

BETHEL TOWNSHIP

Attachment A

Resolution 26-05-053

May 29, 2026

Theme 1: Enforcement, Penalties, and Remedies

Theme 2: Drainage and Stormwater Management

Theme 3: Conditional Use Permit Modifications and Notice (§2.06.D.4)

Theme 4: Heavy Truck Parking & Storage (§13.04A)

Articles Amended

Articles 01, 02, 03, 12, 13, 14, 30, 34, 35, 38, 39, 40

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Article 01 — General Provisions

Bethel Township Zoning Resolution

Article 1 — Redline (June 2026 In-Scope Amendments Only)

Only changes within the four June 2026 themes are shown. Other content of this Article remains unchanged from the current edition and is not reproduced here.

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Section 1.05 Interpretations and Conflicts (NEW)

[Existing §1.05 is supplemented with the following general interpretive rules, applicable throughout this Zoning Resolution:]

A. 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.

B. Accessory Permitted Uses. Only uses designated as accessory permitted uses shall be allowed as a matter of right in a zoning district. Any accessory use not so designated shall be allowed only upon appeal to, and a determination by, the Board of Zoning Appeals that such use is customarily incidental to a permitted principal use, in accordance with §30.05.

C. 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 procedures of §2.06.D and Ohio Revised Code §519.14.

D. Lot Development Standards. The lot development standards set forth for each zoning district shall be the minimum standards (or maximum standards, as applicable) for lot development within such zoning district. Where such standards are in conflict with any other lawfully adopted rules or regulations, the more restrictive standard shall govern.

Article 02 — Administration, Procedures, and Permitting

Bethel Township Zoning Resolution

Article 2 — Redline (June 2026 In-Scope Amendments Only)

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Section 2.03 Zoning Administrator

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K. Stop-Work-or-USE Order. The Zoning Administrator may issue a Stop-Work Order halting construction, or a Stop-USE Order halting operational use, upon finding that work or use is being conducted (i) without a required Zoning Certificate, (ii) in material deviation from an issued Certificate, or (iii) in a manner that creates an imminent risk to public health or safety. The order takes effect upon posting at the property and email or written notice to the property owner. Resumption of work or use requires written authorization from the Zoning Administrator. A Stop-Work-or-USE Order is reviewable on administrative appeal under R.C. §2506.01; the order remains in effect during the pendency of any appeal unless stayed by court order.

L. Outstanding Violations Bar. The Zoning Administrator shall decline to accept, process, or act upon any application filed under this Resolution where an Outstanding Violation (as defined in Article 40, §40.02.H) exists or is discovered during the processing of the application on the subject parcel, subject to the Abatement Plan hardship exception in Article 40, §40.03.D.

M. Oath of Office. Before assuming duties, the Zoning Administrator and any Alternate or Interim Zoning Administrator shall take and subscribe an oath of office before an elected official authorized to administer oaths pursuant to R.C. §3.22, which shall be filed in the Township records.

• • • *(intervening content not in June scope)* • • •

Section 2.06 Board of Zoning Appeals

• • • *(intervening content not in June scope)* • • •

~~4. A Conditional Use Permit shall be deemed null and void upon a change of ownership of the property unless the new owner files a written acceptance of the conditions of the Permit with the Zoning Administrator.~~ Continuity, Termination, and Transfer of Conditional Use Permits.

A. Continuity of Conditional Use. A Conditional Use Permit shall continue in effect according to its terms unless terminated under the provisions of this section.

B. Discontinuance and Abandonment. A Conditional Use shall be deemed automatically terminated and revoked if the use authorized by the Conditional Use Permit is discontinued, abandoned, or not actively exercised on the parcel for a continuous period of six (6) months. Termination is appealable under R.C. §2506.01.

C. Transfer of Property — Registration. Upon a change of property ownership or change of operator, the new owner or operator shall register with the Zoning Administrator within thirty (30) days, providing operational details and confirming intent to continue compliance with all original conditions of the Conditional Use Permit. The Zoning Administrator may conduct a compliance inspection. Registration does not constitute a new application for a Conditional Use Permit.

D. Material Modification. Any material expansion, intensification, or change in the use authorized by a Conditional Use Permit requires a new Conditional Use application under §2.06.D.

5. Specific Conditional Use Standards. [Existing §2.06.D.5 subsections governing specific conditional uses are renumbered continuously a through j to correct lettering errors in the current edition. Typographical errors (including two occurrences of 'pubic' for 'public') and duplicated phrase fragments are corrected. No substantive change.]

6. Modification. Where the holder of a Conditional Use Permit proposes to modify the use, expand the operational scope, or change material conditions of the approved Permit, the holder shall apply to the Board of Zoning Appeals for an amendment of the Permit before undertaking the modification. The application shall be processed under the same procedures applicable to an original Conditional Use Permit application. Operating outside the scope of an approved conditional use without first obtaining an amendment shall be a violation enforceable under Article 40.

• • • (intervening content not in June scope) • • •

Section 2.07 Zoning Certificates

• • • (intervening content not in June scope) • • •

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

A Zoning Certificate shall be required for any of the following: 2. Change in use of an existing building, accessory building, lot, or portion thereof, to a use of a different classification, **including, but not limited to, Home Occupations and** excluding changing to any agricultural use;

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

C: Zoning Certificates for Home Occupations

C.1: A Zoning Certificate shall be required for all Home Occupations.

C.2: Home Occupation Zoning Certificates shall expire five (5) years from the date of issue. 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.

C.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

D.1: A Zoning Certificate shall be required for all Fences, Walls, and Hedges.

D.2: All Fences, Walls, and Hedges shall comply with the Fences, Walls, and Hedges requirements set forth in Section 30.06.

Renumber current paragraph C and subsequent paragraphs.

• • • *(intervening content not in June scope)* • • •

Section 2.15 Conformance

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 and D 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 may be filed only after final action on 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.

Article 03 — Definitions

Bethel Township Zoning Resolution

Article 3 — Redline (June 2026 In-Scope Amendments Only)

Only changes within the four June 2026 themes are shown. Other content of this Article remains unchanged from the current edition and is not reproduced here.

REDLINE KEY: inserted text • ~~deleted text~~ • unchanged text

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".

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. A fourth conjunctive test (d) applies to accessory determinations: the principal use of the parcel generates on-site revenue not derived from the parking, staging, or storage of Heavy Trucks, in an amount at least equal to fifty (50) percent of the gross revenue attributable to the parcel; documentation by sworn affidavit and supporting tax-return excerpts available for inspection on demand.

Junk Vehicle — See "Junk Motor Vehicle" or "Vehicle, Junk Motor". For purposes of this Resolution, the terms are interchangeable.

Junk Motor Vehicle — See "Vehicle, Junk Motor".

Vehicle, Junk Motor — A motor vehicle that 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; and (c) has a fair market value approximately equal only to the value of the scrap in it. Excludes (i) a Collector's Vehicle (as defined in Article 40, §40.02.B) 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; (ii) a motor

vehicle stored entirely within a fully enclosed building or structure; and (iii) 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. A fourth condition (d) also satisfies this definition independent of the two-of-three test 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. A parallel provision applies to enforcement procedure at §40.02.A.

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.

• • • (intervening content not in June scope) • • •

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 unhoused inoperative or unlicensed (where applicable) vehicles~~ **five (5) or more Junk Motor Vehicles (as defined herein)** stored in the open and not falling within any exemption to the Junk Vehicle definition, such condition shall be considered prima facie evidence of the existence of a junkyard.

Trucking-Truck Transfer Terminal — A facility where freight is consolidated from incoming vehicles, sorted, and transferred to outbound vehicles for further transport, typically involving short-term storage of less than 24 hours. Does 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. This canonical spelling supersedes 'Trucking Transfer Terminal' wherever the latter appears in this Resolution.**

• • • (intervening content not in June scope) • • •

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.

• • • (intervening content not in June scope) • • •

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.

Authorized Officer — The Zoning Administrator, Zoning Inspector, Township Administrator, or any other person designated in writing by the Board of Township Trustees to enforce Article 40 (Violations and Corrective Actions).

Final Notice of Violation — A Notice of Violation issued under Article 40 §40.04 for which the cure period has expired without abatement and no timely request for administrative hearing has been filed, OR for which a hearing under §40.05 has been concluded with a determination by the Board of Township Trustees affirming the violation.

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.

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 Article 40 §40.07 for which the abatement period has expired without abatement.

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.

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

Collector's Vehicle — See "Vehicle, Collector's".

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. ~~but not as the owner's principal means of transportation. "Licensed collector's vehicle" means a collector's vehicle, other than an agricultural tractor or traction engine, that displays current, valid license tags issued under section 4503.45 of the Ohio Revised Code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.~~

Dwelling – A building or portion thereof, designed for occupancy for residential purposes and having sleeping, kitchen and bathroom facilities ~~for one household, family or individual~~. A dwelling unit may include an Industrialized Unit but shall not include a Manufactured Home unless it meets the additional requirements as identified in “Manufactured Home, Permanently Sited”.

Dwelling, Manufactured Home, Permanently Sited - A permanently sited manufactured home is ~~a~~ is considered a single-family dwelling if it meets all the additional criteria:

1. The structure is affixed to a permanent foundation and is connected to appropriate utilities.
2. The structure, excluding any addition, has a minimum width of 22 feet.
3. The structure has a minimum length of 22 feet.
4. Excluding garages, porches, and attachments, the manufactured home has a minimum living area ~~of 900 square feet that meets the District’s specified “Minimum Floor Area of 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, 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.

Barndominium – See “Dwelling, Barndominium”.

Single Family Dwelling – See “Dwelling, One Family”.

Tiny Home - See “Dwelling, Tiny”.

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.

Loan Office – See “Financial Institution”.

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.

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”.

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.

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.

Article 12 — I-1 Light Industrial District

Bethel Township Zoning Resolution

Article 12 — Redline (June 2026 In-Scope Amendments Only)

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This amendment to Article 12 addresses fifteen (15) issues identified in the September 2018 edition: corrects a dropped verb in the purpose statement; corrects the §2.09 footnote cross-reference to §2.10; relocates Motor Freight Depot and ~~Trucking Truck~~ Transfer Terminal to the I-2 district only; expressly prohibits Heavy Truck Parking; adds cross-references to Article 35 paving and residential-vehicle restrictions; reletters the 25 percent accessory-use cap so it is unambiguous; integrates the new Article 3 definitions; and adds a new §12.10 Unlisted Uses provision codifying the cluster framework.

