related to the entertainment field within an enclosed building. Examples include: theaters, motion picture theaters, bowling alleys, pool and billiard halls and similar entertainment activities. Commercial entertainment shall not include sexually oriented businesses.
Commercial Recreation – Land or facilities that are operated as a business and which are open to the general public for a fee, the primary purpose of which is to provide the general public with an amusing or entertaining activity. Commercial recreation facilities may include, but are not limited to water parks, skating rinks, billiard parlors, driving ranges, and batting cages.
Conditional Use – See "Use, Conditional".
Conditional Use Permit – A permit issued by the Board of Appeals to allow certain specific developments that would not otherwise be allowed in that particular zoning district where the land is located, if certain conditions are met.
Condominium – An individually owned dwelling unit in a larger building or group of buildings.
Conservation Development – A form of development that is characterized by rural residential uses, providing large open space areas, reduction of site disturbance, and the protection of rural views through the careful placement of dwellings.
Constructed – See "Erected".
Convalescent (Also Nursing Home) – An establishment which specializes in providing necessary services to those unable to care for themselves by reason of advanced age, chronic illness, or infirmity.

Convenience Store – A business that customarily provides prepackaged food products and beverages for consumption off premises, newspapers, magazines, groceries, or other small-scale retail items. A convenience store may include a car wash, the sales of automotive fuels and lubricants if permitted by the Township Board of Zoning Appeals.
County Commission – Means the Board of County Commissioners of Miami County, Ohio.

D

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.
Density – The number of dwelling units per acre of land.
Density, Allowable – The ratio of dwelling units per gross site area.
District – A portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Resolution.
Domestic Sale – A sale conducted on any portion of the property which offers more than two items of personal property for sale to the general public, to include but not to be limited to, garage sales, patio sales, yard sales, carport sales, basement sales, porch sales, driveway sales, rummage sales and the like.
Drainage and Stormwater Management Plan – A plan prepared and sealed by a professional engineer or professional surveyor registered in the State of Ohio, showing existing and proposed contours, drainage patterns and watershed boundaries, the location and sizing of proposed drainage improvements, and supporting hydrologic and hydraulic calculations, conforming to Miami County standards and regulations in place at the time of review. A copy of those standards shall be kept on file in the office of the Zoning Administrator and available for public inspection.
Drive-In or Drive Through – A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle.
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".
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.
Dwelling, One-Family – A building designed for and occupied exclusively by one (1) family.
Dwelling, Two-Family – A building designed for occupancy by two (2) families living independent of each other.
Dwelling, Manufactured Home – A building or unit of closed construction fabricated offsite, constructed in conformance with HUD Code of 1974 with a permanent label or tag certifying compliance with all applicable federal construction and safety standards.
Dwelling, Manufactured Home, Permanently Sited – A permanently sited manufactured home 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 that meets the target zoning district's specified "Minimum Floor Area for Residential Uses."

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.

Dwelling, Mobile Home – A closed construction building unit fabricated off site that is more than 35 body feet in length and more than 320 sq. ft., built on a permanent chassis transportable in one or more sections that does not qualify as a manufactured home or industrialized unit. All mobile homes are pre-HUD code (pre-1974). This definition is to include any prefabricated unit or units designed for use as a dwelling that may not conform in all respects to State and County building codes for dwellings.

Dwelling, Multiple-Family – A building, or a portion thereof, designed for occupancy by three (3) or more families living independently of each other.

Dwelling, Row House or Town House – A two (2) story row of three (3) or more attached one (1) family dwellings, each unit of which extends from the basement to the roof.

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.

E

Easement – A grant by a property owner for use of a parcel of land by the public or any person for any specific purpose or for purposes of access, constructing and maintaining utilities, including: sanitary sewers, water mains, electric lines, telephone lines, cable television lines, other transmission lines, storm sewer, storm drainage ways, gas lines or other service utilities.

Erected – Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill, drainage, and the like shall be considered a part of erection.

Essential Services – The erection, construction, alteration or maintenance by public utilities or units of government of underground, surface, or overhead gas, electrical, telephone, cellular and wireless towers, telegraph, fiber optic, steam, fuel or water transmission or distribution systems, collection, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, including only governmental buildings which are necessary for the furnishing of adequate service for the general health, safety or welfare.

Established – Includes any of the following:

1. The opening or commencement of any business as a new business;
2. The conversion of any existing business to any other business;
3. The addition of any business to any other existing business; or
4. The relocation of any business.

Events – An event is an activity or gathering which meets any of the following criteria:

1. Use of or impact/encroachment on any city street, sidewalk, alley or other right-of-way area (which includes any indirect impact that will affect the flow of typical vehicular or pedestrian traffic).
2. Is likely to draw a crowd to a venue not properly suited and has the potential to require special accommodations, regulations, traffic control devices or public service personnel.
3. Presence or participation of any for-profit or non-profit vendor that intends to make a sale, advertise for sale, solicit sales, offer for sale, distribute business/organizational information, or provides a service or offer/advertise to provide a service.
4. Including, but not limited to, weddings and receptions, car show, motorcycle shows, club

gatherings, church gatherings, school gatherings, concerts, and seasonal parties.

Excavation – Is any breaking of ground except tilling, common household gardening, and ground care.

F

Family – A person or group of persons occupying a dwelling and living as a single housekeeping unit, whether or not related to each other by birth or marriage as distinguished from a group occupying a bed and breakfast establishment, motel or hotel as defined herein.

Farm – All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager, or tenant farmer by his own labor or with the assistance of members of his household or hired employees; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, vineyards, orchards, chicken hatcheries, poultry farms, and apiaries. No farm shall be operated for the disposal of garbage, sewage or sewage by-product, rubbish, offal, or rendering plants.

Farm, Mega (Concentrated Animal Feeding Operation (CAFO)) – A livestock, dairy or poultry farm defined as a facility that confines animals for at least 45 days in a 12-month period and there is no grass or other vegetation in the confinement area during the normal growing season and meets one of the following definitions:

Large CAFO – An operation is a large CAFO if it has at least:

1. 700 mature dairy cows,
2. 1,000 beef cattle or heifers,
3. 2,500 swine weighing more than 55 pounds,
4. 10,000 swine weighing less than 55 pounds,
5. 30,000 ducks (other than liquid manure systems),
6. 5,000 ducks (liquid manure handling systems),
7. 30,000 chickens (liquid manure handling systems),
8. 125,000 chickens except layers (other than a liquid manure system),
9. 82,000 laying hens (other than liquid manure systems),
10. 1,000 veal calves,
11. 500 horses,
12. **1**0,000 sheep or lambs, or
13. 55,000 turkeys.

Medium CAFO – An operation is a medium CAFO if a man-made ditch or pipe carries manure or wastewater from the operation to surface water, or the animals come into contact with surface water running through the area where they are confined, and the operation has at least:

1. 200 mature dairy cows,
2. 300 beef cattle or heifers,
3. 750 swine weighing more than 55 pounds,
4. 3,000 swine weighing less than 55 pounds,
5. 10,000 ducks (other than liquid manure handling systems),
6. 1,500 ducks (liquid manure handling system),
7. 9,000 chickens (liquid manure handling system),
8. 37,500 chickens except layers (other than liquid manure handling systems),
9. 25,000 layers (other than liquid manure handling systems),
10. 300 veal calves,
11. 150 horses,
12. 3,000 sheep or lambs, or
13. 16,500 turkeys.

Farm Market – A building located on a farm, which building is used by the owner-operator, or lessee

operator of such farm for the sale of (1) produce and plants raised on such farm, (2) produce and plants raised on other farms operated by such owner or lessee, and (3) produce and plants raised elsewhere but which produce and plants are offered for sale as a replacement of and to the extent of a crop shortage, due to natural causes such as weather, lack of plant development and disease, on such farm or other farms operated by such owner or lessee.

Fence – An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material, or combination of materials, erected to enclose, screen, or separate areas.

Filling – The depositing or dumping of any matter onto or into depressed or low-lying areas to create usable land for development.

Final Notice of Violation – A Notice of Violation issued under this Resolution for which the cure period has expired without abatement and no timely request for administrative hearing has been filed, OR for which a hearing has been concluded with a determination by the Board of Township Trustees affirming the violation.

Financial Institution – A building, property or activity where the principal use or purpose of which is the provision of financial services including, but not limited to financial planning and investment services, banks, credit unions, savings and loan institutions, lending establishments and mortgage companies that are FDIC or NCUA insured.

Floodplain – Those areas designated in the 100-year floodplain by the Federal Emergency Management Agency as “areas of special flood-related erosion hazard” or “area of special flood hazard” on any Flood Hazard Boundary Map issued by the Administrator of the Federal Emergency Management Agency (FEMA) or the locally appointed administrator of FEMA’s programs.

Floor Area, Gross – For the purposes of computing the minimum allowable gross floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the center line of a party line wall. This floor area measurement is exclusive of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches except finished basement areas designed and used for dwelling or business purposes.

Floor Area, Net – The sum of that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area, which is used or intended to be used principally for the storage or processing of merchandise, such as hallways, stairways, and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of "Floor Area". Measurements of useable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls or from the centerline of a party wall.

Frontage – Horizontal distance between side lot lines parallel to the front lot line measured at the depth of the minimum front yard required for the zoning district in which it is located.

Funeral Home – An establishment engaged in undertaking services such as preparing the dead for burial, arranging and managing the display of the deceased and providing rituals connected therewith before burial or cremation.

G

Garage, Parking – A space, structure, or series of structures for the temporary storage or parking of motor vehicles.

Garage, Private – An accessory building, or portion of a main building, designed or used solely for the storage of motor vehicles, boats and similar vehicles owned or used by the occupants of the building to which it is accessory.

Garage, Service – Any building or structure used for the storage or care of motor vehicles or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.
Grade (Ground Level) – The average level of the finished ground at the center of all walls of a building.
Greenhouse, Commercial – A building largely constructed of glass or other transparent or translucent material in which the temperature and humidity can be regulated for the cultivation of plants for the subsequent sale.

H

Health and Wellness Facility – An establishment offering a variety of services for the mind and body. A standalone facility which offers wellness classes and education, exercise classes such as yoga, martial arts, meditation, dance and other exercises, but does not include exercise apparatus associated with a traditional gym. Additional services may include those provided by a licensed esthetician, licensed therapeutic massage, and nutrition counseling by a licensed dietician. Licensing must meet all applicable state and local regulations not limited to those found in the current Ohio Revised Code, Chapter 4713, Chapter 4731 and Chapter 4759.
Heavy Manufacturing – See "Manufacturing, Heavy".
Heavy Truck - Any commercial motor vehicle with a manufacturer's gross vehicle weight rating (GVWR) of twenty-six thousand and one (26,001) pounds or more, as shown on the manufacturer's certification label affixed to the vehicle. The term includes truck-tractors, combination units, dump trucks, concrete mixers, and other heavy commercial vehicles meeting this weight rating, regardless of whether the vehicle is currently operable or in service.
Heavy Truck Parking – See "Parking, Heavy Truck".
Home Occupation – An accessory, customary or incidental occupation or activity operated for gain, in its entirety, by the person or persons residing within a dwelling. Such occupation or activity shall be incidental to and secondary to the residential occupancy, shall not change the residential and/or agricultural character of the property, shall not involve any alteration or construction not customarily accessory to the residential structure, shall not utilize an area in excess of 200 square feet, shall not create any objectionable external evidence of the operation of the home occupation except for one unanimated, non-illuminated name plate having an area of not more than one (1) square foot.
Hospital – An institution providing inpatient and outpatient medical and surgical care or diagnosis and treatment for sick or injured persons including beds for overnight care, laboratories, training facilities, and other necessary accessory facilities.
Hotel – A building in which overnight lodging is provided to the public for compensation and which may include additional accessory services such as restaurants, meeting rooms, lounges, conference rooms and personal fitness facilities.

I

Impervious Surface – Any surface preventing or substantially impeding fluid infiltration. The term includes roofs, asphalt, concrete (whether plain, stamped, or colored), and compacted-aggregate surfaces. Porous concrete, permeable pavers, and pervious asphalt are counted as Impervious Surface unless certified by a licensed professional engineer to (i) maintain a long-term infiltration rate of one and zero-tenths (1.0) inch per hour or greater, and (ii) be installed and maintained in accordance with the manufacturer's specifications. Where so certified, such surfaces shall be counted as fifty (50) percent of their actual surface area for purposes of Impervious Surface calculations.

Impervious Surface Ratio – The measure of intensity of impervious surfaces, determined by dividing the total of all impervious surfaces on a site by the gross area of the site.
Industrialized Unit – A building unit of closed construction built pursuant to Ohio Basic Building Code that is substantially self-sufficient as a unit or part of a greater structure that requires transportation to a site. This includes units installed as independent units, installed as a part of a group of units or incorporated with standard construction methods to form a completed structural entity. Industrialized Unit does not include a manufactured home or a mobile home.
Inspector – The Zoning Administrator of Bethel Township appointed by the Board of Township Trustees, to enforce the provisions and regulations of this Zoning Resolution.

J

Junk Motor Vehicle – See "Vehicle, Junk Motor".
Junk Vehicle – See "Junk Motor Vehicle" or "Vehicle, Junk Motor". For purposes of this Resolution, the terms are interchangeable.
Junk Yard (Salvage Yard) – An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packaged, disassembled, or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and areas for storage, keeping, or abandonment of junk unless established entirely within enclosed buildings. Where the use of the land involves two (2) or more Junk Motor Vehicles (as defined herein) stored in the open and not falling within any exception to the Junk Vehicle definition, such condition shall be considered prima facie evidence of the existence of a junkyard.

K

Kennel – The keeping of dogs, cats or other household pets whether for sale, boarding, or breeding for profit or which are not kept for personal use and enjoyment, on any lot or premises or contiguous lots under common ownership. Kennel shall also mean the keeping on or in any lot, group of commonly owned contiguous lots, or building of 3 or more dogs, cats or other household pets which are over the age of 6 months.

L

Landscaping – The alteration of the natural terrain by the planting of trees, grass, shrubs and installation of ground cover indigenous to Zone 6 of the United States Department of Agriculture Plant Hardiness Zone Map.
Light Manufacturing – See “Manufacturing, Light”.
Loading Space – An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
Loan Office – See “Financial Institution”.
Lot – A parcel of land occupied by a use or occupied or to be occupied by a main building or a group of such buildings or utilized for the principal use and uses accessory thereto together with such open spaces as are required under the provisions of this Resolution.
Lot, Corner – A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, and in either case, forming an interior angle of less than one hundred and thirty-five (135) degrees.
Lot, Flag – A lot that does not meet the minimum frontage requirements and where access to the public

road is by a narrow, private right-of-way, easement, or driveway.
Lot, Interior – Any lot other than a corner lot.
Lot, Through – Any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, each side of each lot adjacent to a street shall be considered frontage, and front yards shall be provided as required.
Lot Area – The total horizontal area within the lot lines of the lot.
Lot Coverage – The part or percent of the lot occupied by buildings including accessory buildings.
Lot Lines – The lines bounding a lot as defined herein.

1. Front Lot Line: In the case of an interior lot, is that line separating said lot from the right-of-way sideline of a street or roadway. In the case of a corner lot, or double frontage lot, is that line separating said lot from either right-of-way sideline.
2. Rear Lot Line: Is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot. In the case of a corner lot, the rear lot line is opposite the front lot line.
3. Side Lot Line: Is any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot Measurements –

1. Width: The horizontal distance between the side lot lines measured at the two points where the building setback line intersects the side lot lines.
2. Depth: The distance between the mid-point of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot of Record – A parcel of land, the dimensions of which is shown on a document or map on file with the Miami County Recorder.

M

Main Building – A building in which the principal use of the lot upon which it is situated is conducted.
Main Use – The principal use to which the premises are devoted and the principal purpose for which the premises exist.

Major Thoroughfare – An arterial street which is intended to serve as a large volume traffic way and which has an existing or proposed right-of-way width of at least eighty (80) feet as shown in the Official Thoroughfare Plan of Miami County, Ohio.
Major Thoroughfare Plan – The Official Thoroughfare Plan of Miami County, as adopted by the County Planning Commission, of the major highways and streets on file in the office of the County Recorder, including all amendments and supplements subsequently adopted.
Manufacturing, Heavy – A use engaged in the processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions which would generate objectionable or hazardous elements such as: heat, smoke, odor, vibration, water pollution, electromagnetic disturbances, radiation, noise or dust.
Manufacturing, Light – A use engaged in the assembling, altering, converting, fabricating, finishing, processing or treatment of a product utilizing a relatively clean and quiet process which does not include or generate objectionable or hazardous elements off site such as smoke, odor, vibration, water pollution or dust and which is operating and storing products and materials in a completely enclosed structure.

Master Plan – See "Strategic Plan".
Medical and Dental Office – See "Office, Medical and Dental".
Medical Marijuana – Medicinal marijuana is legal in Ohio under ORC 3796. Cultivation is classified as "medical manufacturing" and is allowed in I-1 and I-2 zoning districts. Processing, laboratories and dispensaries are allowed in applicable zoning districts.
Mezzanine – An intermediate floor in any story occupying not more than two-thirds (2/3) of the floor area of the room in which it is located.
Mobile Home – See "Dwelling, Mobile Home"
Modular Home – See "Dwelling, Industrialized Unit".
Motel – A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom, and closet space that are accessed from the outside of the unit. Units shall provide for overnight lodging, are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.
Motor Freight Terminal – See "Truck Transfer Terminal".
Multiple Tenant Building – A building, managed as one entity, containing two or more retail, personal service, professional service, office or industrial uses that are permitted in the district the multi-tenant use is located.

N

New Urbanism – Characteristics used to describe an area that includes walkability, mixed uses, mixed housing types, increased density, etc. in a compact development.
Nonconforming Building or Structure – A building, structure or portion thereof lawfully existing at the effective date of this Resolution or amendments thereto that does not conform to the provisions of the Resolution in the district in which it is located.
Nonconforming Use – Is a use, which lawfully occupied a building or land at the effective date of this Resolution or amendments thereto, and that does not conform to the use regulations of the district in which it is located.
Nonconformity – Any use, structure, site, lot of record, or sign lawfully established prior to the effective date of this Resolution which would not be permitted by, or is not in full compliance with, the regulations in this Zoning Resolution or any subsequent amendments.
Nonconforming Site – Any site legally established prior to the effective date of this Zoning Resolution which does not fully comply with the standards imposed by this Resolution or any subsequent amendments.
Nonconforming Lot of Record – Any recorded lot, which at the time it was recorded with the Miami County Recorder's Office, fully complied with all then existing Zoning and Subdivision regulations but which does not fully comply with the lot requirements of this Zoning Resolution or of any other ordinance or regulation of Bethel Township and subsequent amendments to this Zoning Resolution or other ordinances.
Nonconforming Sign – Any sign legally established prior to the effective date of this Zoning Code which is not fully in compliance with the regulations of this Zoning Code or subsequent amendments to this Zoning Code.
Nude, Nudity or State of Nudity – A live person exhibiting: (1) specified anatomical areas, or (2) a state of dress which fails to opaquely and fully cover specified anatomical areas.
Nuisance – Any condition on real property within the unincorporated area of Bethel Township that the Board of Township Trustees determines to be dangerous, unhealthy, unsightly, or detrimental to the neighborhood, community, or the general welfare, including but not limited to:

1. accumulations of vegetation, weeds, garbage, refuse, debris, or junk;
2. buildings or structures in a state of disrepair posing a hazard;
3. standing water or stagnant conditions;
4. unsanitary conditions; and
5. conditions creating a fire, health, or safety hazard.

Nursery, Plant –

1. Wholesale. Is a space including accessory building or structure for the growing or storage of live trees, shrubs or plant materials not offered for retail sale on the premises, including products used for gardening or landscaping.
2. Retail. Is a space, including accessory building or structure or combination thereof, for the sale and/or storage of live trees, shrubs, or plants often used for gardening or landscaping.

Nursery School – An establishment providing for the care, supervision, and protection of children on a daily basis for compensation.

O

Off Street Parking Lot – A permanently surfaced parcel of land devoted to unenclosed parking spaces including adequate drives and aisles for maneuvering and proper access for entrance and exit.

Office, Medical and Dental – A building or portion where patients who are not lodged overnight are admitted for examination, testing, diagnosis and/or treatment by a physician, group of physicians, licensed medical practitioners, including urgent care facilities, or dentist for medical or dental work.

Office, Administrative, Business and Professional – A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations which carries on no retail trade and maintains no stock of goods for sale.

Open Space – That part of a lot, including courts or yards which is open and unobstructed from its lowest level to the sky and which is accessible to all tenants living on the lot.

Open Space, Common – That area dedicated to the public or commonly owned and/or available to all the residents of a development.

Outdoor Display – An area of designated size outside of an enclosed building used for the sample display of merchandise, goods, wares or tangible property normally sold, rented or leased within the business on the property where the merchandise is sold, rented or leased.

Outdoor Storage – The keeping, outside of an enclosed building or structure, of personal or business property, goods, wares, or merchandise which are not located in that specific area for customer viewing or immediate sale, in the same place for a period of more than seventy-two (72) hours.

Outstanding Violation – With respect to any parcel of real property:

1. a Final Notice of Violation that remains unabated; OR
2. a property-specific nuisance resolution adopted by the Board of Township Trustees under this Resolution for which the abatement period has expired without abatement.

Overlay District – A zoning district that modifies the basic underlying zoning district(s) in some specific manner including, but not limited to uses, design guidelines, setbacks, building heights, etc.

Owner – The record owner of real property as shown on the records of the Miami County Auditor or Miami County Recorder, including any person, firm, partnership, association, corporation, or other legal entity holding such record title.

P

Paint and Body Shop – Facility which provides collision repair services, including body frame

straightening and repair, replacement of damaged parts, and painting for motor vehicles.

Parking, Heavy Truck – The parking, storage, or staging of one (1) or more Heavy Trucks on a parcel as a principal use of the land. The parking of one (1) or more Heavy Trucks on a parcel shall be Heavy Truck Parking as a principal use unless all of the following accessory-use tests are met: (a) the Heavy Truck parking is clearly subordinate to an established principal use on the same parcel; (b) the Heavy Trucks parked are owned or operated by, and used in the on-site operation of, the principal use; and (c) the Heavy Truck parking is not the predominant activity on the parcel measured by area, vehicle count, or hours of activity. Failure of any of these three tests renders the activity Heavy Truck Parking as a principal use. For purposes of identifying Heavy Truck Parking, multiple parcels operated by a single operator or under common ownership shall be evaluated as a single operation.

Parking Lot – A permanently surfaced parcel of land devoted to unenclosed parking spaces.

Parking Space – A dedicated area for the parking of a motor vehicle within a public or private parking lot.

Personal Service – Any business activity that caters to customers personal needs and which may include the incidental sale of products. Personal services may include barber shops, beauty shops, dry cleaners, health clubs, pet grooming and tanning spas. Personal services shall not include adult entertainment or sexually oriented businesses.

Planned Unit Development – Land under unified control which is planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, and design principles for all buildings as intended to be located, constructed, used, and related to each other and for other uses and improvements on the land as related to buildings. Development may be a single operation or a programmed series of development operations, including all lands and buildings, with a program for provision, operation, and maintenance of such areas, improvements, and facilities necessary for common use by the occupants of the development.

Planning Commission – Means the Planning Commission of Miami County, Ohio.

Portable Storage Unit – Means any enclosed unit of durable construction or material, not to exceed eight (8) feet in width by eight (8) feet in height by sixteen (16) feet long, designed for permanent or temporary storage, which can be transported by vehicle and left on site or are delivered to site, filled by the owner or renter, and stored off site (See Section 30.37, Portable Storage Unit).

Professional Service – Any office or place of business which engage in providing to the general public services of a professional nature, such as, but not limited to, legal, engineering, medical, dental, accounting, real estate agencies, architectural, contractors, tradesmen, exterminators, landscape architectural services, learning centers and other similar professions including therapeutic massage and chiropractors.

Property – Any real property, whether publicly or privately owned, located within the unincorporated area of Bethel Township, Miami County, Ohio.

Public Utility – Any person, firm or corporation, company, governmental department, board or commission duly authorized to furnish under federal, state, or local regulations to the public: natural gas, steam, electricity, sewage disposal, telegraph, telephone, cellular or wireless towers (unless meeting the requirements of Section 519.211 of the ORC), transportation, cable, or water.

Q

No definitions for “Q”.

R

Recreation, Non-Commercial – An outdoor area providing active or passive uses where no fee is charged for admission or use. Non-commercial recreation may include, but is not limited to: greenway networks, pedestrian and bicycle paths (excluding sidewalks), athletic fields, open spaces, parks and playgrounds.

Recreational Vehicle –

1. A vehicular portable structure designed and constructed to be used as temporary dwelling for travel, recreational, and vacation uses and being classed as follows:
    A. Travel Trailer: a non-self-propelled vehicle and includes a tent type fold out camping trailer as defined in 4517.01 of the Ohio Revised Code.
    B. Motor Home: a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
    C. Truck Camper: a non-self-propelled recreational vehicle without wheels for road use and designed to be placed upon and attached to a motor vehicle. Truck campers do not include truck covers, which consist of walls and roof but do not have floors and facilities for using same as dwelling.
2. Part of a group including, but not limited to boats, boat trailers, snowmobiles, wet bikes, etc.

Recycling Center or Facility – A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment to another facility for eventual reuse in new products. Recycling centers or facilities shall not include junk yards.

Recycling Collection Point – An accessory or incidental use that serves as a neighborhood drop of point for the temporary storage of recyclable materials.

Religious Place of Worship – A building or structure designed and used primarily for organized religious services and the gathering of persons for worship. The term includes churches, synagogues, mosques, temples, chapels, and meeting houses regardless of denomination. Accessory uses include fellowship halls, religious classrooms, administrative offices, and parking serving the principal use. For purposes of off-street parking calculations under Article 35, 'place of worship' refers to the principal sanctuary or worship space only. This definition is denomination-neutral and shall be applied consistent with the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §2000cc.

Research and Development Facility – An establishment where scientific research, investigation, prototype development and process development, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental and accessory to the main purpose of the laboratory.

Residential Facility – A facility that provides resident services to a group of individuals of whom one (1) or more are unrelated. These individuals may be mentally challenged, handicapped, aged or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This category includes uses licensed, supervised, or under contract by any Federal, State, County, or other political subdivision. Residential facilities include, but are not limited to, the following listed categories:

1. Adult Family Home. A residential facility that provides accommodations to three (3) to five (5) unrelated adults and supervision and personal care services to at least three (3) of these adults pursuant to Title 37 of the Ohio Revised Code.
2. Adult Group Home. A residential facility that provides accommodations to six (6) to sixteen (16) unrelated adults and provides supervision and personal care services to at least three (3) of the unrelated adults pursuant to Title 37 of the Ohio Revised Code.
3. Family Home. A residential facility that provides room and board, personal care, habilitation services and supervision in a family setting for at least six (6) but not more than eight (8)

mentally retarded or developmentally disabled persons pursuant to Title 51 of the Ohio Revised Code.

4. Family Foster Home. A private residence in which children are receiving care apart from their parents, guardian, or legal custodian by an individual for hire, gain or reward for non-secure care, supervision, or training twenty-four (24) hours a day pursuant to Title 51 of the Ohio Revised Code. Family foster home does not include babysitting care provided for a child in the home of a person other than the parents, guardian or legal custodian of the child.
5. Foster Family Home. A residential facility that provides room and board, personal care, habilitation services and supervision in a family setting for not more than five (5) mentally retarded or developmentally disabled persons pursuant to Title 51 of the Ohio Revised Code.
6. Foster Home. Foster home means a family home in which any child is receiving care apart from the child's parents for care, supervision or training pursuant to Title 51 of the Ohio Revised Code.
7. Group Home. Group home means a residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine (9) but not more than sixteen (16) mentally retarded or developmentally disabled persons pursuant to Title 51 of the Ohio Revised Code.
8. Semi-Independent Living Home. Semi-independent living home means a residential facility for a mentally retarded or developmentally disabled person where, according to the person's individual habilitation plan, the person demonstrates skills that would enable the person to function for specified periods of time without supervision. Such skills include, but are not limited to, home management, community mobility, personal hygiene, interpersonal relationship skills, and self-preservation pursuant to Title 51 of the Ohio Revised Code.

Restaurant – A business establishment, with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state in individual servings.

Restaurant, Fast Food – A business establishment whose principal business is the sale of rapidly prepared food, directly to the consumer in a ready to consume state for consumption either within the restaurant or off-premises, in an average preparation time of 240 seconds or less.

Retail Business – A business selling goods, wares or merchandise, directly to the ultimate consumer, for direct consumption and not for resale. A retail business use includes, but is not be limited to such uses as, supermarkets; stores that sell electronics, hardware, apparel, footwear, appliances, furniture, beverages, food, supermarkets, department stores, and discount stores. Retail businesses shall not include sexually oriented businesses.

