

ARTICLE I GENERAL PROVISIONS

SECTION 100 AUTHORITY AND TITLE

100.01 Authority. The provisions of this zoning resolution are adopted under authority granted to the Elizabeth Township Board of Trustees by the Legislature of the State of Ohio in Chapter 519.02 of the Ohio Revised Code.

100.02 Title. This zoning resolution and all provisions contained herein, including the Official Zoning District Map made a part hereof, shall be known as the “Elizabeth Township Zoning Resolution” and may be cited as such, or as “this zoning resolution”.

SECTION 100 PURPOSE

101.01 Purpose. In their interpretation and application, the provisions of this zoning resolution shall be held to be minimum requirements. Where this zoning resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants, or agreements, the provisions of this zoning resolution shall control, but nothing shall herein interfere with, abrogate, or annul any easements, deed restrictions, or agreements between parties which impose restrictions greater than those imposed by this zoning resolution. Where the requirements of this zoning resolution are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, resolutions, or private deed restrictions or private covenant, the most restrictive, or that imposing the higher standards shall govern.

SECTION 102 JURISDICTION OF THE ZONING RESOLUTION

102.01 Unincorporated Areas. Territorial jurisdiction of this zoning resolution shall apply to all land within the unincorporated territory of Elizabeth Township, Miami County, Ohio.

102.02 Incorporated Areas. Territorial jurisdiction of this zoning resolution shall not apply to any land within the incorporated territory of Elizabeth Township, Miami County, Ohio except as permitted under Section 519.18 of the Ohio Revised Code for newly incorporated or annexed land.

SECTION 103 SEPARABILITY

103.01 Separability. Should any section, paragraph, clause, sentence, item, phrase, or provision of this zoning resolution be declared by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this zoning resolution as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 104 INTERPRETATION OF STANDARDS

104.01 Interpretation. In their interpretation and application, the provisions of this zoning resolution shall be held to be minimum requirements. Where this zoning resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants, or agreements, the provisions of this zoning resolution shall control, but nothing shall herein interfere with, abrogate, or annul any easements, deed restrictions, or agreements between parties which impose restrictions greater than those imposed by this zoning resolution. Where the requirements of this zoning resolution are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, resolutions, or private deed restrictions or private covenant, the most restrictive, or that imposing the higher standards shall govern.

SECTION 105 APPLICATION OF ZONING RESOLUTION

- 105.01 Application of Regulations.** The location, erection, construction, reconstruction, enlargement, change, maintenance, or use of any building or structure, or the use or change of use of any land shall comply with the provisions of this zoning resolution, unless specifically exempted by this zoning resolution and/or the Ohio Revised Code.
- 105.02 Agriculture.** Nothing within this zoning resolution shall be construed to prohibit the use of any land for agricultural purposes, or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for venting and selling wine and that are located on land any part of which is used for viticulture; and no zoning certificate shall be required for any such building or structure. Such prohibitions against regulation of agricultural uses shall not, however, limit or in any manner attenuate provisions contained in Article 5, Section 504 - Agricultural Restrictions in Platted Territory and to Article 5, Section 508 - Farm Markets.
- 105.03 Public Utilities.** This Zoning Resolution shall have no application to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility, whether publicly or privately owned, or the use of land by any public utility for the operation of its business. This limitation does not apply to any tower that is owned or used by a public utility, used in the provision of cellular phone service, and is proposed to be located within an area zoned for residential use and/or is proposed to be located within one hundred (100) feet of a residential dwelling within any zoning district.
- 105.04 Railroads.** This Zoning Resolution shall have no application with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any railroad, whether publicly or privately owned, or the use of land by any railroad for the operation of its business.
- 105.05 Sale or Use of Alcoholic Beverages.** This Zoning Resolution shall have no application with respect to the prohibition of the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.
- 105.06 Oil or Natural Gas Well Drilling or Production.** This Zoning Resolution shall have no application with respect to the prohibition of the use of any land owned or leased by an industrial firm for the conduct of oil or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its own plants.