• • • *(intervening content not in June scope)* • • •

Section 12.04 Conditional Permitted Uses — REVISED

~~Motor Freight Depot or Trucking Truck Transfer Terminal~~**[STRIKE — Motor Freight Depot and Trucking Transfer Terminal are permitted only in the I-2 Heavy Industrial District subject to §13.02 and §13.04A]**

Wireless Telecommunication Facility and/or Antenna**(subject to applicable federal Telecommunications Act provisions and FCC regulations; Township regulatory authority limited by 47 U.S.C. §§332 and 1455 and 47 C.F.R. §1.4000)**

Closing Sentence (NEW). Heavy Truck Parking, as defined in Article 3, is not permitted in the I-1 Light Industrial District whether as a principal, accessory, or conditional use. Heavy Truck Parking is permitted only in the I-2 Heavy Industrial District subject to §13.04A.

Reclassifications from §12.02 to §12.04 (V2). The following uses, previously listed as Principal Permitted Uses in §12.02 in prior editions of this Resolution, are reclassified as Conditional Uses under this Section subject to the standards and review procedures applicable to Conditional Uses:

(i) Automobile, Recreational Vehicle, and Boat Sales (including outdoor display and ancillary service).

(ii) Automobile, Truck, and Recreational Vehicle Repair (general service, mechanical, body, and paint).

Religious Place of Worship. Conditional Use in §12.04 with industrial-compatibility conditions including proximity to hazardous uses, traffic patterns during industrial shift changes, and EMS access. See Article 35 (Parking) and Article 38 (Buffer) for accessory standards.

Section 12.05 Lot Development Standards — REVISED

• • • *(intervening content not in June scope)* • • •

Drainage and Stormwater Management (NEW per Resolution 26-05-053). Development on parcels in this District shall comply with Article 34 (Drainage and Stormwater Management) where applicable under §34.03 (Applicability). A Drainage Plan meeting the requirements of §34.04 shall accompany any zoning application that triggers Article 34, including but not limited to subdivisions of three or more lots, rezonings affecting three or more acres in the aggregate, new construction adding ten thousand (10,000) square feet or more of Impervious Surface (as defined in Article 3), Substantial Improvements as defined in §34.02.J, and any installation of a Detention Basin or Retention Basin. The Zoning Administrator shall not issue a Zoning Certificate for any such triggering activity until the Drainage Plan has been approved under §34.08 with the recommendation of the Miami County Engineer.

Section 12.06 Minimum Off-Street Parking Requirements — REVISED

Cross-References. All off-street parking shall comply with Article 35 (Off-Street Parking and Loading), including without limitation §35.09.E (paving and surface standards) and §35.11.A (residential-vehicle restriction). For Heavy Truck Parking, see §13.04A (Heavy Industrial District); Heavy Truck Parking is not permitted in the I-1 District.

• • • *(intervening content not in June scope)* • • •

Section 12.10 Unlisted Uses (NEW)

(1) Heavy Truck Parking (as defined in Article 3). Heavy Truck Parking is permitted only in the I-2 District subject to §13.04A.

(2) Automobile Wrecking, Junk, or Salvage Yard. This use is permitted only in the I-2 District subject to §13.02.

(3) Motor Freight Depot or ~~Trucking~~ Truck Transfer Terminal. These uses are permitted only in the I-2 District subject to §13.02 and §13.04A.

(4) Outdoor storage as a principal use. Outdoor storage incidental to a permitted principal use is permitted subject to §30.05.

Article 13 — I-2 Heavy Industrial District

Bethel Township Zoning Resolution

Article 13 — Redline (June 2026 In-Scope Amendments Only)

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This amendment to Article 13 addresses fifteen (15) issues identified in the September 2018 edition and introduces the most substantial new provision in the Industrial cluster: a new §13.04A establishing conditional use standards for Heavy Truck Parking in eighteen subsections (A through R). The amendment also: corrects typographical errors; adds three Principal Permitted Uses that were inadvertently omitted (Medical/Dental Laboratories, Warehouse, Wholesale Distributor) from a district that is properly more permissive than I-1; moves Motor Freight Depot from Principal to Conditional and pairs it with the new **Trucking Truck** Transfer Terminal predominant-activity test from Article 3; adds Heavy Truck Parking as a Conditional Use subject to §13.04A; corrects the §2.09 footnote; increases the I-2 dimensional setbacks above I-1 (consistent with I-2's heavier-impact character); and adds a new §13.10 Unlisted Uses provision.

Section 13.02 Principal Permitted Uses — REVISED

• • • *(intervening content not in June scope)* • • •

~~Motor Freight Depot or Trucking Truck Transfer Terminal~~**[STRIKE — moved to §13.04 as Conditional Use, subject to the Trucking Transfer Terminal predominant-activity test in Article 3 and §13.04A standards where the activity meets the Heavy Truck Parking definition]**

• • • *(intervening content not in June scope)* • • •

Section 13.04 Conditional Permitted Uses — REVISED

~~Motor Freight Depot or Trucking Truck Transfer Terminal~~**(subject to the Trucking Transfer Terminal definition in Article 3 and to §13.04A standards where the activity meets the Heavy Truck Parking definition).**

Heavy Truck Parking (subject to §13.04A).

Section 13.04A Conditional Use Standards for Heavy Truck Parking (NEW)

In addition to the general conditional use review criteria applicable in the I-2 District, an application for Heavy Truck Parking shall meet the following standards. Each standard is a minimum; the Board of Zoning Appeals may impose additional reasonable conditions related to public health, safety, and welfare under Ohio Revised Code §519.14. The conditional use approval and all conditions imposed hereunder shall run with the land in accordance with Ohio

Revised Code §519.14 and shall bind all successors in interest. The Zoning Administrator shall record a notice of conditional use approval, including the conditions imposed under this Section, with the Miami County Recorder upon issuance as a memorandum of facts relating to the real property pursuant to Ohio Revised Code §5301.252.

A. Parcel Size

The parcel on which Heavy Truck Parking is the principal use shall contain not less than five (5) acres.

B. Separation from Protected Uses

No portion of any area used for Heavy Truck Parking — including truck spaces, drive aisles, queuing areas, and loading or staging areas — shall be located closer than:

- (1) Two hundred (200) feet from the boundary of any R-1AAA, A-1, B-2, or B-3 District;
- (2) One hundred (100) feet from the boundary of any A-2 District; or

• • • *(intervening content not in June scope)* • • •

All areas used for Heavy Truck Parking — including drive aisles and queuing areas — shall be surfaced with asphalt, bituminous concrete, or an equivalent durable, dustless material approved under §35.09.E, OR with an alternative porous surface approved by the Township Trustees in consultation with the Miami County Engineer. Equivalency determinations shall require written certification by a licensed professional engineer that the alternative surface achieves the dust-suppression and stormwater-management performance of asphalt or bituminous concrete. Compacted aggregate surfaces may be approved as an alternative where the licensed professional engineer certifies a long-term infiltration rate of one and zero-tenths (1.0) inch per hour or greater AND demonstrates that the dust-suppression performance equals that of bituminous concrete. Gravel and other loose-aggregate surfaces are not permitted for Heavy Truck Parking, whether interim or permanent; all parking areas shall be paved or surfaced with an engineer-certified alternative meeting the dust-suppression and stormwater-management performance of asphalt or bituminous concrete prior to commencement of the use.

D. Stormwater, Dust, and Containment

(1) Stormwater management shall comply with Miami County Sanitary Engineer standards and shall be reviewed concurrent with the conditional use application. (2) The operator shall file and implement a written dust-control plan addressing surface sweeping not less than weekly, dust suppression during dry conditions (defined as fewer than 0.1 inches of measurable precipitation in the prior seventy-two (72) hours), and grading. Visible fugitive dust crossing any property line shall be a per se violation of this subsection regardless of the contents of the filed plan. (3) Any area used for on-site vehicle fueling, fluid dispensing, or maintenance shall be served by an oil-water separator sized for the operations conducted and shall be curbed and graded to contain spills of fuel, motor oil, hydraulic fluid, radiator coolant, and other liquids to the developed area of the parcel.

• • • *(intervening content not in June scope)* • • •

Heavy Truck Parking is permissible on I-2 parcels with direct frontage on a roadway classified by the Miami County Engineer as a collector road or higher. Parcels without such frontage may apply for conditional use approval with a Traffic Impact Study demonstrating equivalent traffic capacity and safety, which the Board of Zoning Appeals may approve with additional conditions as warranted. In all cases, a Truck Routing Plan shall be filed with the application identifying intended routes between the facility and the nearest state or federal highway. Acceleration and deceleration lanes shall be required if a traffic-impact study so warrants.

I. Security and Operations

The facility shall maintain: (1) a perimeter security fence not less than seven (7) feet in height with controlled vehicular access (the eight-foot opaque screen required by subsection F may satisfy this fence requirement if it also provides controlled vehicular access); (2) security lighting from sunset to sunrise, subject to subsection G; (3) a written operations plan addressing trash collection, fluid leak response, snow removal, and abandoned-vehicle protocol; and (4) a twenty-four (24) hour contact for the facility operator, filed with the Zoning Administrator and the Bethel Township Fire Department.

• • • *(intervening content not in June scope)* • • •

The following activities shall not be conducted on a parcel approved for Heavy Truck Parking unless separately authorized by additional zoning approval: (1) Heavy Truck repair or service beyond routine driver inspection and minor adjustment (e.g., headlamp replacement, tire chains, addition of fluids); (2) painting, body work, frame work, or welding of vehicle bodies; (3) fuel sales to the general public (fuel dispensing solely to drivers parked on the property is not prohibited but shall comply with Ohio Fire Code requirements and subsection D(3)); (4) outdoor storage of cargo, freight, or unattached shipping containers separate from a vehicle, except for short-term staging not exceeding seventy-two (72) hours; and no single staged container shall return to the parcel within thirty (30) days of removal.

