Bethel TOWNSHIP
MIAMI COUNTY - OHIO

RESOLUTION #26-09-086

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

The Bethel Township Board of Trustees, Bethel Township, Miami County, Ohio met in special session on the 8th day of September, 2026 with the following Trustees being present: Kama Dick, Julie Reese, and Josh Wilkerson.

Trustee DICK **moved for the adoption** of the following resolution:

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

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

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

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

1. **§3.02 Words and Terms Defined**
   - ***Issue:*** Clarify that landscape architectural services and lawn maintenance services are not considered "agricultural" per the Ohio Revised Code §519.01: create definitions for Landscape Architectural Services and Lawn Maintenance Services, and add Lawn Maintenance Services to the Professional Service definition list.
   - ***Current***: Landscape architectural services are defined as a "Professional Service" in the Resolution.
   - ***Proposed***: **Landscape Architectural Services** – Services encompassing the science and art of designing, planning, and managing land to serve both practical and aesthetic purposes, integrating natural and built elements while considering cultural, environmental, and scientific factors.
   - ***Proposed***: **Lawn Maintenance Services** – The routine, appearance-focused tasks that keep your yard clean, neat, and visually appealing. This includes, but is not limited to: mowing, edging, trimming, debris removal, and seasonal cleanups. The goal is to preserve the look of an already healthy lawn and landscape, ensuring it stays tidy and well-presented throughout the year.
   - ***Issue:*** Professional Service definition states it is only for providing services "to the general public" which would exclude professional services for a private company such as accounting or clerical work. It also does not include a disclaimer as on end of Personal Service: services shall not include adult entertainment or sexually oriented businesses.
   - ***Current*:** **Professional Service** – Any office or place of business which engage in providing ~~to the general public~~ services of a professional nature, such as, but not limited to, legal, engineering, medical, dental, accounting, real estate agencies, architectural, contractors, tradesmen, exterminators, landscape architectural services, learning centers and other similar professions including therapeutic massage and chiropractors.
   - ***Proposed*:** **Professional Service** – Any office or place of business which engages in providing services of a professional nature, such as, but not limited to, legal, engineering, medical, dental, accounting, clerical, real estate agencies, architectural, contractors, tradesmen, exterminators, landscape architectural services, lawn maintenance services, learning centers, and other similar professions including therapeutic massage and chiropractors. Professional services shall not include adult entertainment or sexually oriented businesses.

2. §3.02 Words and Terms Defined
   - ***Issue:*** There is no definition for Food Truck or Temporary Vendor but terms are referenced in the code.
   - ***Proposed*: Food Truck** – A vehicle that is capable of being moved on a daily basis from which food intended for immediate consumption is sold. A food vehicle includes a motorized, self-propelled vehicle, a vehicle that can be towed, and a vehicle moved by human exertion.
   - ***Proposed*: Temporary Vendor** – Any cart, table, trailer, equipment, apparatus, vehicle, or food truck that is not a structure; that is designed and intended so as to not be a permanent fixture on a lot; that is used for the retail sale, display, and accessory advertising of merchandise or food. Not permitted in the right-of-way.