Retail Business, Neighborhood – A retail business use servicing the local needs of the immediate surrounding community such as: gas station, convenience store, local restaurant, etc.

Right-of-Way – A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, public sidewalk, crosswalk, railroad, electric distribution or transmission line, telephone line, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses.

S

Satellite Dish – A parabolic or dish shaped antenna or other similar type apparatus or device that is designed for the purpose of receiving radio waves.

School, Elementary, Junior High, High – A public or private facility that provides a curriculum of elementary or secondary academic instruction.

School, Nursery – An educational establishment providing for the care, supervision, and protection of children on a daily basis for compensation.

School, Vocational, College, University, Business or Training Center – A public or private postsecondary facility, with an academic curricula, including uses, structures, and/or facilities sanctioned by, ancillary to or necessary for the operation of such institution. This includes, but is not limited to, dormitories, food sales, retail sales, indoor and/or outdoor recreation facilities, offices, printing, museums, and professional service (affiliated with the college or university, vocational, business or training center).

Self-Storage Building (and Storage Yard) – A building containing individual, compartmentalized and controlled access stalls, rooms or lockers or property that is leased, rented or owned by different individuals for the storage of individual possessions or personal property.

Setback – The required distance the largest extremity of a building or structure (overhang or eave) must be located from a lot line, easement, right-of way, adjacent building or other feature as indicated in this Resolution.

Sexually Oriented Business – Any business defined as the follows:

1. Adult Arcade. An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other imaging producing machines, or other visual representations, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas".
2. Adult Bookstore, Adult Novelty Store or Adult Video Store. A commercial establishment which has at least 50% of its stock in trade or derives at least 50% of revenues or devotes at least 50% of its interior business or advertising to the sale or rental for any form of consideration, of any one or more of the following:
    A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, digital video discs, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"
    B. Instruments, devices, or paraphernalia, which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
    C. An establishment may have other principal business purposes that does not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas," and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments for being categorized as an adult bookstore, adult novelty store or adult video store if the above definition is met.
3. Adult Cabaret. A nightclub, bar, restaurant, bottle club, juice bar, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) a person or persons who appear nude or semi-nude or in a state of nudity or semi-nudity; (b) live performances which are characterized by the exposure of "specified anatomical area" or "specified sexual activities", or; (c) films, motion pictures, video cassettes, digital video discs, or other photographic reproductions which are characterized by the depiction of "specified sexual activities" or "specified anatomical areas."
4. Adult Movie. A motel, hotel, or similar commercial establishment which offers public accommodation, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures with close-circuit televisions transmissions,

films, motion pictures, video cassettes, digital video discs, slides or other photographic reproductions which are characterized by the depiction of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television.

5. Adult Motion Picture Theater. A commercial establishment where films, motion pictures, video cassettes, digital video discs, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.
6. Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features a person or persons who appear in a state of nudity or semi-nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities" and which is not customarily open to the general public during such theaters because it excludes minors by reason of age.
7. Massage Parlor. Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation's, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of or in connection with "specified sexual activities" is offered, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her "specified anatomical areas." The definition of massage parlor shall not include: the practice of massage in any licensed hospital, nor by a license hospital, nor by a licensed physician, surgeon, chiropractor, or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semi-professional or professional athlete or athletic team or school, athletic program, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or shoulder, nor by any other individual license by the state to perform massages.
8. Semi-Nude Model Studio. Any place where a person or persons regularly appear in a state of nudity or semi-nudity or displays "specified anatomical areas" for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted for other reasons. Reference above to nudity should not be construed or interpreted to permit nudity or a state of nudity in a semi-nude model studio. Semi-nude model studio shall not include any school, college, or university licensed by the state.
9. Sexual Encounter Establishment. A business or commercial establishment, that as one of its principal business purposes, offers for any form of consideration: (1) a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas," or (2) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminudity. A sexual encounter establishment shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
10. Striptease Parlor/Escort Agency. A person or business association that furnishes, offers to furnish, or advertises to furnish, for hire, striptease performances, or the appearance of a person or persons in a state of nudity or semi-nudity for another person or persons.

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.

Sign – Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.

Sign, Changeable Copy – A sign so designed that characters, letters or illustrations can be changed without altering the permanent surface of the sign.

Sign, Directional – A sign which informs the public of designated use areas or regulations such as "entrance/exit", parking and aisle signs.

Sign, Ground – A detached sign which is solely supported by one or more poles, uprights, or braces in or upon the ground.

Sign, Marquee – A sign fastened or painted on a canopy, awning or permanent construction that projects from a wall of a building, usually above the entrance.

Sign, Name Plate – A small sign that announces limited information such as the name of the occupant of a premise. For the purposes of this Resolution, a Name Plate Sign shall not be considered as advertising.

Sign, Portable – A changeable copy sign supported by a mobile frame that is not fixed on the ground or any structure and that is easily moved from site to site.

Sign, Projecting – A sign that typically projects perpendicular to the building face that is wholly or partly dependent on a building for support and that projects more than twelve (12) inches from the building.

Sign, Wall – A sign which is attached directly to the wall of a building and which extends no more than twelve (12) inches from the wall.

Sign, Window – A sign either painted on or attached to the interior surface of a window so that the information can readily be seen from the exterior of the building.

Sign Area – The gross square footage of the sign face area which is normally visible from any one (1) direction. Sign cabinet supporting structures, which by size or which have been designed to attract attention, shall be considered part of the sign square footage.

Single Family Dwelling – See "Dwelling, One Family".

Solar Farm – An installation of solar panels that convert sunlight directly into electricity using photovoltaic cells.

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.

Solar Farm, Private Use – An installation of solar panels that convert sunlight directly into electricity using photovoltaic cells for personal use.

Solar Power Plant – See "Solar Farm, Commercial".

Specified Anatomical Areas – Includes any of the following:

1. Less than completely and opaquely covered human genitals, public region, anus, or areolas or nipple of female breast; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities – Includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, anus or female breast.
2. Sex acts, normal or perverted, whether actual or simulated, including: vaginal intercourse, fellatio, cunnilingus, bestiality, anal intercourse, oral copulation, or sodomy.
3. Masturbation, or the masturbation of another, whether actual or simulated.
4. Human genitals in a state of sexual stimulation, arousal or tumescence; or excretory functions as part of or in connection with any of the activities set forth in the above subsection (1) through (4).

Stable – A shelter that is used for the boarding and care of horses.
Story – That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. If the floor level directly above a basement is more than six (6) feet above grade, such basement shall be considered a story.
Strategic Plan – A compilation of policy statements, goals, standards and maps for guiding the physical, social, and economic development, both private and public, of Bethel Township, adopted by the Township, and as may be amended from time to time.
Street – A dedicated public thoroughfare or roadway, which affords the principal means of access to abutting property.
Structure – Anything constructed or erected which requires permanent location on or in the ground or attachment to something having location on or in the ground.
Swimming Pool – A permanent structure constructed or placed below ground or above ground which is designed with side walls in excess of thirty-six (36) inches in depth and is suitable or utilized for swimming or wading.

T

Temporary Building – A building or structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary building was erected has ceased.
Tent – Any structure used for living or sleeping purposes or for sheltering a public gathering; constructed wholly or in part from canvas, tarpaulin, or other similar materials.
Tiny Home – See "Dwelling, Tiny".
Towing Service – An establishment that provides for the removal and temporary storage of vehicles but that does not include disposal, permanent disassembly, salvage or accessory storage of inoperable vehicles.
Traditional Neighborhood – A residential neighborhood characterized by varying sized lots, open private and public yards and the preservation of natural features.
Trailer Court (Mobile Home Park) – Any plot of ground upon which two or more mobile or manufactured homes, occupied for dwelling or sleeping purposes, may be located.
Truck Transfer Terminal – A facility where freight is consolidated from incoming trucks or truck trailers, sorted, and transferred to outbound vehicles for further transport, typically involving short-term storage of less than 24 hours. It shall not include vehicle repair, parts sales, or commercial truck parking rental, which are separately defined uses. Where a facility's predominant activity is the transfer of freight between vehicles for further transport (as opposed to long-term storage or local delivery), it shall be classified as a Truck Transfer Terminal regardless of how the facility is marketed or self-described by its operator.
Trucking Transfer Terminal – See "Truck Transfer Terminal".

U

Undue Hardship – A hardship, by reason of exceptional shape of a lot, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Economic considerations alone shall not constitute an undue hardship if any reasonable use for the property exists under the terms of the Zoning Resolution.
Use – The purpose for which land, structure or a building is arranged, designed, or intended or for which

land or a building is or may be occupied.
Use or Building, Accessory – A use or building on the same lot with, and of a nature customarily incident and subordinate to, those of the main use or building.
Use, Conditional – A use that is permitted in a district only if a conditional use permit is expressly authorized by the Board of Zoning Appeals in accordance with the provisions in this Zoning Resolution.
Use, Permitted – A public or private use which conforms with the purposes, objectives, requirements, regulations and performance standards of the particular District in which the use is located.
Use, Principal – The primary or main use of a lot.

V

Variance – A modification of the literal provisions of the Zoning Resolution granted when the strict enforcement of the Zoning Resolution would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.
Vehicle – Any device that is used in the public or private transportation of one or more persons, is used in the transportation of goods over public or private property or roadways, or is used in a commercial or agricultural enterprise. A device that is designed to be pushed, pulled or towed by any self-propelled vehicle shall be considered a vehicle for the purpose of this Resolution.
Vehicle, Collector's – Any motor vehicle or agricultural tractor or traction engine that is of special interest, that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, and not for general transportation.
Vehicle, Junk Motor – A motor vehicle that

1. Meets two (2) or more of the following conditions:
   A. is three (3) or more model years old;
   B. is apparently inoperable, including but not limited to having flat tires, missing wheels, missing engine or transmission, broken windshield, expired or no license plates, broken or missing body panels, or inability to start or move under its own power;
   C. has a fair market value approximately equal only to the value of the scrap in it.
2. Excludes
   A. a Collector's Vehicle stored on private property with the permission of the person having the right to possession and concealed by buildings, fences, vegetation, terrain, or other suitable screening;
   B. a motor vehicle stored entirely within a fully enclosed building or structure; and
   C. a motor vehicle on a property licensed as a motor vehicle salvage yard, wrecking facility, or licensed automobile dealer in accordance with applicable Ohio law.
3. A fourth condition also satisfies this definition independent of the two-of-three test in subsection 1 above: the vehicle has remained in the same location on the property for more than ninety (90) consecutive days without being moved under its own power.

Vehicle, Motor – Any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires.
Veterinarian Clinic – A place, licensed by the State of Ohio, used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, those who are in need of medical or surgical attention, and which may include overnight accommodations on the premises for treatment, observation and/or recuperation.

W

Warehouse – A completely enclosed facility used for the storage, sorting, loading and unloading of goods and materials.
Wetland – Those areas subject to regulation as "wetlands" by the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers or the Ohio Environmental Protection Agency.
Wholesale Distributor – An establishment primarily engaged in selling merchandise to retailers and not to the direct consumer, including associated showrooms and warehousing; to industrial, commercial, institutions, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
Wind Farm – A group of wind turbines installed in a specific area to capture the kinetic energy of moving air.
Wind Farm, Commercial – A group of wind turbines installed in a specific area to capture the kinetic energy of moving air for profit.
Wireless Telecommunication Facility – Any freestanding structure or any structure to be attached to a building or other structure that meets all of the following criteria:

1. The freestanding or attached structure is proposed to be constructed on or after October 31, 1996.
2. The freestanding or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
3. The freestanding or attached structure is proposed to be located in an unincorporated area of a township, in an area zoned for residential use.
4. The freestanding structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a freestanding structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.
5. The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.
6. The freestanding or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

X

No definitions for "X".

Y

Yard – The open spaces on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Resolution as defined herein.

1. Front Yard: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
2. Rear Yard: Is an open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main

building.

3. Side Yard: Is an open space between a main building and the side lot line extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the main building.

Z

Zoning Administrator/Personnel – The Zoning official of Bethel Township appointed by the Board of Township Trustees, to enforce the provisions and regulations of this Zoning Resolution.
Zoning Amendment – A change of the zoning map or zoning text authorized by the Township, either in the allowable uses within a District, in the boundaries of a District or in a change to the Resolution text.
Zoning Certificate – A document issued by the Zoning Administrator authorizing buildings, structures or uses which are consistent with the terms of this Zoning Resolution and for the purpose of carrying out and enforcing its provisions.
Zoning Commission – Means the Zoning Commission of Bethel Township, Miami County, Ohio.
Zoning Map – The map or maps incorporated into this Resolution as a part thereof, designating the Zoning Districts of Bethel Township.

- May 3, 2026 (previous version Sept, 2018) – add 3.02 Health and Wellness Facility – Resolution #23-04-041; cosmetic formatting (font, added page#s, justify align text, indent sub-lists, hyphens, consistent numbering/lettering, capitalization, alphabetization).
- Sept 10, 2026 – add 3.02 Drainage and Stormwater Management Plan; update Dwelling; update Dwelling, Manufactured Home, Permanently Sited; update Junk Yard (Salvage Yard); update Truck Transfer Terminal; update Vehicle, Collector's and add Collector's Vehicle; add Dwelling Barndominium, Barndominium, Single Family Dwelling, Tiny Home, Load Office, Wind Farm, Wind Farm Commercial, Solar Farm, Solar Farm Commercial, Solar Farm Private Use, Solar Power Plant, Data Center, Short-Term Rental, Automobile, Heavy Truck, Heavy Truck Parking, Parking Heavy Truck, Junk Vehicle, Junk Motor Vehicle, Vehicle Junk Motor, Religious Place of Worship, Impervious Surface, Authorized Officer, Final Notice of Violation, Nuisance, Outstanding Violation, Owner, and Property – Resolution #26-08-076.

ARTICLE 4
DISTRICT ESTABLISHMENT

Section 4.01 Purpose

Bethel Township, Ohio, is hereby divided into the following Zoning Districts, as identified in Section 4.02, wherein regulations are uniform for each class or type of building or structure or use throughout each Zoning District in order to:

A. Classify, regulate, and restrict the location of residences, commercial establishments, industries, institutional, recreation and other land uses, and the location of buildings designed for specified uses.
B. Regulate and limit the height of buildings and structures.
C. Regulate the percentages of lot areas which may be covered by impervious surfaces.
D. Establish setback lines, sizes of yards and other open spaces surrounding such buildings.
E. Regulate the density of population of the Township.
F. Implement the goals, objectives and policies of the Bethel Township Strategic Plan.

Section 4.02 Division of Township into Districts

In order to carry out the intent and purpose of this Resolution, Bethel Township is hereby divided into the following districts:

R-1AAA Single Family Residence District
B-1 General Business District
B-2 Office/Residential District
B-3 Neighborhood Business District
NUO New Urbanism Overlay District
I-1 Light Industrial District
I-2 Heavy Industrial District
F-1 Flood Plain District
A-1 Domestic Agriculture District
A-2 General Agriculture District

Section 4.03 Official Zoning Map

The boundaries of the zoning districts listed above in Section 4.02 are shown on the "Zoning Map of Bethel Township". This map together with all explanatory data thereon, including all changes thereof as hereinafter provided, shall be incorporated and made a part of this Resolution.

The official zoning map shall be identified by the signature of the Bethel Township Trustees. This is to certify that this is the official zoning map referred to in the Zoning Resolution of Bethel Township, Miami County, Ohio (including date of adoption). If, in accordance with the provisions of this Resolution, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on a copy of the official zoning map within five (5) normal working days after the effective date of said approved amendment together with an attached entry on the official zoning map as follows:

"On (date), by official action of the Board of Trustees, the following change (s) are made" (brief description with reference number to Township proceedings).

The official map and one (1) copy are to be maintained and kept up to date. The official map is to be on display in the Township House, accessible to the public. The official map and attached entries shall control whenever there is an apparent conflict between the district boundaries as shown on the official map and the descriptions found in the text of this resolution or any other resolution. The official map and

attached entries shall be final authority as to the current zoning status of lands, buildings, and other structures in the Township. A certified copy of the official zoning map is at the recorder's office in the Safety Building, Troy, Ohio.

Section 4.04 Uncertainty of District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

B. Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated, as approximately following municipal limits shall be construed as following municipal limits.

D. Boundaries indicated as following shore lines shall be construed to follow such shore lines and, in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such lines.

E. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map and/or the copy is determined by the scale of the Map.

Where physical or cultural features existing on ground are at variance with those shown on the Official Zoning Map and/or the copy or in other circumstances not covered by subsections A through F above, the Board of Zoning Appeals shall interpret the district boundaries.

Section 4.05 Extension of District Boundaries

Whenever any street, alley or other public way is vacated by official action, the Zoning District(s) adjoining each side of such street, alley or other public way will be automatically extended to the center of such vacation, and all area included in the vacation will be subject to all applicable regulations of the extended Districts.

ARTICLE 5
"R-1AAA" RESIDENCE DISTRICT

Section 5.01 Purpose

The purpose of the "R-1AAA" Residence District is to encourage the retention of the rural nature and character of Bethel Township through agricultural and low density residential uses, and their accessory uses, in areas where sanitary sewer is not available.

Section 5.02 Principal Permitted Uses

The following uses are permitted in the "R-1AAA" Residence District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• One Single Family Dwelling	• Public and Parochial Elementary, Junior and Senior High Schools	• Agriculture

Section 5.03 Accessory Permitted Uses

The following uses are permitted as accessory uses in the "R-1AAA" Residence District:

- Buildings or Uses Customarily and Incidental to the Permitted Principal Use;
- Home Occupations;
- Signs.

Accessory uses located within the principal structure shall not occupy more than twenty-five (25) percent of the building or structure.

Section 5.04 Conditional Permitted Uses

The following uses are permitted as conditional uses in the "R-1AAA" Residence District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• Bed and Breakfast Establishment • Multi-Family Dwellings • Residential Facilities • Secondary One Family Dwelling	• Non-Commercial Parks and Recreation • Public Community Center, Park, Playground • Public, Semi-Public and Government Buildings • Religious Place of Worship	• Golf Course (Excluding Driving Ranges and Miniature Golf)

Section 5.05 Lot Development Standards

The following development standards shall apply to lots located within the "R-1AAA" Residence District:

Minimum Lot Area and Allowable Density	Residential • On Site Septic* - 3 Acres Single Family Dwelling • Decentralized System* - 1 Acre Single Family Dwelling (1 dwelling unit per acre) • Sewer System – 1 Acre Single Family Dwelling (1 dwelling unit per acre) Non-Residential • 1 Acre
Maximum Impervious Surface Coverage	• 35% Single Family Dwellings • For Accessory Buildings See Article 30.05 For Maximum Gross Floor Area • 45% All Other Uses
Minimum Lot Width and Frontage	• 200 Feet (Contiguous)
Minimum Corner Lot Width	• 150 Feet
Minimum Lot Depth	• 125 Feet
Minimum Front Yard Setback	• 50 Feet • If three or more dwellings are within 500 feet, then the average front yard setback shall be observed.
Minimum Side Yard Setback	• 20 Feet
Minimum Rear Yard Setback	• 50 Feet
Maximum Building Height	• 35 Feet; Excluding Agricultural Buildings and Structures • 26 Feet at Peak Accessory Structures. If the accessory building is taller than the residence, it must be placed to the rear and at least twenty (20) feet from the residence.
Minimum Floor Area for Residential Uses	• 1,500 Square Feet per Dwelling Unit
Drainage and Stormwater Management	• All lot splits, rezonings, and construction within this District shall submit a drainage and stormwater management plan.

*See Section 2.10, Conformance with Miami County Sanitary Engineer Standards

Section 5.06 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 35.

Section 5.07 Signage Requirements

Signage requirements shall be as regulated in Article 36.

Section 5.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 38.

Section 5.09 Accessory Buildings, Fencing and Other Requirements

Requirements are found in Article 30.

- October, 2024 (previous version Sept, 2018) – updated frontage and lot sizes – Resolution #22-08-057.
- June 8, 2026 – updated §5.05 lot size for sewer system – Resolution #22-08-057; cosmetic formatting
- Sept 10, 2026 – updated §5.05 to add Drainage and Stormwater Management; chg ref section 2.09 to 2.10 – Resolution #26-08-076.

ARTICLE 7

"B-2" OFFICE / RESIDENTIAL DISTRICT

Section 7.01 Purpose

The purpose of the "B-2" Office / Residential District is to encourage the development and retention of higher density one family dwellings and office type uses that primarily serve as a transition between intensive land uses and less intensive land uses.

Section 7.02 Principal Permitted Uses

The following uses are permitted in the "B-2" Office / Residential District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• One Single Family Dwelling	• Public and Parochial Elementary, Junior and Senior High Schools • Public Community Center, Park, Playground • Public, Semi Public and Government Buildings	• Agriculture • Medical and Dental Office • Nursery School or Child Care • Professional Services

Section 7.03 Accessory Permitted Uses

The following uses are permitted as accessory uses in the "B-2" Office / Residential District:

- Buildings or Uses Customarily and Incidental to the Permitted Principal Use;
- Signs;
- Drive Through Facility Associated with Principally Permitted Use.

Accessory uses located within the principal structure shall not occupy more than twenty-five (25) percent of the building or structure.

Section 7.04 Conditional Permitted Uses

The following uses are permitted as conditional uses in the "B-2" Office / Residential District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• Convalescent, Nursing Home or Assisted Living Facility • Residential Facilities • Secondary One Family Dwelling	• Non-Commercial Parks and Recreation • Public and Private Vocational Center, College or University • Religious Place of Worship	• Bar or Tavern • Banks, Loan Offices and other Financial Institutions • Building Services and Supplies • Carry-Out or Drive Through Facilities • Clubs, Lodges, and Similar Establishments • Commercial Greenhouse • Commercial Recreation Facilities

		• Funeral Home and Mortuary Establishment • Greenhouses • Home Occupation • Hospitals • Medical and Dental Laboratories • Motel and Hotel • Multiple Tenant Building • Office Buildings for Administrative and Professional • Parking Lot and Parking Structure • Restaurant • Restaurant, Fast Food • Temporary Uses and Seasonal Sales Lot • Retail Business • Veterinary Office for Domestic Pets

Section 7.05 Lot Development Standards

The following development standards shall apply to lots located within the "B-2" Office / Residential District:

Minimum Lot Area and Allowable Density	Residential • On Site Septic* - 2 Acres Single Family Dwelling (0.5 dwelling units per acre) • Decentralized System* – 32,670 Single Family (1.3 dwelling units per acre) • Sewer System – 12,000 Square Feet Single Family Dwelling (4 dwelling units per acre) Non-Residential • 2 Acres All Other Uses
Maximum Impervious Surface Coverage	• 70%
Minimum Lot Width and Frontage	• 175 Feet Single Family Residential • 200 Feet All Other Uses and Lots Greater than 1 Acre in Size
Minimum Corner Lot Width	• 175 Feet One Family Residential (Contiguous) • 200 Feet All Other Uses (Contiguous)
Minimum Lot Depth	• 120 Feet
Minimum Front Yard Setback	• 25 Feet
Minimum Side Yard Setback	• 20 Feet

Minimum Rear Yard Setback	• 30 Feet
Maximum Building Height	• 45 Feet; Excluding Agricultural Buildings and Structures • 26 Feet at Peak Accessory Structures.
Minimum Floor Area for Residential Uses	• 1,500 Square Feet
Drainage and Stormwater Management	• All lot splits, rezonings, and construction within this District shall submit a drainage and stormwater management plan.

* See Section 2.10, Conformance with Miami County Sanitary Engineer Standards

Section 7.06 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 35.

Section 7.07 Signage Requirements

Signage requirements shall be as regulated in Article 36.

Section 7.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 38.

Section 7.09 Accessory Buildings, Fencing and Other Requirements

Requirements are found in Article 30.

- Sept 10, 2026 (previous version Sept, 2018) – updated §7.05 to add Drainage and Stormwater Management; chg ref section 2.09 to 2.10 – Resolution #26-08-076.

ARTICLE 8

"B-3" NEIGHBORHOOD BUSINESS DISTRICT

Section 8.01 Purpose

The purpose of the "B-3" Neighborhood Business District is to encourage businesses and services that are completely enclosed in buildings and that are small in size; that provide convenience goods and services to residents and to identify businesses which can be located close to residential properties without being detrimental to the residential neighborhood.

Section 8.02 Principal Permitted Uses

The following uses are permitted in the "B-3" Neighborhood Business District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• None	• Public and Parochial Elementary, Junior and Senior High Schools • Public Community Center, Park, Playground • Public, Semi Public and Government Buildings	• Agricultural Uses • Banks, loan offices, and other financial institutions • Medical and dental laboratories • Nursery School or Child Care • Personal Services • Retail Business less than 5,000 square feet in floor area

Section 8.03 Accessory Permitted Uses

The following uses are permitted as accessory uses in the "B-3" Neighborhood Business District:

- Buildings or Uses Customarily and Incidental to the Permitted Principal Use;
- Signs;
- Drive Through Facility Associated with Principally Permitted Use;

Accessory uses located within the principal structure shall not occupy more than twenty-five (25) percent of the building or structure.

Section 8.04 Conditional Permitted Uses

The following uses are permitted as conditional uses in the "B-3" Neighborhood Business District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• One Single Family Dwelling	• Non-Commercial Parks and Recreation	• Clubs, Lodges, and Similar Establishments • Commercial Entertainment (Excluding Sexually Oriented Business) • Commercial Greenhouse • Commercial Recreational Facilities • Convenience Store

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
		• Medical and Dental Office • Motel or Hotel • Multiple Tenant Building • Nursery School or Child Care • Office Buildings for Administrative and Professional • Parking Lot and Parking Structure • Professional Services • Restaurant • Restaurant, Fast Food • Temporary Uses and Seasonal Sales Lot • Veterinary Office for Domestic Pets

Section 8.05 Lot Development Standards

The following development standards shall apply to lots located within the "B-3" Neighborhood Business District:

Minimum Lot Area and Allowable Density	Residential • On Site Septic* - 2 Acres One Single Family Dwelling (0.5 dwellings per acre) • Decentralized System* – 32,670 Square Feet One Single Family (1.33 dwellings per acre) • Sewer System – 12,000 Square Feet One Single Family Dwelling (4 dwellings per acre) Non-Residential • 2 Acres
Maximum Impervious Surface Coverage	• 25% One Family Dwellings • 40% All Other Uses
Minimum Lot Width and Frontage	• 175 Feet (Contiguous) • 200 Feet All Other Uses and Lots Greater than 1 Acre in Size (Contiguous)
Minimum Front Yard Setback	• 20 Feet • If three or more dwellings are within 500 feet, then the average front yard setback shall be observed.
Minimum Side Yard Setback	• 20 Feet
Minimum Rear Yard Setback	• 30 Feet

Maximum Building Height	• 45 Feet; Excluding Agricultural Buildings and Structures • 26 Feet at Peak for Accessory Buildings
Minimum Floor Area for Residential Uses	• 1,500 Square Feet
Drainage and Stormwater Management	• All lot splits, rezonings, and construction within this District shall submit a drainage and stormwater management plan.

*See Section 2.10, Conformance with Miami County Sanitary Engineer Standards

Section 8.06 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 35.

Section 8.07 Signage Requirements

Signage requirements shall be as regulated in Article 36.

Section 8.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 38.

Section 8.09 Accessory Buildings, Fencing and Other Requirements

Requirements are found in Article 30.

- Sept 10, 2026 (previous version Sept, 2018) – updated §8.05 to add Drainage and Stormwater Management; chg ref section 2.09 to 2.10 – Resolution #26-08-076.

ARTICLE 9
"B-1" GENERAL BUSINESS DISTRICT

Section 9.01 Purpose

The purpose of the "B-1" General Business District is to encourage places for businesses and offices which serve Township and regional markets; provide goods and services to other businesses, as well as consumers; provide services to automobiles; and serve the traveling public.

Section 9.02 Principal Permitted Uses

The following uses are permitted in the "B-1" General Business District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• None	• None	• Agricultural Uses • Automobile Wash Facility • Banks, Loan Offices, and other Financial Institutions • Bar/Tavern • Building Services and Supplies • Carry Out or Drive-Through Facility • Clubs, Lodges, and Similar Establishments • Commercial Entertainment (Excluding Sexually Oriented Businesses) • Commercial Greenhouse • Commercial Recreation Facilities • Convenience Store • Events • Farm Implement and Lawn and Garden Equipment Sales and Service • Funeral Home and Mortuary Establishment • Greenhouses • Hospitals • Medical and Dental Laboratories • Medical and Dental Offices • Motel or Hotel • Office Buildings for

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
		Administrative, Business, and Professional • Personal Services • Professional Services • Restaurant • Restaurant, Fast Food • Retail Business • Utility Trailer Sales and Rental • Veterinary Office for Domestic Pets

Section 9.03 Accessory Permitted Uses

The following uses are permitted as accessory uses in the "B-1" General Business District:

- Buildings or Uses Customarily and Incidental to the Permitted Principal Use;
- Signs;
- Drive Through Facility Associated with Principally Permitted Use.