L. Compliance Review

The Zoning Administrator shall conduct a compliance inspection of each approved Heavy Truck Parking facility not less frequently than every five (5) years and report findings in writing to the Board of Zoning Appeals. Any modification or revocation of the conditional use approval shall be made only by the Board of Zoning Appeals following notice and hearing in accordance with §2.06.D.

M. Density Cap

• • • *(intervening content not in June scope)* • • •

Each application for Heavy Truck Parking shall be accompanied by a written decommissioning plan addressing pavement removal or repurposing, fence and lighting removal, restoration of vegetation, and stormwater system disposition upon cessation of the use. The decommissioning plan shall be incorporated into the conditional use approval and shall bind all successors in interest. The applicant shall post financial assurance — in the form of a surety bond, irrevocable letter of credit, or cash escrow with the Township Fiscal Officer — in an amount equal to one

hundred ten (110) percent of the engineer-certified cost estimate for decommissioning, to be re-evaluated every five (5) years concurrent with the compliance inspection under subsection L.

R. Existing Operations

Heavy Truck Parking operating on the effective date of this amendment without a prior conditional use approval issued under this Section is not a lawful nonconforming use. The owner shall apply for a conditional use permit under this Section within one hundred eighty (180) days of the effective date of this amendment or shall cease the Heavy Truck Parking use. Failure to apply or cease within the 180-day period shall be an Outstanding Violation enforceable under Article 40.

Section 13.05 Lot Development Standards — REVISED

• • • *(intervening content not in June scope)* • • •

Setback Increases Near Sensitive Districts (NEW). Where an I-2 parcel is located within two hundred (200) feet of any R-1AAA, A-1, A-2, B-2, or B-3 District boundary, the side and rear yard setbacks of any structure used for industrial or manufacturing purposes shall be increased by fifty (50) percent above the standards in the table above. Heavy Truck Parking is additionally subject to the separation standards in §13.04A.B, which shall apply notwithstanding the setbacks of this Section.

Drainage and Stormwater Management (NEW per Resolution 26-05-053). Development on parcels in this District shall comply with Article 34 (Drainage and Stormwater Management) where applicable under §34.03 (Applicability). A Drainage Plan meeting the requirements of §34.04 shall accompany any zoning application that triggers Article 34, including but not limited to subdivisions of three or more lots, rezonings affecting three or more acres in the aggregate, new construction adding ten thousand (10,000) square feet or more of Impervious Surface (as defined in Article 3), Substantial Improvements as defined in §34.02.J, and any installation of a Detention Basin or Retention Basin. The Zoning Administrator shall not issue a Zoning Certificate for any such triggering activity until the Drainage Plan has been approved under §34.08 with the recommendation of the Miami County Engineer.

Section 13.06 Minimum Off-Street Parking Requirements — REVISED

Cross-References. All off-street parking shall comply with Article 35 (Off-Street Parking and Loading), including without limitation §35.09.A.2 (Heavy Truck stall dimensions), §35.09.E (paving and surface standards), §35.09.H (lighting), and §35.11 (residential vehicle restrictions). Heavy Truck Parking as a principal use is governed by §13.04A and Article 35.

Article 14 — F-1 Flood Plain District

Bethel Township Zoning Resolution

Article 14 — Redline (June 2026 In-Scope Amendments Only)

Only changes within the four June 2026 themes are shown. Other content of this Article remains unchanged from the current edition and is not reproduced here.

REDLINE KEY: **inserted text** • ~~deleted text~~ • unchanged text

Section 14.02 Principal Permitted Uses — REVISED

Agricultural Uses **(as defined in Article 3, subject to the agricultural exemption of Ohio Revised Code §519.21 and to the standards of §14.05A for any structures or fuel/chemical storage within the SFHA)**

~~Parking Lot or Structure~~ **[STRIKE — Parking Lot or Structure as Principal Permitted is removed. The 10 percent maximum impervious surface in §14.05 is operationally incompatible with parking-lot uses. Parking incidental to a permitted principal use is permitted as accessory subject to §14.05A.]**

Stables and Riding Academy (subject to the supplemental standards of §15.04A, applied here by cross-reference, and subject to floodplain standards of §14.05A).

Section 14.03 Accessory Permitted Uses

Roadside Stand (as defined in Article 3); Home Occupation (subject to §30.27); Cottage Food Production; Hobby Sales; Yard Sale; Buildings and Uses Customary and Incidental (see §30.05); Signs (per §36). All accessory structures within the SFHA shall comply with §14.05A.

• • • *(intervening content not in June scope)* • • •

Section 14.05 Lot Development Standards — REVISED

• • • *(intervening content not in June scope)* • • •

All development within the F-1 Flood Plain District (the SFHA as identified on the FIRM) shall comply with the following standards, in addition to the general requirements of this Article and §14.05:

A. Floodway Prohibition

No new construction, substantial improvement, or other development (including fill) shall be permitted within the regulatory Floodway unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practice demonstrates that the proposed development will not result in any cumulative increase in flood levels during the occurrence of the base flood

discharge. The analysis shall be prepared by a registered professional engineer and submitted with the Zoning Certificate application.

• • • (intervening content not in June scope) • • •

Variances from the standards of this §14.05A may be granted by the Board of Zoning Appeals only upon a finding that all of the following conditions are met (consistent with 44 C.F.R. §60.6): (1) the variance is the minimum necessary; (2) issuance will not result in additional threats to public safety or extraordinary public expense; (3) issuance will not create nuisances, fraud, or victimization of the public; (4) issuance will not conflict with existing local laws or ordinances; (5) the applicant has demonstrated that the use cannot perform its intended purpose unless located in a flood hazard area; and (6) where the variance would permit construction in the Floodway, the applicant demonstrates no rise in base flood levels.

Drainage and Stormwater Management (NEW per Resolution 26-05-053). Development on parcels in this District shall comply with Article 34 (Drainage and Stormwater Management) where applicable under §34.03 (Applicability). A Drainage Plan meeting the requirements of §34.04 shall accompany any zoning application that triggers Article 34, including but not limited to subdivisions of three or more lots, rezonings affecting three or more acres in the aggregate, new construction adding ten thousand (10,000) square feet or more of Impervious Surface (as defined in Article 3), Substantial Improvements as defined in §34.02.J, and any installation of a Detention Basin or Retention Basin. The Zoning Administrator shall not issue a Zoning Certificate for any such triggering activity until the Drainage Plan has been approved under §34.08 with the recommendation of the Miami County Engineer.

Article 30 — Supplementary Regulations

Bethel Township Zoning Resolution

Article 30 — Redline (June 2026 In-Scope Amendments Only)

Only changes within the four June 2026 themes are shown. Other content of this Article remains unchanged from the current edition and is not reproduced here.

REDLINE KEY: **inserted text** • ~~deleted text~~ • unchanged text

• • • *(intervening content not in June scope)* • • •

• • • *(intervening content not in June scope)* • • •

Section 30.27 Auxiliary Uses Permitted in Residential Districts — RESTRUCTURED

• • • *(intervening content not in June scope)* • • •

12. Outdoor Storage. Outdoor storage of materials, products, equipment, or vehicles associated with the Home Business is prohibited when (i) visible from any property line, OR (ii) exceeding a footprint of fifty (50) square feet in the aggregate. Outdoor storage within accessory buildings remains subject to the area allowance of subsection 11. This subsection does not apply to vehicles that are licensed and operable and that are stored consistent with §30.28 (Storage of Commercial Vehicles on Residential Property).

13. Parking. Off-street parking sufficient to accommodate one employee plus the maximum simultaneous customer visit count under subsection 5 shall be provided in accordance with Article 35.

• • • *(intervening content not in June scope)* • • •

Section 30.28 Storage of Commercial Vehicles on Residential Property

Cross-Reference (NEW). Heavy Truck Parking, as defined in Article 3, is governed by §13.04A (I-2 Conditional Use). The storage of a Heavy Truck on residential property is prohibited; the storage of commercial vehicles not meeting the Heavy Truck definition is subject to this Section.

• • • *(intervening content not in June scope)* • • •

~~Section 30.35 (Reserved)~~ **Section 30.35 Drainage and Stormwater Management — Cross-Reference to Article 34**

Article 34 — Drainage and Stormwater Management

Article 34 — Drainage and Stormwater Management

REDLINE NOTE: This Article does not exist in the current Bethel Township Zoning Resolution. All content shown below is new and is INSERTED in full by this amendment.

Scope of Amendment

This Article is a NEW standalone Article dedicated to drainage and stormwater management on land within the unincorporated area of Bethel Township. It implements the policy that drainage warrants its own dedicated Article rather than placement as a single section within Article 30 (Supplementary Regulations). Section 30.35 of this Resolution is amended to cross-reference this Article in lieu of the existing 'Reserved' placeholder.

This Article does not duplicate or supplant the regulatory authority of the Miami County Engineer, the Miami County Sanitary Engineer, the Ohio Environmental Protection Agency under R.C. Chapter 6111 and the NPDES program (33 U.S.C. §1342; 40 C.F.R. §122.26), or any other applicable Federal, State, or County drainage authority. Compliance with the standards and procedures of those agencies is a condition of compliance with this Article. Where the standards of this Article and the standards of another authority conflict, the more restrictive controls except where preempted by superior law.

Section 34.01 Purpose

A. Public Welfare. The purpose of this Article is to protect the public health, safety, and welfare by minimizing the adverse impacts of stormwater runoff and the alteration of natural drainage patterns associated with land development and land disturbance within the unincorporated area of Bethel Township.

B. Specific Objectives. This Article is intended to: (1) prevent the increase of peak stormwater discharge from developed properties onto adjacent properties, Township road right-of-way, or natural watercourses; (2) maintain or improve water quality of stormwater runoff entering natural watercourses, drainageways, ponds, and groundwater; (3) coordinate Township land use approvals with the engineering review and permitting authority of the Miami County Engineer, the Miami County Sanitary Engineer, and the Ohio Environmental Protection Agency; (4) provide a clear, predictable process by which property owners and applicants demonstrate compliance with drainage and stormwater obligations as part of zoning approval; and (5) preserve and where feasible enhance the natural drainage features of the Township.