3. §36.05 Exemptions, §36.13 Conditional Use Permit, and §36.15 Sign Permit Application and Fees
   - ***Issue:*** For real estate signs, there is a conflict between §36.05 which allows 6 square feet versus §36.13 and §36.15 which only allow signs of 5 square feet. Suggest making them consistent at 6 square feet.
   - ***Issue:*** In §36.15, there are penalty fees listed for permits issued for signs already in place at the time of the permit application – these should be removed from the zoning text resolution and, for consistency, applied per the fee schedule established and approved by the Board of Township Trustees (see Enforcement Penalties in the fee schedule).
   - ***Current*:** §36.05 A. Real estate signs not exceeding six (6) square feet in area in any Residential district (24 square feet in any other district) which advertise the sale, rental or lease of the premises on which said signs are located and limited to not more than one such sign per use per each street front of the lot on which the sign is located. Open House signs may be permitted, but shall be erected no more than 5 days prior to and removed the day of the open house.
   - ***Current*:** §36.13 Any sign that does not clearly fit into one of the sign regulations in this Resolution shall not be permitted except through issuance of a Conditional Use Permit obtained from the Board of Zoning Appeals. This included all signs that have flashing or pulsating illumination, animation, rotation, excessive dimensions or height, temporary construction signs in excess of thirty-two (32) square feet, or signs in excess of five (5) square feet advertising the sale, rental or lease of lots and/or buildings.
   - ***Current:*** §36.15 No sign regulated by this Resolution may be erected, painted, installed, or otherwise established in Bethel Township without a permit therefore. Such permit shall be obtained through the office of the Zoning Administrator. There shall be a minimum fee for all sign permits set by the Board of Township Trustees and permanently and publicly displayed in the Township House on the fee schedule. Permit fees shall be calculated by square foot of message area. However, permits issued for signs already in place at the time of permit application shall bear an additional fee for square foot of message area and a minimum twice the set minimum fee. No permit shall be required for real estate signs of five (5) square feet or less, domestic advertising signs or temporary political signs.
   - ***Proposed*:** §36.13 Any sign that does not clearly fit into one of the sign regulations in this Resolution shall not be permitted except through issuance of a Conditional Use Permit obtained from the Board of Zoning Appeals. This included all signs that have flashing or pulsating illumination, animation, rotation, excessive dimensions or height, temporary construction signs in excess of thirty-two (32) square feet, or signs in excess of six (6) square feet (twenty-four (24) square feet in non-Residential districts) advertising the sale, rental or lease of lots and/or buildings.
   - ***Proposed:*** §36.15 No sign regulated by this Resolution may be erected, painted, installed, or otherwise established in Bethel Township without a permit therefore. Such permit shall be obtained through the office of the Zoning Administrator. There shall be a minimum fee for all sign permits set by the Board of Township Trustees and permanently and publicly displayed in the Township House on the fee schedule. Permit fees shall be calculated by square foot of message area. Enforcement Penalties for permits issued for signs already in place at the time of permit application shall bear an additional fee as defined in the fee schedule. No permit shall be required for real estate signs of six (6) square feet or less, domestic advertising signs, or temporary political signs.

4. Medical Marijuana and Adult-Use Marijuana (Cannabis)
   - ***Issue:*** §3.02 definition of Medical Marijuana includes the districts where the cultivation facilities are permitted. For consistency, the use permissions should be specified only within the District Articles of the

Zoning Resolution. The Township has separate resolutions for limiting marijuana facilities which needs to be included in the zoning resolution for convenience of the citizens.

- ***Current*: Medical Marijuana** – Medicinal marijuana is legal in Ohio under ORC 3796. Cultivation is classified as "medical manufacturing" and is allowed in I-1 and I-2 zoning districts. Processing, laboratories and dispensaries are allowed in applicable zoning districts.
- ***Proposed*: Marijuana, Medical** – Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose in accordance with Ohio Revised Code (ORC) Chapter 3796. Medical marijuana does not include adult-use marijuana or homegrown marijuana. Cultivation and Processing facilities are allowed in applicable zoning districts.
- ***Proposed*: Medical Marijuana** – See "Marijuana, Medical".

- ***Issue:*** §3.02 Adult-Use Marijuana definition is missing
- ***Proposed*: Marijuana, Adult-Use** – Marijuana that is cultivated, processed, dispensed, or tested for, or possessed or used by, an adult-use consumer, in accordance with Ohio Revised Code (ORC) Chapter 3796. "Adult-use marijuana" does not include medical marijuana or homegrown marijuana. Cultivation and Processing facilities are allowed in applicable zoning districts.
- ***Proposed*: Adult-Use Marijuana** – See "Marijuana, Adult-Use".

- ***Issue:*** §3.02 Homegrown Marijuana definition is missing
- ***Proposed*: Marijuana, Homegrown** – marijuana cultivated, grown, processed, or possessed by an adult-use consumer in accordance with Section 3796.04 of the Ohio Revised Code (ORC). "Homegrown marijuana" includes marijuana cultivated, grown, processed, or possessed under former ORC Section 3780.28 prior to it being repealed. "Homegrown marijuana" does not include medical marijuana or adult-use marijuana.
- ***Proposed*: Homegrown Marijuana** – See "Marijuana, Homegrown".

