

**ARTICLE 1**

**GENERAL PROVISIONS**

**Section 1.01 Title**

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

**Section 1.02 Intent and Purpose**

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

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

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

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

**Section 1.03 Applicability**

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

**Section 1.04 Jurisdiction**

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

**Section 1.05 Interpretations and Conflict**

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

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

#### **Section 1.06 Validity and Severability**

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

#### **Section 1.07 Zoning Certificate Required**

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

Furthermore:

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

#### **Section 1.08 Transitional Rules**

##### **A. Effective Date**

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

##### **B. Violations Continue**

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

##### **C. Nonconformities Continue**

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

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

D. Approved Projects

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