C. Statutory Authority. This Article is adopted under the authority of R.C. §§519.02, 519.12, and 519.16 (township zoning); R.C. §§6131 through 6137 (county and township drainage petitions); R.C. Chapter 6111 (water pollution control); and the police power of the Township. Nothing in this Article shall be construed to exceed the authority delegated to the Township by the General Assembly.

Section 34.02 Definitions

For purposes of this Article, the following terms shall have the meanings set forth below. Where any term defined in this Article also appears in Article 3 (Definitions), the definition in this Article controls for matters arising under this Article unless context clearly requires otherwise. Definitions of generally applicable terms (including Impervious Surface, Lot, Parcel, Owner, and Zoning Administrator) are found in Article 3.

A. 'Best Management Practice' or 'BMP' means a structural or non-structural device, measure, practice, or technique designed to prevent or reduce the adverse impacts of stormwater runoff on water quality or peak discharge, including but not limited to detention basins, retention basins, infiltration trenches, bioretention cells, swales, riparian buffers, level spreaders, and erosion-and-sediment-control measures meeting the standards of the Ohio EPA NPDES Construction General Permit (currently OHC000005, as periodically updated).

B. 'Detention Basin' means a stormwater facility designed to receive runoff and release it at a controlled rate, such that the facility is normally dry between storm events.

C. 'Drainage Plan' means a set of engineered drawings, calculations, and accompanying narrative, prepared and sealed by an Ohio-licensed Professional Engineer, that identifies existing drainage patterns, proposed drainage improvements, proposed Best Management Practices, peak-discharge calculations for the design storms applicable under §34.05, and any associated easements or maintenance covenants. A Drainage Plan shall conform to Miami County Engineer drainage standards and to any applicable Ohio EPA NPDES Construction General Permit requirements.

D. 'Impervious Surface' has the meaning set forth in Article 3.

E. 'Land Disturbance' means any human-caused activity that removes vegetative cover, exposes soil, alters drainage patterns, or compacts soil such that infiltration capacity is materially reduced, including but not limited to grading, filling, excavation, clearing, grubbing, and construction. Routine agricultural tillage on land qualifying for the agricultural exemption of R.C. §519.21 is not Land Disturbance for purposes of this Article.

F. 'Maintenance Plan' means a written plan, included with the Drainage Plan, that identifies the party responsible for ongoing maintenance of stormwater facilities and Best Management Practices, the inspection and maintenance schedule, the standards by which performance shall be judged, and the procedure for addressing maintenance deficiencies. A Maintenance Plan shall be recorded with the Miami County Recorder as a covenant running with the land for any stormwater facility that serves more than one parcel or that is located outside Township road right-of-way.

G. 'NPDES' means the National Pollutant Discharge Elimination System administered by the U.S. Environmental Protection Agency under 33 U.S.C. §1342 and 40 C.F.R. §122 and delegated to the Ohio EPA under R.C. Chapter 6111.

H. 'Retention Basin' or 'Wet Pond' means a stormwater facility designed to retain a permanent pool of water with additional capacity for runoff storage during storm events; release is typically through controlled outflow or infiltration. Retention basins are subject to Article 39 (Pond Regulations) where applicable.

I. 'Stormwater Management Plan' means the engineered design for managing stormwater on a developed property, including Best Management Practices, detention or retention facilities, water-quality features, and conveyance systems; a Stormwater Management Plan is a component of, and may be combined with, the Drainage Plan under §34.04.

J. 'Substantial Improvement' means any reconstruction, rehabilitation, addition, or improvement of a building, structure, or site, the cost of which equals or exceeds twenty-five (25) percent of the Replacement Cost (as defined in Article 3) of the building or structure before the improvement; or, for site improvements unconnected to a building, the addition of new Impervious Surface area equal to or exceeding twenty-five (25) percent of the existing Impervious Surface area on the parcel.

K. 'Watercourse' means any natural channel, river, stream, creek, brook, ditch, or other natural conveyance of stormwater or surface water, whether perennial, intermittent, or ephemeral, and includes both Township and County-maintained drainage ditches and constructed channels carrying stormwater runoff from multiple parcels.

Section 34.03 Applicability

A. Activities Triggering Drainage Plan Requirement. A Drainage Plan meeting the requirements of §34.04 shall be required for, and submitted with, any of the following:

1. Subdivisions of three (3) or more lots within the unincorporated area of the Township, whether processed under R.C. Chapter 711 (county subdivision regulations) or under any minor-subdivision procedure delegated to the Township;
2. Zoning Map amendments (rezonings) affecting three (3) or more acres in the aggregate;
3. Any new Land Disturbance or new construction resulting in the addition of ten thousand (10,000) square feet or more of new Impervious Surface (as defined in Article 3) on a single parcel, or on contiguous parcels under common ownership, calculated cumulatively over any sixty (60) month rolling period;
4. Any Substantial Improvement (as defined in §34.02.J) of an existing building, structure, or site;
5. Any Conditional Use Permit application under §2.06.D where the proposed use will materially alter drainage patterns or increase stormwater runoff, as determined by the Zoning Administrator on the papers at intake;
6. Any application for any zoning approval on a parcel that is within five hundred (500) feet of a Watercourse and that proposes new construction or Land Disturbance, where the Zoning Administrator determines on the papers at intake that the proposed activity may materially affect the Watercourse;
7. Any installation of a Detention Basin or Retention Basin (also subject to Article 39 where applicable); and

8. Any other activity for which the Miami County Engineer, the Miami County Sanitary Engineer, or the Ohio EPA requires a stormwater pollution prevention plan, Notice of Intent (NOI) under the NPDES Construction General Permit, or other engineered drainage submittal.

B. Activities Not Triggering Drainage Plan Requirement. The following activities do not trigger a Drainage Plan requirement under this Article, except where the Zoning Administrator makes a written finding that site-specific conditions warrant otherwise:

1. Single-family dwelling construction on a previously developed lot where the new Impervious Surface added is less than ten thousand (10,000) square feet and the lot is not within five hundred (500) feet of a Watercourse;
2. Accessory structures of less than one thousand (1,000) square feet of footprint where the parcel has not previously been subject to a Drainage Plan and no part of the structure or its driveway approaches a Watercourse;
3. Routine repair, maintenance, or replacement-in-kind of existing stormwater facilities, drainage features, or driveway aprons that does not enlarge the facility;
4. Activities qualifying for the agricultural exemption of R.C. §519.21, except that an applicant for a zoning approval for non-exempt buildings or non-exempt uses on a Farm parcel (as defined in Article 3) shall comply with this Article with respect to those non-exempt elements; and
5. Emergency work necessary to protect life or property, provided that the Zoning Administrator is notified within three (3) business days and that a corrective Drainage Plan is submitted within thirty (30) days where the emergency work materially alters drainage patterns.

Section 34.04 Drainage Plan — Contents and Submittal

A. Engineer Seal Required. Every Drainage Plan submitted under this Article shall be prepared and sealed by a Professional Engineer licensed under R.C. Chapter 4733.

B. Required Contents. A Drainage Plan shall include the following:

1. A site plan, drawn to scale, showing existing topography (one-foot contour intervals or as required by the Miami County Engineer), property lines, easements of record, existing and proposed buildings and structures, existing and proposed driveways and parking areas, existing and proposed utility infrastructure, and the location of any Watercourse or wetland on or within five hundred (500) feet of the parcel;
2. Identification of existing drainage patterns and proposed alterations, including direction of flow, points of discharge, and any off-site receiving facilities;
3. Hydrologic and hydraulic calculations for the design storms applicable under §34.05, including pre-development and post-development peak-discharge calculations, calculation methodology, and the engineering assumptions on which calculations rely;

4. Identification of all proposed Best Management Practices, with construction details, sizing calculations, and supporting documentation demonstrating compliance with §34.05 and with Miami County Engineer standards;

5. An erosion-and-sediment-control plan for the construction period, meeting the requirements of the Ohio EPA NPDES Construction General Permit where applicable;

6. A Maintenance Plan meeting the requirements of §34.07;

7. A draft of any drainage easements or maintenance covenants proposed to be recorded against the parcel; and

8. Evidence of submittal to the Miami County Engineer or Miami County Sanitary Engineer where their review is required by County regulation or by this Article.

C. Submittal. The Drainage Plan shall be submitted to the Zoning Administrator together with the underlying zoning application (Zoning Certificate, Conditional Use Permit, Variance, Zoning Map amendment, or other application as applicable). The Zoning Administrator shall not deem the underlying application complete for purposes of the Zoning Administrator's processing of the underlying Zoning Certificate application under Article 2 until the Drainage Plan has been submitted and accepted as facially complete.

Section 34.05 Stormwater Management Standards

A. Miami County Standards Adopted by Reference. The drainage and stormwater management standards adopted by the Miami County Engineer and the Miami County Sanitary Engineer, as amended from time to time, are adopted by reference as the operative engineering standards under this Article. Where a Drainage Plan demonstrates compliance with those County standards, the Plan is presumed to satisfy the engineering requirements of this Article, subject to the Zoning Administrator's authority to identify site-specific concerns under subsection D below.

B. Peak-Discharge Control. Unless the Miami County Engineer establishes a different standard for the applicable watershed, the post-development peak rate of stormwater discharge from a parcel subject to this Article shall not exceed the pre-development peak rate for the two-year, ten-year, and one-hundred-year storm events as defined by the latest National Oceanic and Atmospheric Administration Atlas 14 precipitation frequency estimates for Miami County, Ohio.

C. Water Quality. Drainage Plans shall include Best Management Practices reasonably calculated to reduce the discharge of suspended solids, hydrocarbons, nutrients, and other pollutants typically associated with the proposed land use. For projects subject to the Ohio EPA NPDES Construction General Permit, compliance with the Permit's post-construction stormwater management requirements satisfies this subsection.

D. Site-Specific Concerns. The Zoning Administrator, upon review of a Drainage Plan, may identify site-specific concerns warranting additional Best Management Practices or alternative design approaches, including but not limited to: (1) proximity to an impaired Watercourse identified on the Ohio EPA §303(d) impaired waters list; (2) documented historical drainage problems on the parcel or in the surrounding area; (3) soils with poor infiltration characteristics

as documented by the United States Department of Agriculture Natural Resources Conservation Service (NRCS) Web Soil Survey; or (4) parcels within a floodplain or floodway as mapped by FEMA under 44 C.F.R. Part 60 (see also Article 14, F-1 Flood Plain District).