- ***Issue:*** §3.02 Marijuana Facility definition is missing
- ***Proposed*: Marijuana Facility** – a facility to cultivate, process, test, or dispense medical or adult-use marijuana.

- ***Issue:*** Add Section 30.39 Medical, Adult-Use, and Homegrown Marijuana to outline rules and conditions.
- ***Proposed*:** Add Section 30.39

For purposes of this Resolution, the term "cannabis" is synonymous with "marijuana."

Background: Resolution #24-06-064 was implemented by the Bethel Township Board of Trustees to restrict adult use cannabis per ORC Section 3780.25 and medical marijuana per ORC Section 3796.29 to no more than one cultivator facility in total and no more than one processor facility in total within Bethel Township, Miami County. Resolution #24-12-122 limited both adult use cannabis dispensaries and medical marijuana retail dispensaries to ZERO. Chapter 3780 was repealed effective March 20, 2026 by Senate Bill 56 and its provisions were replaced by Chapter 3796 of the Ohio Revised Code, known as the Marijuana Control Law. Chapter 3796 now governs both medical and adult use marijuana.

A use permit for a Marijuana Facility shall not be approved unless the following minimum conditions are complied with:

1. The use is permitted for the applicable zoning district. If the use is a conditional permitted use, the Board of Zoning Appeals must approve the permit.
2. Cultivator facilities are hereby limited to no more than one cultivator facility in total, regardless of whether it is for medical marijuana, adult-use marijuana, or a combination thereof.
3. Processor facilities are hereby limited to no more than one processor facility in total, regardless of whether it is for medical marijuana, adult use cannabis, or a combination thereof.
4. Both adult-use marijuana dispensaries and medical marijuana dispensaries are hereby prohibited (limited to zero), regardless of whether any such dispensary is for medical marijuana, adult-use marijuana, or a combination thereof. Applications for a dispensary shall be denied.
5. The application is related to medical marijuana or adult-use marijuana only. This Resolution does not govern Homegrown Marijuana - see Ohio Revised Code Chapter 3796. Questions and complaints regarding Homegrown Marijuana should be directed to the Sheriff or to the Ohio Division of Cannabis Control.

6. No licensed cultivator, licensed processor, licensed dispensary, or licensed laboratory shall be located within five hundred (500) feet of the boundaries of a parcel of real estate having situated on it a school (any school or child care as defined in Section 3.02), church (as defined in ORC §1710.01) , public library (as defined in ORC §3375), public playground, or public park.
7. Minimum lot area of 3 acres.
8. Minimum front yard setback shall be 50 feet.
9. Minimum side yard setback shall be 50 feet.
10. Minimum rear yard setback shall be 50 feet.

- ***Issue:*** §3.02 definition of Park is missing
- ***Proposed*:** **Park** – An area specifically defined or set aside for use by and for the general public in both active or passive recreational uses; and includes all landscaping, facilities and apparatus, playing fields, utilities, buildings and other structures that are consistent with the general purposes of public parkland.

- ***Issue:*** §3.02 definition of Playground is missing
- ***Proposed*:** **Playground** – A piece of land used for and usually equipped with facilities for recreation especially by children.

- ***Issue:*** §3.02 definition of Medical Marijuana specifies that is it permitted in I-1 Light Industrial and I-2 Heavy Industrial districts. For consistency, uses should be listed with the district(s) in which they are permitted. Propose to add "Medical Marijuana Facility" and "Adult-Use Cannabis Facility" to I-1 Section 12.04 Conditional Permitted Uses and I-2 Section 13.04 Conditional Permitted Uses in the Non-Residential Uses column.
- ***Proposed*:** Add the following to I-1 Light Industrial §12.04 Conditional Permitted Uses
  - Marijuana Facility (per §30.39)
- ***Proposed*:** Add the following to I-2 Heavy Industrial §13.04 Conditional Permitted Uses
  - Marijuana Facility (per §30.39)

5. **§35.11 Use of Off-Street Parking Facilities**
   - ***Issue:*** Typically residents know to not park in the public right-of-way, but the zoning resolution does not explicitly note that vehicles of any kind are not permitted to park in the public right-of way.
   - ***Proposed*:** §35.11 Add Letter I. No vehicle of any kind (including, but not limited to: automobiles, boats, RVs, motor homes, motorcycles, trailers, commercial vehicles, heavy trucks, construction equipment, farm implements) shall park in the public right-of-way.

