

**ARTICLE 1  
INTENT AND INTERPRETATION**

**1.01 AUTHORITY**

This Zoning Resolution is enacted pursuant to the powers and authority granted under the provisions of the Revised Code, State of Ohio, Section 519.02.

**1.02 PURPOSE**

This Resolution is hereby enacted by Batavia Township, for the purpose of promoting the public health, safety, morals, comfort, and general welfare; to conserve and protect property and property values; to secure the most adequate and economical provisions for public improvement, all in accordance with the Batavia Township Growth Policy Plan and any changes made thereto as reflected in the Zoning Map and documents and records of Batavia Township for the desirable future development of the Township, and to provide a method of administration and to prescribe penalties for the violations of the provisions hereafter described all as authorized by the provisions of the Chapters and the Sections applicable under the Ohio Revised Code.

**1.03 TITLE**

This Resolution shall be known and may be cited and referred to as the “Batavia Township Zoning Resolution” or “Resolution.”

**1.04 TERRITORY UNDER THE ZONING RESOLUTION**

This Resolution shall be effective in the unincorporated areas of Batavia Township.

This Resolution shall not apply within municipal corporations. If the Township territory subject to this Resolution is incorporated, then this Resolution shall apply therein and be enforced by Batavia Township until the election and qualification of officials for the incorporated territory. This interim time is to enable the new officials to adopt zoning regulations controlling over the incorporated territory.

Upon annexation of Township territory to an existing municipal corporation, the zoning regulations then in effect shall remain in full force and effect and shall be enforced by the Township officials until the legislative authority of said municipal corporation shall either officially adopt the existing zoning regulations or new regulations for such territory.

Upon Batavia Township's acquisition of additional territory due to the dissolution of any municipal corporation, such municipal corporation's zoning regulations, if any, shall remain in full force and effect and shall be enforced by Batavia Township officials until such time as Batavia Township shall either officially adopt the former municipality's

zoning regulations, amend such regulations from time to time, or enact new regulations for such territory.

## **1.05 INTERPRETATION OF STANDARDS**

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Where the requirements of this Resolution are higher than those established by other provisions of law, or by other rules, regulations or restrictions, the standards of this Resolution shall be followed. When other provisions, rules, regulations, deed restrictions or private covenants are more restrictive, those requirements shall govern and be administered by the authority responsible for their enforcement. In no case shall the Township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties except those that may be held by the Township.

- A. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except conformity with all of the regulations herein specified for the district in which it is located;
- B. No building or other structure shall be erected or altered to:
  - 1. Provide for greater height or bulk.
  - 2. Accommodate or house a greater number of families.
  - 3. Occupy a greater percentage of lot area.
  - 4. Have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner by contrary to the provisions of this Resolution.
- C. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.

## **1.06 SEPARABILITY**

Each Section, Subsection, provision, requirement, regulation or restriction established by this Resolution, or any amendment thereto is hereby declared to be independent and the holding of any part to be unconstitutional, invalid or ineffective for any cause shall not affect or render invalid the Resolution or amendments thereto as a whole or any other part thereof except the particular part so declared to be invalid.