E. Discharge to Natural Watercourses. No Drainage Plan shall propose discharge of stormwater directly to a Watercourse without erosion-protection at the point of discharge, energy-dissipation measures appropriate to the discharge velocity, and demonstration that the discharge will not cause or contribute to erosion, sedimentation, or property damage downstream.

F. Discharge onto Adjacent Property. No Drainage Plan shall propose the concentration and discharge of stormwater onto adjacent property in a manner that would constitute an actionable nuisance under Ohio common law or that would materially alter the natural drainage pattern from which the adjacent property would not otherwise have benefited. The reasonable-use doctrine of Ohio surface-water law (see *Mc Glashan v. Spade Rockledge Terrace*, 62 Ohio St.2d 55 (1980)) shall guide review under this subsection.

Section 34.06 Detention and Retention Facilities

A. Coordination with Article 39. The construction or substantial modification of any Detention Basin or Retention Basin under this Article is also subject to Article 39 (Pond Regulations) where the facility meets the dimensional or functional criteria of an Article 39 pond. Where both this Article and Article 39 apply, the standards of both shall be satisfied; the more restrictive controls.

B. Standalone Stormwater Ponds Require Zoning Certificate. A standalone Detention Basin or Retention Basin not constructed pursuant to an approved Drainage Plan under this Article requires a Zoning Certificate under §2.07 and is subject to Article 39 in addition to such other provisions of this Resolution as may apply.

C. Setback. Detention and Retention Basins shall observe a minimum setback of twenty-five (25) feet from any property line, except where the Miami County Engineer requires a greater setback or where the Drainage Plan demonstrates that a lesser setback is engineering-sound and consented to in writing by the affected adjacent property owner(s). The setback requirement applies to the high-water elevation of the design storm, not to the structural toe of the basin.

D. Safety Features. Detention and Retention Basins serving more than one parcel, or located within one hundred (100) feet of any building or structure, shall include safety features appropriate to the depth, slope, and water-retention characteristics of the facility, including but not limited to side slopes no steeper than 3:1, perimeter fencing where the design depth exceeds four (4) feet, and approved emergency-spillway provisions.

Section 34.07 Maintenance Plan and Long-Term Maintenance

A. Maintenance Plan Required. Every Drainage Plan subject to this Article shall include a Maintenance Plan meeting the requirements of this Section.

B. Required Contents. A Maintenance Plan shall identify: (1) the party responsible for maintenance (the Owner of the parcel, a homeowners' or property owners' association, a stormwater utility, or other entity); (2) the inspection schedule for each Best Management Practice or stormwater facility (not less than annually, and after any storm event exceeding the two-year design storm); (3) the maintenance activities required (sediment removal, vegetation management, outlet structure clearing, inspection of erosion-control measures, etc.); (4) the performance standards by which maintenance compliance shall be judged; (5) the procedure for addressing identified maintenance deficiencies; (6) records to be maintained and made available for inspection on reasonable written request by the Zoning Administrator; and (7) the procedure for transferring maintenance responsibility upon sale of the parcel or dissolution of the responsible entity.

C. Recorded Covenant Required. Where a stormwater facility serves more than one parcel, or where a stormwater facility is located outside Township road right-of-way and is intended to serve a development, the Maintenance Plan shall be recorded with the Miami County Recorder as a covenant running with the land. The recorded covenant shall designate Bethel Township as a third-party beneficiary with standing to enforce the Maintenance Plan in the event the designated responsible party fails to perform.

D. Township Enforcement Authority. Failure to comply with a recorded Maintenance Plan is a violation of this Resolution enforceable under Article 40. Where Township enforcement requires the Township to undertake corrective maintenance work, the cost of such work is recoverable from the property owner under §40.08 and may be certified to the Miami County Auditor for collection in the manner of other taxes and assessments.

Section 34.08 Plan Review and Approval

A. Zoning Administrator Review. The Zoning Administrator shall review every Drainage Plan submitted under this Article for facial completeness within five (5) business days of receipt and shall notify the applicant in writing of any deficiencies.

B. County Engineer Coordination. The Zoning Administrator shall transmit each complete Drainage Plan to the Miami County Engineer and, where sanitary or storm sewer connections are proposed, to the Miami County Sanitary Engineer, for review and recommendation. The County Engineer or Sanitary Engineer shall have thirty (30) days to provide written review comments; failure to respond within the thirty (30) day period shall be deemed a no-objection response and shall not delay action on the underlying zoning application. Submittal to the County tolls the Zoning Administrator's standard decision period applicable to Zoning Certificate applications under Article 2 until receipt of County review or expiration of the thirty (30) day period, whichever first occurs (see also §2.10).

C. Approval Required. The Zoning Administrator shall not issue the underlying zoning approval until the Drainage Plan is approved. The Drainage Plan is approved upon written finding by the Zoning Administrator, supported by such County Engineer recommendation as has been received, that the Plan complies with this Article. The Zoning Administrator may approve, approve with conditions, or deny the Drainage Plan.

D. Denial Appealable. Denial of a Drainage Plan by the Zoning Administrator is appealable to the Board of Zoning Appeals under §2.06.A.6 within twenty (20) days of service of the denial. Further appeal to the Miami County Court of Common Pleas under R.C. Chapter 2506 lies within thirty (30) days of the Board's final written decision.

E. Independent Engineering Review at Applicant Expense. Where the Zoning Administrator identifies a substantial question regarding the technical adequacy of a submitted Drainage Plan, the Administrator may require independent engineering review by a Professional Engineer retained by the Township, at the applicant's expense, provided that the cost is estimated in writing in advance and the applicant is given the opportunity to withdraw or revise the application before the independent review is commissioned.

Section 34.09 Construction Inspection

A. Pre-Construction Conference. For projects subject to the NPDES Construction General Permit, the applicant shall hold a pre-construction conference with the Zoning Administrator (or designee) and the project engineer before commencing Land Disturbance. The pre-construction conference shall review the approved Drainage Plan, erosion-and-sediment-control measures, the inspection schedule, and the chain of communication for addressing issues during construction.

B. Construction Inspection. The Zoning Administrator (or designee) may inspect the site during construction to verify implementation of the approved Drainage Plan and erosion-and-sediment-control measures. Refusal to permit reasonable inspection is a violation enforceable under Article 40.

C. As-Built Certification. Within sixty (60) days of substantial completion of stormwater facilities, the applicant shall submit to the Zoning Administrator an as-built drawing of the constructed facilities, sealed by an Ohio-licensed Professional Engineer, certifying that the facilities were constructed in substantial conformance with the approved Drainage Plan or identifying any deviations.

D. Final Approval. Final zoning approval (including Certificate of Occupancy, where applicable) shall not be issued until the as-built certification has been accepted by the Zoning Administrator and any required Maintenance Plan covenants have been recorded.

Section 34.10 Enforcement

A. Article 40 Procedures Apply. A violation of this Article is enforceable under the procedures of Article 40 (Violations and Corrective Actions), including but not limited to the issuance of a Notice of Violation, cure periods, administrative hearing, abatement by the Township, cost recovery, and the escalating-penalty framework of §40.09.

B. Specific Drainage Violations. The following are violations of this Article: (1) commencement of Land Disturbance subject to this Article without an approved Drainage Plan; (2) deviation from an approved Drainage Plan without prior written approval of the Zoning Administrator; (3)

failure to install, maintain, or operate Best Management Practices or stormwater facilities as required by an approved Drainage Plan or Maintenance Plan; (4) failure to record a required Maintenance Plan covenant; (5) discharge of stormwater in violation of §34.05.E or §34.05.F; and (6) failure to provide as-built certification under §34.09.C.

C. Coordination with Ohio EPA. Violations also constituting violations of the Ohio EPA NPDES Construction General Permit or other Ohio EPA water-quality regulations may be referred to Ohio EPA for enforcement under R.C. Chapter 6111 in addition to Township enforcement under this Article. Township action does not foreclose Ohio EPA action and Ohio EPA action does not foreclose Township action.

D. Injunctive Relief. The Township may seek injunctive relief under §40.05.F where continued violation of this Article poses immediate harm to public health, safety, the environment, or downstream property owners.

Section 34.11 Exemptions

A. Agricultural Exemption. Activities qualifying for the agricultural exemption of R.C. §519.21 are exempt from this Article to the extent of the statutory exemption. The Township retains authority under this Article over: (1) any non-exempt building or non-exempt use proposed on a Farm parcel; (2) any Land Disturbance unconnected to bona fide agricultural production; and (3) construction of any building, structure, or facility for which a Zoning Certificate is required notwithstanding the agricultural exemption.

B. Single-Family Dwelling Threshold. Construction of a single-family dwelling on a previously developed lot is exempt from §34.04 Drainage Plan submittal where (i) the new Impervious Surface added is less than ten thousand (10,000) square feet, (ii) the lot is not within five hundred (500) feet of a Watercourse, and (iii) no Substantial Improvement has been undertaken on the parcel within the preceding sixty (60) months. This exemption does not relieve the Owner from compliance with §34.05.E and §34.05.F regarding discharge.

C. Emergency Repairs. Emergency repairs necessary to protect life or property are exempt from advance approval under this Article, subject to the notification and corrective-plan requirements of §34.03.B.5.

D. Township and Public Projects. Drainage improvements undertaken directly by Bethel Township, by the Miami County Engineer, by the Ohio Department of Transportation, or by a public utility under their respective statutory authorities are not subject to the Drainage Plan submittal requirements of this Article, but shall coordinate with the Zoning Administrator regarding any aspect of the project that would otherwise require zoning approval.

Section 34.12 Cross-References

A. Related Provisions. This Article should be read together with the following provisions of this Resolution: §2.07 (Zoning Certificate); §2.10 (Conformance with Miami County Sanitary Engineer Standards); §13.04A (Heavy Truck Parking — includes stormwater requirements specific to that

use); §14.01 et seq. (F-1 Flood Plain District); §20.10.E (Planned Development open-space stormwater cap); §30.05.G (Accessory Building setbacks — stormwater facility setbacks under §34.06.C are in addition); §30.30 (Visibility Across Corner Lots — does not relieve drainage facility from setback or location standards); §30.35 (Cross-Reference to Article 34); §39.02 (Pond Regulations — coordinates with §34.06); and Article 40 (Violations and Corrective Actions).