Accessory uses located within the principal structure shall not occupy more than twenty-five (25) percent of the building or structure.

Section 9.04 Conditional Permitted Uses

The following uses are permitted as conditional uses in the "B-1" General Business District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• None	• Non-Commercial Parks and Recreation • Public and Semi-Public Buildings • Public and Private Vocational Center, College, or University	• Automobile, Recreational Vehicle, Boat Sales • Building and Trades, Contractor's Yard, Utility Storage Yard • Kennels and Animal Hospitals • Multiple Tenant Building • Paint and Body Shop in Conjunction with Sale of Automobiles and Recreational Vehicles • Parking Lot and Parking Structure • Research and Development • Temporary Uses and Seasonal Sales Lot • Trailer Rental and Sales

Section 9.05 Lot Development Standards

The following development standards shall apply to lots located within the "B-1" General Business District:

Minimum Lot Area	• 2 Acres
Maximum Impervious Surface Coverage	• 85%
Minimum Lot Width and Frontage	• 200 Feet (Contiguous)
Minimum Front Yard Setback	• 25 Feet
Minimum Side Yard Setback	• 20 Feet
Minimum Rear Yard Setback	• 25 Feet
Maximum Building Height	• 45 Feet; Excluding Agricultural Buildings and Structures • 26 Feet at Peak for Accessory Buildings
Drainage and Stormwater Management	• All lot splits, rezonings, and construction within this District shall submit a drainage and stormwater management plan.

*See Section 2.10, Conformance with Miami County Sanitary Engineer Standards

Section 9.06 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 35.

Section 9.07 Signage Requirements

Signage requirements shall be as regulated in Article 36.

Section 9.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 38.

Section 9.09 Accessory Buildings, Fencing and Other Requirements

Requirements are found in Article 30.

- Sept 10, 2026 (previous version Sept, 2018) – updated §9.05 to add Drainage and Stormwater Management; chg ref section 2.09 to 2.10 – Resolution #26-08-076.

ARTICLE 12

"I-1" LIGHT INDUSTRIAL DISTRICT

Section 12.01 Purpose

The purpose of the "I-1" Light Industrial District is to provide appropriate places for clean, low environmental impact industrial and manufacturing uses that are located completely indoors, limit off-site impacts, outdoor storage and that provide adequate landscaping and screening for buildings, structures and off-street parking areas.

Section 12.02 Principal Permitted Uses

The following uses are permitted as of right in the "I-1" Light Industrial District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• None	• Public Garages	• Agricultural Uses • Building Services and Supplies • Commercial Greenhouse • Commercial Storage of Boats, Recreational Vehicles, and/or Construction Equipment in an Enclosed Building • Crematorium • Events • Farm Implement and Lawn and Garden Equipment Sales and Service • Kennels and Animal Hospitals • Manufacturing, Light • Medical and Dental Laboratories • Research and Development • Trailer Rental and Sales • Warehouse • Wholesale Distributor

Section 12.03 Accessory Permitted Uses

The following uses are permitted as accessory uses in the "I-1" Light Industrial District:

- Buildings or Uses Customarily and Incidental to the Permitted Principal Use;
- Signs;
- Drive-Through Facility Associated with Principally Permitted Use;
- Retail Business customarily and incidental to the Principal Permitted Use.

Accessory uses located within the principal structure shall not occupy more than twenty-five (25) percent of the building or structure.

Section 12.04 Conditional Permitted Uses

The following uses are permitted as conditional uses in the "I-1" Light Industrial District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• None	• Non-Commercial Parks and Recreation • Public and Semi-Public Buildings • Public and Private Vocational Center, College, or University • Religious Place of Worship	• Agricultural Business • Automobile and Recreational Vehicle Repair (general service, mechanical, body, and paint) • Automobile Filling Station • Automobile, Recreational Vehicle, Boat Sales (including outdoor display and ancillary service) • Building and Trades, Contractor's Yards, Utility Storage Yards • Commercial Recreational Facilities • Multiple Tenant Building • Paint and Body Shop • Personal Services • Professional Services • Retail Business • Self-Storage Buildings and Storage Yards, excluding Wrecking and Dismantling of Motor Vehicles • Sexually Oriented Businesses • Temporary Uses and Seasonal Sales Lots • Utility Trailer Sales and Rental • Vehicle Towing Service, Equipment, Towing Trucks, and/or Storage Yard • Wireless Telecommunication Facility and/or Antenna

Section 12.05 Lot Development Standards

The following development standards shall apply to lots located within the "I-1" Light Industrial District:

Minimum Lot Area	• 2 Acres
Maximum Impervious Surface Coverage	• 85%
Minimum Lot Width and Frontage	• 200 Feet (Contiguous)
Minimum Front Yard Setback	• 25 Feet

Minimum Side Yard Setback	• 20 Feet
Minimum Rear Yard Setback	• 15 Feet
Maximum Building Height	• 45 Feet; Excluding Agricultural Buildings and Structures
Drainage and Stormwater Management	• All lot splits, rezonings, and construction within this District shall submit a drainage and stormwater management plan.

*See Section 2.10, Conformance with Miami County Sanitary Engineer Standards

Section 12.06 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 35.

Section 12.07 Signage Requirements

Signage requirements shall be as regulated in Article 36.

Section 12.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 38.

Section 12.09 Accessory Buildings, Fencing and Other Requirements

Requirements are found in Article 30.

- Sept 10, 2026 (previous version Sept, 2018) – updated §12.05 to add Drainage and Stormwater Management; chg ref section 2.09 to 2.10; §12.04 remove Motor Freight Depot or Trucking Transfer Terminal from CU, §12.04 remove Truck and Heavy Equipment Service from CU; §12.02 move Automobile Filling Station to CU; §12.02 move Automobile, Recreational Vehicle, Boat Sales to CU & rename; §12.02 Move Automobile, Truck, and Recreational Vehicle Repair to CU & rename; §12.02 move Building and Trades, Contractor's Yards, Utility Storage Yards to CU; §12.03 change Retail Business to Retail Business customarily and incidental to the Principal Permitted Use – Resolution #26-08-076.

ARTICLE 13

"I-2" HEAVY INDUSTRIAL DISTRICT

Section 13.01 Purpose

The purpose of the "I-2" Heavy Industrial District is to provide appropriate places for industrial and manufacturing uses that may occur outside of a building or structure and that may have off-site impacts including but not limited to: noise, heat, glare and odor.

Section 13.02 Principal Permitted Uses

The following uses are permitted as of right in the "I-2" Heavy Industrial District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• None	• Public Garages	• Agricultural Uses • Automobile Filling Station • Automobile, Recreational, Vehicle, Boat Sales • Automobile and Recreational Vehicle Repair • Automobile Wrecking, Junk, or Salvage Yard • Building Services and Supplies • Building and Trades, Contractor's Yard, Utility Storage Yard • Commercial Greenhouse • Commercial Storage of Boats, Recreational Vehicles, and/or Construction Equipment in an Enclosed Building • Crematorium • Events • Farm Implement and Lawn and Garden Equipment Sales and Service • Kennels and Animal Hospitals • Manufacturing, Light • Paint and Body Shop • Research and Development • Trailer Rental and Sales

Section 13.03 Accessory Permitted Uses

The following uses are permitted as accessory uses in the "I-2" Heavy Industrial District:

- Buildings or Uses Customarily and Incidental to the Permitted Principal Use;
- Signs;
- Drive Through Facility Associated with Principally Permitted Use;
- Retail Business customarily and incidental to the Principal Permitted Use.

Accessory uses located within the principal structure shall not occupy more than twenty-five (25) percent of the building or structure.

Section 13.04 Conditional Permitted Uses

The following uses are permitted as conditional uses in the "I-2" Heavy Industrial District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• None	• Non-Commercial Parks and Recreation • Public and Semi-Public Buildings • Public and Private Vocational Center, College, or University	• Agricultural Business • Heavy Truck Parking • Motor Freight Depot or Truck Transfer Terminal • Multiple Tenant Buildings • Retail Business • Self Storage Buildings and Storage Yards, excluding Wrecking and Dismantling of Motor Vehicles • Sexually Oriented Businesses • Temporary Uses and Seasonal Sales Lots • Truck and Heavy Equipment Service • Wireless Telecommunication Facility and/or Antenna

Section 13.05 Lot Development Standards

The following development standards shall apply to lots located within the "I-2" Heavy Industrial District:

Minimum Lot Area	• 5 Acres
Maximum Impervious Surface Coverage	• 85%
Minimum Lot Width and Frontage	• 200 Feet (Contiguous)
Minimum Front Yard Setback	• 25 Feet
Minimum Side Yard Setback	• 20 Feet
Minimum Rear Yard Setback	• 15 Feet
Maximum Building Height	• 45 Feet; Excluding Agricultural Buildings and Structures

Drainage and Stormwater Management	• All lot splits, rezonings, and construction within this District shall submit a drainage and stormwater management plan.

*See Section 2.10, Conformance with Miami County Sanitary Engineer Standards

Section 13.06 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 35.

Section 13.07 Signage Requirements

Signage requirements shall be as regulated in Article 36.

Section 13.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 38.

Section 13.09 Accessory Buildings, Fencing and Other Requirements

Requirements are found in Article 30.

Sept 10, 2026 – updated §13.05 to add Drainage and Stormwater Management; chg ref section 2.09 to 2.10; §13.03 change Retail Busine9ss to Retail Business customarily and incidental to the Principal Permitted Use; §13.04 add Heavy Truck Parking as CU; §13.02 rename Automobile, Truck, and RV Repair to Automobile and RV Repair; §13.02 move Motor Freight Depot or Trucking Transfer Terminal to CU and rename – Resolution #26-08-076.

ARTICLE 14
"F-1" FLOOD PLAIN DISTRICT

Section 14.01 Purpose

The purpose of the "F-1" Flood Plain District is to secure the preservation of flood plain in Bethel Township as established by the Federal Emergency Management Agency (FEMA), the U. S. Army Corps of Engineers and the Miami Conservancy District in order to protect the public health, safety and welfare. Where parcels are located within a FEMA defined flood plain, compliance with the Miami County Flood Damage Reduction Resolution is also required.

Section 14.02 Principal Permitted Uses

The following uses are permitted as of right in the "F-1" Flood Plain District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• None	• None	• Agricultural Uses • Parking Lot and Parking Structure • Stables and Riding Academy

Section 14.03 Accessory Permitted Uses

The following uses are permitted as accessory uses in the "F-1" Flood Plain District:

- Buildings or Uses Customarily and Incidental to the Permitted Principal Use;
- Home Occupation;
- Signs.

Accessory uses located within the principal structure shall not occupy more than twenty-five (25) percent of the building or structure.

Section 14.04 Conditional Permitted Uses

The following uses are permitted as conditional uses in the "F-1" Flood Plain District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• One Single Family Dwelling	• Non-commercial Parks and Recreation • Public Community Center, Park, Playground • Public and Semi-Public Buildings	• Airport Landing Field • Golf Course (excluding miniature golf) • Temporary Uses and Seasonal Sales Lots

Section 14.05 Lot Development Standards

The following development standards shall apply to lots located within the "F-1" Flood Plain District:

Minimum Lot Area	• 2 Acres
Maximum Impervious Surface Coverage	• 10%
Minimum Lot Width and Frontage	• 200 Feet (Contiguous)
Minimum Front Yard Setback	• 50 Feet
Minimum Side Yard Setback	• 20 Feet
Minimum Rear Yard Setback	• 50 Feet
Maximum Building Height	• 45 Feet; Excluding Agricultural Buildings and Structures • 26 Feet at Peak Accessory Structures.
Minimum Floor Area for Residential Uses	• 1,500 Square Feet
Drainage and Stormwater Management	• All lot splits, rezonings, and construction within this District shall submit a drainage and stormwater management plan.

*See Section 2.10, Conformance with Miami County Sanitary Engineer Standards

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.

Section 14.06 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 35.

Section 14.07 Signage Requirements

Signage requirements shall be as regulated in Article 36.

Section 14.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 38.

Section 14.09 Accessory Buildings, Fencing and Other Requirements

Requirements are found in Article 30.

- Sept 10, 2026 – updated §14.05 to add Drainage and Stormwater Management; chg ref section 2.09 to 2.10; add requirement for FEMA flood hazard area – Resolution #26-08-076.

ARTICLE 15

"A-1" DOMESTIC AGRICULTURE DISTRICT

Section 15.01 Purpose

The purpose of the "A-1" Domestic Agriculture District is to encourage and permit the existence of agricultural uses and to permit a degree of low density residential development.

Section 15.02 Principal Permitted Uses

The following uses are permitted as of right in the "A-1" Domestic Agriculture District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• One Single Family Dwelling	• Public and Parochial Elementary, Junior, and Senior High Schools	• Agricultural Uses • Stables and Riding Academy

Section 15.03 Accessory Permitted Uses

The following uses are permitted as accessory uses in the "A-1" Domestic Agriculture District:

- Buildings or Uses Customarily and Incidental to the Permitted Principal Use;
- Signs;
- Commercial Greenhouse.

Accessory uses located within the principal structure shall not occupy more than twenty-five (25) percent of the building or structure.

Section 15.04 Conditional Permitted Uses

The following uses are permitted as conditional uses in the "A-1" Domestic Agriculture District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• Bed and Breakfast Establishments • Convalescent, Nursing Home, or Assisted Living Facility • Secondary One Family Dwelling	• Public Community Center, Park, Playground • Public and Private Vocational Center, College, or University • Publie and Semi-Public Buildings • Non-Commercial Parks and Recreation • Religious Places of Worship	• Agricultural Business • Airport Landing Field • Cemetery • Clubs, Lodges, and Similar Establishments • Commercial Greenhouse • Commercial Storage of Boats, Recreational Vehicles, and/or Construction Equipment in an Enclosed Building • Events • Farm Implement and Lawn and Garden Equipment Sales and Service • Golf Course (excluding miniature golf)

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
		• Greenhouse • Home Occupation • Temporary Uses and Seasonal Sales Lots • Veterinary Office for Domestic Pets • Wireless Telecommunications Facility and/or Antenna

Section 15.05 Lot Development Standards

The following development standards shall apply to lots located within the "A-1" Domestic Agriculture District:

Minimum Lot Area	• 5 Acres
Maximum Impervious Surface Coverage	• 20%
Minimum Lot Width and Frontage	• 200 Feet (Contiguous)
Minimum Front Yard Setback	• 50 Feet
Minimum Side Yard Setback	• 20 Feet
Minimum Rear Yard Setback	• 50 Feet
Maximum Building Height	• 45 Feet; Excluding Agricultural Buildings and Structures • 26 Feet at Peak Accessory Structures.
Minimum Floor Area for Residential Uses	• 1,500 Square Feet
Drainage and Stormwater Management	• All lot splits, rezonings, and construction within this District shall submit a drainage and stormwater management plan.

*See Section 2.10, Conformance with Miami County Sanitary Engineer Standards

Section 15.06 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 35.

Section 15.07 Signage Requirements

Signage requirements shall be as regulated in Article 36.

Section 15.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 38.

Section 15.09 Accessory Buildings, Fencing and Other Requirements

Requirements are found in Article 30.

- October, 2024 (previous version Sept, 2018) - updated for frontage – Resolution #22-08-057.
- Sept 10, 2026 – updated §15.05 to add Drainage and Stormwater Management; chg ref section 2.09 to 2.10 – Resolution #26-08-076.

ARTICLE 16

"A-2" GENERAL AGRICULTURE DISTRICT

Section 16.01 Purpose

The purpose of the "A-2" General Agriculture District is to encourage the retention of, and to protect land, suited for agricultural uses from the encroachment of incompatible land uses.

Section 16.02 Principal Permitted Uses

The following uses are permitted as of right in the "A-2" General Agriculture District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• One Single Family Dwelling	• Public and Parochial Elementary, Junior, and Senior High Schools • Public and Private Vocational Center, College, or University • Public and Semi-Public Buildings	• Agricultural Uses • Agricultural Business (if enclosed) • Kennels and Animal Hospitals • Stables and Riding Academy

Section 16.03 Accessory Permitted Uses

The following uses are permitted as accessory uses in the "A-2" General Agriculture District:

- Buildings or Uses Customarily and Incidental to the Permitted Principal Use;
- Signs.

Accessory uses located within the principal structure shall not occupy more than twenty-five (25) percent of the building or structure.

Section 16.04 Conditional Permitted Uses

The following uses are permitted as conditional uses in the "A-2" General Agriculture District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• Bed and Breakfast Establishment • Convalescent, Nursing Home, or Assisted Living Facility • Mobile Home Park • Secondary Single-Family Dwellings	• Religious Places of Worship • Airport Landing Field • Building Services and Supplies • Cemetery • Clubs, Lodges, and Similar Establishments • Non-Commercial Parks and Recreation • Public Community Center, Park, Playground	• Agricultural Business (if outdoors) • Commercial Recreation Facilities • Commercial Storage of Boats, Recreational Vehicles and/or Construction Equipment in an Enclosed Building • Events • Farm Implement and Lawn and Garden Equipment Sales and Service

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
		• Golf Course (excluding miniature golf) • Greenhouses • Home Occupation • Temporary Uses and Seasonal Sales Lots • Wireless Telecommunication Facility and/or Antenna

Section 16.05 Lot Development Standards

The following development standards shall apply to lots located within the "A-2" General Agriculture District:

Minimum Lot Area	• 20 Acres
Maximum Impervious Surface Coverage	• 20%
Minimum Lot Width and Frontage	• 200 Feet (Contiguous)
Minimum Front Yard Setback	• 50 Feet
Minimum Side Yard Setback	• 20 Feet
Minimum Rear Yard Setback	• 50 Feet
Maximum Building Height	• 45 Feet; Excluding Agricultural Buildings and Structures
Minimum Floor Area for Residential Uses	• 1,500 Square Feet
Drainage and Stormwater Management	• All lot splits, rezonings, and construction within this District shall submit a drainage and stormwater management plan.

*See Section 2.10, Conformance with Miami County Sanitary Engineer Standards

Section 16.06 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 35.

Section 16.07 Signage Requirements

Signage requirements shall be as regulated in Article 36.

Section 16.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 38.

Section 16.09 Accessory Buildings, Fencing and Other Requirements

Requirements are found in Article 30.

- October, 2024 (previous version Sept, 2018) – updated for frontage – Resolution #22-08-057.
- Sept 10, 2026 (previous version Sept, 2018) – updated §16.05 to add Drainage and Stormwater Management; chg ref section 2.09 to 2.10 – Resolution #26-08-076.

ARTICLE 18
"WP" WELL FIELD PROTECTION OVERLAY DISTRICT

Section 18.01 Purpose

The WP Well Field Protection Overlay District is designed to safeguard the public health, safety and welfare of the customers of protected public water supplies by regulating the land use and the storage, handling, use and/or production of regulated substances. The area extent of the zone is described as the land area within Bethel Township, adjacent to existing and proposed public wells, which lies within the one-year capture area, including a 1,000-foot strip of land outside of the direct recharge area in locations where the direct recharge area within the one-year capture area impinges on the aquifer boundary. The intent of this designation is to protect the community's potable water supply against contamination.

Section 18.02 Application of Article; Conflict of Laws

The provisions of this Article shall be applicable to all lands shown as being located within the boundaries of the WP Well Field Protection Overlay District on the Zoning Map and shall be supplemental to the regulations of the underlying zoning district. Where the requirements of this Article are in conflict with the regulations of the underlying district, the more restrictive regulations shall apply.

Section 18.03 Determination of Applicability

It shall be the responsibility of any person owning real property and/or owning or operating a business within Bethel Township to make a determination of the applicability of this Article as it pertains to the property and/or business, and failure to do so shall not excuse any violations of this Article.

Section 18.04 Permitted Uses; Bulk and Yard Regulations

The permitted, conditional and prohibited uses, and the bulk and yard regulations, within the WP Well Field Protection Overlay District, shall be those of the underlying zoning district, except as specified in Section 18.05.

Section 18.05 Prohibited Uses

Sanitary land fills, land fills composed of demolition debris and dry wells are prohibited uses in the WP Well Field Protection Overlay District.

Section 18.06 Conditional Uses

The requirements of this section shall be in addition to any applicable regulations in this Article. The conditional uses within the WP Well Field Protection Overlay District shall be those of the underlying zoning district, except as specified in Section 18.05.

Section 18.07 Mineral Extraction and Processing Uses

If the excavation, extraction, mining or processing of sand, gravel and limestone from the earth for resale is permitted or conditionally permitted within the underlying zoning district, approval of an excavation and facilities plan is required that includes, but is not limited to:

A. An existing site plan with topographic detail at two-foot contour intervals, all planimetric information, depth to ground water and flood plain characteristics where applicable;

B. The proposed extent and depth of excavations;

C. The slope angle of excavation walls (any final slopes shall not exceed the angle of repose for the remaining material);

D. Use and disposition of the spoil and/or overburden materials from the excavations, including a landscaping and vegetation plan to stabilize any disturbed material;

E. A surface drainage plan:

1. Drainage into on-site excavations from proximate off-site property is prohibited unless the applicant provides a plan which otherwise protects the excavations from off-site waterborne regulated substances.

2. The final on-site grading shall minimize all surface drainage into the excavations.

F. A post-excavation and operation land use plan; and

G. A security plan (unauthorized access shall be strictly prohibited as long as any excavation remain on site.)

Section 18.08 Ground Water Protection Standards

A. Use, storage, handling and/or production of regulated substances in conjunction with permitted and conditional uses in this District shall be limited to:

1. Aggregate of regulated substances. The aggregate of regulated substances in use, storage, handling and/or production may not exceed twenty gallons or 160 pounds at any time.

2. Total use of regulated substances. The total use, storage, handling and/or production of regulated substances may not exceed fifty gallons or 400 pounds in any twelve-month period.

B. A limited exclusion from the provisions of subsection (a) hereof is authorized for non-routine maintenance or repair of property or equipment. The use, storage, handling and/or production of regulated substances under this exclusion shall be limited to:

1. Aggregate regulated substances. The aggregate of regulated substances in use, storage, handling and/or production may not exceed fifty gallons or 400 pounds at any time.

2. Total use of regulated substances. The total use, storage, handling and/or production of regulated substances may not exceed 100 gallons or 800 pounds in any twelve-month period.

C. A limited exclusion from the provisions of subsection (a) hereof is authorized for medical and research laboratory uses, provided, however, that regulated substances shall be stored, handled or used in containers not to exceed five gallons or forty pounds of each substance, and provided, further, that the aggregate inventory of regulated substances shall not exceed 250 gallons or 2,000 pounds.

D. A limited exclusion from the provisions of subsection (a) hereof is authorized for regulated substances which are cleaning agents, provided, however, that such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided, further, that the aggregate inventory of such cleaning agents shall not exceed 100 gallons or 800 pounds at any time. In no case shall regulated substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.

E. With the exception of residential use of heating fuels in tanks having a capacity equal to or less than 500 gallons, the underground storage of fuel and lubricants for vehicle operations and fuel for building and/or process heating in conjunction with permitted and conditional uses in this District shall be in secondarily contained and monitored tanks. Such installations shall be subject to approval by the Administrative Officer.

F. Notwithstanding other provisions of this Article, nonconforming uses in this District presently utilizing underground storage tanks for fuel and lubricants for vehicle operations and fuel for building and/or process heating shall be permitted to replace existing tanks with those constructed as per the specifications of subsection (e) hereof and not exceeding the capacity of existing tanks. Replacement of underground tanks for regulated substances other than the above noted fuels and lubricants are not permitted.

G. As part of the finding required under Section 18.03, Determination of Applicability, the Zoning Administrator or his or her designee shall utilize the hazard potential ranking system to assist in the determination of intensity of use within this District. No substitutions of a nonconforming use shall be permitted which result in an increase of the hazard potential ranking on a parcel within this District.

Section 18.09 Hazard Potential Ranking System for Nonconforming Uses

Uses using, storing, handling and/or producing regulated substances in amounts equal to or less than the requirements set forth in Section 18.08 are considered conforming uses and this section does not apply. Any new use or change of use shall maintain the conforming status of the property.

In order to assess the risk for groundwater contamination potential for nonconforming uses, a hazard ranking has been developed for various activities categorized by their standard industrial classification (SIC) code. This ranking is based on the kind of materials commonly associated with each use looking only at the most critical hydrologic factors.

Table 1 following the text of this section lists the site hazard potential by land use activity on a scale of one to nine, with one being a low hazard and nine a very high hazard. This rating is based on the intrinsic hazards posed by different land uses and is related to the materials commonly used or stored on the site or the types and amounts of wastes commonly discharged.

Table 2 lists the hazard potential determined on the basis of materials known to be used, stored or disposed of at a specific site.

If the two tables referenced above indicate different site hazard potential ratings for the SIC-coded land use activity and the materials found on-site, the higher of the two scores is the rating for the site.

