

**CHAPTER 101
GENERAL PROVISIONS**

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CROSS REFERENCES

Ch. 109 Nonconforming Lots, Buildings, and Uses

101.01 PURPOSE AND TITLE

- A. Purpose. The purpose of this resolution is the regulation of buildings and structures and land use as per Ohio Revised Code Section 519.02 for the promotion of the public health, safety, and morals (general welfare).

These regulations are intended to encourage appropriate use of lands, to stabilize and preserve the value of property, to prevent congestion and hazard in the street, to secure safety from fire, flood, water contamination, air pollution and other dangers, to provide adequate light, air, and open space, to prevent overcrowding, and to avoid undue concentrations of population.

These regulations are intended to be used to facilitate an appropriate and desirable pattern of land uses based upon the Jackson Township Comprehensive Plan, taking into account the availability of public services, such as water, sanitary sewers, and storm sewers.

This resolution is adopted in accordance with the Jackson Township Comprehensive Plan, adopted by Resolution No. 91-138 on October 8, 1991, and any amendments thereto.

- B. Title. This resolution shall be known and may be designated and cited as "The Zoning Resolution of Jackson Township, Franklin County, Ohio" and therefore may be referred to as the "zoning resolution" or "resolution."

101.02 AUTHORITY

This resolution is adopted pursuant to the authority contained in the Ohio Revised Code, Chapter 519.

101.03 JURISDICTION

This resolution shall be effective throughout the unincorporated territory of Jackson Township, Franklin County, Ohio, and any properties annexed to a municipality which are not zoned by the legislative authority of that municipality, as per the Ohio Revised Code, Section 519.18.

This resolution is adopted in whole and as an amendment to and replacement of the "Jackson Township Zoning Resolution" adopted November 22, 1983, as amended.

101.04 INTERPRETATION AND CONFLICT

- A. Interpretation. In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements unless otherwise stated herein.
- B. Conflict. Whenever the requirements of this resolution are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the higher standards shall govern, except in the case of conflicting state statutes wherein the state statutes shall govern.

101.05 SEVERABILITY

Each article, section, paragraph, sentence, clause, phrase, or other divisible part of this resolution is hereby declared to be severable and if any such article, section, paragraph, sentence, clause, phrase, or other divisible part of this resolution is declared unconstitutional or otherwise invalid by any court in a valid judgment or decree such unconstitutionality or invalidity shall not affect any of the remaining articles, sections, paragraphs, sentences, clauses, phrases, or other divisible parts of this resolution since the same would have been enacted without the incorporation into this resolution of such unconstitutional or invalid article, section, paragraph, sentence, clause, phrase, or other divisible part.

101.06 COMPLIANCE WITH REGULATIONS - NEW DEVELOPMENT

- A. Lots. The subdivision or resubdivision of land shall be in conformance with the applicable requirements of this resolution, as amended.
- B. Buildings. New buildings shall be in conformance with the applicable requirements of this resolution, as amended.
- C. Uses. New uses of land or structures shall be in conformance with the applicable regulations of this resolution, as amended.

101.07 EXISTING LEGAL CONFORMING LOTS, BUILDINGS OR USES

Lots, buildings, and uses of land and structures which lawfully conform to the regulations of this resolution may be continued; and may be altered, extended, or changed in accordance with the following:

- A. Conforming Lots. A conforming lot may be changed, altered, enlarged or reduced in dimensions; provided however, that the remaining and/or resulting lots shall conform to the development standards for the zoning district in which it is located.
- B. Conforming Buildings. A conforming building may be altered, reconstructed, or extended only in such a manner as will comply with the development standards of the zoning district in which the structure is located.
- C. Conforming Uses. A conforming use may be expanded, modified or changed only in such a manner as will comply with the permitted use or zoning district in which the conforming use is located.

101.08 EXEMPTIONS FROM REGULATIONS

The following uses are exempt from the regulations contained in this resolution, as per the Ohio Revised Code.

- A. Agriculture. The use of any land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry, or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located shall not be prohibited and no zoning certificate shall be required for any such building or structure, as per Ohio Revised Code Section 519.211. (Please see Sec. 204.02.)
- B. Public Utilities and Railroads. Except as otherwise provided by law or this zoning resolution, the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, or the operation of its business shall not be prohibited, as per Ohio Revised Code Section 519.211.
- C. Sale or Use of Alcoholic Beverages. The sale or use of alcoholic beverages shall not be prohibited in an area where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted, as per Ohio Revised Code Section 519.211.

101.09 RELATIONSHIP TO COMPREHENSIVE PLAN

It is the intention of the Jackson Township Trustees that this resolution is in accordance with the Jackson Township Comprehensive Plan, adopted by Resolution No. 91-138 on October 8, 1991, and any amendments thereto.

101.10 EFFECTIVE DATE

The provisions of this resolution became effective thirty (30) days following the date this resolution is adopted by the Jackson Township Trustees.