B. §30.35 Coordination. The existing 'Reserved' placeholder of §30.35 is amended to read: 'Drainage and Stormwater Management — Cross-Reference to Article 34. See Article 34 for the substantive provisions governing drainage and stormwater management.'

Section 34.13 Severability and Effective Date

A. Severability. If any section, subsection, sentence, clause, or phrase of this Article is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Article.

B. Effective Date. This Article shall take effect thirty (30) days after adoption by the Board of Township Trustees, pursuant to R.C. §519.12, subject to the referendum period for any associated Zoning Map amendments.

C. Prospective Application. This Article shall apply prospectively to applications filed on or after the effective date. Applications pending on the effective date shall be governed by the law in effect at the time of filing, except where the applicant elects in writing to proceed under this Article.

D. Statutory Authority. This Article is adopted under the authority of R.C. §§519.02, 519.12, 519.16, 6131 through 6137, and Chapter 6111, and the police power of the Township.

Article 35 — Off-Street Parking and Loading

Bethel Township Zoning Resolution

Article 35 — Redline (June 2026 In-Scope Amendments Only)

Only changes within the four June 2026 themes are shown. Other content of this Article remains unchanged from the current edition and is not reproduced here.

REDLINE KEY: **inserted text** • ~~deleted text~~ • unchanged text

This amendment to Article 35 addresses fifteen (15) issues identified in the June 2007 edition, including: addition of Heavy Truck Parking provisions (HT-3A row in §35.05; HT-3B stall dimensions in §35.09.A; HT-3C reconciliation of §35.11 commercial vehicle restrictions); correction of a passenger stall dimension anomaly; restoration of the truncated §35.09.H.3 pole height standard; correction of internal contradictions between §35.11.A (4-ton) and §35.11.C (1-ton); resolution of 'Section 35.5' typos; standardization of body nomenclature; and cross-reference cleanup. The article was last substantively updated in June 2007 (the May 2025 footer note records only the article-number header change).

• • • *(intervening content not in June scope)* • • •

Section 35.05 Required Off-Street Parking Spaces — REVISED (HT-3A)

• • • *(intervening content not in June scope)* • • •

Heavy Truck Parking (as defined in Article 3) — One (1) off-street parking space per Heavy Truck stored on the premises, sized in accordance with the Heavy Truck stall standards in §35.09.A. Heavy Truck Parking as a principal use is permitted only in the I-2 Heavy Industrial District subject to §13.04A; this entry establishes the parking-count standard.

Section 35.09 Off-Street Parking Design Requirements — REVISED

§35.09.A Stall Dimensions — REVISED (HT-3B + passenger correction)

• • • *(intervening content not in June scope)* • • •

Heavy Truck Stall Table (NEW). Heavy Truck stalls shall meet the following minimum dimensions:

Combination Unit Heavy Truck (truck-tractor with trailer): twelve (12) feet by seventy-five (75) feet.

Single Unit Heavy Truck (dump truck, concrete mixer, single-unit straight truck): fourteen (14) feet by forty-five (45) feet.

Heavy Truck 90° aisle: thirty-five (35) feet.

Heavy Truck angled aisle: twenty-five (25) feet.

Heavy Truck parking surfaces shall meet the §35.12.A.5 minimum load standard of one thousand (1,000) pounds per square inch in addition to the §35.09.E paving standard.

§35.09.E Paving — Cross-Reference to Load Standard

Cross-Reference (NEW). For Heavy Truck Parking surfaces, the load-rating standard of §35.12.A.5 (1,000 psi) applies in addition to the dustless-surface requirements of this Section. See §13.04A.C for surfacing alternatives applicable specifically to Heavy Truck Parking conditional uses.

§35.09.H Lighting — REVISED

• • • *(intervening content not in June scope)* • • •

3. Light poles ~~for parking lots of fifty (50) vehicles or less shall not exceed twenty (20) feet in height.~~ **shall not exceed: (a) twenty (20) feet in height for parking lots of fifty (50) vehicles or less; (b) twenty-five (25) feet in height for parking lots of fifty-one (51) to one hundred fifty (150) vehicles; and (c) thirty-five (35) feet in height for parking lots greater than one hundred fifty (150) vehicles or for Heavy Truck Parking facilities (subject to the lower §13.04A.G limits where applicable).**

Cross-Reference (NEW). For Heavy Truck Parking facilities, the more restrictive lighting standards of §13.04A.G apply.

• • • *(intervening content not in June scope)* • • •

Section 35.11 Use of Off-Street Parking Facilities — REVISED (HT-3C reconciliation)

A. Commercial motor vehicle exceeding four (4) tons in rated capacity, **including any Heavy Truck as defined in Article 3 (commercial motor vehicle with manufacturer's gross vehicle weight rating of 26,001 pounds or more),** is prohibited from off-street parking in residential districts.

B. Reconciliation with §35.11.C (NEW). Commercial vehicles rated between one (1) and four (4) tons in rated capacity (or with a manufacturer's gross vehicle weight rating between 6,000 and 26,001 pounds), and commercial buses, are subject to the overnight and outdoor-storage restrictions of §35.11.C below.

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.

Article 38 — Landscape and Buffer Requirements

Bethel Township Zoning Resolution

Article 38 — Redline (June 2026 In-Scope Amendments Only)

Only changes within the four June 2026 themes are shown. Other content of this Article remains unchanged from the current edition and is not reproduced here.

REDLINE KEY: **inserted text** • ~~deleted text~~ • unchanged text

This amendment to Article 38 addresses thirteen (13) issues identified in the March 2018 edition, including: addition of a 100-foot buffer standard for Stables and Riding Academy adjacent to residential districts (anchoring §15.04A.B); restoration of the §38.05.B 'Service Courts and Loading Dock Areas' empty heading; removal of the §38.09 stray closing sentence; correction of Latin species name typos throughout §38.06.B; clarification of the Caprifoliaceae prohibition to invasive Lonicera only; addition of cross-references to the Heavy Truck Parking screening requirement (§13.04A.F); and modernization of the prohibited-species list to align with current Ohio Department of Natural Resources invasive species guidance.

• • • *(intervening content not in June scope)* • • •

Section 38.03 Minimum Materials and Standards

• • • *(intervening content not in June scope)* • • •

§38.03.E.5 Screening of Industrial Uses — retained verbatim. The 40-foot landscape buffer (no wall) or 15-foot buffer (with 6-foot masonry wall) plus 8-foot year-round screening height supports the §13.04A.F Heavy Truck Parking screening requirement. The §38.03.E.5.d 'solid opaque fence eight (8) feet in height erected along one hundred percent (100%) of the yard length' option is the direct anchor for §13.04A.F.

§38.03.E.6 Screening of Heavy Truck Parking (NEW)

Where Heavy Truck Parking is the principal use of a parcel, the screening standards of §38.03.E.5 (Screening of Industrial Uses) apply along all parcel boundaries that abut or face any residential, agricultural, or business district, in addition to the specific screening requirements of §13.04A.F. The more restrictive standard controls.

§38.03.E.7 Buffer for Stables and Riding Academy (NEW — anchors §15.04A.B)

Where Stables and Riding Academy (as defined in Article 3) is operated as a Principal Permitted Use on a parcel less than twenty (20) acres in an A-1 Domestic Agriculture District and the parcel abuts a residentially-zoned district, the following supplemental buffer standard applies: A buffer of not less than one hundred (100) feet, measured from the nearest edge of any stable, paddock, riding ring, or manure storage area to the boundary of the residentially-zoned district. The buffer area shall be planted with a vegetated screen (deciduous or evergreen) sufficient to

provide visual screening to a height of six (6) feet at maturity. Existing mature vegetation that provides equivalent screening may satisfy this requirement upon Zoning Administrator approval. This subsection supplements but does not displace §38.02 (Applicability) for parcels qualifying for the §519.21 agricultural exemption.

Article 39 — Pond Regulations

Bethel Township Zoning Resolution

Article 39 — Redline (June 2026 In-Scope Amendments Only)

Only changes within the four June 2026 themes are shown. Other content of this Article remains unchanged from the current edition and is not reproduced here.

REDLINE KEY: **inserted text** • ~~deleted text~~ • unchanged text

This amendment to Article 39 addresses thirteen (13) issues in the September 2018 edition, including: resolution of the internal contradiction between §39.02.A (permit required for ponds generally) and §39.02.B/C (no permit required for Detention and Retention ponds); clarification of the ORC §303.21 agricultural pond exemption; addition of cross-references to Article 14 (Flood Plain) for ponds within or adjacent to the Special Flood Hazard Area; addition of cross-references to Article 38 (Landscape and Buffer) for pond bank vegetation; standardization of section numbering style; expansion of the permitting process; addition of safety standards; addition of an abandonment/decommissioning provision; and adoption of dam safety standards by reference to Ohio Department of Natural Resources.

Section 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.

Section 39.02 Scope of Regulations — REVISED

§39.02.B Detention Pond

DETENTION POND — REVISED ~~No Permit Required.~~ **A Detention Pond constructed in accordance with the approved stormwater management plan for a development is exempt from the Zoning Certificate requirement of subsection A. Detention Ponds not associated with an approved development plan require a Zoning Certificate**

§39.02.C Retention Pond

RETENTION POND — REVISED ~~No Permit Required.~~ **A Retention Pond constructed in accordance with the approved stormwater management plan for a development is exempt from the Zoning Certificate requirement of subsection A. Retention Ponds not associated with an approved development plan require a Zoning Certificate**

§39.02.D Agricultural Pond — REVISED

~~AGRICULTURAL POND Zoning Permit subject to agricultural exemption in accordance with Ohio Revised Code §519.21. An Agricultural Pond on a parcel qualifying for the agricultural exemption of Ohio Revised Code §519.21 (as defined in Article 3, 'Agricultural Use') is exempt from the Zoning Certificate requirement. The reference to ORC §303.21 in the prior text is corrected to ORC §519.21 (the township agricultural exemption statute; §303.21 is the equivalent county-level statute and does not apply to townships)~~

• • • (intervening content not in June scope) • • •

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.