TABLE 1
CONTAMINANT HAZARD POTENTIAL RANKING CLASSIFIED BY SOURCE

SIC NUMBER	DESCRIPTION OF WASTE SOURCE		HAZARD POTENTIAL INITIAL RATING
01	AGRICULTURAL PRODUCTION – CROPS		1 – 2
02	AGRICULTURAL PRODUCTION - LIVESTOCK		
	021	Livestock, except Dairy, Poultry and Animal Specialties	(5 for Feedlots)
	024	Dairy Farms	4
	025	Poultry and Eggs	4
	027	Animal Specialties	2 - 4
	029	General Farms, Primarily Livestock	2
10	METAL MINING		
	101	Iron Ores	4
	102	Copper Ores	6
	103	Lead and Zinc Ores	5
	104	Gold and Silver Ores	6
	105	Bauxite and Other Aluminum Ores	5
	106	Ferroalloy Ores Except Vanadium	5
	108	Metal Mining Services	4
	1092	Mercury Ore	6

	1094	Uranium-Radium-Vanadium Ores	7
	1099	Metal Ores Not Elsewhere Classified	5
11	ANTHRACITE MINING		7
12	BITUMINOUS COAL AND LIGNITE MINING		7
13	OIL AND GAS EXTRACTION		
	131	Crude Petroleum and Natural Gas	7
	132	Natural Gas Liquids	7
	1381	Drilling Oil and Gas Wells	6
	1382	Oil and Gas Field Exploration Services	1
	1389	Oil and Gas Field Services Not Elsewhere Classified	Variable, Depending On Activity
14	MINING AND QUARRYING OF NON-METALLIC MINERALS, EXCEPT FUELS		
	141	Dimension Stone	2
	142	Crushed and Broken Stone, Including Riprap	2
	144	Sand and Gravel	2
	145	Clay, Ceramic, and Refractory Minerals	2 - 5
	147	Chemical and Fertilizer Mineral Mining	4 - 7
	148	Nonmetallic Minerals Services	1 - 7
	149	Miscellaneous Nonmetallic Minerals, Except Fuels	2 – 5
16	CONSTRUCT1ON OTHER THAN BUILDING CONSTRUCTION		
	1629	Heavy Construction, Not Elsewhere Classified (Dredging, Especially in Salt Water)	4
20	FOOD AND KINDRED PRODUCTS		
	201	Meat Products	3
	202	Dairy Products	2
	203	Canned and Preserved Fruits and Vegetables	4
	204	Grain Mill Products	2
	205	Bakery Products	2
	206	Sugar and Confectionery Products	2
	207	Fats and Oils	3
	208	Beverages	2- 5
	209	Misc. Food Preparation and Kindred Products	2

22	TEXTLE MILL PRODUCTS, ALL EXCEPT LISTINGS BELOW		
	223	Broad Woven Fabric Mills, Wool (including dyeing and finishing)	6
	226	Dyeing and Finishing Textiles, Except Wool Fabrics and Knit Goods	6
	2295	Coated Fabrics Not Rubberized	6
24	LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE		
	241	Logging Camps and Logging Contractors	2
	242	Sawmills and Planing Mills	2
	2435	Hardwood Veneer and Plywood	4
	2436	Softwood Veneer and Plywood	4
	2439	Structural Wood Members, Not Elsewhere Classified (laminated wood-glue)	3
	2491	Wood Preserving	5
	2492	Particle Board	4
	2499	Wood Products, Not Elsewhere Classified	2 – 5
26	PAPER AND ALLIED PRODUCTS		
	261	Pulp Mills	6
	262	Paper Mills Except Building Paper Mills	6
	263	Paperboard Mills	6
28	CHEMICALS AND ALLED PRODUCTS		
	2812	Alkalis and Chlorine	7 - 9
	2813	Industrial Gases	-
	2816	Inorganic Pigments	3 - 8
	2819	Industrial Inorganic Chemicals Not Elsewhere Classified	3 - 9
	2821	Plastic Materials, Synthetic Resins, and Nonvulcanizable Elastomers	6 - 8
	2822	Synthetic Rubber (Vulcanizable Elastomers)	6 - 8
	2823	Cellulose Man-Made Fibers	6 - 8
	2824	Synthetic Organic Fibers, Except Cellulosic	6 - 8
	2831	Biological Products	6 - 9
	2832	Medicinal Chemicals and Botanical Products	3 - 8
	2834	Pharmaceutical Preparations	6 - 9
	2841	Soap and Other Detergents, Except Specialty Cleaners	4 - 6
	2842	Specialty Cleaning, Polishing, and Sanitation Preparation	3 - 8

	2843	Surface Active Agents, Finishing Agents, Sulfonated Oils and Assistants	6 - 8
	2844	Perfumes, Cosmetics, and Other Toilet Preparations	3 - 6
	2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products	5 - 8
	2861	Gum and Wood Chemicals	5 - 8
	2865	Cyclic (coal tar) Crudes, and Cyclic Intermediates, Dyes and Organic Pigments (Lakes and Toners)	6 - 9
	2869	Industrial Organic Chemicals Not Elsewhere Listed	3 - 9
	2873	Nitrogenous Fertilizers	7 - 8
	2874	Phosphatic Fertilizer	7 - 8
	2875	Fertilizer Mixing Only	5
	2879	Pesticides and Agricultural Chemicals, Not Elsewhere Listed	5 - 9
	2891	Adhesives and Sealants	5 - 8
	2892	Explosives	6 - 9
	2893	Printing Ink	2 - 5
	2895	Carbon Black	1- 3
	2899	Chemicals and Chemical Preparations, Not Elsewhere Listed	3 – 9
29	PETROLEUM REFINING AND RELATED INDUSTRES		
	291	Petroleum Refining	8
	295	Paving and Roofing Materials	7
	299	Misc. Petroleum and Coal Products	7
30	RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS		
	301	Tires and Inner Tubes	6
	302	Rubber and Plastic Footwear	6
	303	Reclaimed Rubber	6
	304	Rubber and Plastic Hose and Belting	4
	306	Fabricated Rubber Products, Not Elsewhere Classified	4
31	LEATHER AND LEATHER PRODUCTS		
	311	Leather Tanning and Finishing	8
		(Remaining Three-Digit Codes)	1 - 3

32	STONE, CLAY, GLASS, AND CONCRETE PRODUCTS		
	321	Flat Glass	4
	322	Glass and Glassware, Pressed or Blown	4
	324	Cement, Hydraulic	3
	3274	Lime	3
	3291	Abrasive Products	3
	3292	Asbestos	3
	3293	Gaskets, Packing, and Sealing Devices	3
32	PRIMARY METAL INDUSTRES (Except as Noted Below)		3
	3212	Blast Furnaces, Steel Works and, Rolling and Finishing Mills	6
	323	Primary Smelting and Refining of Nonferrous Metals	7
34	FABRICATED METAL PRODUCTS, EXCEPT MACHINERY AND TRANSPORTATION EQUIPMENT (Except as Noted Below)		5
	347	Coating, Engraving, and Allied Services	8
	3482	Small Arms Ammunition	7
	3483	Ammunition, Except for Small Arms, Not Elsewhere Classified	7
	3489	Ordnance and Accessories, Not Elsewhere Classified	7
	349	Misc. Fabricated Metal Products	3 – 6
35	MACHINERY, EXCEPT ELECTRICAL		5 – 7
36	ELECTRICAL AND ELECTRONIC MACHINERY, EQUIPMENT AND SUPPLIES (Except as Noted Below)		
	3691	Storage Batteries	8
	3692	Primary Batteries, Dry and Wet	8
37	TRANSPORTATION EQUIPMENT		5 – 8
38	MEASURING, ANALYZING, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC, MEDICAL, AND OPTICAL GOODS; WATCHES AND CLOCKS (Except as Noted Below)		4 - 6
	386	Photographic Equipment and Supplies	7
39	MISCELLANEOUS MANUFACTURING INDUSTRIES		3 – 7

49	ELECTRIC, GAS, AND SANITARY SERVICES		
	491	Electric Service	3 - 5
	492	Gas Production and Distribution	3
	494	Water Supply	2
	4952	Sewage Systems	2 - 5
	4953	Refuse Systems (Landfills)	5 - 9
	496	Steam Supply	2 - 4

TABLE 2
CONTAMINANT HAZARD POTENTIAL RANKING CLASSIFIED BY TYPE

DESCRIPTION	HAZARD POTENTIAL INITIAL READING	ID * NUMBER
SOLIDS		
Ferrous Metals	1-4	1100
Non-Ferrous Metals	1-7	1200
Resins, Plastics, and Rubbers	2	1300
Wood and Paper Materials (except as noted below)	2	1400
Bark	4	1401
Textiles and Related Fibers	2	1500
Inert Materials (except as noted below)	2	1600
Sulfide Mineral-Bearing Mine Tailings	6	1601
Slag and Other Combustion Residues	5	1602
Rubble, Construction, and Demolition Mixed Waste	3	1603
Animal Processing Wastes (except as noted below)	2-4	1700
Processed Skins, Hides, and Leathers	6	1701
Dairy Wastes	4	1702
Live Animal Wastes-Raw Manures (Feedlots)	5	1703
Composts of Animal Waste	2-4	1704
Dead Animals	5	1705
Edible Fruit and Vegetable Remains Putrescibles	2-3	1800
LIQUIDS		
Organic Chemicals (must be chemically classified)		2000
Aliphatic (Fatty) Acids	3-5	2001
Aromatic (Benzene) Acids	7-8	2002
Resin Acids	-	2003
Alcohols	5-7	2004
Aliphatic Hydrocarbons (petroleum derivatives)	4-6	2005
Aromatic Hydrocarbons (benzene derivatives)	6-8	2006
Sulfonated Hydrocarbons	7-8	2007
Halogenated Hydrocarbons	7-9	2008
Alkaloids	7-9	2009

Aliphatic Amines and Their Salts	1-4	2010
Anilines	6-8	2011
Pyridines	2-6	2012
Phenols	7-9	2013
Aldehydes	6-8	2014
Ketones	6-8	2015
Organic Sulfur Compounds (Sulfides, Mercaptans)	7-9	2016
Organometallic Compounds	7-9	2017
Cyanides	7-9	2018
Thiocyanides	2-6	2019
Sterols		2020
Sugars and Cellulose	1-4	2021
Esters	6-8	2022
Inorganic Chemicals (must be chemically classified)		2100
Mineral and Metal Acids	5-8	2101
Mineral and Metal Bases	5-8	2102
Metal Salts, Including Heavy	6-9	2103
Oxides	5-8	2104
Sulfides	5-8	2105
Carbon or Graphite	1-3	2106
Other Chemical Process Wastes not Previously Listed (must be chemically classified)		2200
Inks	2-5	2201
Dyes	3-8	2202
Paints	5-8	2203
Adhesives	5-8	2204
Pharmaceutical Wastes	6-9	2205
Petrochemical Wastes	7-9	2206
Metal Treatment Wastes	7-9	2207
Solvents	6-9	2208
Agricultural Chemicals (Pesticides Herbicides, Fungicides, etc.)	7-9	2209
Waxes and Tars	4-7	2210
Fermentation and Culture Wastes	2-5	2211
Oils, Including Gasoline, Fuel	5-8	2212
Soaps and Detergents	4-6	2213
Other Organic or Inorganic Chemicals, includes Radioactive Wastes	4-8	2300
Conventional Treatment Process Municipal Sludges		
From Biological Sewage Treatment	4-8	2301
From Water Treatment and Conditioning Plants (must be chemically classified)	2-5	2302

*ID Number is for identification of waste types in the Reporting Form.

1. Classification based on material in Environmental Protection Agency Publication, 670-2-75-024, pp.79-85, prepared by Arthur D. Little, Inc., and published in 1975.
2. For individual material ranking, refer to solubility-toxicity tables prepared by Versar, Inc., for the Environmental Protection Agency (source: MDNR, June l980).

Source: WMSRDC. A Pollutant Nature Sampling Plan for Groundwater Contamination in Region 14 (Muskegon, Mich.: West Michigan Shoreline Regional Development Commission, November 1980).

ARTICLE 20
"PD" PLANNED DEVELOPMENT

Section 20.01 Purpose

The purpose of the PD Planned Development District is to:

A. Allow for flexibility in the zoning requirements where the result will be a higher quality development;

B. Provide for and locate suitable recreational facilities, open space, and other common facilities, while preserving the existing rural landscape to the greatest extent possible;

C. Encourage sound planning principles in the arrangement of buildings, the preservation of open space, the utilization of topography and other site features;

D. Obtain creative and coordinated designs in harmony with surrounding uses and allow procedures supplemental to those applicable in other use districts to establish under which development plans particularly designed to meet the objectives of this Article; and

E. Allow for creative development that conforms to the goals and objectives set for in the Bethel Township's Current Land Use Plan.

Section 20.02 Types of Planned Developments

The following are the types of planned developments permitted within Bethel Township, pending approval by the Zoning Commission and the Board of Township Trustees:

"PD-R"	Planned Development Residential
"PD-RM"	Planned Development Residential Multi-family
"PD-RC"	Planned Development Residential Conservation
"PD-O"	Planned Development Office
"PD-OR"	Planned Development Office Residential
"PD-B"	Planned Development Business
"PD-I"	Planned Development Industrial
"PD-T"	Planned Development Transition
"PD-MU"	Planned Development Mixed Use

Section 20.03 Permitted Uses

Permitted uses in a PD District shall be as follows:

A. All uses in a PD District are subject to the approval of a preliminary development plan and final development plan by the Zoning Commission and the Board of Township Trustees pursuant to Subsection 20.03 through 20.10

B. Table 20.1 illustrates the permitted uses within each PD District.

Table 20.1 Planned Development Permitted Uses									
Permitted Uses	**Planned Development District**								
	PD-R	**PD-RM**	**PD-RC**	**PD-O**	**PD-OR**	**PD-B**	**PD-I**	**PD-T**	**PD-MU**
Permitted Uses in the R-1AAA Districts	P	P	P		P			P	P
Permitted Uses in the B-1, B-2 and B-3 Districts				P	P	P	P	P	P
Permitted Uses in the I-1 and I-2 Districts							P	P	P
Permitted Uses in the A-1 and A-2 Districts	P		P					P	P

C. Uses not specifically listed as permitted by these districts in Table 20.1 may be permitted if the Zoning Commission and/or Board of Trustees determine the uses to be of the same general character as the above permitted uses.

Section 20.04 Standards for Approval of Planned Developments

Approval of an application for a Planned Development shall be based on the specific case, based on the particular evidence presented, which support conclusions that:

A. The proposed development is consistent in all respects with the purpose and intent of this Zoning Resolution.

B. The proposed development is in conformity with the Bethel Township's current land use plan.

D. The proposed development advances the general welfare of the community and the immediate vicinity and will have a beneficial effect which could not be achieved as well under other zoning districts.

E. The proposed development can be substantially completed within the time specified in the schedule of development submitted by the developer.

F. Appropriate arrangements with the applicant have been made which will ensure the completion of the public improvements and reservation of common open space as indicated on the preliminary development plan and final development plan. If deemed necessary by the Board of Township Trustees during the preliminary development plan process, this may require that the Board of Township Trustees hold bond to ensure the successful and proper completion.

G. Each individual phase of the development can exist as an independent unit that is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained.

H. The site will be accessible from public thoroughfares adequate to carry the traffic, which will be imposed upon them by the proposed development, and the streets and driveways on the site of the proposed development or occupants of the proposed development.

I. The proposed development will not impose an undue burden on public services and facilities, including fire and police protection.

J. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities will be compatible with the surrounding land uses, and any part of a Planned Development not used for structures, access ways, parking and loading areas will be landscaped or otherwise improved.

K. The minimum common open space area(s) have been designated and are to be duly transferred to a legally established Homeowner's Association or will be accepted by Bethel Township or another public or quasi-public agency in Miami County or the State of Ohio.

L. That any part of the Planned Development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the Zoning Commission, left in its natural state.

M. The preliminary development and final development plans have been appropriately transferred to all other agencies and departments charged with the responsibility of review.

Section 20.05 Planned Development Procedures

The following process and procedures shall be used when seeking approval of a Planned Development which shall include a pre-application meeting, preliminary development plan and a final development plan.

A. Initiation

The owner or owners or agents of a tract of land may request a Planned Development in accordance with this Resolution.

In cases where there is multiple property owners involved in the Planned Development, the application shall include a "consent to rezone" letter from all property owners. Additionally, there shall be a single contact or agent for the property owners who will be responsible for contact with the Township.

B. Procedure

1. Step 1 – Pre-application Conference

a. The applicant shall meet with the Bethel Township Zoning Department to discuss the initial concepts of the Planned Development and general compliance with applicable provisions of this Resolution prior to the submission of the application.

b. During this time, an applicant may also request a preliminary, informal meeting with the County Engineer, County Sanitary Engineer, the County Planning Director, and the Township Administrator.

c. Discussions that occur during a pre-application conference or a preliminary meeting with Township or County staff are not binding on the Township and do not constitute official assurances or representations by Bethel Township or its officials regarding any aspects of the plan(s) or application(s) discussed.

2. Step 2 – Application

a. Following the pre-application conference with the Bethel Township Zoning Department, the applicant shall submit an application for a zoning map amendment and preliminary development plan to the Township Zoning Department.

b. The application shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Department to assure the fullest practicable presentation of the facts for the permanent record. A list of minimum requirements may be adopted by the Board of Township Trustees.

c. Each such application shall be signed by at least one (1) of the owners, or the owners authorized agent of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.

d. All applications shall be submitted with the required fees as established in the Bethel Township fee schedule.

e. The applicant shall submit the preliminary development plan simultaneously with the application for a zoning map amendment.

f. Three (3) print copies and one electronic copy of the preliminary development plan submission shall be in a form as prescribed by the Zoning Commission. A list of minimum submittal requirements may be adopted by the Board of Township Trustees.

g. Preliminary development plans shall include the following as a minimum:

1. Approximate areas and arrangement of the proposed uses and the relationship of abutting land uses and zone districts;

2. The proposed general location of vehicular circulation;

3. The proposed treatment of existing topography, drainage ways and tree cover;

4. The location of schools, parks, community amenities or facilities, if any;

5. Anticipated time schedule of projected development, if the total landholding is to be developed in stages, or if construction is to extend beyond a 2 year time period;

6. In the case of a PD-R, PD-RM, PD-OR, PD-T, and PD-MU District, the preliminary development plan shall also include the proposed type of unit, density level, and proposed area setbacks of each residential area, and the type, general location and approximate acreage of

the common open space. All other miscellaneous and accessory uses shall also be included;

7. In the case of PD-O, PD-B, PD-I, PD-T, and PD-MU the preliminary development plan shall identify the principal and accessory types of uses that are to be included in the proposed development, including their approximate location, size, and intensity. The proposed type, general location and approximate acreage of common open space shall also be included; and

8. Any other information required by the Zoning Commission.

3. Step 3 – Referral to the Miami County Planning Commission

a. Within 10 days after the application (Step 1) and submission of the preliminary development plan (Step 2), the Zoning Commission shall transmit a copy thereto to the Miami County Planning Commission to be placed on the first available agenda.

b. The Miami County Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed map amendment and preliminary development plan, and shall submit such recommendation to the Zoning Commission.

c. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment and preliminary development plan.

4. Step 4 – Public Hearing with the Zoning Commission

a. Upon the filing of an application and preliminary development plan for any PD District amendment (Steps 1 and 2), the Zoning Commission shall set a date for a public hearing regarding the proposed amendment and preliminary development plan.

b. The public hearing shall not be less than 20 or more than 40 days from the date of the recommendation of the Miami County Planning Commission.

c. Notification shall be given in accordance with the ORC.

5. Step 5 – Recommendation by the Zoning Commission

Within 30 days of the Zoning Commission's public hearing (Step 4), the Zoning Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and preliminary development plan, and submit such recommendation together with such application, preliminary development plan, and recommendation of the Miami County Planning Commission to the Board of Township Trustees.

6. Step 6 – Public Hearing with the Board of Township Trustees

a. Upon receipt of the recommendation from the Zoning Commission (Step 5), the Board of Township Trustees shall set

a time for a public hearing on such proposed amendment and preliminary development plan.

b. The date of the public hearing shall not be more than 30 days from the date of the receipt of such recommendation from the Zoning Commission.

c. Notification shall be given in accordance with the ORC.

7. Step 7 – Decision on Map Amendment and Preliminary Development Plan

a. Within 20 days after its public hearing (Step 6), the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission, or adopt some modification thereof.

b. If the amendment is denied, the applicant may appeal the decision to the Court of Common Pleas.

c. Approval of the preliminary development plan shall include density, intensities, land uses and their inter-relationship, design standards, and building location. Location of buildings (if applicable) and uses may be altered slightly due to engineering feasibility which is to be determined in the subsequent preparation of the detailed Final Development Plans.

d. Following approval of the PD District map amendment and preliminary development plan, and after the subsequent referendum period has ended, the Official Zoning Map shall be changed to reflect this amendment.

8. Step 8 – Submission of a Final Development Plan

a. Once the PD District and preliminary development plan been approved by the Board of Township Trustees, the applicant shall proceed with the preparation of the detailed final development plan(s) in whole or in phases.

b. Three (3) copies and one electronic copy of the final development plan submission shall be submitted in a form as prescribed by the Zoning Commission. A list of minimum submittal requirements may be adopted by the Board of Township Trustees.

c. The detailed final development plan shall be consistent with the contents of the approved preliminary development plan, and be prepared by a professional urban planner, engineer, architect or landscape architect.

d. If applicable, a final development plan shall include all necessary legal documentation relating to the incorporation of a Homeowner's Association for the purpose of maintaining the specified common open space within the planned development.

9. Step 9 – Public Meeting with the Zoning Commission

   a. The Bethel Township Zoning Department shall study the final development plan and confer with other agencies having jurisdiction as appropriate in the case, to determine general acceptability of the proposal submitted. Staff shall submit written recommendations to the Zoning Commission and the applicant prior to the public meeting held by the Zoning Commission.

   b. Upon receipt of the detailed final development plan and recommendations of staff, the Zoning Commission shall, at a public meeting of the Zoning Commission, study and review the detailed final development plan(s) on the basis that all requirements have been satisfied, and the conditions specified have been met.

   c. Upon submittal of the Final Development Plan the staff shall place the application on the next regularly scheduled Zoning Commission agenda.

   d. Notification shall be given in accordance with the ORC.

10. Step 10 – Decision by the Zoning Commission

   a. Within 30 days of the Zoning Commission's public meeting (Step 9), the Zoning Commission shall decide to approve, approve with modifications, or deny the final development plan(s).

11. Step 11 – Public Hearing with the Board of Township Trustees

   a. Upon receipt of the recommendation from the Zoning Commission (Step 10), the Board of Township Trustees shall set a time for a public hearing on such proposed amendment and final development plan.

   b. The date of the public hearing shall not be more than 30 days from the date of the receipt of such recommendation from the Zoning Commission.

   c. If the final development plan(s) is denied, the applicant may appeal the decision to Miami County Court of Common Pleas.

   d. Notification shall be given in accordance with the ORC.

Section 20.06 Time Limits

A. The final development plan(s) shall be submitted within one (1) year of approval of the preliminary development plan or the approval of the preliminary development plan will expire and the plan will be deemed null and void.

B. Upon expiration of the preliminary development plan, the property shall still be zoned as a planned development with a voided preliminary development plan. The property owner or agent may submit an application and new final development plan for consideration pursuant to this Article or an application for a zoning map amendment.

C. Upon the expiration of the preliminary development plan, the Board of Township Trustees or the Zoning Commission may initiate a zoning map amendment.

D. The Zoning Commission may authorize and extension of these time limits if good cause is shown for the delay of the final development plan submission.

E. For phased developments, the Zoning Commission and Board of Township Trustees may approve a phased final development plan schedule as part of the preliminary development plan approval. In such case, the approved time frames shall establish when the approved preliminary plan shall expire.

Section 20.07 Effect of a Final Development Plan

A. The approved final development plan shall be kept on record in the Bethel Township Zoning Department together with all resolutions, applications, plats, plans, and other information regarding the development.

B. The Resolutions prepared by the Zoning Commission and Board of Township Trustees serve as the official record for the permitted uses and activities which are approved for the planned development landholding.

C. The use of the planned development landholding or the location, erection, construction, reconstruction, enlargement, or change of any building or structure in a manner which is not consistent with the final development plan shall be considered a violation of this Resolution and subject to the procedures and penalties specified in this Article.

Section 20.08 Required Conditions for the Issuance of a Zoning Certificate

No Zoning Certificate shall be issued for any property in a PD District and no construction, except preliminary excavation, shall begin until a valid final development plan is in effect for that phase or property. The Final Development Plan becomes valid upon approval of a Resolution by the Bethel Township Trustees.

Section 20.09 Modifications to Planned Developments

An approved Preliminary Development Plan or Final Development Plan may be amended by following the procedures described in this Section.

A. Minor Adjustments. The Zoning Administrator may authorize minor adjustments in the Final Development Plan which become necessary because of field conditions, detailed engineering data, topography or critical design criteria pertaining to drives, curb cuts, retaining walls, swimming pools, tennis courts, fences, walls, building locations, and building configurations, parking area

locations or other similar project particulars. These minor adjustments may be permitted, provided that they do not increase density, decrease the number of parking spaces or allow buildings closer to Lot lines, and appear necessary in light of technical or engineering considerations.

B. Major Adjustments. Major adjustments to any Preliminary and/or Final Development Plan that substantially alter the concept or intent of the approved Preliminary and/or Final Development Plan, may be approved only by the Zoning Commission and the Board of Township Trustees upon a petition to amend the Preliminary Development Plan and/or Final Development Plan, pursuant to the procedures for Preliminary Development Plan Approval or Final Development Plan Approval, as the case may be, set forth in this Article.

Section 20.10 Design Standards for Planned Developments

The following design standards shall apply as minimums for all Planned Developments:

A. The minimum acreage for Planned Districts is as follows:

Table 20.2 – Minimum Acreage for Planned Districts

PD District	Minimum Acreage
PD-R	10 Acres
PD-RM	10 Acres
PD-RC	10 Acres
PD-O	2 Acres
PD-OR	5 Acres
PD-B	2 Acres
PD-I	2 Acres
PD-MU	10 Acres
PD-T	2 Acres

B. Design standards for area, lot coverage, density, yard requirements, parking, landscaping, and screening for a proposed PD District shall be established in the PD Preliminary development plan by the Zoning Commission and Board of Township Trustees.

C. Exceptions and variations from the standards provided by the based zoning districts of this Resolution (e.g., R-1AAA, B-1, etc.) may, and should be granted by the Zoning Commission and Board of Township Trustees when it is determined that due to certain design elements, natural features, and public amenities, the exceptions are warranted.

D. Standards for public infrastructure improvements shall be governed by the applicable regulations of the agency with jurisdiction that is charged with the responsibility for review and approval.

E. There shall be reserved, within the tract(s) to be developed, a minimum percentage of land area of the entire tract(s) for use as common open space. The Zoning Commission and Board of Trustees may require additional open space as warranted by the individual development plan. This minimum percentage of land shall be as follows:

Table 20.3 – Planned Development Open Space Requirements	
PD District	**Minimum Open Space Requirement**
PD-R	30%
PD-RM	40%
PD-RC	50%
PD-OR	30%
PD-O	30%
PD-B	20%
PD-I	20%
PD-T	20%
PD-MU	30%

1. Required common open space shall not consist of isolated or fragmented pieces of land which will serve no collective purpose or which will present maintenance difficulties if maintenance is required.

2. Required common open space may include: woodlands, stream corridors, pedestrian walkways other than sidewalks, parkland, unimproved open areas, bridle paths, drainage ways and detention basins, swimming pools, clubhouses, tennis courts, golf courses, and other lands of essentially open or undisturbed or improved character, exclusive of off-street parking areas and street right-of-ways.

3. Ownership of common open space in a PD-R, PD-RM, PD-RC, and PD-OR shall be transferred by the developer to a legally established homeowners association, private ownership, or if accepted, to the Board of Township Trustees, or other public or quasi-public agency.

4. Common open space that includes a clubhouse, golf course or other recreational facilities may remain in private ownership, subject to size and special conditions applied by the Zoning Commission and Board of Township Trustees.

5. Common open space in a PD-O, PD-B, PD-I, PD-T, or PD-MU may also be dedicated to the Township or other public or quasi-public agency pursuant to the above requirements or remain in private ownership, provided public easement, as determined necessary by the Zoning Commission and Board of Trustees, is granted and officially recorded on the plat.

ARTICLE 30
SUPPLEMENTARY REGULATIONS

Section 30.01 General Regulations

Except as herein provided no building or structure shall be erected, converted, enlarged, reconstructed or moved except or unless:

A. For a purpose permitted in the district in which the building or land is located.
B. In conformance with the height or bulk limits established herein for the district in which the building or use is located.
C. In conformance with the yard and lot regulations of the district in which the building or use is located.
D. In conformance with the off-street parking and off-street loading space regulations of the district in which the building or use is located.
E. Such building or structure is located on a lot as herein defined and, in no case, shall there be more than one main building on a lot except as specifically provided hereinafter.
F. In conformance with the regulations of the Miami County Planning Commission and the Township Zoning Department, or their designated party, in their administration of the flood plain regulations issued by the Federal Emergency Management Agency.

Section 30.02 Yards Required for Corner and Through Lots

A. In any district, the side yard of a corner lot that abuts the side street shall have the same setback requirements as the front yards.
B. A rear yard shall be provided parallel to and opposite from the front yard.
C. On through lots the front yard requirements shall apply to all street frontages.

Section 30.03 Corner Lot Accessory Buildings

In no case shall a corner lot accessory building project beyond the building to which it is accessory, be closer than ten (10) feet to a common lot line nor be located closer than five (5) feet to the rear lot line of the lot on which it is to be located.

Section 30.04 Lots Adjoining Alleys

In calculating the area of a lot that adjoins an alley, for the purpose of applying lot area requirements of this Resolution, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.

Section 30.05 Accessory Buildings and Structures

An accessory building or structure which is not part of the main building shall not occupy more than thirty (30) percent of the required rear or side yard.

A. Accessory buildings, structures and uses include, but are not limited to:
    1. A private detached garage.
    2. A private stable.
    3. The keeping of animals as pets.
    4. Temporary buildings or trailers for uses incidental to construction work. Such temporary buildings or trailers shall be removed upon the completion or

abandonment of the construction work.

5. A swimming pool, bathhouse, tennis court, and/or other recreational facilities designed for the use of the occupants of the dwelling and their guests. Such facilities shall comply with the following conditions and requirements:
   a. The facility shall not be located in any front yard and shall be no closer than ten (10) feet from the required side yard lot line or rear yard lot line.
   b. The facilities shall be located on the same zoning lot as the principal building, structure or use that it is serving.
   c. In addition, to the above, the following shall also apply to swimming pools. For the purpose of these regulations, "swimming pool" shall include all permanent above and in ground structures and temporary or portable pools with a depth twenty-four (24) inches or greater.
      1. A zoning application shall be completed that includes a site plan identifying the location of the pool and all surrounding structures and lot lines. The distances of the swimming pool from such structures and lot lines shall be clearly identified.
      2. The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access from the street or from adjacent properties. The fence or wall shall not be less than four (4) feet in height and maintained in good condition with a self-locking gate. An automatic pool cover will still require a fence.
      3. The swimming pool shall be located at least six (6) feet from any structure, underground septic system access and at least ten (10) feet from overhead electric lines.
      4. All applicable building permits, electrical permits and health permits shall be obtained.
      5. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.

B. In any residential zone, no garage or other accessory building shall be erected within the front yard.
C. In any zone, no truck trailer bodies, Portable On Demand Storage Units (PODS), cargo containers, old tanks, railroad cars, plastic barrels, or similar type container shall be considered as an accessory structure or storage building.
D. No garage or accessory building shall be constructed in the required side yard setback.
E. All accessory buildings 200 square feet or less shall not require a zoning certificate, but shall be included when figuring the total square footage requirements for a lot.
F. Each accessory building shall be located no closer than ten (10) feet from another such accessory buildings.
G. Maximum Gross Floor Area, Setback and Number Permitted for Accessory Buildings

ACREAGE	# OF ACCESSORY BUILDINGS PERMITTED	MAX. SQ. FT. FOR ACCESSORY ON LOT	SETBACK
.183-.275	2	672 SQ. FT.	Side 10' /Rear 5'
.276-.716	2	900 SQ. FT.	Side 10' /Rear 5'
.717-1.5	2	1400 SQ. FT.	Side 10' /Rear 5'
1.5-3.0	2	2000 SQ. FT.	Side 10' /Rear 5'
3.001-4.99	2	2600 SQ. FT.	Side 10' /Rear 5'
5.0-10	2	3200 SQ. FT.	Side 10' /Rear 5'

10+	Unlimited	Unlimited	Side 10' /Rear 5'

Section 30.06 Fences, Walls and Hedges

Fences and walls are permitted in all Districts, subject to the following conditions:

A. Exemptions
Agricultural fences shall be exempt from the following regulations but shall comply with the standards and regulations in the Ohio Revised Code for agricultural fencing.

