

## TITLE THREE – INTERPRETATION, ENFORCEMENT AND PENALTY

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### CHAPTER 1133 Interpretation, Enforcement and Penalty

- 1133.01 Purpose and Enactment.
  - 1133.02 Interpretation and Conflict.
  - 1133.03 Compliance.
  - 1133.04 Zoning Administrator.
  - 1133.05 Conversion of Dwellings.
  - 1133.06 Rear Dwellings.
  - 1133.07 Pending Applications for Building Permits.
  - 1133.08 Essential Services and Public Utilities.
  - 1133.09 Validity.
  - 1133.10 Effective Date.
  - 1133.11 Violation and Remedies.
  - 1133.99 Penalty.
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#### CROSS REFERENCES

- Zoning of annexed areas – See Ohio Revised Code 303.25, 519.18; P. & Z. 1141
  - Council to hold public hearing – See Ohio Revised Code 713.12
  - Violation of zoning ordinances – See Ohio Revised Code 713.12
  - Zoning applies to housing projects – See Ohio Revised Code 3735.44
  - Airport zoning – See Ohio Revised Code 4563
  - Continued violation of performance requirements – See P. & Z. 1137
  - Enforcement of performance requirements – See P. & Z. 1187
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#### 1133.01 PURPOSE AND ENACTMENT.

The following regulations are hereby provided for the purpose of:

Promoting the public health, safety, comfort and general welfare,

Conserving the values of property throughout the Municipality,

To facilitate the provision of water, sewerage, schools and other public requirements, and

Lessening or avoiding congestion in public streets and highways.  
(Ord. 10-63. Passed 2-10-64.)

#### 1133.02 INTERPRETATION AND CONFLICT.

Ord. xx-11 Amending Chapter 1133 Interpretation, Enforcement  
And Penalty  
Passed: \_\_\_\_\_, 2012

- A. In interpreting and applying the provisions of this Zoning Ordinance, the provisions shall be held to be the minimum requirements for the:
  - 1. Promotion of the public safety,
  - 2. Health,
  - 3. Convenience,
  - 4. Comfort,
  - 5. Morals,
  - 6. Prosperity and
  - 7. General welfare.
  
- B. It is not intended by this Zoning Ordinance to:
  - 1. Interfere with, abrogate or annul any ordinances, rules, regulations or permits previously adopted or issued and not in conflict with any of the provisions of this Zoning Ordinance, or
  - 2. Which shall be adopted or issued, pursuant to law regulation the use of buildings or premises and likewise not in conflict with this Zoning Ordinance; nor
  - 3. To interfere with, abrogate or annul any easements, covenants or other agreements between parties.
  
- C. The provisions of this Zoning Ordinance shall control where this Zoning Ordinance imposes a great restriction upon:
  - 1. The use of buildings or premises, or
  - 2. The height of buildings, or
  - 3. Requires larger open spaces or larger lot areas than are imposed or by such other ordinances or agreements.

Where applicable, the Preservation District regulations (Ordinance 78-92, 74-03, Passed 2-5-04, 51-97, Passed 7-21-97) shall be met.  
(Ord. 5-19. Passed 2-4-97)

**1133.03 COMPLIANCE.**

A. No building shall be erected, converted or altered,

Nor shall any building or land be used,

Except for a purpose permitted in the district in which the building or land is located,

Except as hereinafter provided.

The Board of Zoning Appeals (BZA) may issue conditional zoning certificates for any of the conditionally permitted uses listed under the conditionally permitted use section of any district.

B. Any building erected, enlarged or altered shall be in conformity with the

Area regulations,

Minimum yard requirements and

Minimum off-street parking spaces requirements

Of this Zoning Ordinance for the district in which such building is located.

C. Any part of a yard or other open space required about any building for the purpose of complying with the provisions of this Zoning Ordinance shall not be included as part of a yard or other open space similarly required for another building.

(Ord. 5-97. Passed 2-4-97.)

D. The owner of the property for which a zoning certificate has been issued, along with the contractor, is responsible to see that the Genoa Zoning Codes are observed, including building construction, electrical and plumbing requirements. These rules can be obtained from the Zoning Administrator.

(Ord. 59-87. Passed 10-19-87.)

**1133.04 ZONING ADMINISTRATOR.**

A. Appointment.

The Zoning Administrator of the Village shall be appointed by the Mayor and shall be considered to be an "at will" employee.

B. Duties.

1. It shall be the duty of the Zoning Administrator, to enforce this Zoning Ordinance.
2. It shall also be the duty of all officials and employees of the Municipality and

Especially of all members of the Police Department

To assist the Zoning Administrator by reporting to him upon new construction, reconstruction or land uses, or upon seeming violations.

C. Appeals.

An appeal from the decision of the Zoning Administrator may be made to the Board of Zoning Appeals (BZA) as provided in Chapter 1137.

(Ord. 5-97. Passed 2-4-97.)