• • • (intervening content not in June scope) • • •

§39.02.F Decorative or Ornamental Pond (NEW)

A Decorative or Ornamental Pond of seven hundred fifty (750) square feet or less in surface area is exempt from the Zoning Certificate requirement, provided it is located outside the Special Flood Hazard Area and meets the setback standards of §39.02.E.1 (twenty-five (25) feet from any lot line, seventy-five (75) feet from any road right-of-way). Decorative Ponds greater than 750 square feet are subject to the Recreational Pond standards of §39.02.E.

Article 40 — Violations and Corrective Actions

Bethel Township Zoning Resolution — Article 40 (Violations and Corrective Actions)

Proposed Amendments — Redline (Complete Replacement)

REDLINE KEY: **inserted text** • ~~deleted text~~ • unchanged text

Article 40 — Violations and Corrective Actions: Scope of Amendment

This amendment to Article 40 is a complete replacement of the existing one-page September 2018 article (three sections totaling approximately 350 words) with a comprehensive eleven-section enforcement framework totaling approximately four pages. The replacement codifies the substantive enforcement provisions of Ohio Revised Code Chapters 505, 519, 971, and 5579; establishes administrative procedure (investigation, notice of violation, administrative hearing, appeal); creates the Outstanding Violations Bar (the 'clean-hands' rule precluding new zoning approvals on parcels with unresolved violations); activates the township's Junk Motor Vehicle and Nuisance Property enforcement authority; and codifies abatement cost recovery through the property tax duplicate. The replacement is the operational anchor for cross-references throughout the Resolution.

Section 40.01 Unlawful Activity — REPLACED

~~[Existing two-subsection §40.01 is replaced in its entirety with the following three-subsection framework:]~~

A. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building, structure, or land in violation of any regulation or provision of this Zoning Resolution or any amendment or supplement thereto.

B. It shall be unlawful to fail to obey any lawful order issued by the Zoning Administrator, Zoning Inspector, or Board of Township Trustees pursuant to this Zoning Resolution.

C. It shall be unlawful to store, accumulate, or permit to remain on any property within the unincorporated area of Bethel Township any junk motor vehicle or nuisance condition as defined in this Article, except as specifically exempted herein.

Section 40.02 Definitions — For purposes of this Article, all defined terms (including but not limited to Authorized Officer, Collector's Vehicle, Final Notice of Violation, Junk Motor Vehicle, Nuisance, Outstanding Violation, Owner, and Property) shall have the meanings set forth in Article 3 (Definitions).

Section 40.03 Application Eligibility — Outstanding Violations Bar — NEW

In furtherance of the orderly administration of this Zoning Resolution and the equitable application of its enforcement provisions, no person shall be entitled to apply for any zoning approval on a parcel that is subject to an Outstanding Violation, except as provided herein.

§40.03.A Applications Gated

The following applications shall not be accepted, processed, or acted upon while an Outstanding Violation exists on, or is discovered during processing of an application affecting, the subject parcel: (1) Zoning Certificate; (2) Conditional Use Permit; (3) Variance; (4) Zoning Map Amendment (rezoning); (5) Lot Split; (6) Sign Permit; (7) any other application requiring action by the Zoning Administrator, Zoning Commission, Board of Zoning Appeals, or Board of Township Trustees under this Zoning Resolution.

§40.03.B Scope Limited to Subject Parcel

This Section applies only to Outstanding Violations on the same parcel as the application. A violation on any other parcel, even one owned by the same applicant, shall not bar an application under this Section.

§40.03.C Triggering Violations

Only Outstanding Violations as defined in §40.02.H shall trigger application of this Section. A pending or open Notice of Violation for which the cure period has not yet expired, or for which a timely request for administrative hearing has been filed and not yet decided, shall not bar an application.

§40.03.D Hardship Exception — New Owners and Abatement Plans

An applicant may apply for an exception to the bar imposed by this Section by submitting, together with the application, a written Abatement Plan that:

1. identifies the Outstanding Violation(s) and the parcel affected;
2. describes in detail the proposed corrective action, the timeline for completion (not to exceed ninety (90) days from acceptance of the Abatement Plan unless extended for good cause), and the resources committed to abatement;
3. demonstrates that the applicant has acquired the parcel within the preceding twelve (12) months OR that the applicant has otherwise become responsible for the parcel through inheritance, divorce decree, or similar legal event;
4. is reviewed and approved in writing by the Zoning Administrator, which approval shall not be unreasonably withheld where the Abatement Plan is reasonable and the applicant demonstrates capacity and intent to perform.

§40.03.E Effect of Exception

~~Where an Abatement Plan is approved under §40.03.D, the application may proceed; however, any zoning approval issued pursuant to such application shall be conditioned upon completion of the approved Abatement Plan, and the failure to complete the Abatement Plan shall be grounds for revocation of the zoning approval.~~

Where an Abatement Plan is approved under §40.03.D, the application may proceed; however, any zoning approval issued pursuant to such application shall be conditioned upon completion of the Abatement Plan according to its terms. The conditional zoning approval shall expire automatically and revert to denied status ninety (90) days after Abatement Plan approval if the Plan is not completed by that date, unless the Zoning Administrator has, in writing prior to the original ninety (90) day expiration, granted a single extension not to exceed thirty (30) additional days on a showing of good cause. Automatic expiration under this Subsection is ministerial and does not require separate notice or hearing; the Zoning Administrator shall record the expiration in the parcel file and serve written notice on the property owner within ten (10) business days, but the absence or delay of the recorded notice shall not affect the validity of the automatic expiration. Reversion to denied status restores the Outstanding Violation for purposes of §40.03.A application gating.

§40.03.F Appeal

Denial of an Abatement Plan by the Zoning Administrator may be appealed to the Board of Zoning Appeals under §2.06.A.6 within thirty (30) days of denial. Further appeal to the Miami County Court of Common Pleas is available under R.C. Chapter 2506.

§40.03.G Effective Date

This Section shall apply only to Outstanding Violations declared or finalized after the effective date of this Article. Violations finalized prior to the effective date shall not bar applications under this Section, although they remain subject to all other provisions of this Article.

Section 40.04 Investigation and Notice of Violation — NEW

§40.04.A Investigation

Upon receipt of a complaint, or upon the Authorized Officer's own observation, the Authorized Officer shall investigate and document the alleged violation, including photographs, measurements, and other evidence as appropriate.

§40.04.B Notice of Violation

If the Authorized Officer determines that a violation exists, the Authorized Officer shall issue a written Notice of Violation containing: (1) the name and address of the Owner of record; (2) the property address and Miami County Permanent Parcel Number; (3) a description of the violation, citing the specific section(s) of this Zoning Resolution alleged to be violated; (4) a demand that the violation be cured within the cure period specified in §40.04.D; (5) a statement of the corrective actions required; (6) a statement that the Owner may request an administrative hearing under §40.05 by submitting a written request within the cure period; (7) a statement that failure to cure may result in penalties under §40.09, abatement under §40.08, and the imposition of costs as a lien upon the property.

§40.04.C Service

The Notice of Violation shall be served by certified mail to the last known address of the Owner. A copy shall be posted in a conspicuous location on the property, and a date-stamped photograph

taken of the posted notice. If the Owner's address is unknown or undeliverable, notice shall be published once in a newspaper of general circulation in Miami County.

§40.04.D Cure Periods

The cure period stated in the Notice of Violation shall be: (1) thirty (30) days for general zoning violations; (2) ten (10) days for junk motor vehicle violations under §40.06; (3) seven (7) days for nuisance condition violations declared under §40.07.

§40.04.E Daily Offense

Each day a violation continues after the applicable cure period expires shall constitute a separate offense punishable under §40.09.

Section 40.05 Administrative Hearing — NEW

§40.05.A Right to Hearing

An Owner who receives a Notice of Violation may request an administrative hearing before the Board of Township Trustees by submitting a written request to the Fiscal Officer within the cure period specified in the Notice of Violation.

§40.05.B Hearing Schedule

The Board shall schedule the hearing at its next regular or special meeting and shall provide at least seven (7) days' written notice to the Owner.

§40.05.C Conduct of Hearing

The Owner shall have the right to present evidence, call witnesses, and be represented by counsel. The Authorized Officer shall present the evidence supporting the violation. The hearing shall be conducted in accordance with the Board's regular meeting procedures.

§40.05.D Decision

The Board shall issue a written decision within fourteen (14) days of the conclusion of the hearing. If the Board affirms the violation, the Owner shall have an additional seven (7) days from the date of the decision to cure.

§40.05.E Appeal

The decision of the Board may be appealed to the Miami County Court of Common Pleas pursuant to Ohio Revised Code §2506.01 within thirty (30) days of service of the written decision.

F. Injunctive Relief During Pending Proceedings. Upon written finding by the Zoning Administrator that a violation poses an imminent threat to public health, safety, or welfare, or that continued operation will substantially frustrate the purpose of this Resolution, the Township may seek temporary or permanent injunctive relief from the Miami County Court of Common Pleas pursuant to R.C. §519.24 and 2024 Am. Sub. H.B. 315. Injunctive relief may be sought concurrently with, and is not subject to exhaustion of, the administrative enforcement

process in §40.04 through §40.05.E. Pursuit of injunctive relief shall not stay the operation of any other remedy available under this Resolution.

Section 40.06 Junk Motor Vehicle Enforcement — NEW (ORC §§505.173, 505.871)

§40.06.A Prohibition

No person shall store, park, place, or permit to remain on any property within the unincorporated area of Bethel Township any Junk Motor Vehicle, except as exempted in §40.06.D. For purposes of this Section, a Junk Motor Vehicle shall be deemed 'stored' if it has remained on the property for a period of seventy-two (72) hours or more.

§40.06.B Enforcement

Junk Motor Vehicles found in violation shall be addressed pursuant to the notice and hearing procedures of §§40.04 and 40.05, with the cure period set at ten (10) days.

§40.06.C Removal by Township

If the Owner fails to cure within the time specified, the Township may provide for the removal and disposal of the Junk Motor Vehicle pursuant to Ohio Revised Code §505.871. The Township may employ necessary labor, materials, and equipment.

