

**ARTICLE 1: ADMINISTRATION**

**Section 101: Title**

This Resolution, including the official Zoning District Map made a part hereof, shall be known and may be referred to or cited as the “Genoa Township Zoning Resolution.”

**Section 102: Areas of Jurisdiction**

The provisions of this Resolution shall apply to all land within the unincorporated area of Genoa Township, Delaware County, Ohio.

**Section 103: Purpose**

This is a Zoning Resolution for Genoa Township, Delaware County, Ohio adopted and amended pursuant to Chapter 519 of the Ohio Revised Code for the following purposes, among others:

- 103.01 To promote and protect the health, safety, morals, and general welfare of the present and future inhabitants of Genoa Township.
- 103.02 To protect the quality of life within Genoa Township through the protection of the total environment, the prevention of Nuisances and hazards, and the provision of adequate light, air, and convenient access to property.
- 103.03 To ensure the compatibility of land Uses which are either adjacent or in proximity to each other.
- 103.04 To promote, ensure and control the orderly development of all lands within the Township to its appropriate Use.
- 103.05 To promote and secure the most appropriate Use of land to facilitate and provide adequate public and private improvements.
- 103.06 To conserve and protect the natural resources, scenic areas, wildlife habitat and the historical and unique natural features of the land.
- 103.07 To recognize and to protect the right to farm all suitable land in Genoa Township. The right to farm includes the use of large irrigation pumps and equipment, aerial and ground seeding and spraying, large tractors and agricultural implements and the application of fertilizers, insecticides, pesticides and herbicides. When conducted in accordance with generally accepted agricultural practices, farming may occur at any time and on any day, and the noise, odors, dust and fumes necessarily associated with such a use are expressly permitted as part of the exercise of the right to farm.

**Section 104: Interpretation**

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, and general welfare. Whenever the requirements of this Resolution are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, resolutions, or private deed restrictions or private covenants, the more restrictive or that imposing the higher standards shall govern. No further development shall be approved unless it is in conformance with the Genoa Township Comprehensive Plan in effect at the time.

**Section 105: Construction of Language**

For the purpose of this Resolution, certain terms or words shall be interpreted as follows:

- 105.01 Words used in the singular shall include the plural, and the plural the singular.
- 105.02 Words used in the present tense shall include the future tense.
- 105.03 The word “shall” is mandatory and not discretionary.
- 105.04 The word “may” is permissive.

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- 105.05 The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
- 105.06 The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- 105.07 The word “dwelling” includes the word “residence.”

**Section 106: Separability**

If for any reason any one or more articles, sections, sentences, clauses or parts of this Zoning Resolution shall be declared by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Resolution, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Zoning Resolution held invalid, and the invalidity of any section, sentence, clause, or part of this Zoning Resolution in one or more instances shall not affect or prejudice in any way the validity of this Zoning Resolution in any other instance.

**Section 107: Required Conformance**

Except as herein provided, no Building or Structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any Building, Structure or land be used, nor shall any excavation or fill be made:

- 107.01 Except for any expressed purpose permitted in the District in which such Building or Structure or land is located.
- 107.02 Except in conformance to the height and floor space requirements established for the District in which such Building or Structure or Use is located.
- 107.03 Except in conformance to the area, Frontage, and Yard regulation of the District in which such Building or Structure or Use is located.
- 107.04 Except in conformance to the off-street parking regulations of the District in which such Building or Structure or Use is located.
- 107.05 As expressly permitted in all Planned Development Zoning Districts that require a formal Final Development Plan as set forth in each Planned Development Article, the land involved in planned development is subject to the specific use, height and floor space requirement, area, frontage and yard regulations, signage and off-street parking set forth in an approved Development Plan and compliance with that plan shall be in accordance with Ohio Revised Code Section 519.021 (A & C). A Final Development Plan shall list any deviation from the Development Standards or requirements contained in the Zoning Resolution as a Divergence. Divergences may be requested as a part of the Development Plan application review process set forth in Sections 705, 920, 1020, 1213, 1313 and 1413.

