

AMENDMENT OF THE ZONING RESOLUTION FOR MONCLOVA TOWNSHIP

AMENDMENT OF THE ZONING RESOLUTION FOR MONCLOVA TOWNSHIP A RESOLUTION AMENDING THE ZONING RESOLUTION FOR MONCLOVA TOWNSHIP, Lucas County, Ohio, by regulating, in accordance with a comprehensive plan, the location, height, area, number and size of buildings and other structures, percentages of lot area which may be occupied, size of yards, courts and other open spaces, density of population, uses of buildings and other structures and the uses of land; and for such purposes dividing the area of the township into districts and zones of such number, shape and area as are deemed best suited to carry out said purposes, providing a method of administration, and prescribing penalties and proceedings for the administration and enforcement of this Resolution.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF MONCLOVA TOWNSHIP, LUCAS COUNTY, STATE OF OHIO:

SECTION 1 GENERAL PROVISIONS

SECTION 1.1 Authority

The Board of Township Trustees of Monclova Township, Lucas County, Ohio, in accordance with enabling legislation for township zoning as provided in Chapter 519 of the Ohio Revised Code hereby provides as follows:

SECTION 1.2 Purpose

This resolution is adopted for the purpose of protecting and promoting public health, safety, morals, comfort and general welfare; conserving and protecting property and facilitating adequate but economical provision of public improvements; securing the most appropriate use of the land, in accordance with the adopted Monclova Township Land Use Plan, 2009 and amending the Zoning Resolution of the Board of Trustees of Monclova Township, Lucas County, Ohio, effective November 17, 1950, as amended to the date of the adoption of this amending resolution, in each and every part thereof that is inconsistent with this amending resolution. (Revised 2/6/06 - Z17-C292)

SECTION 1.3 Interpretation and Conflict

In interpreting and applying the provisions of this resolution, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this resolution to interfere with or abrogate or annul any resolution rules or regulations previously adopted or issued and not in conflict with any of the provisions of this resolution; nor is it intended by this resolution to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Resolution imposes a greater restriction upon the use of buildings, premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other resolutions or agreements, the provisions of this resolution shall control.

SECTION 1.4 Compliance with Regulations

1.4.1 No Building or structure shall be located, erected, constructed, reconstructed, enlarged or structurally altered except in conformity with the area, height and yard regulations of the district in which such building or structure is located.

1.4.2 No building, structure or lot shall be used for any purpose other than that which is permitted in the district in which such building, structure or lot is located.

SECTION 1.4 Compliance with Regulations (cont'd)

1.4.3 No yard or other open space existing about any building or structure shall be so reduced in area or dimension as to make it less than the minimum required by this resolution.

1.4.4 No lot held under one ownership at the time of the effective date of this resolution shall be reduced or subdivided in any manner below the minimum area and yard provision required by this resolution.

1.4.5 Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot except as specifically provided in Section 12.2.2(g).

1.4.6 Exceptions to these regulations in specific cases may be authorized by the Board of Zoning Appeals where there are practical difficulties of unnecessary hardships in carrying out the strict letter of this Resolution providing such exception is in harmony with the general purpose and intent of the Resolution and in accordance with the procedures and provisions specified in Section 12. Hardship shall be based on physical limitations of the land or structures and does not encompass financial considerations.

SECTION 1.5 Uses Exempted from Provisions of Resolution

1.5.1 The use of 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 vinting and selling wine that are located on land any part of which is used for viticulture, shall be permitted in all districts established by this Resolution, and no zoning certificate shall be required for any such building or structure, except where regulated within platted areas on lots of less than five (5) acres, or for farm markets.

1.5.2 The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business or the use of land for essential services as herein defined shall be permitted in all districts established by this Resolution and no zoning certificate shall be required for any building or structure or for the use of any land essential to the operations of a public utility or railroad.

1.5.3 The sale or use of alcoholic beverages shall not be prohibited in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

1.5.4 The use of any land owned or leased by an industrial firm shall not be prohibited 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's used for the operation of its plants.

SECTION 1.6 Validity

If any article, section, subsection, paragraph, sentence or phrase of this Resolution is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution.

This Resolution shall become effective from and after the date of its approval and adoption as provided by law.