B. Location
1. No fence, wall, or hedge shall be closer to any public street than the right-of-way.
2. The property owner shall assume responsibility for determining the legal, proper placement of the fence, wall or hedge upon his/her property.

C. Height
1. Side and rear yard fences, walls, and hedges shall not exceed six (6) feet in height for residential uses and shall not exceed four (4) feet in height in the front yard.
2. Side and rear yard fences, walls, and hedges shall not exceed eight (8) feet in height for non-residential uses and shall not exceed six (6) feet in height in the front yard.

D. Materials
1. Fences shall not contain an electric charge.
2. Barbed wire, razor wire, or any other type of anti-climbing wire shall only be used in the non-residential areas and then only when approved by the Zoning Commission as part of an approved plan or in other areas by the Board of Zoning Appeals as a Conditional Use.
3. Materials used for fences shall be of traditional fencing materials (wrought iron, chain link, pressure treated lumber, cedar, redwood, PVC, etc.) and shall be constructed of weather resistant materials or treated so that they are weather resistant.
4. The finished or most decorative side of the fence shall face away from the property erecting the fence.
5. All fences located within the front yard shall not be of opaque design must allow for visibility of the front yard area.

E. Maintenance
The fence, wall or hedge and the property surrounding both sides of the fence, wall or hedge shall be properly maintained at all times.

F. Sight distance requirements
No fence, wall, or hedge planting shall interfere with visibility from a driveway. The Zoning Administrator/Enforcing Officer is hereby empowered to cause all such obstructions to be moved in the interest of the public safety.

Section 30.07 Removal of Soil, Sand or Other Materials

The use of land for the removal of topsoil, sand or other material, other than materials from basement excavations, is not permitted in any zone unless otherwise provided. When permitted as a conditional use, a bond or letter of credit will be required to assure that such removal will not cause stagnant water to collect or leave the surface of the land in an unstable condition, unfit for the growing of turf, or for other land uses permitted in the district in which such removal occurs.

Section 30.08 Essential Services

Essential services shall be allowed in any district insofar as permitted, authorized, or regulated by law or other Resolutions. Buildings required by a public utility in conjunction with an essential service may be permitted in any district when approved by the Board of Zoning Appeals. In granting such permission, the Board of Zoning Appeals shall consider the location, size, use, and effect such building will have upon adjacent land and buildings.

Section 30.09 External Effects

No land, building, or structure in any district shall be used or occupied in any manner so as to be unsightly or create any dangerous, injurious, noxious, or otherwise objectionable vibration; smoke, dust, fumes, odor, or other forms of air pollution; heat, cold, or dampness; electrical or electronic disturbances; nuclear radiation; or any other condition detrimental to persons or property not located on the premises on which such building, structure or use is located. Such uses, when lawfully permitted under the provisions of this Resolution, shall be operated in a manner so as to ensure that the property rights of all other parcels of land will not be adversely affected to the extent of reducing the enjoyment of property rights thereon.

A. Air pollution.
   Air pollution shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency and the Regional Air Pollution Control Agency and of the Miami County, Ohio Combined General Health District.
B. Erosion.
   No erosion, other than by natural causes, shall be permitted which will carry objectionable substances onto neighboring properties.
C. Fire and explosion hazards.
   Adequate safety devices shall be provided where there are activities involving storage of flammable or explosive materials in facilities that require fire inspections. Adequate safety devices shall be provided against the hazards of fire and explosion and adequate firefighting and fire suppression equipment and devices, standard in the industry shall be provided.
D. Fissionable, radioactivity or electrical disturbance:
   No activities shall be permitted which utilize fissionable or radioactive materials if their use results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground, or sewerage systems. Activities shall not be permitted which emit electrical disturbance affecting the operation at any point of any equipment other than that of the creator of such disturbances.
E. Glare and heat:
   Any operation producing intense light or heat, such as high temperature processes like combustion or welding, shall be performed within an enclosed building and shall not be visible beyond any lot line bounding the premises. Welding that is required for exterior construction of a structure shall be exempt from these regulations.

Section 30.10 Outdoor Lighting

In order to reduce light pollution, all areas containing outdoor lighting, including but not limited to floodlighting, security lighting, canopy or parking lot lighting shall be as follows:

A. Lights shall be fully shielded so as to prevent the visibility of the light bulb from adjacent properties.
B. Compliance shall be achieved by utilizing fixture shielding, directional control designed into

fixtures, fixture location, fixture height, fixture aim or a combination of these or other factors to mitigate light glare and trespass.

C. Light fixtures mounted on or under canopies or bays shall be of full cut off design, unless indirect lighting is used whereby light is directed upward and then reflected down from the ceiling of the structure.
D. Lights shall not be mounted on the top or sides of a canopy or bay.
E. Any lawful lighting fixtures located within the Township at the effective date of this Resolution which does not conform to the provisions of this Section may continue, provided the lighting remains in conformance with the provisions of this Section.
F. Nothing in this Section shall relieve the owner or beneficial user of legal nonconforming lighting, or the owner of the property on which the legal nonconforming lighting is located, from the provisions of this Section regarding safety, maintenance, and repair. Normal maintenance, including replacing light bulbs, cleaning, or routine repair of legal nonconforming light fixtures, shall not be deemed to be a condition which triggers a loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the lighting.
G. Legal nonconforming status shall terminate under the following conditions:
    1. If a light fixture is no longer used for a period of six (6) months it shall be deemed abandoned and shall not thereafter be reestablished; or
    2. If a lighting fixture is structurally altered such that its nonconforming aspects increase; or
    3. If a lighting fixture is relocated, replaced, or moved in any way; or the lighting fixture is damaged and the cost of repair exceeds fifty (50) percent of its replacement value.

    Upon the event of any of the aforementioned, the lighting fixture(s) shall be immediately brought into compliance with this Section, or the lighting fixture(s) shall be removed.
H. Lighting found by the Township to create public hazard can be ordered removed or altered at any time.

Section 30.11 Outdoor Storage and Waste Disposal

Every use shall be operated in accordance with the following provisions:

A. No highly flammable or explosive liquids, solids or gases shall be stored in bulk except in an "I-1" Light or "I-2" Heavy Industrial District. Tanks or drums of fuel directly connected with heating devices or appliances located on the same lot are excluded from this provision provided that such devices, drums or tanks are in safe, working order and are approved by the applicable Department or Agency charged with inspection and approval.
B. No materials or wastes shall be deposited, stored, or disposed upon a lot in such form or manner as to allow such materials or wastes to be transferred off the lot by wind, flood, or natural causes or forces.
C. All materials or wastes which might cause fumes or dust, or which constitute a fire or health hazard, or which may be edible or attractive to rodents or insects shall not be stored outdoors except in closed containers constructed of an impervious material.

Section 30.12 Projections Into Required Yards

Projections into required yards shall comply with the following requirements unless approval has been granted by the Board of Zoning Appeals:

A. Chimneys, flues, sills, pilasters, cornices, eaves, gutters, roof overhangs, and other similar features may project into a required side yard a maximum of twenty-four (24) inches.
B. Uncovered handicap ramps may project into the required front yard a maximum of twenty (20) feet. No handicap ramp may be constructed closer than 5 feet from any street Right of Way line.
C. No building or structure may be constructed, placed or project into a required front yard.
D. No building or structure may project into a required side yard except that, where a single lot under one ownership legally existed in a residential district at the time of passage of this Resolution, and such lot is of insufficient width to meet the side yard requirements of this Resolution, the Board of Appeals may grant a minimum variance to permit the construction of a one-family residence.
E. An open, unenclosed porch may project into a required front yard for a distance not exceeding six (6) feet.

Section 30.13 Exceptions to Height Limitations

Chimneys, domes, spires, necessary mechanical appurtenant, and radio and television towers may exceed district height limitations, provided:

A. Public, semi-public, or public service buildings, hospitals, institutions, or schools, where permitted, may be erected to a height not exceeding ninety (90) feet when the required side and rear yards are each increased by one (1) foot for each one (1) foot of additional building height above the height regulations for the district in which the building is located.
B. Commercial radio and television towers shall be located centrally on a continuous parcel having a dimension at least equal to the height of the tower measured from the center of the base of the tower to all points on each property.
C. Unless exempted by Federal regulations, radio towers for licensed amateur radio stations which exceed the allowable height of structures in the residentially zoned districts shall be limited in height from their base to the distance from the base to the nearest property line.

Section 30.14 Temporary Uses

In any district, subject to the conditions stated below, the Zoning Administrator/Enforcing Officer may issue a permit for the following temporary uses. A fee as established by Resolution by the Township Trustees shall be paid for the specified time so stated.

A. Temporary office buildings, or yard for construction material or equipment, provided such use is adjacent to the construction site. Each permit shall be valid for one (1) year and may be renewed by the Zoning Commission if conditions warrant such renewal.
B. A temporary office incidental and necessary to real estate sales and rentals. Each permit shall be valid for a period of two (2) years and may be renewed by the Zoning Commission for two (2) additional years if conditions warrant such renewal. In no instance shall a temporary office be located in a structure used for human habitation.
C. Building and yard locations shall be subject to such conditions and safeguards, as the Zoning Administrator/Enforcing Officer may deem necessary to preserve the character of the surrounding area.
D. Tents or gathering areas under tents that are subject to regulation by the Ohio Basic Building Code.
E. Temporary signs in accordance with Article 36, Sign Regulations.
F. All temporary venders are subject to temporary use permits issued by the Zoning

Administrator/Enforcing Officer. No request hereunder will be accepted for consideration within the F-1, Flood Plain District, unless the applicant has furnished a valid written favorable recommendation thereto by the Miami Conservancy District and complies with the Flood Damage Prevention Regulations of Miami County, Ohio.

Section 30.15 Major Street Setbacks

Any building or structure shall hereafter be constructed in accordance with the required front yard setback in the district in which it is to be located, measured from the required right-of-way line of a proposed or existing arterial or collector street designated as such on the official Thoroughfare Plan.

Section 30.16 Mobile Homes and Recreation Vehicles

This Section shall apply to all existing mobile homes that were located prior to the adoption of this Zoning Resolution.

A. No person shall occupy a recreational vehicle as a residence in any district as a temporary or permanent residence.
B. No person shall occupy a mobile home as a residence outside an approved and licensed mobile home park or trailer court except as provided in the A-2 General Agricultural District.
C. No mobile or manufactured home may be stored or parked in any district other than: 1. An approved and licensed mobile home park or trailer court, or
D. B-1 General Business, I-1 Light Industrial and I-2 Heavy Industrial.
E. No recreational vehicle or boat may be stored in any required front yard or in front of the front building line of the building, whichever is farthest from the right of way, of any residential district.
F. No recreational vehicle or boat may be parked in any required front yard or in front of the front building line of the building, whichever is farthest from the right of way, of any residential district for a period of more than 72 consecutive hours.
G. No recreational vehicle or boat shall have a permanent connection to electric, water, gas or sewer facilities in any residential district.

Section 30.17 Modular and Manufactured Homes

Modular or manufactured homes will be permitted if such dwelling meets the minimum square footage requirements of the district where the home is to be located and if placed on a permanent foundation and made part of the real estate.

Section 30.18 Driveway Entrance Structures

Entrance structures for driveways shall be permitted in any district. Entrance structures must have the approval of the Bethel Township Planning and Zoning Department and must not restrict visibility of entrance to the roadway. Minimum open space between structures shall be twelve (12) feet.

Section 30.19 Lot Required

Every building shall be located on a lot. There shall be not more than one (1) principal building on one lot containing the principal use for that lot, except as provided below:

A. There may be more than one (1) principal building on a lot in the Planned Unit Development District when approved as part of that specific process.

B. There may be more than one (1) principal use building in a Business or Industrial District, provided that the required yard setbacks are provided around the group of buildings with approval from the Zoning Commission and if all applicable separation requirements are met with respect to fire and safety.
C. There may be more than one (1) principal building on a lot for multi-family, hotel, or motel purposes if the required yard setbacks are maintained around the group of buildings and the buildings are separated by a horizontal distance that is at least equal to the height of the highest building with approval from the Zoning Commission and if all applicable separation requirements are met with respect to fire and safety.

Section 30.20 Agricultural Uses Permitted

Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings and structures are located. Furthermore, no Zoning Certificate shall be required for any such agricultural use, building or structure as exempted by the Ohio Revised Code, Section 519.

Section 30.21 Existing Lots of Record

Nothing contained in this Resolution shall require any change in the plans, construction, size or designated use of a building for which a valid permit has been issued or lawful approval given before the effective date of this Resolution provided, however, construction under such permit or approval shall have been started within six (6) months and the ground story framework including structural parts of the second floor, shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of this Resolution.

Section 30.22 Public Utilities

Nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business.

Section 30.23 Cemeteries

Any cemetery established after the effective date of this Resolution must contain no less than twenty (20) acres. Grounds must be landscaped so as to be an asset to the District in which it is located and shall be properly maintained as per the Ohio Revised Code.

Section 30.24 Drive-In and Drive Through Service

Business establishments, which by their nature create lines of customers waiting to be served in motor vehicles, shall provide off-street waiting areas at least twenty (20) feet in length for each vehicle and at least ten (10) feet in lane width with a minimum of the following:

A. Drive through or drive-in facilities shall provide sufficient stacking length for at least five (5) vehicles in each drive through or drive-in lane.
B. Any establishment providing for gasoline or other motor vehicle fuel sales shall provide no less than two (2) waiting areas for each accessible side of a motor vehicle fuel pump island. Pumps shall not be located closer than fifteen (15) feet to any right-of-way line or within fifteen (15) feet of a clear visibility area at a corner lot as defined in this Resolution.

C. Such waiting areas shall not obstruct off-street parking spaces, driveways or circulation areas.
D. Waiting spaces shall be situated in such a manner that vehicles using the drive through or drive-in facilities are traveling in a continuous forward motion.
E. A bypass lane shall be required to permit unimpeded circulation around a drive through lane. A bypass lane shall not include parking spaces.

Section 30.25 Required Trash Areas

All business, industrial and multi-family residential uses that provide trash and/or garbage collection areas shall:

A. Have such areas enclosed on at least three (3) sides by a solid wall or fence adequate in height to screen the containers if such area is not within an enclosed building or structure. Such enclosure shall be of materials or be painted in such a manner as to deemphasize the structure.
B. Adequate vehicular access to and from such area or areas for the collection of trash and/or garbage shall be required.
C. A six (6) inch raised curb shall be located one (1) foot from the interior walls of the enclosure to prevent the dumpster or refuse container from damaging the walls of the enclosure.
D. When visible from the public right-of-way, the enclosure shall be provided with a gate to fully screen the containers.

Section 30.26 Junk Storage

The accumulation and/or storage of junk vehicles, disabled or inoperative machinery and equipment, dismantled parts of vehicles, machinery or equipment, discarded appliances and furnishings, other junk and debris, shall be prohibited except when stored within a completely enclosed structure.

Section 30.27 Auxiliary Uses Permitted in Residential Districts

Many work-related activities, particularly those of the self-employed, can be compatible with and not detract from the primary use of a Residential District. This Section establishes regulations that permit such activities and shall govern them in a manner that the residential characteristics of the district shall be retained.

A. Home Occupations
    1. The home occupation use shall be incidental and secondary to the residential use of the premises and shall not alter the appearance of the residence or cause the property to differ from its residential character in any manner. This shall include the addition of a separate entrance.
    2. The individual primarily responsible for the home occupation and all employees must be family members residing on the premises.
    3. There shall be no outward indication or display of occupational activity other than a non-illuminated name plate of not more than one (1) square foot.
    4. No additional points of access to any street, road, or highway shall be constructed specifically to accommodate a home occupation.
    5. No home occupation shall create excessive traffic volume as based on what is normally found in a residential neighborhood.
    6. Direct retail or wholesale sales and/or stocking of products, parts, supplies,

materials or any kind of merchandise are prohibited except for those products produced or parts, supplies and materials used in production or in a service of a home occupation.

7. Vehicles, other than passenger cars, used in the operation of home occupations or used in the operation of and as transportation to and from nonresidential occupations, shall be limited to pickup trucks and vans of one (1) ton capacity or less except for those that are stored in a private garage.
8. Any equipment or process used in a home occupation that creates excessive noise, vibration, glare, or any environmental emissions or effluents detrimental to the health, safety, and general welfare of the District or causes any audible or visual interference with radio or television reception or electric line voltage fluctuations off of the subject property is prohibited.
9. Hours that a home occupation may be open to the public shall be limited to those between 8:00 A.M. and 8:00 P.M.
10. A home occupation shall comply with all Federal, State, County, and Township regulations that are pertinent to its operation in addition to those contained in this Section.
11. The home occupation shall be conducted wholly within habitable rooms of the dwelling and shall not exceed two hundred (200) square feet of the total area of all habitable rooms of the dwelling.
12. Exterior storage, including storage in accessory buildings, of equipment, parts supplies, materials, products, merchandise, inventory and generated waste is prohibited.
13. Display of goods or products shall not be visible from outside of the dwelling.

B. Hobby

So long as any equipment or process used in a hobby does not create excessive noise, vibration, glare, or any environmental emissions or effluents detrimental to the health, safety and general welfare of the District or cause any audible or visual interference with radio or television reception or electric line voltage fluctuations off the premises and the hobby does not change the residential characteristics of the premises, the hobby may be practiced without restrictions except for pertinent regulations listed elsewhere in this Resolution.

C. Yard Sales, Equipment and Vehicle Sales

Yard sales, equipment and vehicle sales shall be regulated as follows:

1. All merchandise offered for sale must be the personal property of the resident holding the sale and must have been purchased by or purchased for and used by the resident.
2. Multiple family sales of two or more District residents may be held on the property of one of the participants.
3. The sale of consignment merchandise or merchandise that has been expressly purchased for resale is prohibited.
4. A resident may hold no more than two (2) yard sales per year with each sale lasting over a time period of not more than seventy-two (72) consecutive hours.
5. Merchandise may be displayed only when the sale is in active progress and remaining unsold merchandise must be removed immediately at the conclusion of the sale and stored indoors except for those items normally stored outdoors (vehicles, boats, etc.).

6. Directional and/or advertising signs must be in compliance with other Resolution regulations governing signs and must be removed immediately after the conclusion of a sale (See Section 36.08, Domestic Advertising Signs).
7. The sales of equipment, motor or recreational vehicles on private property shall be limited to the sale of five (5) vehicles a year, per adult living on premises, without an Ohio automobile dealer's license. No more than one (1) vehicle shall be for sale at one time.
8. Motor or recreational vehicles shall not be parked in the public right-of-way when being sold.

Section 30.28 Storage of Commercial Vehicles on Residential Property

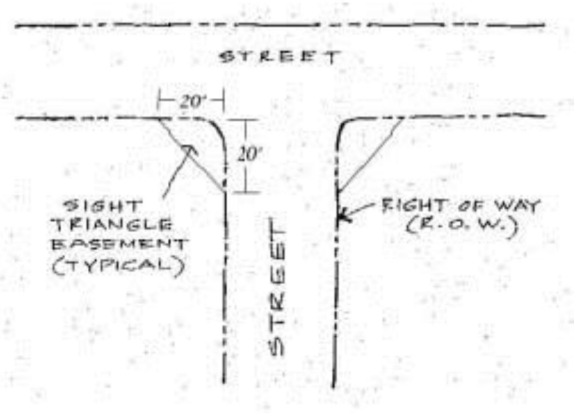
Any vehicle stored on residential property **for a period of more than seven consecutive days** and having lettering indicating an occupational use of any kind, must be parked within an enclosed building, garage, or parked behind the front building line of the residence. The storage of a Heavy Truck on residential property outside a fully enclosed building is prohibited; the storage of commercial vehicles not meeting the Heavy Truck definition is subject to this Section.

Section 30.29 Landfills, Dumps, Mining and Extraction of Minerals or Raw Materials

The Board of Zoning Appeals may attach such conditions and safeguards as it deems necessary to protect neighboring properties or Districts from fire hazards or smoke, noise, odor, dust or any other detrimental or obnoxious effects incidental to such operation of a landfill, dump, mine or mineral extraction operation. In addition, the Board of Zoning Appeals shall require a written agreement, from the owners of such operation to the effect that, upon termination of such operation, the land involved shall be reclaimed to as near its original state as practical in the opinion of the Board of Zoning Appeals.

Section 30.30 Visibility Across Corner Lots

In any District on any corner lot, no opaque fence, structure or planting higher than four (4) feet, shall be erected or maintained within a triangle twenty (20) feet from the intersection of the right-of-way lines which may interfere with traffic visibility across the corner.



Section 30.31 Outdoor Bulk Storage and Display in Commercial and Industrial

The following regulations shall apply to outdoor bulk storage or displays:

A. The outdoor storage or display of bulk goods including seasonal items such as firewood and

mulch shall be controlled by the following regulations:

1. The outdoor storage or display of merchandise, inventory or materials shall not interfere with parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways or block any natural drainage.
2. The outdoor storage of merchandise, inventory or materials shall not be located in any required yard area within the lot nor shall it be visible from the public right-of-way.
3. The outdoor storage or display of merchandise, inventory or materials shall not include the use of banners, pennants or strings of pennants.
4. Outdoor storage areas shall be required to be fully screened with an opaque fence or wall not to exceed eight (8) feet in height. Such fence shall be constructed out of a material that is similar in nature to the principal structure on the lot or painted in similar color of the principal structure on the lot.
5. All permitted outdoor storage or display shall be maintained in a neat and orderly fashion.
6. Only a sample of materials, to properly identify the materials for sale on the premises, shall be permitted as part of the outdoor display.
7. Outdoor storage or display locations shall be approved by the Zoning Administrator upon the application of the record owner of the property.

B. Applications for outdoor storage or display areas shall be on a form provided by the Zoning Administrator and shall be submitted with a site plan depicting the location of the said storage or display areas with supporting documentation indicating the impact of the storage or display area on the property as a whole. The Zoning Administrator may request the specific review and approval of the Zoning Commission of any application. The review and approval of the Zoning Commission may also be requested by any applicant whose application has been rejected or modified by the Zoning Administrator, which request must be made in writing and must be made within ten (10) days of such rejection or modification.

Section 30.32 Sexually Oriented Businesses

A Sexually Oriented Business is a conditional use within the "I-1" Light Industrial District. A conditional use for such facilities shall not be approved unless the following minimum conditions are complied with:

A. Minimum location requirements

No Sexually Oriented Business shall be established within 1,000 feet of:

1. Any residentially zoned property.
2. Any public, private, governmental or commercial library, school, teaching facility, park, recreational facility, religious place of worship, child day care facility, day care facility, playground or swimming pool.
3. Any PUD utilized in whole or in part for residential purposes.

B. Prohibited public display

No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.

C. Public view to be prevented

All building openings, entries, windows, etc. for adult entertainment establishments shall be located, covered, or serviced in such a manner as to prevent a view into the interior from

any public or semi-public areas, sidewalk or street. The building shall be oriented so as to minimize any possibility of viewing the interior from any public or semi-public areas.

D. External audio and visual impact
No screens, loudspeakers or sound equipment shall be used for motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.

In granting any such conditional use, the Board of Zoning Appeals may prescribe additional conditions it deems necessary in the public interest. However, no conditional use shall be approved by the Board of Zoning Appeals unless it finds that the use for which such approval is sought is not likely to be dangerous or detrimental to nearby properties, that the use will not be contrary to any program of conservation or improvement, either residential or nonresidential, or be contrary to the public health, safety, morals and general welfare of the Township.

Section 30.33 Wireless Telecommunication Facilities, Towers and Antennas

Prior to approving a permit for the location, construction, reconstruction, modification, enlargement or repairs of a telecommunication tower, antennas and service building when located in a residential district, the Board of Zoning Appeals shall find that the applicant has satisfied all of the following regulations listed below and is in full conformance of Section 519.211 of the Ohio Revised Code:

A. A site plan, (scale of one (1) inch equal twenty (20) feet) shall be submitted with the permit application and shall indicate all uses adjacent to the proposed facility as well as the proposed layout of the property.
B. The applicant shall prove that the proposed antenna cannot be collocated on any other telecommunication tower or located on a building or other structure in the area to be served.
C. Proof shall be provided to the Board of Zoning Appeals by the applicant that the proposal has been approved by all Federal and State agencies, with jurisdiction, such as but not limited to ODOT Office of Aviation, FAA and FCC.
D. All new towers shall be of the monopole design and constructed to withstand an eighty (80) mile per hour wind.
E. Maximum tower height including antenna shall be two hundred (200) feet.
F. A wireless telecommunication facility is permitted as a primary use on a lot subject to the following:
    1. Minimum lot area – forty thousand (40,000) square feet.
    2. Front building line – minimum of fifty (50) feet from the right-of-way line.
    3. Side and rear building lines – minimum of forty (40) feet from side and rear lot lines.
G. The equipment shelter shall be a single floor structure and its size not to exceed three hundred (300) square feet. If more than one shelter is needed, due to perhaps collocation, total area of equipment shelters cannot exceed six hundred (600) square feet.
H. An eight (8) foot tall security fence shall completely surround the tower and equipment shelter. A landscape buffer screen of evergreens shall be planted around the outside perimeter of the security fence. Remaining open areas shall be planted with grass. All plantings are to be maintained in good condition by the property owner.
I. The tower shall be painted a non-contrasting gray or earth tones minimizing its visibility, unless otherwise required by the FCC or FAA.
J. No advertising is permitted anywhere on the facility. Identification and no trespassing

signage shall be permissible and shall include an emergency telephone number.

K. Where an antenna is attached to an existing structure, its height shall not exceed that of the structure by more than twenty (20) feet or twenty (20) percent of the structure height, whichever is greater. If the equipment shelter is not located on or attached to the structure, the shelter shall comply with the regulations listed above in paragraphs F and G. The shelter shall not in any way interfere with parking or vehicular circulation of the principal use on the site.
L. Towers shall not be lighted except as required by the FAA.
M. Security lighting may be installed on the equipment shelter but shall not exceed the height of the building if it has a flat roof or the eves of a peaked roof.
N. All weather service access shall be installed to accommodate fire and emergency equipment.
O. Upon written approval of the Board of Zoning Appeals, a conditional permit shall be issued by the Zoning Administrator. To show intent to continue operation, the permit shall be renewed annually by application to the Zoning Administrator by the applicant. If finding that the permit holder is in compliance with the permit conditions, the Zoning Administrator shall issue a renewal. If conditions have not been met by the applicant, action will be taken to revoke the original permit (See paragraph R of this Section). Zoning Certificate and renewal permit fees shall be set by the Board of Township Trustees.
P. Within thirty (30) days of ceasing operation of a telecommunication facility, the permit holder shall give notice of such ceasing of operation to the Zoning Administrator. Facilities shall be removed within twelve (12) months of ceasing operation. Sale or renting of facilities to another telecommunication system may be permissible subject to the procedure set forth above in paragraph O.
Q. A Zoning Certificate issued under this Section is revocable and shall be revoked after notice and hearing by the Board of Zoning Appeals, if any condition of the permit has been violated and not fully remedied.

Section 30.34 Bed and Breakfast Establishment

Prior to awarding an applicant a conditional use permit for a Bed and Breakfast Establishment, the Board of Zoning Appeals shall determine that the applicant has satisfied all of the following conditions:

A. A Bed and Breakfast located in a single-family dwelling shall only be operated by family members residing on the premises.
B. The Bed and Breakfast shall not alter the exterior appearance of the residence or property or cause it to differ from its residential character in any manner.
C. The Bed and Breakfast shall not involve the exterior storage of a materials or supplies, and storage of general waste and trash shall be screened from public view.
D. There shall be no exterior displays or signs except for one on-site unlighted sign no larger than four (4) square feet stating the name of the Bed and Breakfast and related contact information.
E. The Bed and Breakfast shall be limited to maximum of three (3) guest rooms.
F. Each guest room shall be provided an off-street parking space.
G. No more than two (2) adults shall occupy each guest room concurrently.
H. No guest shall occupy the Bed and Breakfast for more than fourteen (14) consecutive nights.
I. The serving of meals shall be strictly limited to registered guests only.
J. Certification by the Township Fire Inspector that the applicant has complied with all fire

protection requirements shall be presented to the Board of Zoning Appeals before the Bed and Breakfast may commence operation.