6. **§2.06 Board of Zoning Appeals, §2.07 Zoning Certificate, §2.09 Amendments**
   - ***Issue:*** Need clarification that if an application is submitted by anyone other than the owner of the parcel, that they must furnish proof of authority to be acting on behalf of the owner. Section 2.09 Amendments is clear about it: Section 2.09 Amendments C. Application 10. "**The application shall be signed by the applicant, or the applicant's agent, attesting to the truth and exactness of all information supplied by the application, provided that an individual signing as the applicant's agent shall furnish proof of his authority to act for the applicant**;" However, sections 2.06 Board of Zoning Appeals and 2.07 Zoning Certificate are not clear.
   - ***Current:*** Section 2.06 Board of Zoning Appeals D. Regulation of Conditional Uses 2. Contents of Conditional Use Permit opening paragraph states "any owner or agent thereof" – recommend adding an explicit requirement as part of the list of contents as item "h." and renumbering the current "h." to "i." and changing the text from "A fee established by Resolution." to "Payment of all required fees as established in the Bethel Township fee schedule." for consistency.
   - ***Proposed*:** Section 2.06 Board of Zoning Appeals D. Regulation of Conditional Uses 2. Contents of Conditional Use Permit Application

     h. The application shall be signed by the applicant, or the applicant's agent, attesting to the truth and exactness of all information supplied by the application, provided that an individual signing as the applicant's agent shall furnish proof of his authority to act for the applicant;

     i. Payment of all required fees as established in the Bethel Township Fee Schedule.

- ***Issue:*** There is no "contents of variance permit application" section in the zoning code as there is for conditional uses. Recommend adding this section at a future date.
- ***Issue:*** Section 2.07 Zoning Certificate D. Review Procedure 1. Step 1 – Application b. lists some items needed on the application but does not list any requirements about the application being submitted by the "owner or agent thereof" – recommend adding an explicit requirement as part of the list of contents as item "c." and renumbering the current "c." to "d."
- ***Proposed:*** Section 2.07 Zoning Certificate D. Review Procedure 1. Step 1 - Application

  c. The application shall be signed by the applicant, or the applicant's agent, attesting to the truth and exactness of all information supplied by the application, provided that an individual signing as the applicant's agent shall furnish proof of his authority to act for the applicant;

  d. Payment of all required fees as established in the Bethel Township Fee Schedule.
- ***Issue:*** Section 2.09 Amendments C. Application 11. "A fee as established by the Township Trustees." – recommend changing to "Payment of all required fees as established in the Bethel Township Fee Schedule." for consistency.
- ***Current*:** 11. A fee as established by the Township Trustees.
- ***Proposed***: 11. Payment of all required fees as established in the Bethel Township Fee Schedule.

7. **Swimming pool clarifications**
   - ***Issue:*** Swimming pools are counted as an accessory structure for the purposes of the maximum number of structures permitted and in the maximum gross floor area – recommendation is to remove swimming pools from these calculations but to leave them in the impervious surface (lot coverage) calculation. Also there is a conflict when defining a pool – in §3.02 definitions, side walls are defined as "in excess of 36 inches, but in §30.05 depth is defined as "24 inches or greater."
   - ***Current*:** §3.02 **Swimming Pool** – A permanent structure constructed or placed below ground or above ground which is designed with side walls in excess of thirty-six (36) inches in depth and is suitable or utilized for swimming or wading.
   - ***Proposed***: §3.02 **Swimming Pool** – A structure, above or below ground, designed with side walls and intended or used for swimming or wading. A swimming pool is permanent if it is constructed below grade (in-ground) or is an above-ground pool designed to remain in place year-round; it is temporary if it is designed to be set up seasonally and then emptied, disassembled, and stored.
   - ***Proposed***: §30.05 **Accessory Buildings and Structures** – add paragraph H:

     H. Swimming Pool

     1. Area Calculation. A swimming pool regulated under §30.05(A)(5) shall not be counted as an accessory building for purposes of the number of accessory buildings permitted or the maximum gross floor area under §30.05(G).