**Section 108: Agriculture**

Nothing contained in this Resolution shall 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, and no Zoning Permit shall be required for any such use, Building or Structure. All such Structures, however, shall conform to the yard and setback requirements of this resolution and other applicable laws and regulations. For the purposes of this Resolution, no tract of land less than five (5) acres shall be subject to this exemption.

**Section 109: Exceptions, Modification and Interpretations of Height Regulations**

Height limits stipulated elsewhere in this Zoning Resolution shall not apply:

- 109.01 To Barns, silos or other Farm related Structures on Farms, provided these are not less than fifty (50) feet from every Lot Line; to church spires, belfries, cupolas and domes, bulkheads and elevator penthouses; to parapet walls extending not more than four (4) feet above the limiting height of the Building.

109.02 To fire towers, cooling towers, grain elevators, gas holders or other Structures; provided, however, that, all such Structures above the heights otherwise permitted in the District shall not occupy more than twenty-five percent (25%) of the area of the Lot and shall be distant not less than twenty-five (25) feet in all parts from every Lot Line.

**Section 110: Buildings Under Construction**

Nothing contained in this Resolution shall require any change in plans, construction, size or designated Use of a Building upon which construction was begun before the effective date of this Resolution or applicable amendments hereof. The Zoning Inspector may require proof in the form of an affidavit or other similar document that the original intended Use of the Building has not been changed. The ground Story framework, including structural parts of the second floor, shall have been completed within one (1) year and the entire Building completed within two (2) years after the effective date of this Resolution or applicable amendments hereto; if not so completed the protection afforded by this Section shall not apply to such construction or Use.

**Section 111: Issued Zoning Permits**

Any new proposed construction for which a zoning permit is issued shall have been started within six (6) months of issuance of said permit and the ground Story framework, including structural parts of a second floor shall have been completed within one (1) year after the issuance of the zoning permit; provided, however, that any project or Building originally contemplated to be constructed in phases or for a period longer than one (1) year may be completed in phases or during such extended time if in accordance with a timetable placed on file with the Zoning Inspector with the original request for the permit.

**Section 112: Other Permits and Licensures**

When permits or licensures are required by other jurisdictions, the Zoning Inspector may request proof of such prior to issuing a Zoning Permit or Certificate of Zoning Compliance. If such proof cannot be given, the Zoning Inspector may deny issuance of the Zoning Permit or Certificate of Zoning Compliance.

**Section 113: Reserved**

**Section 114: Administrative Bodies and their Duties**

114.01 Zoning Inspector - The Township Trustees shall appoint a Township Zoning Inspector, together with such assistants as the Township Trustees deem necessary, and designate such individual as the enforcing officer of this Resolution. Any official or employee of the Township may assist the Zoning Inspector by reporting any new construction, reconstruction, land Use changes, or suspected violation. Duties of the Zoning Inspector shall include:

- A) Review all applications within the Township for Zoning Permits as outlined in Section 115.01 to ensure they conform to all applicable provisions of this Resolution. The Zoning Inspector shall keep a record of all applications.
- B) Conduct on-site inspections to ensure the actual construction will conform to the Zoning Permit .
- C) Upon finding that any of the provisions of this Resolution are being violated, the Zoning Inspector shall notify, in writing, the person responsible for such violation and order the action necessary to correct such violation.
- D) Order discontinuance of illegal Uses of land, Buildings or Structures.
- E) Order removal of illegal Buildings or Structures or illegal additions or structural Alterations.
- F) Review all applicable subdivision plats and lot splits which are submitted to the Delaware County Regional Planning Commission in order to determine if the plat or lot split conforms to all applicable provisions of this Resolution.

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- G) Identify and prepare a list of all commercial and industrial Nonconforming Lots, Uses of land, and Structures of record at the time of adoption or amendment of this Resolution. The list shall include the name, address, and telephone number of the owner, a description of the non-conformities of each Lot, Use, and/or Structure and the date on which the Lot, Use, and/or Structure became nonconforming. Photographs that visually describe the non-conformities of the property, Structures, or Use shall also be taken and dated to help document conditions. Such photographs and the written description of the non-conformities shall be kept as permanent records.
- H) Issue monthly reports to the Zoning Commission, Board of Zoning Appeals, and Township Trustees regarding activities and inspections undertaken to meet the responsibilities outlined in subsections 114.01(A-G).