K. A Zoning Certificate issued under this Section is revocable and shall be revoked after notice and hearing by the Board of Appeals if any condition of the permit has been violated and not fully remedied.

Section 30.36 Noise

A. Application of Performance Standards

For the protection of the health, safety and general welfare of the community, all uses shall comply with the noise standards established in this Section, unless any Federal, State, County, or Township local ordinance, law or regulation establishes a more restrictive standard; in which event the more restrictive standard shall apply.

B. Enforcement

Enforcement of the noise standards shall be the duty of the Zoning Administrator pursuant to these regulations and of Article 2, Administration and Enforcement.

C. Noise

1. No use of land or real property, for any purpose whatsoever, shall create or emit noise levels at or beyond the property line in excess of those given in the following table. Noise level measurement shall be performed using a sound level meter meeting the American National Standards Institute Specification S1,4-1961, or later version thereof. Where a property line separates two zones, the lower levels shall apply. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

Table 1. Maximum Permitted Sound Levels

SOURCE PROPERTY		RECEIVING PROPERTY		
NOISE SOURCE	**TIME**	**RESIDENTIAL**	**COMMERCIAL**	**INDUSTRIAL**
Residential	Covered by Adopted Noise Resolution			
Commercial	Daytime[1]	60	70	70
	Nighttime[2]	45	65	65
Industrial	Daytime[1]	60	70	80
	Nighttime[2]	45	65	80

[1] Daytime shall be considered as the hours between 8:00 AM and 9:00 PM.
[2] Nighttime shall be considered as the hours after 9:00 PM.

2. Measurements may be taken, at the discretion of the Zoning Administrator, at the subject property line or anywhere beyond the property line of the source property. The maximum noise levels will be established by the receiving property or Zoning District regardless of the proximity of the source property to the receiving property. The source property need not be contiguous to the receiving property.
3. Exemptions
   a. Any and all changes, alterations, increases, extensions or expansion of uses prior to the effective date of this Section which result in conditions of noise in excess of specified levels, shall constitute a violation of these regulations.

b. The following noise levels shall be exempt from the noise provisions during the ***daytime*** only:
   i. Legal blasting.
   ii. Construction activity and equipment.
   iii. Installation or maintenance of utility equipment.
   iv. Lawn mowers, chain saws and garden equipment.
c. The following noise sources shall be exempt from the noise provisions:
   i. Aircraft.
   ii. Agricultural operations as legally operating under the Ohio Revised Code.
   iii. Emergency vehicles and equipment.
   iv. Warning devices operated by a Federal, State, County or Township.
   v. The repair of utility services.
   vi. Parades or other events officially sanctioned by Bethel Township.

Section 30.37 Portable Storage Units

A. Purpose

The purpose of these regulations is to regulate the use and location of portable storage units. These types of units are used for moving, temporary storage during construction and other purposes as listed in this Section.

B. Definition

For the purposes of this Section, the term "Portable Storage Unit" shall mean any enclosed unit of durable construction or material, not to exceed eight (8) feet in width by eight (8) feet in height by sixteen (16) feet long, designed for permanent or temporary storage, which can be transported by vehicle and left on site or are delivered to site, filled by the owner or renter, and stored off site. Examples of these types of units are commonly known by the following names: Portable On Demand Storage (PODS) units, U-Pack Portable Storage Units, SmartBox, etc.

C. General Regulations

Portable storage units may be permitted as a temporary use in any zoning district as follows:

1. Location and Timeframe
   a. Temporary Use for New Construction Sites
   b. Portable storage units are to be removed within three (3) days after use of the unit is no longer necessary for on-site storage or when construction is complete, whichever is sooner.
   c. Moving and Relocating in Residential Single-Family Districts
2. When the occupant of a property is moving or relocating, a portable storage unit shall be located on a paved surface on the property for a period of not more than seven (7) days or for a period of fourteen (14) total days in any three hundred sixty-five (365) day period.
3. Portable storage units shall not be located any closer to an adjacent parcel than the required minimum side or rear yard setback for accessory uses in the district the unit is located.

D. Other Temporary Uses

1. When necessary to facilitate general temporary uses not described above a portable storage unit shall be located on a paved surface on the property for a period of not more than seven (7) days or for a period of fourteen (14) total days in any three hundred sixty-five (365) day period.

2. Portable storage units shall not be located any closer to an adjacent parcel than the required minimum side or rear yard setback for accessory uses in the district that the unit is located.

2. Prohibitions
   a. No portable storage unit shall be used for human or animal occupation.
   b. Portable storage units larger than those identified in 30.37 B, Definition, shall be prohibited in Bethel Township.
   c. Only one (1) portable storage unit shall be permitted on any property at any time.
   d. No portable storage unit shall be located in a public right-of-way or on a public street.

Section 30.38 Massage Establishments

(A) Definitions. As used in these regulations:
   (1) "Massage" means any method of external pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance.
   (2) "Massage Establishment" means any fixed place of business, including but not limited to, a Massage parlor, where a person offers Massages, either in exchange for anything of value, or in connection with providing another legitimate service, except as provided in (B) (2), below.
   (3) "License" means a license to act as a Masseur or Masseuse at a Massage Establishment, issued pursuant to these regulations.
   (4) “Masseur" or "Masseuse" means any person who performs Massages at a Massage Establishment.
   (5) "Permit" means a permit to operate a Massage Establishment, or a permit to operate an adult cabaret, issued pursuant to these regulations.

(B) Scope of Regulations
   (1) These regulations govern Massage Establishments within the unincorporated area of Bethel Township, Miami County, Ohio, and the owners, operators, persons in charge, and employees of such establishments.
   (2) The regulations regarding Massage Establishments do not apply to the practice of any limited branch of medicine or surgery by persons certified to practice under Ohio Revised Code section 4731.15, including the practice of Massage therapy, and to the extent specified in Ohio Revised Code section 4731.151 of the Revised Code, naprapathy and mechanotherapy, or the practice of providing therapeutic Massage by a licensed physician, a licensed chiropractor, a licensed podiatrist, a licensed nurse, or any other licensed health professional licensed, certified, or registered to practice in the State of Ohio.

(C) Permit or License Required
   (1) No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on the operation of a Massage Establishment in a premises owned or controlled by him or her within the unincorporated area of Bethel Township, Miami County, Ohio, without first registering with the Board and obtaining a valid, current permit issued pursuant to these regulations. A separate permit is required for each location at which a Massage Establishment is operated.

(2) No individual shall act as a masseur or masseuse for a Massage Establishment located in the unincorporated areas of Bethel Township, Miami County, Ohio, without first having obtained a valid, current license from the Bethel Township Board of Township Trustees issued pursuant to these regulations.

(D) Application For Permit or License

(1) An application for an original or renewal permit or an original license or renewal shall be made in writing, addressed to the Board of Trustees of Bethel Township, Miami County, Ohio.

(2) An application for a renewal permit or license shall be filed not later than thirty days prior to expiration of the permit or license to be renewed.

(3) All applications shall be filed with the Fiscal Officer.

(4) A non-refundable filing fee shall be paid at the time of filing the application, as follows:

(a) $250.00 for an initial permit to operate a Massage Establishment;

(b) $125.00 for a renewal permit to operate a Massage Establishment;

(c) $100.00 for an initial license as masseur or masseuse;

(d) $50.00 for a renewal license as masseur or masseuse.

(5) A written and signed application for an initial or renewal permit to operate a Massage Establishment shall contain the following:

(a) The address where the Massage Establishment is operated, or is to be operated, including a legal description of the premises and a plat of the such property showing the property lines, building locations, parking areas, entry ways, and lighting systems.

(b) The status of the applicant as an individual, partnership or limited partnership, domestic or foreign corporation, or other entity;

(c) The full name, residence address, date of birth, and social security number of the applicant or the person applying on behalf of a partnership, corporation, or other entity;

(d) If the applicant is a partnership or limited partnership, the name of the partnership; the status of the partnership as a general or limited partnership; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal employer identification number; the name and address of its statutory agent in Ohio; the full name, residence address, date of birth, and social security number of each partner or any other person holding any financial interest in the Massage Establishment, and the status of each individual as a general partner, limited partner or having a financial interest in the Massage Establishment;

(e) If the applicant is a corporation, the name of the corporation; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number; the name and address of its statutory agent in Ohio; and the full name, residence address, date of birth, and social security number of each shareholder holding more than two per cent of the applicant's stock. If any shareholder is a corporation or a general or limited partnership, the same information shall be included for such shareholder as is required for an applicant that is a corporation or general or limited partnership;

(f) The full name, residence address, date of birth, and social security number of each person employed by the Massage Establishment or whose employment is contemplated by the Massage Establishment, and the capacity in which such person is or is to be employed; A statement that the applicant and, to the applicant's knowledge, the persons named in the application have never been convicted of or pleaded guilty to any offense other than a misdemeanor traffic offense, or a statement listing the offenses other than misdemeanor traffic offenses of which the applicant or any person named in the application has been convicted, including the offense, date of conviction, and the name and location of the court;

(g) The establishment will be inspected by the appropriate state or local authorities acting pursuant to an agreement with the Board. A written health and safety report of the inspection shall be presented to the Board within thirty days of the application to ensure compliance with local health and safety codes;

(h) Authorization for an investigation into the criminal record and/or other background of the applicant and any person or entity named in the application, including authorization to conduct subsequent investigations to supplement or update the information; and

(i) The applicant's agreement to abide by these regulations and the laws of Ohio, and any amendments, additions, or reenactment thereof.

(6) An application for a license or renewal license as a Masseur or Masseuse shall contain all of the following:

(a) The full name, residence address, date of birth, and social security number of the applicant;

(b) A statement of the applicant's training, experience, and other qualifications as a Masseur or Masseuse;

(c) A dated, signed, written report of the results of a physical examination of the applicant by a licensed physician a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife within thirty days of the application certifying that the applicant is free from communicable diseases;

(d) The results of an investigation by the Miami County Sheriff's Office or other appropriate police agency into the criminal record of the applicant, including two clear color photographs of the applicant taken no later than thirty days prior to the application, fingerprints, and background investigation. The applicant shall provide written authorization for an investigation into the background and any criminal record of the applicant, including authorization for subsequent investigations to supplement or update the information.

(e) The applicant's agreement to abide by these regulations and the laws of Ohio, and any amendments, additions, or reenactment thereof.

(E) Inspection and Investigation

(1) Upon receipt of an application for a permit or renewal permit to operate a Massage Establishment, the Fiscal Officer shall notify local or State of Ohio authorities designated by the Board to conduct health and safety inspections of the specified premises, and to determine compliance or noncompliance with applicable health and safety codes. Written reports of any such inspection shall be prepared by the persons conducting such inspections and shall be filed with the Fiscal Officer, which inspection reports shall become part of the application for a permit and/or a

renewal permit.

(2) Upon receipt of an application for a permit or renewal permit to operate a Massage Establishment, or an application for a license or renewal license as a Masseur or Masseuse, the Fiscal Officer shall refer the applicant to the Miami County Sheriff's Office to be fingerprinted, and shall notify the Miami County Sheriff to conduct an investigation into the background of the applicant and, in the case of a permit, into the background of other persons or entities named in the application. A written report of the results of the investigation shall be prepared by the Miami County Sheriff's Office and filed with the Fiscal Officer and shall become part of the application for a license or permit.

(F) Action on Application For Any Permit

(1) The Board shall consider an application for any permit within 30 days of the Fiscal Officer receiving an application. The Board may issue an order denying or revoking a permit to operate a Massage Establishment without holding a hearing. The Board shall maintain a complete record of each proceeding and shall notify the applicant in writing of its order approving, denying, or revoking any permit.

(2) The Board shall deny an application for any permit to operate a Massage Establishment or revoke a previously issued permit, for any of the following reasons:

(a) Applicant's falsification of any of the information required for the application or failure to fully complete the application;

(b) The failure of the applicant to cooperate with any required health or safety inspection;

(c) Any one of the persons named on the application is under the age of eighteen;

(d) Any one of the persons named on the application has been convicted of or pleaded guilty to any violation of Ohio Revised Code Chapter 2907 or of any municipal ordinance that is substantially equivalent to any offense contained in Chapter Ohio Revised Code Chapter 2907, within five years preceding the application;

(e) Any Masseur or Masseuse employed at the licensed Massage Establishment has been convicted of or pleaded guilty to a violation of Ohio Revised Code section 503.42(0)

(f) The operation of the Massage Establishment would violate any existing zoning restrictions;

(g) The report of the applicable health and safety inspections conducted pursuant to this Resolution reveal any unsanitary, unsafe, or hazardous condition on the premises subject to the permit or renewal permit or any violation of applicable health or safety codes;

(h) The applicant has violated these regulations, or aided and abetted any violation of regulations.

(3) If any application for a permit is denied, the Fiscal Officer shall promptly notify the applicant in writing of the order denying the application. If the Board approves any application, the Fiscal Officer shall promptly issue to the applicant a permit or license, as the case may be. In accordance with Ohio Revised Code Chapter 2506, any person adversely affected by an order of the Board denying or revoking a permit may appeal from the order of the Board to the Miami County Court of Common Pleas, the court of common pleas for the county where the place of business where

the permit holder is located, and/or the court of common pleas for the county where the person is a resident.

(4) Any permit to operate a Massage Establishment shall contain the address of the permit premises, the name and address of the permit holder, and the date of issuance and date of expiration of the permit. Any permit issued under this Resolution shall expire one year after the date of issuance, except that no Massage Establishment shall be required to discontinue business because of the failure of the Board to act on a renewal application filed in a timely manner and pending before the Board on the expiration date of the Massage Establishment's permit.

(5) The permit to operate a Massage Establishment shall be prominently displayed in an area of the premises open to the public.

(G) Action on Application For Any License

(1) The Board shall consider an application for any license within 30 days of the Fiscal Officer receiving an application. The Board may issue an order approving, denying or revoking a license to work as a Masseur or Masseuse without holding a hearing. The Board shall maintain a complete record of each proceeding and shall notify the applicant in writing of its order approving, denying, or revoking any license.

(2) The Board shall deny an application for any license or revoke a previously issued permit, for any of the following reasons:

(a) The applicant has falsified any of the information required for the application or failure to fully complete the application;

(b) The applicant is under the age of twenty-one;

(c) The applicant has been convicted of or pleaded guilty to any violation of Ohio Revised Code Chapter 2907 or of any municipal ordinance that is substantially equivalent to any offense contained in Ohio Revised Code Chapter 2907 within the five years preceding the application;

(d) The applicant has been convicted of or pleaded guilty to a violation of Ohio Revised Code section 503.42(0);

(e) The applicant for a license or renewal license has failed to cooperate with any required background investigation;

(f) Any report of the physical examination filed with the application license or renewal license as Masseur or Masseuse reveals that the applicant suffers from a communicable disease;

(g) The applicant has violated these regulations, or aided and abetted any violation of these regulations.

(3) If any application for a license is denied, the Fiscal Officer shall promptly notify the applicant in writing of the order denying the application. If the Board approves any application, the Fiscal Officer shall promptly issue to the applicant a license. In accordance with Ohio Revised Code Chapter 2506, any person adversely affected by an order of the Board denying or revoking a license may appeal from the order of the Board to the Miami County Court of Common Pleas, the court of common pleas for the county where the place of business of the license holder is located, and/or the court of common pleas for the county where the person is a resident.

(4) A license or renewal license issued to Masseur or Masseuse shall contain the name, address, date of birth, physical description, and a clear, color photograph of the

licensee, and the date of issuance and date of expiration of the license. Any license issued under this Resolution shall expire one year after the date of issuance, except that no Masseur or Masseuse shall be required to discontinue business because of the failure of the Board to act on a renewal application filed in a timely manner and pending before the Board on the expiration date of the Masseur or Masseuse license.

(5) The license of a Masseur or Masseuse shall be prominently displayed in the area where the licensee provides Massages.

(H) Transfer of Permit or License Prohibited

A permittee or licensee shall not transfer the permit or license to a location other than the premises designated in the application. A permittee or licensee shall not transfer the permit or license to any other person or entity.

(I) Inspections, Investigations, And Physical Examinations

(1) Health and safety inspections of the premises of a permitted Massage Establishment shall be conducted at intervals of 3, 6, 9 and 12 months after issuance or renewal of the permit, to insure continued compliance with health and safety codes.

(2) In addition, the Board may order health and safety inspections at any time the Board has reasonable cause to believe that an unsanitary, unsafe, or hazardous condition exists on the premises.

(3) When it becomes necessary to undertake any inspection set forth in (1) or (2) above, the Fiscal Officer shall notify appropriate authorities, agencies and/or if necessary, law enforcement officials (including without limitation the Miami County Sheriff's Office) to make such inspections at the designated times. Written reports of inspections shall be filed with the Fiscal Officer. The costs of the health and safety inspections shall be paid by permittee.

(4) Township personnel, the Miami County Sheriff's Office and/or other designated law enforcement personnel may at all reasonable times inspect the permitted premises to insure continued compliance with the laws of Ohio and these regulations.

(5) At any time, there is reasonable cause to do so, the Board may order a background investigation, including the criminal record, if any, of any permittee, person named in the application for a permit, employee of a permittee, or a licensee. Written reports of any such investigation shall be filed with the Fiscal Officer.

(6) Every 3rd, 6th, 9th and 12th month after issuance of any license as Masseur or Masseuse, the licensee shall undergo a physical examination by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or a certified nurse-midwife to determine that the licensee remains free of communicable diseases. Such person conducting the exam shall issue a dated, signed, written report of the results of a physical examination of the licensee.

(7) The Board may order a licensee to undergo a physical examination by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or a certified nurse-midwife at any time there is reasonable cause to believe the licensee has a communicable disease. The Fiscal Officer shall notify the licensee when an examination is so ordered. The licensee is responsible for obtaining any such examination who shall also pay the costs of such physical examination. The licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or a certified nurse-midwife conducting the exam shall issue a dated,

signed, written report of the results of a physical examination of the licensee.

(J) Rules Governing Operation of Massage Establishments

(1) No permittee or operator of a Massage Establishment shall knowingly allow, permit and/or encourage a licensed Masseuse, Masseur and/or any other person to do any of the following acts:

(a) Place his or her hand upon, touch with any part of his or her body, fondle in any manner and/or Massage the sexual area, breast of any female, genitalia, pubic area, rectal area, and/or perineum of any other person.

(b) Perform, offer, or agree to perform any act which would require the touching and/or fondling of the sexual area, breast of any female, genitalia, pubic area, rectal area, and/or perineum of any other person.

(c) Touch, offer, or agree to touch the sexual area, breast of any female, genitalia, pubic area, rectal area, and/or perineum of any other person with any mechanical or electrical apparatus or appliance.

(d) Go unclothed, or wear clothing which is transparent or translucent, or wear clothing in such a way as to reveal or display the sexual, pubic, genital areas, buttocks or, if the person is a female, the breast, of the Masseur or Masseuse.

(e) Wear unclean clothing, or fail to wash the hands or bathe when reasonably necessary, or otherwise fail to observe reasonable standards of personal cleanliness and hygiene.

(f) At any time, uncover or allow the breasts of a female and/or the sexual, pubic or genital areas or buttocks of a client and/or other person be uncovered and/or exposed while providing Massages or any other time.

(g) Engage, offer, and/or agree to engage, in sexual conduct or sexual contact as those terms are defined in Ohio Revised Code section 2907.01, whether such sexual conduct or sexual contact is with any part of the employee's body and/or with a mechanical or electrical apparatus or appliance.

(h) Commit, offer, or agree to commit any offense set forth in Ohio Revised Code Chapter 2907 titled "Sex Offenses".

(2) The permittee or person in charge of a Massage Establishment shall exercise adequate supervision to insure that the employees comply at all times with these regulations and the laws of the State of Ohio.

(3) No permittee or operator of a Massage Establishment shall employ a Masseur or Masseuse who does not have a valid, current license issued pursuant to these regulations.

(4) The permittee or person in charge of a Massage Establishment shall allow state or local authorities, including without limitation the Miami County Sheriff's Office and other law enforcement personnel as appropriate, to make any health or safety inspection pursuant to these regulations or other law, cooperate in any background investigation, and allow them at any time to check licenses of any masseurs or masseuse, or the permit of any such Massage Establishment.

(5) No permittee or operator of a Massage Establishment shall employ or contract with any person under the age of eighteen in any capacity, whether full-time or part-time, and with or without remuneration or compensation in any form.

(6) No person under age eighteen shall be permitted entry into the Massage

Establishment during business hours without being accompanied by a parent or legal guardian.

(7) Massage Establishments shall close not later than 11 :00 PM and shall not reopen earlier than 12:00 Noon.

(8) The permittee or person in charge of a Massage Establishment shall file a list of employees with the Fiscal Officer, and shall file an amended list at any time there is a change in personnel. The list shall state the name, address, date of birth, and position of each employee and have attached thereto a copy of the license of any Masseuse or Masseur working at the Massage Establishment.

(9) All off street parking areas and premises entries of the Massage Establishment business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1.0) foot candle of light on the parking surface.

(10) The permittee or person in charge of a Massage Establishment shall not allow any portion of the interior premises of the Massage Establishment to be visible from outside such premises.

(11) The permittee or person in charge of a Massage sleep for any length of time at the Massage Establishment premises as his or her residence.

(K) Rules Governing Conduct of Massage Establishment Employees

(1) No person employed in a Massage Establishment located within the unincorporated area of Bethel Township, Miami County, Ohio shall knowingly in the performance of his or her duties do any of the following:

(a) Place his or her hand upon, touch with any part of his or her body, fondle in any manner and/or Massage the sexual area, breast of any female, genitalia, pubic area, rectal area, and/or perineum of any other person.

(b) Perform, offer, or agree to perform any act which would require the touching and/or fondling of the sexual area, breast of any female, genitalia, pubic area, rectal area, and/or perineum of any other person.

(c) Touch, offer, or agree to touch the sexual area, breast of any female, genitalia, pubic area, rectal area, and/or perineum of any other person with any mechanical or electrical apparatus or appliance.

(d) Go unclothed, or wear clothing which is transparent or translucent, or wear clothing in such a way as to reveal or display the sexual, pubic, genital areas, buttocks or, if the person is a female, the breast, of the masseur or masseuse.

(e) Wear unclean clothing, or fail to wash the hands or bathe when reasonably necessary, or otherwise fail to observe reasonable standards of personal cleanliness and hygiene.

(f) At any time, uncover or allow the breasts of a female and/or the sexual, pubic or genital areas or buttocks of a client and/or other person be uncovered and/or exposed while providing Massages or any other time.

(g) Engage, offer, and/or agree to engage, in sexual conduct or sexual contact as those terms are defined in Ohio Revised Code section 2907.01, whether such sexual conduct or sexual contact is with any part of the employee's body and/or with a mechanical or electrical apparatus or appliance.

(h) Commit, offer, or agree to commit any offense set forth in Ohio Revised Code

Chapter 2907 titled "Sex Offenses".

(2) No licensed Masseur or Masseuse person shall accept or continue employment at a Massage Establishment that does not have a current, valid license issued by the Bethel Township Board of Trustees pursuant to this Resolution.

(3) Any Masseur, Masseuse and/or other employee of a Massage Establishment shall cooperate with any background investigation and/or health or safety inspection conducted by state or local authorities, including the Miami County Sheriff's Office, and other law enforcement personnel, making any health or safety inspection or background investigation pursuant to these regulations or any other law.

(4) A Masseur or Masseuse shall obtain a physical examination whenever required to do so under this Resolution and/or any pertinent State, Local or Federal law.

(5) No licensed Masseur or Masseuse shall sleep for any length of time at the Massage Establishment.

(6) No licensed masseur or masseuse shall use the Massage Establishment premises as his or her residence.

- October, 2024 (previous version 2018) – updated to add §30.38 Massage Establishment Regulations – Resolution #24-07-067.
- Sept 10, 2026 – delete §30.06(F) Certificate Not Required: Fences and walls shall not require a zoning certificate; update §30.28 Storage of Commercial Vehicles on Residential Property – Resolution #26-08-076.

ARTICLE 35
OFF-STREET PARKING AND LOADING

Section 35.01 Purpose

The purpose of these off-street parking and loading regulations are:

A. To relieve congestion on the streets by requiring that parking be provide on property and off streets in relation to the parking demand generated by the property user(s).

B. To promote safety and convenience for people by requiring that parking and loading areas, and associated driveways, be located and constructed according to good standards for visibility and accessibility.

C. To protect the light, air, visual amenities, and values of residential areas by the visual screening of large parking and loading areas.

Section 35.02 Off-Street Parking, When Required

Permanent off-street automobile storage, parking or standing space shall be provided as established in this Article at the time of erection of any building or structure, at the time any principal building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, or floor area, or before conversion from one use or occupancy to another. Such space shall be provided with vehicular access to a street or alley. This space shall not thereafter be reduced or encroached upon in any manner unless written approval is provided by the Zoning Department.

Off-street parking spaces are not required for uses in any building existing at the time of adoption of this Resolution where no off-street parking had been provided previously unless there is a change in use or an enlargement of the building or structure as identified above.

Section 35.03 Parking Plan Required

A parking plan shall be required for all uses except single family detached dwellings and two family dwellings. The parking plan shall be submitted to the Zoning Department as part of the application for the Zoning Certificate. The same plan shall also be submitted to the County Engineer and other agencies for consideration and recommendations. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, lighting plan, boundary walls, fences and a landscaping and screening plan, as appropriate.

Section 35.04 Determination of Required Spaces

In computing the number of parking spaces required by this Resolution, the following shall apply:

A. Where ***floor area*** is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross useable horizontal area of all floors of a building.

B. Where ***seating capacity*** is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated for, each twenty-four (24) lineal inches of seating facilities.

C. Fractional numbers shall be increased to the next highest whole number.

Parking space requirements for a use not specifically mentioned in this Resolution shall be determined by using the most similar and restrictive parking space requirement as specified by the Zoning Department based on the intended use, the location of the use, and the expected patronage or use by individuals operating motor vehicles.

Section 35.05 Required Off-Street Parking Spaces

The following minimum number of parking spaces shall be provided on the same lot as the use or building they are intended to serve, or may be provided on adjacent lots subject to other provisions of this Section.

Type of Use	**Minimum Number of Spaces Required**
Residential	
Accessory Apartment	One (1) space.
Airport Landing Field	One (1) space for every five (5) tie down areas plus one space for every 500 square feet of related office space area.
Assisted Living Care Center	One (1) space for every resident room plus one (1) space for every 400 square feet of gross floor area excluding resident rooms.
Bed and Breakfast Establishment	One (1) space for every guest room plus two (2) spaces for the owner.

Type of Use	Minimum Number of Spaces Required
Residential Uses (con't)	
Multi-Family Dwelling	
Up to two (2) bedrooms	One and one half (1½) spaces for every dwelling unit.
Three (3) or more bedrooms	Two (2) spaces for every dwelling unit.
Visitor Parking	The Board of Zoning appeals may require additional spaces as necessary.
Nursing Home, Rest Home or Convalescent Care Facility	One (1) space for every two (2) resident rooms plus one (1) space for every 400 square feet of gross floor area excluding resident rooms.
Residential Facility	Two (2) spaces for every dwelling unit.
Single Family Detached Dwelling	
Up to three (3) bedrooms	Two (2) spaces per dwelling unit.
Four (4) or more bedrooms	Three (3) spaces per dwelling unit.
Two Family Dwelling	
Up to three (3) bedrooms	Two (2) spaces per dwelling unit.
Four (4) or more bedrooms	Three (3) spaces per dwelling unit.
Public and Semi-Public Uses	
Cemetery	One (1) space for every five (5) seats in the chapel or meeting space area or one or one (1) space for every 200 square feet of indoor assembly space plus one (1) space for every 400 square feet of maintenance facility area.

Type of Use	Minimum Number of Spaces Required
Public and Semi-Public Uses (con't)	
Educational Institution	
Elementary or Junior High School	Two (2) spaces for each classroom or one (1) for every five (5) seats in auditoriums or assembly halls, whichever is greater.
High School	One (1) space for every five (5) students of design capacity plus two (2) spaces for each classroom plus one (1) space for every five (5) seats in any auditorium or assembly hall.
Vocational or Technical School, College, University or Community College	One (1) space for every two (2) students of design capacity.
Hospital	One (1) space for each two (2) beds.
Public, Semi Public and Government Buildings and Facilities	One (1) space for each 300 square feet of floor area or one (1) space for each three (3) seats, whichever is greater.
Non-Commercial Parks and Recreation Facility	One (1) space for each participant at maximum utilization or one (1) space for each three (3) seats, whichever is greater.
Religious Place of Worship	One (1) space for each three (3) seats in the place of assembly.