     2. A swimming pool remains subject to all siting, fencing, and permit requirements of §30.05(A)(5) and to the impervious-surface (lot coverage) and stormwater / drainage requirements of this Resolution.
   - ***Issue:*** §30.05 Accessory Buildings and Structures 5. Swimming Pool c. additional requirements 2. fence requirements state that automatic pool covers will still require a fence but we have allowed pools with appropriate automatic covers to forgo the fence/wall with the approval of the BZA.
   - ***Current***: 2. The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access from the street or from adjacent properties. The fence or wall shall not be less than four (4) feet in height and maintained in good condition with a self-locking gate. An automatic pool cover will still require a fence.
   - ***Proposed***: 2. The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access from the street or from adjacent properties. The fence or wall shall not be less than four (4) feet in height and maintained in good condition with a self-locking gate. An automatic pool cover will still require a fence or wall unless approval has been granted by the Board of Zoning Appeals as a variance.

8. **Add Article 41 Amendment History**

- ***Issue:*** Past versions of zoning resolutions contained a list of amendments – recommendation is to add this back as an Article at the end of the resolution.
- ***Proposed***:
  This article contains the history of the Bethel Township Zoning Resolution and amendments. If a resolution is not referenced, the entry is for informational purposes only.

  1. Certification of passage by vote – December 8, 1956
  2. Date of Public Hearing – July 13, 1973
  3. Date of Publication – July 20, 1973
  4. Date of Adoption by the County Commission – September 24, 1973
  5. Date and Time this Resolution Shall Take Effect – October 24, 1973 9:10 p.m.
  6. Amended effective May 20, 1981
  7. Amended effective April 13, 1989 – Articles 3, 4, 5, 6, 7, 8, 11, 13, 14, 15, 17, 19, 20, 21, 25
  8. Amended effective December 28, 1993 – Articles 3, 5, 6, 7, 17, 20, 25
  9. Amended effective November 24, 1995 – Articles 2, 3, 4, 5, 6, 7, 12, 14, 16, 17, 18, 19, 20, 21, 25
  10. Amended effective April 30, 1998 – Articles 1, 3, 4, 5, 7, 9, 13, 14, 15, 17, 20, 21, 25
  11. Amended effective September 7, 2000 – Articles 2, 3, 5, 7, 8, 9, 10, 11, 12, 17, 18, 25
  12. Amended effective February 24, 2004 – Articles 2, 3, 8, 10, 11, 12, 17, 18, 19, 20
  13. Amended effective May 24, 2005 – Article 16
  14. Amended effective March 13, 2007
  15. Amended effective July 12, 2007
  16. Amended effective Sept, 2018
  17. Amended effective July 14, 2022 – Articles 5, 15, 16 – resolution #22-08-057 (increase minimum lot size and road frontage)
  18. Amended effective May 11, 2023 – Articles 3.02, 16 – resolution #23-04-041 (health & wellness facility)
  19. Amended effective August 1, 2024 – Article 30.38 – resolution #24-07-067 (massage establishments)
  20. Amended effective September 10, 2026 – Articles 1.05, 2.06, 2.07, 2.09, 2.15, 3.02, 5, 7, 8, 9, 12, 13, 14, 15, 16, 30.28, 35.11 – resolution #26-08-076
  21. Amended effective October 8, 2026 – Articles/Sections 2.07, 3.02, 5, 7.04, 7.05, 8.03, 8.04, 8.05, 9.04, 9.05, 12, 13, 15, 16, 30.27 – resolution #26-09-085

Trustee REESE **seconded** the motion and the Board voted as follows upon roll call:

Vote:

Trustee Kama Dick	yes	Kama Dick
Trustee Julie Reese	yes	Julie Reese
Trustee Josh Wilkerson	yes	Joshua Wilkerson

Attest: Rhonda Ross

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