114.02 Zoning Secretary - To assist in the administration of the Zoning Resolution, the Township Trustees shall appoint a Zoning Secretary whose duty it shall be to maintain zoning records, confirm information in applications, process all notices required by the Resolution (legal ads), record the minutes of the Zoning Commission and Board of Zoning Appeals, assist the Zoning Inspector, and perform such other duties relating to the Zoning Resolution as the Township Trustees may from time to time direct. The Township Trustees shall compensate the Zoning Secretary at rates set from time to time. The Township Fiscal Officer may be named to this position and may receive compensation for such services in addition to other compensation allowed by law.

**Section 115: Zoning Permits and Certificates of Compliance**

No person shall establish or change any Use of land nor locate, erect, construct, reconstruct, enlarge or structurally alter any Building or Structure within Genoa Township without first obtaining a Zoning Permit. No Zoning Permit shall be issued unless the plans for the proposed Building or Structure or Use of land fully comply with the provisions of this Resolution, unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, a Variance, or Conditional Use. A Zoning Permit shall be required for all Dwellings, all principal Structures and Uses, all Accessory Structures, all Accessory Uses, and all Temporary Uses unless otherwise specified. A Zoning Permit shall not be required for the Use of land for agricultural purposes, for Buildings or Structures exclusively used for agricultural purposes, or for Structures, not including Buildings, required in the provision of Essential Services.

- 115.01 Application for Zoning Permit - All Zoning Permit applications can be obtained from the Development and Zoning Office and shall be filled out completely and then submitted with the following required information:
- A) Name, address, and phone number of applicant;
  - B) Date of application;
  - C) Name and address of property owner;
  - D) Name, address, and phone number of the person to contact regarding information provided on the Zoning Permit application;
  - E) A certified address, the name of the subdivision and the lot number, or other information necessary to establish the location of the Lot;
  - F) A plot plan or site plan must be provided, drawn to scale and no larger than eight and one-half inches by fourteen inches (8½"x14"), showing the actual shape and dimensions of the property with front, rear, and side yard dimensions; the location and dimensions of existing Structures and proposed Structures or Alterations; and any additional information required by the Zoning Inspector;
  - G) The number of proposed Dwelling Units and the total residential Floor Area for each Dwelling Unit;

- H) A permit from the Delaware County Health Department or Ohio Environmental Protection Agency for on-site wastewater disposal, where applicable, illustrating the location of primary and secondary leaching field locations or proposed sanitary sewer hook ups and storm water inlets;
- I) The proposed means of access, parking plan and number and location of proposed Off-Street Parking Spaces;
- J) A detailed Landscaping plan for a Planned Development District or a plan for screening, when applicable;
- K) A statement by the applicant attesting to the truth and exactness of all information supplied on the application;
- L) A Zoning Permit is valid for twelve (12) months from the date the Zoning Permit is issued unless otherwise stated on the Zoning Permit at the time of issuance. If work has not been completed during this time frame, the Zoning Permit shall expire and no further work as described in the expired permit shall proceed unless and until a new Zoning Permit has been obtained. A Certificate of Zoning Compliance or a Temporary Certificate of Zoning Compliance must be obtained prior to the twelve (12) month Zoning Permit expiration and will not be issued on any expired Zoning Permit;
- M) Such other information as may be necessary to determine conformance with this Resolution; and
- N) A fee as established by the Township Trustees.

115.02 Processing of Zoning Permits

- A) Within thirty (30) days after the receipt of an application, except as provided herein, the Development and Zoning Office shall either approve or disapprove the application in conformance with the provisions of this Resolution. If the application is approved, the Zoning Inspector or other authorized Development and Zoning Office personnel shall issue a Zoning Permit. The applicant will receive either an original signed copy of an approved permit or notice that the application was disapproved. The original application shall be retained by the Development and Zoning Office on file.
- B) In the event an application involves land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification of local officials by the Director of the Ohio Department of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice by registered mail to the Director of the Ohio Department of Transportation that he shall not issue a Zoning Permit for one hundred twenty (120) days from the date the notice is received by the Director of the Ohio Department of Transportation. If the Director of the Ohio Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning Permit. If the Director of the Ohio Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the Zoning Permit.