Type of Use	Minimum Number of Spaces Required
Non-Residential Uses (Office, Commercial and Industrial)	
Animal Hospital or Veterinarian Clinic	One (1) space for each examination room plus two (2) spaces for each fifty (50) square feet of reception area.
Automobile Filling Station	One (1) space for each pump plus two (2) spaces for each service bay or work area. Gasoline filling stations with convenience retail uses shall also provide one (1) space for each one hundred (100) square feet of floor area.
Automobile and Recreational Vehicle Sales	One (1) parking space for each 200 square feet of floor area in the main display room, plus one (1) space for each 1,500 square feet of outdoor display area.
Automobile, Truck and Recreational Vehicle Repair	Four (4) spaces for each service bay or work area plus one (1) space for each 100 square feet of waiting area.
Automobile Wrecking, Junk or Salvage Yard	One (1) space for every 200 square feet of office space plus one (1) space for every 10,000 square feet of yard used for the storage of junk or automobiles.
Bar or Taverns	One (1) space for every three (3) seats or one (1) space for each 100 square feet of floor area, whichever is greater.
Bank, Loan Office and Other Financial Institutions	One (1) space for each 200 square feet of floor area plus sufficient stacking space for three (3) vehicles per drive through/drive up window.
Building Services and Supplies, Contractors Yard	One (1) space for each 500 square feet of floor area and yard area.

Type of Use	Minimum Number of Spaces Required
Non-Residential Uses (Office, Commercial and Industrial)	
Car Wash	Two (2) spaces for each washing bay plus sufficient stacking space for two (2) vehicles per washing bay.
Club	One (1) space for each 100 square feet of floor area.
Commercial Entertainment	One (1) space for each three (3) seats or one (1) space for each 100 feet of floor area, whichever is greater.
Commercial Greenhouse	One (1) space for each 500 square feet of greenhouse.
Commercial Recreation	One (1) space for each three (3) seats or one (1) space for each three (3) users at maximum utilization for athletic fields.
Commercial Storage of Boats, Recreational Vehicles or Construction Equipment	One (1) space for each 500 square feet of storage space.
Crematorium	One (1) space for each four (4) seats of chapel capacity plus one (1) space for each 200 square feet of assembly floor area.
Farm Implement and Lawn and Garden Equipment Sales and Service	One (1) parking space for each 400 square feet of floor area in the main display room, plus one (1) space for each 1,500 square feet of outdoor display area.
Golf Course	Four (4) spaces for each hole plus one (1) space for every 400 square feet of clubhouse and assembly floor area.

Type of Use	Minimum Number of Spaces Required
Non-Residential Uses (Office, Commercial and Industrial)	
Light and Heavy Manufacturing	One (1) space for each 500 square feet of floor area, plus one for each motor vehicle used in the business which is parked on the premises
Nursery or Child Care	One (1) space for each five (5) persons of licensed capacity plus sufficient stacking space for five (5) vehicles at each drop off area.
Nursing Home, Rest Home or Convalescent Care Facility	One (1) space for each resident/patient room plus one (1) space for each vehicle used for the complex which is maintained on the premises.
Office, Business and Professional	One (1) space for each 300 square feet of floor area.
Personal Services	One (1) space for each 200 square feet of floor area.
Professional Services	One (1) space for each 200 square feet of floor area.
Research and Development Facility	One (1) space for each 300 square feet of floor area.
Restaurant	One (1) space for each 100 square feet of floor area.
Restaurant, Fast Food	One (1) space for each 50 square feet of floor area.
Retail Business	One (1) space for each 250 square feet of floor area.

Type of Use	Minimum Number of Spaces Required

Non-Residential Uses (Office, Commercial and Industrial)	
Self Storage Facility	One (1) space for every five (5) rental storage units.
Sexually Oriented Business	One (1) space for every 50 square feet of floor area.
Truck and Heavy Equipment Service	One (1) space for each service bay plus one (1) space for each 200 square feet of office space.
Trucking, Express, Transfer or Hauling Terminal, Motor Freight Depot	One space for every 1,000 square feet of floor area.
Vehicle Towing Service	One (1) space for each 400 square feet of office space.
Warehouse	One (1) space for each 800 square feet of floor area.
Wholesale Distributor	One (1) space for each 500 square feet of floor area.

Section 35.06 Space Requirements for Uses Not Specifically Mentioned

The requirement for off-street parking spaces not specifically mentioned in Section 35.5 above shall be in accordance with the most similar use in that list as identified by the Zoning Department.

Section 35.07 Accessory Parking on Adjacent Lot Zoned for Residential Uses

The Board of Appeals may permit accessory parking within an adjacent lot zoned for residential uses, providing:

1. Such lot is necessary for the public convenience and will not have an adverse effect on adjacent properties.

2. A public hearing is held in accordance with the procedure given in Section 20.08.

3. All provisions of Section 35 of this Resolution are complied with.

4. No parking shall be permitted between the street line and the building line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass, or otherwise landscaped to create a permanent great area.

5. A dense evergreen planting with a minimum height of four (4) feet and a mature height of at least 5'6", or a solidly constructed decorative fence shall be permanently maintained along the mutual boundary of the restricted accessory parking area and adjacent land zoned for residential uses except for the portion of such boundary located within a required front yard.
6. Whenever a lot located in a residential zone is used for accessory parking purposes and is located across the street from residentially zoned land, that portion of the lot used for parking purposes shall be screened from the street as specified in Paragraph 5 above except for access drive. Such screening shall be placed along the setback line.

7. Ingress and egress for vehicles to any premises used for parking under a Conditional Use Permit by the Board of Appeals shall be by means of streets or alleys through business or industrial areas, not by means of streets or alleys through residential areas.

Section 35.08 Maximum Number of Parking Spaces Permitted

In order to prevent excessive lot coverage and surface water run-off, no minimum off-street parking space requirement in Section 35.5 shall be exceeded by fifteen (15) percent unless good cause can be shown and approved by the Board of Zoning Appeals. Single Family Dwellings and Two Family Dwellings are exempt from this provision.

Section 35.09 Off-Street Parking Design Requirements

A. Size of Parking Stalls

Size of Parking Stalls

	45 Degrees	**60 Degrees**	**90 Degrees**	**Parallel**
A. Width of Parking Spaces	14’0”	11’-0”	10’-0”	9’-0”
B. Length of Parking Spaces	21’-6”	22’-0”	20’-0”	20’-0”
C. Width of Driveway Aisle	13’-0”	17’-6”	25’-0”	12’-0”

B. Handicapped Parking Spaces

Handicapped parking spaces shall be in conformance with the Ohio Basic Building Code and the Ohio Revised Code, Section 3781.11.1.

C. Striping

All non-residential parking areas with a capacity of over five (5) vehicles shall be striped between stalls to clearly identify each parking space.

D. Wheel blocks

Whenever a parking lot extends to a property line or landscaped area, wheel blocks or other suitable devices, shall be installed to prevent any part of a parked vehicle from extending beyond the property line or into any required landscaping or screening.

E. Paving

All permanent parking spaces, together with driveways, aisles, and other circulation areas shall be surfaced with asphalt, bituminous concrete or equivalent hard pavement material to provide a durable, dustless surface in accordance with the standards of the County Engineer. Other surfacing methods that are more porous than asphalt or bituminous concrete may be considered in conjunction with review and approval by the Township Trustees and the County Engineer.

F. Drainage

All parking areas shall provide for proper drainage of surface water to prevent standing water and the drainage of such water onto adjacent properties and onto sidewalks. For any off-street parking area of more than five (5) vehicles, plans for drainage shall be submitted to the Zoning Department for approval prior to the commencement of construction.

G. Access Requirements

Any off-street parking area accessed from a public right-of-way shall be designed in such a manner that any vehicle leaving or entering the parking area shall be traveling in a forward motion. Access driveways for parking areas shall be clearly visible to any pedestrian or motorist approaching the access or driveway from a public street, alley or highway. The entrance and exits to the parking area shall be clearly marked. If warranted by a traffic impact study, the owner may be required to provide acceleration and/or deceleration lanes where traffic volumes indicate the need.

H. Lighting

Any parking area which is intended to be used during non-daylight hours, shall be illuminated. Lighting fixtures shall be as follows:

1. Any lights used to illuminate a parking lot shall provide at least two (2) lumens of light per square foot of parking lot surface.

2. All lighting fixtures serving parking lots shall be of full cutoff fixtures and shall be so arranged as to reflect the light away from the adjoining property. Such shielding shall obstruct a line of sight to the bulb with an opaque material when viewed from the property line.

3. Light poles used in lots designed to contain fifty (50) vehicles or less shall not exceed twenty (20) feet in height.

I. Screening and Landscaping

1. Screening

Whenever a parking area is located in, or adjacent to a Residential District, it shall be effectively screened on all sides which adjoin or face the Residential District. Screening and setbacks shall be as follows:

a. Screening shall be by a wall, fence, or planting screen as approved by the Zoning Department as required in Section 38, Landscaping and Screening.

b. All parking areas shall be setback from property lines as follows:

1. Parking areas shall be separated from rights-of-way for streets by a strip of land which shall be at least twenty (20) feet in depth unless otherwise established. Such strip shall be reserved as open space, landscaped, and incorporate certain screening as required in Section 38, Landscaping and Screening.

2. All parking areas shall be set back a minimum of ten (10) feet from any side or rear lot line unless otherwise established. Such strip shall be reserved as open space and landscaped.

J. Maintenance

The owner of property used for off-street parking shall maintain such area in good condition without holes and free of all trash, abandoned or junk vehicles, weeds and other rubbish.

Section 35.10 Joint Use of Off-Street Parking Facilities

If the parking spaces required above cannot be reasonably provided on the same lot on which the principal use is conducted, the Zoning Commission may permit such space to be provided on other off-street property provided such space is located within 400 feet of the main entrance of such principal use. Such vehicle parking space shall be deemed to be associated with the permitted use and shall not thereafter be reduced or encroached on in any manner.

Section 35.11 Use of Off-Street Parking Facilities

A. Commercial motor vehicle exceeding four (4) tons in rated capacity is prohibited from off-street parking in residential districts.

B. No abandoned, unlicensed, wrecked, dismantled, or totally disabled automobiles, trucks, trailers, aircraft or discarded furniture, appliances or other junk materials shall be permitted to remain out of doors in an off-street parking facility for a period of more than thirty (30) days.

C. Residential off-street parking areas shall be designed and used only for the parking of passenger type vehicles. Overnight parking or outdoor storage of commercial vehicles rated greater than one (1) ton capacity, or commercial buses, is prohibited. Such areas shall consist of a parking space, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve.

D. Any area once designed as required off-street parking shall not be changed to any other use unless and until equal facilities are provided on premise or elsewhere if approved by the Board of Zoning Appeals.

E. Off-street parking existing at the effective date of this Resolution in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

F. Two or more building or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of requirements for the several uses computed separately.

G. Where operating hours of buildings do not overlap, the Board of Zoning Appeals may grant an exception to allow the dual function of off-street parking spaces.

H. The storage or sale of merchandise or the repair of non-personal vehicles is prohibited on required off-street parking spaces.

Section 35.12 Off-Street Loading Requirements

Every building or structure erected and occupied for retail, industrial or other uses involving the receipt or distribution of materials or merchandise by vehicle shall provide a permanently maintained space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys, or required parking areas. Such off-street loading areas shall comply with the following standards:

A. Design Standards

1. Screening

Off-street loading spaces that adjoin or are across a street from property zoned for any residential use shall have a dense evergreen planting, fence, masonry wall or such other screening materials as approved by the Zoning Department as required in Section 38, Landscaping and Screening.

2. Entrances and Exits

Off-street loading spaces shall be provided with entrances and exits not less than twelve (12) feet in width and so located as to minimize traffic congestion on and off site.

3. Dimensions

Each off-street loading space shall be not less than twelve (12) feet in width, sixty (60) feet in length and fifteen (15) feet in height with adequate access to each space.

4. Projection into Yards

Off-street loading space may occupy all or any part of any required side or rear yard space provided that no part of any loading space shall be permitted closer than fifty (50) feet to any residential district or closer than five (5) feet from any street or alley.

5. Surfacing

All loading spaces shall be graded and provided with a durable and dustless hard surface of asphalt, concrete, or other suitable materials capable of withstanding 1,000 pounds per square inch (psi). A gravel loading space is permissible if all driveway aprons and access points to the loading space are constructed of concrete or asphalt and are at least twenty (20) feet in length as measured from the street curb cut.

6. Drainage

All loading spaces shall provide for the proper drainage of surface water to prevent standing water or drainage of such water onto adjacent properties and onto sidewalks. Plans for drainage shall be submitted to the Zoning Department for approval prior to the commencement of construction.

7. Lighting

Lighting fixtures for off-street loading spaces shall be as follows:

a. Any lights used to illuminate an off-street loading area shall be so arranged as to reflect the light away from the adjoining property.

b. All lighting fixtures serving off-street loading areas shall be of full cutoff fixtures. Such shielding shall obstruct a line of sight to the bulb with an opaque material when viewed from the property line.

c. All lighting shall comply with all other applicable standards of this Zoning Resolution.

B. Amount of Loading Space Required

The minimum amounts of off-street loading space shall be provided to prevent the obstruction of parking and circulation areas on site. An area adequate for maneuvering, ingress and egress shall be provided in addition to required loading space.

May 2025 – Updated “Article 34” to “Article 35” in header – no other text changes

Bethel Township Zoning Resolution Article 36 – Sign Regulations – September 2018

Section 36.01 Purpose & Objectives

Section 36.01 Intent

It is the intent of this article to establish reasonable regulations governing the size, character, and location of signs within Bethel Township in the interest of the public health, safety and morals of its citizens, business concerns, and other affected sections of the Township. Within this framework, these regulations are adopted to achieve the following objectives:

A. To minimize the possibility that sign size, location, or character will create hazards adversely affecting the public safety.

B. To establish sign limitations which allow a reasonable capability for advertisement, but which prevents the escalation of sign competition to levels, which are non-productive and create unnecessarily high entrepreneurial costs.

C. To provide sign regulations, which are directly related to land, use and, therefore, to the functional and economic need for signs of varying sizes, types, and locations.

D. To create a more aesthetically pleasing environment without unreasonably limiting the right of individuals to employ signs in the legitimate use of their property.

E. All types of signs are permitted unless specifically prohibited in other sections of this code. All signs must comply with all other provisions of this code.

F. Electronic signs shall not flash and messages shall change no less than eight seconds.

Section 36.02 Scope of Regulations

The regulations herein set forth shall apply to and govern signs in all districts:

A. All signs shall be erected or maintained in compliance with the regulations governing size and height for the district in which it is located, unless such sign is otherwise specifically regulated by a temporary permit, or variance granted by the Board of Zoning Appeals.

B. All signs shall be erected in conformity with the respective zoning district yard requirements unless otherwise specified. No sign shall be erected so as to prevent free ingress to or egress from any door, window on any other exit way required by the State of Ohio or Miami County Building Code, and amendments thereto, or by other adopted codes or regulations.

C. Signs which become obsolete due to cessation of the business, activity, product, or service advertised thereon for any other reason shall be completely removed from the premises within sixty (60) days after such obsolescence is established by the Zoning Administrator, unless said sign is converted to another lawful and contemporary use within that sixty (60) day period. The supporting structure for obsolete signs must be completely removed with a sixty (60) day period after obsolescence is established unless a new and lawful sign is established thereon.

D. Where illumination of signs is permitted, such illumination shall be

neither flashing nor intermittent and shall be designed and constructed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property. Such illumination shall be turned off no later than 11:00 p.m. or at the end of the business day, whichever is later.

E. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision, at any location where, by reasons of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or devise, or which makes use of the words "stop", "look", "drive-in", "danger", or any other words, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

F. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent, or immoral matter.

G. Any sign is limited in subject matter to the name, design, picture, or trademark of the owner, operator, builder, sales agent, managing agent, lessor, or lessee of the premises or of the activities (including merchandise handles or services rendered) on the premises on which such sign is located and does not include any general commercial advertising unrelated to or extending in substantial degree beyond the enumerated permitted subjects.

H. Signs either free standing or wall shall be designed as to be similar in character with regard to materials, color, and size to conforming signs designed or located on the same lot and on adjoining lots in order to equalize the attention they are meant to attract and to produce an overall unified effect, all in accordance with the other requirements of this Article.

I. All signs must be maintained in good repair and appearance by the owner at all times.

Section 36.03 Measurement Standards

The following standards shall be used to determine the area and height measurements for all signs in the Township:

A. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the exterior display limits of a sign, but not including any supporting frame or bracing.

B. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point.

C. In the case of irregularly shaped three-dimensional signs the area of the display surface shall be measured on the plane of the largest vertical cross Section.

D. The height of a sign shall be determined by measuring the vertical distance between the top part of the sign to the elevation of the ground beneath the sign prior to construction, excluding additional elevation added by creation of berming or mounding. If the grade prior to construction cannot be determined, the elevation of the base of the sign shall be computed using the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the

principal structure on the premises, whichever is lower.

Section 36.04 Prohibited Signs

The following types of signs are prohibited in Bethel Township:

A. All blinding, flashing, or intermittent lighting is prohibited unless by approval of a Conditional Use Permit by the Board of Zoning Appeals.
B. Pennants, banners, streamers, searchlights, spinning and similar type devices are prohibited except when allowed as a temporary sign.
C. Any signs, which rotate, revolve or have any visible moving parts are prohibited. Prohibition of moving signs and signs of intermittent lighting shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations, or similar devices.
D. No sign shall be placed in the public right-of-way.
E. No signs shall be located along any public thoroughfare right-of-way within one hundred (100) feet of any other public thoroughfare intersection, unless otherwise exempted.
F. No beam, beacon, or flashing light of a red, blue or amber color.
G. No bare bulb illumination.
H. No flame as a source of light.
I. No roof signs.
J. No wall signs, any part of which extends above the lowest point of the roofline.
K. No signs shall be attached to a utility pole, fence post, fence, tree, or accessory building nor shall any sign be erected so as to impair access to a roof.
L. No portable street signs except when permitted as a temporary sign.
M. No signs shall be painted on a building or accessory building with the exception of a building used for agricultural purposes unless an application has been filed and approval granted by the Board of Zoning Appeals.
N. Signs which contain or depict obscenity, as defined by the Ohio Revised Code Section 2907.01(F), are prohibited.
O. Signs which contain or depict lewdness are prohibited.
P. Signs containing or depicting specified sexual activities are prohibited.
Q. Signs containing or depicting specified anatomical areas are prohibited.

Section 36.05 Exemptions

Signs that are exempt from the provision of these regulations shall be permitted, but shall not be illuminated nor animated unless as specifically provided and shall not extend nor be placed in a required right of way.

A. Real estate signs not exceeding six (6) square feet in area in any Residential district (24 square feet in any other district) which advertise the sale, rental or lease of the premises on which said signs are located and limited to not more than one such sign per use per each street front of the lot on which the sign is located. Open House signs may be permitted, but shall be erected no more than 5 days prior to and removed the day of the open house.
B. Professional or occupational name plates not exceeding one (1) square

foot in area and limited to not more than one such sign per use per each street front of the lot on which the sign is located.

C. Occupational signs not exceeding two (2) square feet in area denoting only the name and profession of an occupant in a commercial building, public institutional building, or multiple dwelling and limited to not more than one such sign per use per each street front of the lot on which the sign is located.

D. Temporary signs not exceeding six (6) square feet in area denoting the architect, engineer, or contractor when placed upon work under construction, to be removed within 30 days upon completion of the building and to be limited to not more than one such sign per use per each street front of the lot on which the sign is located.

E. Memorial signs or tablets, names or buildings, and date of erection when cut in to any masonry surface or when constructed of bronze or other noncombustible materials and limited to not more than one such sign per use per each street front of the lot on which the sign is located.

F. Traffic signs, legal notices, railroad crossing signs, and temporary emergency signs. Non-advertising signs may be authorized by the Board of Zoning Appeals.

G. The flag, pennant, or insignia of any nation, state, city, township or other political unit or any political educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.

H. "No trespassing" signs or other such signs regulating the use of a property such as "no hunting", "no fishing", etc. of not more than two (2) square feet in area and located no closer than one hundred (100) feet from another such sign.

I. Changing of the advertising copy or message of an approved painted or printed sign.

J. No more than two (2) menu boards in conjunction with a restaurant drive thru service window. Such boards may be illuminated internally or by reflected light provided the source of light is not directly visible.

K. Poster signs when exhibited from inside a window.

L. Temporary political signs may be erected upon private property under the following conditions:

1. The person or organization for the erection or distribution of such sign or the owner, or his agent, of the property upon which such signs may be located shall cause the removal thereof within fifteen (15) days after the primary or special election to which they are appurtenant unless such signs shall continue to be appurtenant to a general election to be held within thirty (30) days. The person or organization responsible for the erection or distribution of any such signs or the owner, or his agent, of the property on which such signs may be located shall cause the removal thereof within fifteen (15) days after the general election to which they are appurtenant.

2. Temporary political signs shall not be posted more than thirty (30) days prior to the election to which the sign is related.

M. Parking or directional signs not over two (2) square feet in area provided the sign contains no advertising matter and is limited to not more than one (1) such sign per use per each street front of the lot on which the

sign is located.

N. Bulletin boards and signs for a church, schools, community or other public or semi-public institutional building and multiple dwelling containing eight (8) or more units shall not exceed fifteen (15) square feet in area for a wall or ground sign with a maximum height of six (6) feet above grade for ground signs and located not less than ten (10) feet from the street right-of-way line. Such bulletin boards and signs may be illuminated but only from a concealed light source.

O. A seed dealer sign provided to the dealer by a supplier, not exceeding four (4) square feet in area and located only in the General Agricultural District.

P. Non-illuminated residential nameplate not exceeding two (2) square feet in area and containing one (1) or more of the following.

1. Street name and/or number.
2. Name of the family residing on premises.
3. Identification name of property.
4. Any such similar contents as determined by the Zoning Administrator.

Q. A sign not exceeding four (4) square feet in area advertising the sale of produce and vegetables raised on the premises where such sale is permitted.

R. Agricultural production identification signs not exceeding eight (8) square feet.

S. Signs erected or placed by private farmers to indicate the specific breed of livestock being raised or kept on the premises.

Section 36.06 Subdivision Signs

Subdivision signs shall be regulated as follows:

A. Upon approval of the Board of Zoning Appeals, a permit may be issued as a special exception to the terms of this Article allowing a land sale sign provided that:

1. The sign shall not be internally illuminated.
2. The sign shall advertise the sale or development of a recorded subdivision.
3. The sign shall be erected only upon the property for sale or being developed.
4. Not more than one (1) such sign shall be placed along single road frontage of any property in single and separate ownership, and provided that not more than two (2) such signs may be permitted in any single development.
5. A permit for the erection, construction, or maintenance of said sign shall be valid for a period of one year and may be renewed annually by the Board of Zoning Appeals.
6. Such sign or signs shall be removed upon completion of the subdivision or any section thereof as determined by the Zoning Administrator.

B. Upon approval of the Board of Zoning Appeals, a permit may be issued to allow the construction of a permanent sign and supporting decorative structure to depict the recorded subdivision name. Not more than one (1)

such sign shall be placed along single road frontage of any property in single and separate ownership constituting the recorded subdivision.

Section 36.07 Temporary Signs

A. Certain temporary signs and attention-getting devices may be permitted for promoting special events or activities subject to the following provisions:

1. A temporary permit must be approved by the Zoning Administrator.
2. Such attention-getting devices shall be limited to an exposure period not to exceed thirty (30) days in any calendar year.
3. All other temporary signs are prohibited in all areas unless specifically exempted or permitted elsewhere in this Article.

B. Temporary signs in business and industrial districts advertising for employees must be registered yearly as temporary permits and may be displayed throughout the year for no more than fourteen (14) consecutive days and must be removed when not in use. Total square footage for temporary signs seeking employees cannot exceed thirty-two (32) square feet per side.

C. Churches or other non-profit organizations may erect temporary signs without cost but must register the signs with the zoning office and cannot display them for more than fourteen (14) consecutive days.

D. The sign when not in use must be removed and cannot exceed thirty-two (32) square feet per side.

Section 36.08 Domestic Advertising Signs

Domestic advertising signs are permitted in any residential zoning district and shall include such signage as: garage sale, yard sale, estate sale, auction, vehicle or equipment for sale. The total message area of domestic advertising signs on a lot may not exceed four (4) square feet. Because domestic advertising signs are often incompatible with the character of the surrounding neighborhood, they are permitted on a temporary basis only. No person shall display a domestic advertising sign for more than a total of two (2) weeks out of each calendar year. Signs may be considered domestic advertising signs only if they are located on the same lot as the goods, which are offered for sale.

Section 36.09 Billboards

Billboards shall be permitted provided that they meet the following criteria and have been approved as Conditional Uses through the Board of Zoning Appeals.

A. Location

1. Billboards may be permitted only in the A-2, B-1, B-2, B-3, F-1, I-1 and I-2 Zoning Districts and shall not be placed over existing structures.
2. Billboards shall be so located as not to project into the public right-of-way and shall not be placed closer than 100' from the right of way line.
3. No billboards shall be located within two hundred fifty (250) feet of an

exit or entrance to a limited or controlled access highway.

4. No billboards shall be located along any public thoroughfare right-of-way within one hundred (100) feet of any other public thoroughfare right-of-way.

5. No billboards shall be located within one thousand (1000) feet from any residence.

B. Maximum Size

No billboards shall contain more than three hundred (300) square feet of surface area nor shall the surface area be less than six (6) feet from the ground.

C. Construction

All freestanding billboards shall be constructed on steel or wood supports.

D. Spacing

No billboards shall be located within fifteen hundred (1500) feet of another billboard.

E. Obsolescence

Billboards which become obsolete due to cessation of the business, activity, product or service advertised thereon or for any other reason shall be completely removed from the premises within sixty (60) days after such obsolescence is established by the Zoning Administrator unless such billboard is converted to another lawful and contemporary use within that sixty (60) day period. The supporting structure for obsolete billboards must be completely removed within a period of one (1) year after obsolescence is established, unless a new and lawful billboard is established thereon.

Section 36.10 Business and Industrial Signs

A. General Regulations

All signs and advertising structures in the business and industrial districts may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. Where such illuminated signs exceed fifty (50) square feet in area, they shall not be placed nearer than fifty (50) to an adjacent residential lot line and where such illuminated signs exceed one hundred (100) square feet in area and face any lot in a residential district, they shall be placed not nearer than one hundred (100) feet from the front lot line.

B. Sign Sizes

1. B-1 General Business District

Wall or ground signs, single or double face, shall not exceed fifty (50) square feet in area for each face. Maximum height above grade at sign shall not exceed ten (10) feet. There shall be permitted one (1) wall sign and one (1) ground sign. No more than two (2) signs shall be permitted for each street front of the lot on which the signs are located. Wall signs shall not extend above or beyond any part of the roofline.

2. B-2 District Office/Residential District

a. The total area of all signs erected on the lot and building of any single office use shall be within the allowable square frontage as follows:

1. Total sign area shall not exceed one square foot for each lineal foot of building frontage to a maximum of fifty (50) square feet. Such sign shall be limited to the display of either the name and address of the occupant or the name and address of the building.

2. Entrance door identification signs. Maximum size shall be one square foot per business with a maximum area for signage of three square feet.

b. Location

1. Flat wall signs may be located anywhere on the front wall of the building as determined in subsection (1) A. No flat wall signs shall extend above the coping or cornice of the building, whichever is higher.

2. Projecting signs or supporting structures shall not project more than forty-eight inches from the wall of a building, nor less than ten feet above the grade. Every face of a projecting sign shall be considered as a separate sign for the purposes of computing allowable area.

3. Maximum height above grade at top of sign shall not exceed ten (10) feet.

3. B-3 Neighborhood Business District

Wall or ground signs, single or double face shall not exceed fifty (50) square feet in area for each face. Maximum height above grade at sign shall not exceed ten (10) feet. There shall be permitted one (1) wall sign and one (1) ground sign. No more than two (2) signs shall be permitted for each street front of the lot on which the signs are located. Wall signs shall not extend above or beyond any part of the roofline.

4. I-1 Light Industrial District

Wall or ground signs, single or double face shall not exceed fifty (50) square feet in area for each face. Maximum height above grade at sign shall not exceed ten (10) feet. There shall be permitted one (1) wall sign and one (1) ground sign. No more than two (2) signs shall be permitted for each street front of the lot on which the signs are located. Wall signs shall not extend above or beyond any part of the roofline.

See Section 36.12 for Industrial Parks.

Billboards are permitted if they meet the requirements of Article 36.