§40.06.D Exemptions

This Section shall not apply to: (1) a Collector's Vehicle stored on private property with the permission of the person having the right to possession, provided that any unlicensed Collector's Vehicle stored in the open is concealed by buildings, fences, vegetation, terrain, or other suitable screening; (2) a motor vehicle stored entirely within a fully enclosed building or structure; (3) 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; (4) an Active Restoration Vehicle as defined in §30.26.

Section 40.07 Nuisance Property Enforcement — NEW (ORC §§505.86, 505.87, 971.34, 5579.05)

§40.07.A Declaration

The Board may, upon recommendation of the Authorized Officer or upon its own motion, adopt a property-specific resolution declaring conditions on a property to constitute a Nuisance.

§40.07.B Resolution Contents

A property-specific nuisance resolution adopted under this Section shall identify: (1) the property address and Miami County Permanent Parcel Number; (2) the record Owner(s) of the property; (3) holders of liens of record, if known; (4) the Nuisance conditions found to exist; (5) the time period within which the Owner must abate, control, or remove the Nuisance, which shall be not less than seven (7) days from the date of notice.

§40.07.C Notice

Upon adoption, the Fiscal Officer or designee shall send, by certified mail, a copy of the resolution and accompanying notice to the Owner(s) and to all holders of liens of record at their last known addresses. A copy shall be posted on the principal structure on the property and a date-stamped photograph taken of the posted notice. If addresses are unknown or undeliverable, notice shall be published once in a newspaper of general circulation in Miami County. A copy of the property-specific nuisance resolution shall accompany all mailed and posted notices.

§40.07.D Noxious Weeds Along Partition Fences (ORC §971.34)

Before adopting a resolution under this subsection, the Board must determine that an adjoining property owner abutting on the line or partition fence has given the offending Owner ten (10) days' notice, and the Board has viewed the offending property.

§40.07.E Noxious Weeds on Property (ORC §5579.05)

Before adopting a resolution under this subsection, the Board must receive written information from a resident or non-resident of Bethel Township as provided in ORC §5579.05. The Owner shall have five (5) days from the date of the resolution to cure.

§40.07.F Preservation of Existing Nuisance Resolutions

Property-specific nuisance resolutions previously adopted by the Board (including any prior nuisance resolution adopted by the Township) shall remain in full force and effect and are not affected by this Article.

Section 40.08 Abatement by Township and Cost Recovery — NEW

§40.08.A Abatement Authority

If the Owner fails to cure within the time specified in the Notice of Violation, property-specific nuisance resolution, or post-hearing cure period (as applicable), the Township may enter the property and abate the violation, including removal of Junk Motor Vehicles, cutting of grass and weeds, removal of debris, and any other action necessary to bring the property into compliance.

§40.08.B Administrative Cost Recovery

~~The Township shall recover its administrative costs of pursuing each abatement action through an administrative fee in the amount of three hundred fifty dollars (\$350.00) per abatement action. This administrative fee is intended to reimburse the Township for the actual administrative costs incurred in investigation, notice preparation, certified mail, posting, hearing administration, lien filing, and recordkeeping. This fee is separate from and additional to the penalty imposed under §40.09 and is not a fine or penalty.~~

The Township shall recover its administrative costs of pursuing each abatement action through an administrative cost-recovery fee established by separate fee schedule adopted by the Board of Township Trustees by resolution under §2.11 (Fees). The administrative fee is intended to reimburse the Township for the actual administrative costs incurred in investigation, notice preparation, certified mail, posting, hearing administration, lien filing, and recordkeeping, supported by documented cost basis and reviewed annually. The current fee schedule shall be

made available for public inspection at the Township office and posted on the Township website. This fee is separate from and additional to the penalty imposed under §40.09 and is not a fine or penalty.

§40.08.C Labor and Materials Cost Recovery

The Township shall recover the actual cost of labor, materials, and equipment used in abatement, as follows:

~~1. Township Staff Labor — Township staff labor (including Road Department personnel and Authorized Officers) shall be billed at one hundred seventy-five dollars (\$175.00) per hour or fraction thereof, which rate reflects the fully-loaded cost of Township labor including wages, benefits, and overhead.~~

1. Township Staff Labor — Township staff labor (including Road Department personnel and Authorized Officers) shall be billed at the hourly rate established by separate fee schedule adopted by the Board of Township Trustees by resolution under §2.11, supported by documented cost basis and reviewed annually. The current rate shall be made available for public inspection at the Township office and posted on the Township website.

2. Contractor Labor — The actual invoice cost of any outside contractor engaged by the Township to perform abatement (including but not limited to towing, demolition, dumpster service, lawn cutting, hauling, and disposal) shall be recovered in full.

3. Materials and Disposal — The actual cost of all materials consumed and disposal fees paid in the course of abatement shall be recovered in full.

4. Equipment — The Township's actual hourly operating cost for Township-owned equipment used in abatement shall be recovered.

§40.08.D Lien

Pursuant to Ohio Revised Code §§505.871 and 505.87, the Authorized Officer shall make a written report to the Miami County Auditor of the abatement action, including a description of the property and a statement of all expenses incurred. Such costs (including the administrative fee, labor, materials, equipment, contractor costs, and any fees or interest paid to borrow moneys) shall be entered upon the tax duplicate, shall be a lien upon the property from the date of entry, shall be collected as other taxes, and shall be returned to the Township General Fund.

§40.08.E Interest

Any unpaid abatement costs shall accrue interest at the statutory rate from the date of abatement until collected.

§40.08.F Relationship to Penalty

The administrative fee, labor, materials, equipment, and contractor costs recovered under this Section are administrative cost-recovery items and are separate from and additional to the criminal penalty imposed under §40.09. Recovery of one shall not preclude recovery of the other.

Section 40.09 Penalties — REVISED

~~[Existing §40.02 (Violation) is replaced with the following §40.09 (Penalties):]~~

~~A. Misdemeanor. Any person who violates any provision of this Zoning Resolution shall be deemed guilty of a misdemeanor pursuant to Ohio Revised Code §519.99 and shall be punishable by a fine of up to five hundred dollars (\$500.00) per offense.~~

A. First Offense — Minor Misdemeanor. Any person who violates any provision of this Zoning Resolution, or any regulation adopted under R.C. §519.02, or who violates R.C. §519.21, shall be guilty of a minor misdemeanor for the first offense, punishable by a fine of not more than one hundred fifty dollars (\$150.00) pursuant to R.C. §§519.99 and 2929.28(A)(2)(a)(v). A first offense is not punishable by imprisonment. Each day during which a violation continues after the expiration of the applicable cure period under §40.04.D shall constitute a separate first offense for purposes of this subsection until a conviction is entered.

~~B. Daily Offense. Each day during which a violation continues after the expiration of the applicable cure period shall constitute a separate offense, punishable by a fine of up to five hundred dollars (\$500.00) per day.~~

B. Subsequent Offense — Fourth Degree Misdemeanor. Whoever has previously been convicted of any violation of this Zoning Resolution, or of any regulation adopted under R.C. §519.02, or of R.C. §519.21, shall be guilty of a misdemeanor of the fourth degree for any subsequent offense relating to the same violation, punishable by a fine of not more than two hundred fifty dollars (\$250.00) pursuant to R.C. §§519.99 and 2929.28(A)(2)(a)(iv), and/or imprisonment for not more than thirty (30) days pursuant to R.C. §2929.24(A)(4). A 'subsequent offense relating to the same violation' includes any continuation of the original violation after the date of the first conviction, and any new violation of the same or substantially similar provision of this Resolution committed on or after the date of the first conviction. Each day during which a subsequent offense continues shall constitute a separate fourth-degree misdemeanor offense.

~~C. Maximum Penalty. The penalties imposed under this Section reflect the maximum penalty authorized by ORC §519.99 for zoning violations.~~

C. Statutory Authority and Maximums. The escalating-penalty structure of this Section is established by R.C. §519.99 (Zoning Resolution Penalties) and is consistent with the framework recommended by the Township's legal counsel. The fine and jail maximums in subsections A and B reflect the maximum penalties authorized by R.C. §§2929.24 and 2929.28 for the applicable misdemeanor classification, and shall be deemed automatically updated by operation of law if the General Assembly amends the statutory maximums.

~~D. Separate from Cost Recovery. The penalty imposed under this Section is separate from and in addition to the administrative fee, labor, materials, equipment, and contractor costs recovered under §40.08.~~

D. Separate from Cost Recovery and Civil Remedies. The criminal penalty imposed under this Section is separate from and in addition to: (i) the administrative fee, labor, materials, equipment, and contractor costs recovered under §40.08; (ii) injunctive or equitable relief

sought under §40.05.F; and (iii) civil action authority under §40.10. Recovery or imposition of one remedy shall not preclude pursuit of any other available remedy.

~~E. Reserved. (Continuing-offense-for-unpaid-fees provision intentionally omitted; cost recovery for unpaid fees runs through the §40.08 lien procedure.)~~

Section 40.10 Civil Action and Cumulative Remedies — REVISED

~~[Existing §40.03 (Corrective Actions) is replaced with the following §40.10 (Civil Action and Cumulative Remedies):-]~~

A. Civil Action. The Board of Township Trustees, the Zoning Administrator, or any property owner who would be specifically damaged by a violation may institute injunction, mandamus, abatement, or any other appropriate action in the Miami County Court of Common Pleas, or other court of competent jurisdiction, to prevent, enjoin, abate, or remove the violation.

B. Cumulative Remedies. The remedies provided in this Article are cumulative. The pursuit of one remedy shall not preclude the pursuit of any other available remedy, whether at law or in equity, by the Township or by any private party with standing to pursue such remedy.

C. Attorney's Fees and Costs. In any civil action brought by the Township to enforce this Article, the Township shall be entitled to recover reasonable attorney's fees and court costs upon prevailing.

Section 40.11 Severability and Implementation — NEW

A. Severability. If any section, subsection, sentence, clause, or phrase of this Article is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Article.

B. Effective Date. This Article shall take effect thirty (30) days after adoption by the Board of Township Trustees, pursuant to Ohio Revised Code §519.12.

C. Prior Inconsistent Provisions. To the extent that any prior resolution, regulation, or provision of this Zoning Resolution is inconsistent with this Article, the provisions of this Article shall control.

D. Statutory Authority. This Article is adopted under the authority of Ohio Revised Code Chapters 519, 505, 971, and 5579, and the police power of the Township.