115.03 Certificate of Zoning Compliance

- A) It shall be unlawful to use or occupy or permit the use or occupancy of any Building or premises, or both, or part thereof hereafter created, erected, changed in ownership, converted in Use, or wholly or partly altered or enlarged in its Use or Structure until a Certificate of Zoning Compliance or a Temporary Certificate of Zoning Compliance is issued thereof by the Zoning

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Inspector stating that the proposed Use of the Building or land conforms to the requirements of this Resolution. Submission of additional information shall be required, including, certified pin location surveys, foundation surveys and mortgage location surveys when requested by the Development and Zoning Office for ascertaining verification of zoning compliance.

- B) A temporary certificate of Zoning Compliance may be issued by the Zoning Inspector for a period not exceeding six (6) months during Alterations or partial occupancy of a Building pending its completion.

**115.04 Record of Zoning Permits and Certificates of Zoning Compliance**

The Zoning Inspector shall maintain a record of all Zoning Permits and Certificates of Zoning Compliance and copies shall be furnished upon request to any person.

**115.05 Failure to Obtain a Zoning Permit or Certificate of Zoning Compliance**

A late application fee, as established by the Township Trustees, shall be submitted with an application for a Zoning Permit, Certificate of Zoning Compliance or Temporary Certificate of Zoning Compliance in those instances when the work, use or occupancy has commenced prior to the filing of such application. In addition, failure to obtain a Zoning Permit or Certificate of Zoning Compliance shall be deemed a violation of this Resolution and further punishable under Section 116 of this Resolution.

**115.06 Construction and Use to be as provided in Applications, Plans, Permits, and Certificates**

Zoning Permits or Certificates of Zoning Compliance issued on the basis of plans and applications approved by the Zoning Inspector authorize only the Use and arrangement set forth in such approved plans and applications or amendments thereto, and no other Use, arrangement, or construction. An immediate late application fee will be applied for failure to file an amendment if plans are altered after issuance of an approved Zoning Permit. In addition, any Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Resolution, and further punishable as provided in this Resolution.

**Section 116: Enforcement**

- 116.01 Violations - No Building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Zoning Resolution, or amendment or supplement to such Resolution, adopted by the Township Trustees pursuant to Chapter 519, Ohio Revised Code. Each day's continuation of a violation of this Resolution shall be deemed a separate offense irrespective of whether a separate notice of violation or affidavit charging a violation has been served upon the violator for each day the offense continues.**

**116.02 Remedies and Penalties**

- A) In case any Building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is proposed to be used in violation of Chapter 519, Ohio Revised Code, or of this Zoning Resolution or amendments hereto adopted by the Genoa Township Board of Trustees such Board, the Delaware County Prosecuting Attorney, the Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this Section.
- B) Any person, firm or corporation, violating any regulation in, or any provision of this Resolution, or any amendments or supplement thereto under this subsection, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500). Each and every day, during which such illegal location, erection, construction,

reconstruction, enlargement, change, maintenance or use continues, may be deemed a separate offense.

- 116.03 Fees – Any application under this Resolution for a Certificate of Zoning Compliance or Zoning Permit, Conditional Use Permit, Variance, sign permit, Planned Development, amendment, or filing of a notice of appeal or requests for official transcripts of hearings shall be accompanied by such fee as shall be specified from time to time by resolution of the Township Trustees. There shall be no fee, however, in the case of applications filed or requests by the Township Trustees or the Zoning Commission. The fees imposed by this Resolution are only intended to defer in part, the costs of zoning administration involved in such applications including technical reviews, publishing, and/or posting, and mailing the notices of the hearing or hearings. Such fees are not refundable regardless of the outcome of the application.

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