5. I-2 Heavy Industrial District

Wall or ground signs, single or double face shall not exceed fifty (50) square feet in area for each face. Maximum height above grade at sign shall not exceed ten (10) feet. There shall be

permitted one (1) wall sign and one (1) ground sign. No more than two (2) signs shall be permitted for each street front of the lot on which the signs are located. Wall signs shall not extend above or beyond any part of the roofline.
See Section 36.12 for Industrial Parks.
6. F-1 Floodplain District
Wall or ground signs, single or double face shall not exceed fifty (50) square feet in area for each face. Wall signs shall not extend above or beyond any part of the roofline. Maximum height above grade at sign shall not exceed ten (10) feet. Not more than one (1) sign for each street front of the lot on which the sign is located may be used.
7. A-1 Domestic Agricultural District
Wall or ground signs, single or double face, shall not exceed sixty-four (64) square feet in area for each face. Wall signs shall not extend above or beyond any part of the roofline. Maximum height above grade at sign shall not exceed ten (10) feet. Not more than one (1) sign for each street front of the lot on which the sign is located may be displayed.
8. A-2 General Agricultural District
Wall or ground signs, single or double face, shall not exceed sixty-four (64) square feet in area for each face. Wall signs shall not extend above or beyond any part of the roofline. Maximum height above grade at sign shall not exceed ten (10) feet. Not more than one (1) sign for each street front of the lot on which the sign is located may be displayed.

Section 36.11 Shopping Center Signs

A shopping center located on a single parcel of land, having a minimum frontage of two hundred (200) feet, shall be entitled to one (1) free standing ground sign utilizing the following criteria:

A. Neighborhood shopping center (one which contains twenty thousand (20,000) to ninety-nine thousand nine hundred and ninety-nine (99,999) square feet of floor space) shall be entitled to one (1) free standing ground sign not to exceed one hundred (100) square feet per face. Such a sign shall be permitted to display both the name and address of the shopping center, the names of its individual tenants, and periodically changing information relative to activities, events, and/or sales occurring within the shopping center.

B. Community shopping center (one which contains one hundred thousand (100,000) to three hundred ninety-nine thousand nine hundred and ninety-nine (399,999) square feet of floor space) shall be entitled to one (1) free standing ground sign not to exceed two hundred (200) square feet per face. Such sign shall be permitted the same contents as indicated for a neighborhood shopping center sign.

C. Regional shopping center (one which contains four hundred thousand (400,000) or more square feet of floor area) shall be entitled to two (2) free standing ground signs, each of which shall not be permitted to exceed three hundred (300) square feet per face. Such signs shall be

permitted the same contents as indicated for a neighborhood shopping center sign. Each establishment located as a part of the shopping center shall be permitted one (1) wall-mounted sign on the face of the building.

Section 36.12 Industrial Park Signs

For industrial parks in single ownership or under unified control, with a minimum frontage of two hundred (200) feet, each industry shall be permitted one (1) wall-mounted sign on the face of the building. In addition, the park shall be entitled to one (1) freestanding ground sign utilizing the following criteria:

A. An industrial park containing a total of twenty thousand (20,000) to ninety-nine thousand nine hundred and ninety-nine (99,999) square feet of floor space shall be entitled to one (1) free standing ground sign not to exceed one hundred (100) square feet per face. Such a sign shall be permitted to display both the name and address of the industrial park and the names of its individual industries.

B. An industrial park containing a total of one hundred thousand (100,000) to three hundred ninety-nine thousand nine hundred and ninety-nine (399,999) square feet of floor space shall be entitled to one (1) free standing ground sign not to exceed two hundred (200) square feet per face. Such a sign shall be permitted to display both the name and address of the industrial park and the names of its individual industries.

C. An industrial park containing a total of four hundred thousand (400,000) or more square feet of floor area shall be entitled to two (2) free standing ground signs, each of which shall not be permitted to exceed three hundred (300) square feet per face. Such signs shall be permitted to display both the name and address of the industrial park and the names of its individual industries.

Section 36.13 Conditional Use Permit

Any sign that does not clearly fit into one of the sign regulations in this Resolution shall not be permitted except through issuance of a Conditional Use Permit obtained from the Board of Zoning Appeals. This included all signs that have flashing or pulsating illumination, animation, rotation, excessive dimensions or height, temporary construction signs in excess of thirty-two (32) square feet, or signs in excess of five (5) square feet advertising the sale, rental or lease of lots and/or buildings.

Section 36.14 Signs Associated with Nonconforming Uses

In the case of legal nonconforming land use, the total sign area of all signs associated with such land use shall be no greater than that which would be allowed if the nonconforming use were located in the most restrictive zoning district allowing such land use. Further, no new signs associated with nonconforming land uses may be erected, except replacements, which are the same, or smaller in size than the sign being replaced. In the event that a sign associated with a nonconforming land use is moved, its new location must conform to the setback requirements of the district in which it is located, as if it were a building.

Section 36.15 Sign Permit Application and Fees

No sign regulated by this Resolution may be erected, painted, installed, or otherwise established in Bethel Township without a permit therefore. Such permit shall be obtained through the office of the Zoning Administrator. There shall be a minimum fee for all sign permits set by the Board of Township Trustees and permanently and publicly displayed in the Township House on the fee schedule. Permit fees shall be calculated by square foot of message area. However, permits issued for signs already in place at the time of permit application shall bear an additional fee for square foot of message area and a minimum twice the set minimum fee. No permit shall be required for real estate signs of five (5) square feet or less, domestic advertising signs or temporary political signs.

Section 36.16 Enforcement Responsibility

Enforcement of the sign regulations shall be the responsibility of the Zoning Administrator and such other appropriate personnel as may be designated by the Trustees of Bethel Township.

Section 36.17 Removal of Unlawful Signs

The removal of unlawful signs shall occur as follows:

A. Any sign which violates the provisions of this Resolution is a public and private nuisance, and the Zoning Administrator shall give ten (10) days notice by registered or certified mail to the owner or lessee of the land on which such sign is located to remove such sign.

B. If any such sign has not been removed on or before the expiration of ten (10) days following the receipt of said notice by the owner or lessee of the land upon which the sign is located, the Zoning Administrator or any of his duly authorized agents may enter upon the premises and remove, obliterate or abate the sign. The cost of such removal, obliteration, or abatement shall be then certified to the County Prosecutor for collection by civil action against the owner and/or lessee of the land upon which the sign is located.

C. Notice to the owner or lessee shall not be required prior to the removal of an unlawful sign which, in the opinion of the Zoning Administrator, creates an immediate or potential danger to persons or property due to structural deficiencies or inadequate maintenance, nor shall notice be required prior to the removal of a sign which, in the opinion of the County Engineer, creates an immediate or potential danger to persons or property because of its location.

Bethel Township Zoning Resolution Article 38 – Landscape and Buffer Regulations – Updated March 2018

ARTICLE 38

LANDSCAPE AND BUFFER REGULATIONS

Section 38.01 Purpose

The purpose of landscaping and screening regulations is to promote and protect the public health, safety and welfare through the preservation and protection of the environment by recognizing the vital importance of plant materials in the ecological system.
The purposes of this Article are to:
A. Promote the preservation and replacement of major trees;
B. To promote the proper utilization of landscaping as a buffer between certain land uses to minimize the possibility of nuisances.
C. To encourage the enhancement of the visual environment, ensure public safety, moderate the micro-climate and minimize nuisances, primarily noise, visual pollution, and glare.
D. To protect surrounding property values.

Section 38.02 Applicability

The requirements of this Article shall apply to new property development and any collective substantial expansion or change in land use, except for single family dwellings and agricultural uses. Substantial expansion or modification of the existing structures shall be defined based on the criteria established below:

Any expansions of 500 square feet or less shall be exempt from the Applicability Section of this Article.

When the Existing Structure is….	A Substantial Expansion is….
0 - 1,000 Sq. Ft.	50% or Greater
1,001-10,000 Sq. Ft.	40% or Greater
10,001-25,000 Sq. Ft.	30% or Greater
25,001-50,000 Sq. Ft.	20% or Greater
50,001 Sq. Ft. and larger	10% or Greater

Section 38.03 Minimum Materials and Standards

The following describes the minimum landscaping and screening standard requirements for all developments. Interior, perimeter and buffer zone landscaping relate to vehicular use areas.

A. General Requirements

1. All plant material shall be sound, healthy, live plants installed and maintained in accordance to acceptable nursery industry procedures.
2. All fences used to meet the landscaping requirements of this Article shall extend to within two (2) inches of the ground grade.
3. Landscape plant materials shall be installed within nine (9) months after a building or site is developed.
4. Earthen mounds shall have a maximum slope of three (3) to one (1) (3:1), which is to say that three (3) feet of horizontal space is required for each one (1) foot vertical change in elevation. The crest or top of the mound shall be rounded with elevation changes maintained one (1) foot off of the centerline of the mound. Furthermore, earthen mounds or berms shall be designed and constructed with variations in physical alignment throughout the length of the mound or berm.
5. When adjacent to other properties under same ownership, landscape materials may be placed on either the adjoining parcel or on the boundary line.
6. When adjacent to other properties under different ownership, landscape materials may be placed on the boundary lines if the different owners agree, in writing, to the arrangement, and if the agreement is filed with the Zoning Administrator/Enforcing Officer as a public record.
7. Perimeter landscaping and/or screening and buffer zone landscaping shall be a minimum of fifteen (15) feet in width.

B. Street Tree Requirements

1. The subdivider or owner has the option of installing street trees. The placement of trees shall not be within a public right-of-way unless specifically approved by the Zoning Administrator/Enforcing Officer.
2. All trees selected and planted shall be subject to approval of plant materials by the Zoning Administrator/Enforcing Officer.
3. No tree shall be planted directly over or under or within ten (10) feet of a utility line.
4. The minimum spacing between trees is forty-five (45) feet for large shade trees, thirty-five (35) feet for medium trees and twenty-five (25) feet for ornamental trees. The recommended maximum spacing of all street trees is sixty (60) feet.
5. If a developer elects the Township standard street sections, only ornamental or medium trees may be used. Where the developer elects to dedicate additional right of way, shade

trees may be used for street trees. A minimum of five (5) feet shall be dedicated.

6. Tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion shall be less than eight (8) feet above walks. Tree limbs extending over streets shall be trimmed to such an extent that no portion shall interfere with the normal flow of traffic.

C. Interior Landscaping for Off-Street Parking Areas

Interior landscaping shall include groundcover and other plant materials located within an off-street parking area and shall be regulated as follows:

1. Any off-street parking area, including aisles, excluding loading, unloading and storage areas, in a Business or Industrial District, consisting of more than 5,000 square feet of area, or twenty (20) or more vehicular parking spaces, shall have interior landscaping.
2. Space required for interior landscaping shall be in addition to any required front, side or rear yard or any required perimeter or buffer zone landscaping requirements.
3. The purpose of requiring interior landscaping is to:
   a. Help reduce glare and heat build-up;
   b. Promote interior islands for pedestrian safety and traffic separation;
   c. Visually reduce and break up large expanses of pavement;
   d. Reduce surface and storm water run-off.
4. Interior landscaping shall be provided at the ratio of one (1) shade tree for every twenty (20) parking spaces or fraction thereof. Other landscape materials, such as grass and shrubs, may also be used in addition to the required shade trees.
5. The minimum soil area or pervious surface area per tree shall be the size of one parking stall or 180 square feet, whichever is greater.
6. In order to encourage the required interior landscape areas to be properly dispersed, no individual landscape area shall be larger than 400 square feet in size.
7. The shortest distance to a tree in an interior landscaped area from the edge of pavement where vehicles overhang shall be three (3) feet.
8. To retain visibility within the off-street parking area, trees shall have a clear trunk of at least five (5) feet above the ground.
9. Pervious surfaces not containing a tree shall be landscaped with shrubs (not exceeding three (3) feet in height), and/or ground cover, including grass.

10. The layout and design of interior landscaping shall be at the discretion of the applicant but shall be approved by the Zoning Administrator/ Enforcing Officer.
11. All landscaping shall be maintained in a healthy condition, kept free of weeds and debris, and replaced as needed.
12. Interior landscaped areas shall be sufficiently protected damage from vehicles.

D. Perimeter Landscaping

Perimeter landscaping shall be required to soften the edges of the off-street parking area. Perimeter landscaping shall not constitute "screening" of the off-street parking area.

1. In any multifamily or commercial use or district, perimeter landscaping is required in all side and rear yards where off-street parking areas occur.
2. Landscaping shall include trees and a combination of: grass, shrubs, or earthen mounds.
3. Where existing vegetation occurs adjacent to off-street parking areas, perimeter landscaping will be subject to review by the Zoning Administrator/Enforcing Officer.
4. Trees used for perimeter landscaping shall meet the following spacing requirements:
    a. Shade trees, twenty-five (25) feet to thirty (30) feet on center;
    b. Evergreen trees, fifteen (15) feet to twenty (20) feet on center;
    c. Ornamental trees, twelve (12) feet to thirty (30) feet on center; and
5. Shrub materials used for landscaping shall be confined to common planting beds. There shall be one (1) shrub for every ten (10) lineal feet of the portion of the parking area that the shrub is landscaping.
6. All areas not occupied by off-street parking areas, planting areas, trees or shrubs shall be planted and maintained with grass.

E. Screening

1. Where an off-street parking area occurs in a Business, Office or Industrial District and is located within eighty (80) feet of a residentially zoned property or residential use in a non-residentially zoned property, or where an off-street parking area occurs within a multi-family use and is located within forty (40) feet of a property used or zoned for a single or two-family residential use, screening shall be installed, repaired, replaced and maintained to a total height of not less than five (5) feet above the parking lot grade. Such required screening shall only be required along the sides of the off-street parking area where viewed from the residentially zoned or used property. The screening of off-street loading areas and

service courts shall be at least five (5) feet above the dock or bay that it is screening.

2. Screening may consist of walls, fences, natural vegetation, earthen mounds or a combination thereof.
3. Natural vegetation screening shall have a minimum opacity of seventy-five (75) percent in all seasons.
4. Parking lot screening shall conform to the following standards:
    a. All screening shall be installed and maintained in a neat and orderly manner and kept free of weeds and other debris.
    b. The use of year-round vegetation with year-round foliage, such as evergreen shrubs or trees, is required when used as the primary screening material.
    c. Screening shall be reasonably uniform in height and opacity along its entire length.
    d. When screening of live plants is installed, either alone or in combination with other materials, the plants shall be:
        1. Mature to a minimum height of two (2) feet at the time of installation;
        2. Selected for year-round, dense foliage adequate to shield residences from headlight glare;
        3. Selected to achieve the height and density required within three (3) years of installation; and
        4. Maintained in a healthy, live state and replaced as needed to comply with the original site plan and the specifications and standards outlined in this section.
    e. When screening from a public right-of-way, screening shall be maintained between 2 ½ and 3 ½ feet in height.
5. Screening of Industrial Uses shall conform to the following standards:

    Where a lot in an Industrial District abuts a residential district or use, such as a residence on an agricultural parcel, a landscape screen or buffer of forty (40) feet in width shall be provided if no solid masonry wall is utilized. If a solid masonry wall of at least six (6) feet in height is utilized, the buffer may be reduced to fifteen (15) feet in width.

    The arrangement of plantings in the buffer or screening area shall be effective in creating a solid year-round screen that screens to a height of eight (8) feet. The use of mounding in combination with plantings is encouraged to ensure that the minimum height is reached within three (3) years of

installation. Where mounding is not used, either dense evergreens or a solid opaque fence shall be used to ensure the screening is continuous at all times of the year.

Within the required landscape buffer or screened area, the following improvements, individually or in combination, shall be provided:

a. Shade trees shall be planted on an average of one (1) tree for every thirty (30) feet of the yard length. Ornamental or evergreen trees may be substituted for shade trees.

b. Shrubs, measuring a minimum of two (2) feet at planting, and clustered or spaced linearly to form a continuous dense hedge. Where shrubs are used in combination with other materials, the use of shrubs shall comprise fifty percent (50%) of the required landscape buffer.

c. Mounding, with a minimum top width of at least two (2) feet and a maximum side slope for front and back sides of three (3) feet horizontal to one (1) foot vertical (3:1). Such mounding shall not exceed eight (8) feet in height and shall be planted with a combination of ground cover, shrubs and trees.

d. A solid opaque fence eight (8) feet in height erected along one hundred percent (100%) of the yard length with appropriate landscaping, including trees, shrubs, to soften visual elements of the fence or an interrupted solid, opaque fence six (6) feet in height and supplemented with landscaping in order to create a solid visual screen along the entire yard length.

e. Areas not planted with trees or shrubs shall be maintained as turf or other groundcover.

6. Screening is also required between:

a. Single and multifamily uses;

b. Any residential and commercial, office or industrial use; and

c. Commercial and industrial uses.

d. Off-street parking areas and parking lots and the public right-of-way.

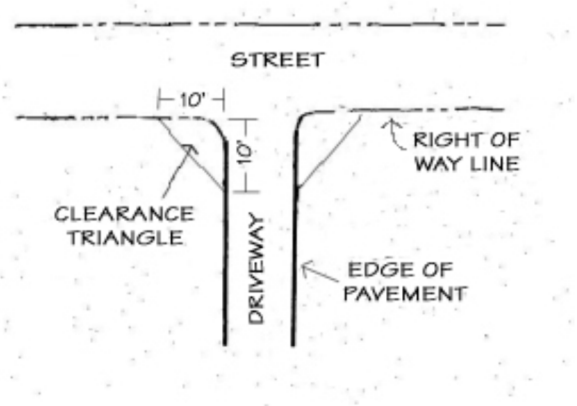
Screening shall be required to be established and maintained by the more intensive of the abutting uses (e.g. a commercial property shall establish and maintain a screen when adjacent to a residential use).

Section 38.04 Obstructions to Visibility at Intersections

A. To ensure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or driveways with streets. Within this sight triangle, trees shall be permitted so long as (except during early growth stages) only their trunks are visible between the ground and eight (8) feet above the ground, or they otherwise do not present a traffic visibility hazard.

B. At street intersections, the sight triangle is the area measured thirty (30) feet from the street intersection. No material shall be allowed to grow more than thirty-two (32) inches in height above the street grade within this sight triangle.

C. At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the driveway pavement edge and the street right-of-way line within two ten (10) foot triangles. No landscaping over thirty-two (32) inches in height above the driveway grade may be maintained within this sight triangle.



Section 38.05 Screening of Service Structures in Non-Residential Districts

A. Generally

The screening of service structures such as dumpster enclosures, HVAC equipment, transformer boxes, loading docks, service courts, etc. shall be as follows:

1. Screening may consist of walls, fences, natural vegetation or a combination thereof.
2. Natural vegetation screening, during full foliage, shall have minimum opacity of seventy-five (75) percent.
3. Fences and walls shall have an opacity of 100 percent.

B. Service Courts and Loading Dock Areas

C. Trash Container Receptacles

1. All areas used for service and loading activities shall be screened along the entire rear lot line and side lot line to the building set-back line in all commercial, office and industrial uses.

2. Where a loading area abuts a Residential District or use, screening eight (8) feet in height is required around all loading areas.
3. Where a loading area abuts a non-residential district or use, screening six (6) feet in height is required around all loading areas except when adjoining an Industrial District or another service court.

Screening of trash receptacles and dumpster enclosures is as established in Section 30.25, Dumpster and Trash Enclosure Areas.

Section 38.06 Prohibited Locations and Species

A. No trees shall be planted over any storm or sanitary sewers.
B. The following plant materials are prohibited in a street right of way:

Scientific Name	Common Name
Trees	
Abies species	Fir
Acer negundo	Box Elder
Acer saccharinum	Silver Maple
Aesculus hippocastanum	Horsechestnut
Ailanthus altissima	Tree-of- Heaven
Betula pendula	European Birch
Catalpa sepciosa	Catalpa
Celtis occidentalis	Hackberry
Chamaecyparis species	False Cypress
Crataegus oxyaxantha 'Pauli'	Paul's Scarlet Hawthorn
Fraxinus	Ash
Ginko bilboa	Ginko
Juniperus virginiana	Eastern Red Cedar
Liriodendron tulipifera	Tulip Tree
Maclura pomifera	Osage Orange
Morus alba	White Mulberry
Pinus strobes	Eastern White Pine
Populus species	Poplars
Robinia pseudoacacia	Black Locust
Salix species	Willows
Sorbus aucuparia	European Mountain Ash
Ulmus species	Elms
Shrubs	
Abelia grandiflora	Glossy Abelia
Berberis species	Barberry

Caprifoliaceae species	Honeysuckle
Forsythia species	Forsythia
Rosa species	Rose
Spiraea species	Spiraea

Section 38.07 Maintenance

A. All shrubs, trees, grass, ground covers and other plantings shall be well maintained, properly weeded, properly pruned, mulched and kept free of trash and other unsightly material and/or debris. Required screening material which does not survive shall be replaced by an owner within six (6) months after the material dies.

B. Fences, walls and other screening structures shall be maintained and kept in good condition.

Section 38.08 Landscaping Plan Required Prior to Issuance of Zoning Certificates and Certificates of Occupancy

All portions of the lot upon which a building or parking area is not constructed shall be landscaped. A preliminary landscaping plan shall be submitted by the owner or developer of the lot or tract of land at the time the zoning certificate is applied for. The landscaping plan shall contain:

A. The location and general description (i.e. trees, shrubs, grass, etc.) of areas to be landscaped.

B. The size, caliper and height of plant materials at the time of planting and at the time of maturity.

No zoning certificate shall be issued until such plan has been approved by the Zoning Administrator/Enforcing Officer.

Section 38.09 Modifications

The Zoning Administrator/Enforcing Officer may approve modifications to the landscaping and screening requirements. The Zoning Administrator/Enforcing Officer shall base their decision on ALL of the following criteria:

A. The specific conditions exist which are unique to the applicant's land;

B. The manner in which the strict application of the provision of this Article would deprive the applicant of a reasonable use of the land in a manner equivalent to the use permitted other landowners in the same zone;

C. The unique conditions and circumstances are not the result of actions of the applicant or previous owners subsequent to the adoption of this Article;

D. Reasons that the modification shall preserve, not harm, the public safety and welfare, and shall not alter the essential character of the neighborhood; and

E. A demonstration that the applicant has provided for a buffer that achieves the spirit of this Article.

The existing buffers and screening provide sufficient protection to adjacent properties such that the intent and spirit of this Article is achieved.

Bethel Township Zoning Resolution Article 39 – Pond Regulations – September 2018

39.01 INTENT

The purpose of these regulations is to guide the development, design, maintenance and structural integrity of ponds, lakes, wetlands, or other water detention/retention structures. It is the purpose of these regulations to promote the public's health, safety and welfare by minimizing local nuisances, as well as potentially dangerous health and safety concerns, and to further the general harmony between and amongst neighbors.

39.02 SCOPE OF REGULATIONS

The regulations herein set forth shall apply to and govern ponds in all districts: All water impoundments such as ponds, lakes, or wetlands shall be constructed and developed in compliance with the following standards.

A. No applicable structure shall hereafter be located, constructed, repaired, extended, enlarged, converted, or altered without full compliance with the terms of this resolution. Said construction, alterations or modifications require a zoning permit.

B. "DETENTION POND" shall mean an artificially formed structure designed to hold storm water runoff, detaining it for a period of time before ultimately slowly discharging the water downstream. Detention ponds are designed to complement large scale residential, commercial and industrial developments. Detention ponds must be designed and constructed to the specifications of a licensed professional engineer and the engineering plans must be reviewed and approved by the respective authorized agencies. No Permit Required.

C. "RETENTION POND" shall mean an artificially formed structure designed to hold water year round with the capacity to accommodate a limited amount of storm water runoff. Retention ponds are reservoirs of natural water designed to enhance aesthetic elements of large scale residential, commercial, and industrial developments. Retention ponds must be designed and constructed to the specifications of a licensed professional engineer and the engineering plans must be reviewed and approved by the respective authorized agencies. No Permit Required.

D. "AGRICULTURAL POND" shall mean a natural or artificially formed structure which serve as a reservoir of water for year-round agricultural use. Agricultural ponds are to be used for agricultural based activities as per ORC 303.01. Agricultural ponds may also support fire suppression due to the lack of access to municipal water services. The use of such ponds is limited and restricted to those activities supported by the owners. Agricultural ponds shall not engage in off-farm commercial uses or in any commercial recreational activities such as, but not limited to, fishing or swimming. Zoning Permit subject to agricultural exemption in accordance with ORC 303.21.

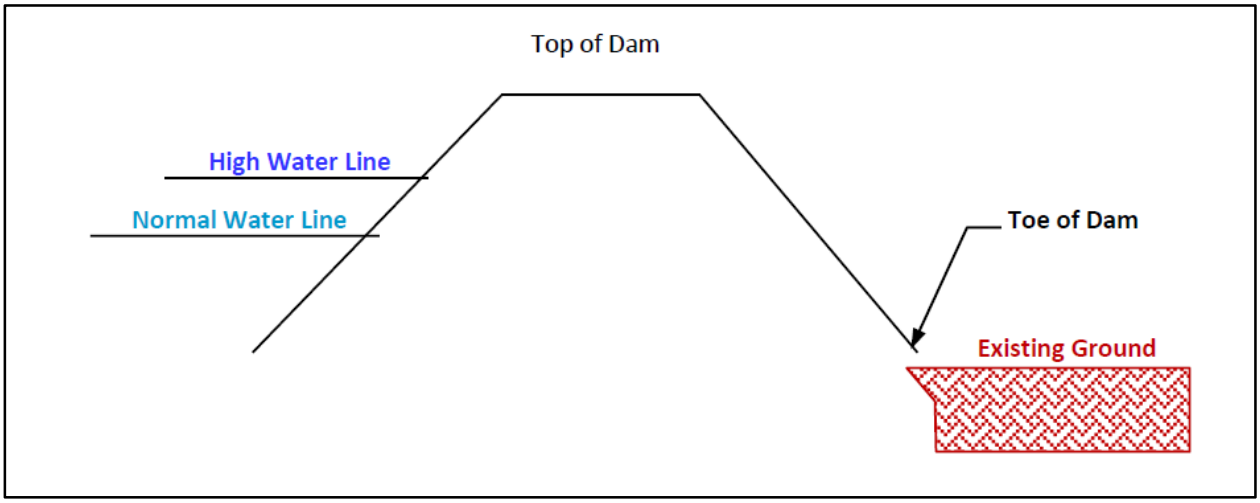
E. “RECREATIONAL POND” shall mean a new artificially formed structure over 750 square feet which is intended to serve as a permanent reservoir of water serving aesthetic desires and /or as an activity center for year-round use. Such ponds are to be designed for year-round enjoyment and to further such activities such as wildlife habitats, swimming, fishing, ice skating, etc. ponds must be reviewed by the Miami County Soil and Water Conservation District and must meet or exceed the standards and specifications of the Natural Resource Conservation Service. Zoning Permit is required.

1. Recreational ponds shall not be located closer than 25 feet from any lot lines or easements and where applicable, they shall not be located closer than 75 feet from any road right-of-way. In addition, they shall meet the current State of Ohio and/or Miami County Health Department well and/or septic system setbacks. They shall not restrict or block existing or future surface and/or sub-surface drainage systems.

2. Large ponds of a sufficient size, determined by the Ohio Dam Safety Law, may be subject to review, approval and annual inspection by the Ohio Department of Natural Resources, Division of Water.

3. The property owner and/or applicant will be required to submit to the Bethel Township Zoning Department a copy of the proposed construction plan which has been approved by the authorized agency and other necessary documentation for the purpose of obtaining a zoning permit.

4. Setbacks shall be measured from the high-water line or toe dam, whichever is closer.



39.03 PERMITTING PROCESS

A. The Applicant will submit plans to the Bethel Township Zoning Department for preliminary review.

B. The Bethel Township Zoning Department will forward the application to the Miami County Soil and Water Conservation District for their review.

C. After Soil and Water's review the Bethel Township Zoning Department will issue a permit if all standards are met or exceeded.

Bethel Township Zoning Resolution Article 40 – Violations and Corrective Actions – September 2018

ARTICLE 40

VIOLATIONS AND CORRECTIVE ACTIONS

Section 40.01 Unlawful Activity

A. It shall be unlawful to locate, erect, or construct any building or to use any land in violation of any regulation or any provision of this Zoning Resolution or any amendment or supplement thereto.

B. It shall be unlawful to reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any part of this Zoning Resolution or any amendment or supplement thereto, except as otherwise permitted in this Zoning Resolution.

Section 40.02 Violation

Any person, firm, or corporation violating any regulation, provision, amendment or supplement of this Zoning Resolution, or fails to obey any lawful order of the Zoning Administrator issued in pursuance thereof, shall be deemed guilty of a misdemeanor each and every day during which the illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use may be deemed a separate offense.

Section 40.03 Corrective Actions

If any use is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of any regulation, provision, amendment or supplement of this Zoning Resolution, the Board of Township Trustees, the Zoning Administrator, or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other corrective actions provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change maintenance or use.