**1133.05 CONVERSION OF DWELLINGS.**

The conversion shall be permitted of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families:

- A. Only within a district in which a new building or similar occupancy would be permitted under this Zoning Ordinance, and
- B. Only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to:
  1. Minimum lot size.
  2. Lot area per dwelling unit.
  3. Percentage of lot coverage.
  4. Dimensions of yards and other open spaces, and
  5. Off-street parking.
- C. Each conversion shall be subject also to such further requirements

as may be specified hereinafter within the chapter applying to such district.

- D. The aforesaid requirements with respect to lot coverage, yards and other open spaces shall not apply in the following cases:
1. The conversion is part of a dwelling group.
  2. The conversion will not involve any exterior changes.
  3. There is a shortage of not more than ten (10%) percent in the required minimum dimensions or area of the requirements as to yards and other open spaces.
  4. The conversion will result in lot areas per dwelling unit or family of at least twenty (20%) percent greater than required for new buildings in the district.

(Ord. 10-63. Passed 2-10-64.)

#### **1133.06 REAR DWELLINGS.**

No building in the rear of a principal building on the same lot shall be used for residential purposes

Unless it conforms to all the yard and other open space and off-street parking requirements of this Zoning Ordinance.

A. Front Yard.

1. The rear line, of the required rear yard for the principal building in front shall be considered the front lot line for the building in the rear, for the purpose of determining the front yard in such case.
2. In addition, there must be provided for any such rear dwelling an unoccupied and unobstructed accessway not less than twenty (20') feet wide to a public street for each dwelling unit in such dwelling, or
3. Not less than fifty (50') feet wide for three or more dwelling units.

(Ord. 10-63. Passed 2-10-64.)

#### **1133.07 PENDING APPLICATIONS FOR BUILDING PERMITS.**

Nothing herein contained shall require any change of in the overall:

Construction,

Layout,

Plans,

Size or

Designated use

Of any development, building, structure or part thereof for which official approvals and required building permits have been granted before the enactment of this Zoning Ordinance or any amendments, and

Provided, however, that such building shall be completed within one year of the enactment of this Zoning Ordinance or any amendment  
(Ord. 10-63. Passed 2-10-64.)

**1133.08 ESSENTIAL SERVICES AND PUBLIC UTILITIES EXEMPTED.**

Essential services, as defined in Section 1131, shall be permitted as authorized and regulated by law and other ordinances of the Municipality,

As it is the intention hereof to exempt such essential services from the application of this Zoning Ordinance.

Buildings and land used for existing principal and public utility operations shall be exempt from the provisions of this Zoning Ordinance.

(Ord. 10-63. Passed 2-0-64.)

**1133.09 VALIDITY.**

If any

Chapter,

Section,

Subsection,

Paragraph,

Sentence or

Phrase

Of this Zoning Ordinance is for any reason held to be invalidated by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Zoning Ordinance.  
(Ord. 10-63. Passed 2-10-64.)

**1133.10 EFFECTIVE DATE.**

This Zoning Ordinance, being Ordinance \_\_\_\_\_,

Passed \_\_\_\_\_,

Shall become effective from and after the date of its approval and adoption as provided by law.  
(Ord. xx-11. Passed xx-xx-11.)

**1133.11 VIOLATIONS AND REMEDIES.**

In case any building or land is or is proposed to be:

Changed,

Constructed,

Enlarged,

Erected,

Located,

Maintained

Reconstructed, or

Used and

In the case of any land is or is proposed to be used

In violation of this Zoning Ordinance, or any amendment or supplement thereto,

The Zoning Administrator, the Solicitor or

Any adjacent or neighboring property owner who would be specially damaged by such violation,

May institute

Abatement,

Injunction,

Mandamus, or

Any other appropriate

Action, actions,

Proceeding or proceedings to

Abate,

Enjoin,

Prevent, or

Remove such unlawful

Change,

Construction,

Enlargement,

Erection,

Location,

Maintenance,

Reconstruction, or

Use,

In addition to other remedies provided by law.  
(Ord. 10-63. Passed 2-10-64.)

**1133.99 PENALTY.**

It shall be unlawful to

Change,

Construct,

Ord. xx-11 Amending Chapter 1133 Interpretation, Enforcement  
And Penalty

Passed: \_\_\_\_\_, 2012



Enlarge,

Erect,

Locate,

Maintain,

Reconstruct, or

Use

In violation of any regulation of any provisions of this Zoning Ordinance, or any amendment or supplement thereto adopted by Council.

Any person, firm or corporation violating any regulation of any provision of this Zoning Ordinance, or any amendment or supplement thereto,

Shall be deemed guilty of a misdemeanor and,

Upon conviction thereof, shall be fined not more than five-hundred (\$500.00) dollars.

Each and every day during which such illegal:

Change,

Construction,

Enlargement,

Erection,

Location,

Maintenance,

Reconstruction, or

Use

Continues may be deemed a separate offense.  
(Ord. 5-97. Passed 2-4-97.)

