

ARTICLE 10: LOWER-DENSITY PLANNED RESIDENTIAL DISTRICT (PRD-V)

Section 1001: Intent and Purpose

The Lower-Density Planned Residential District is intended to promote flexibility of land development for residential purposes in Planning Area V of the 2009 Genoa Township Comprehensive Plan while still preserving and enhancing the health, safety, and general welfare of the inhabitants of the Township. Such developments shall be based upon a unified development plan conceived and carried out for the entire site.

1001.01 It is the policy of the Township to permit the creation of Planned Development Districts to:

- A) Preserve and extend the charm and beauty existent in and inherent to the rural residential character of Genoa Township;
- B) Provide the economic and social advantages resulting from an orderly planned use of large parcels of land;
- C) Provide a more useful pattern of Open Space and recreation areas;
- D) Promote development patterns, which preserve and utilize natural topography and geologic features, scenic vistas, trees and other vegetation, and prevent the disruption of natural drainage patterns;
- E) Promote a more efficient use of land than is generally achieved through conventional development resulting in substantial savings in utility and street extensions; and
- F) Promote development patterns in harmony with land use Density, transportation facilities and community facilities.

1001.02 This section establishes standards for Planned Residential Districts in areas served by central sanitary sewers and Central Water Systems, or developments utilizing other sewage treatment options approved in the development plan.

1001.03 Pursuant to Ohio Revised Code Section 519.021(A), this District may be permitted upon application and approval of specific and detailed Final Development Plans and all shall require amendments to the official Zoning Map. Approval for Planned Development rezoning applications may be granted pursuant to ORC 519.12 only when the plan for the project complies with these regulations and promotes the general public health, safety, morals and welfare and encourages the efficient use of land and resources, promotes greater efficiency in providing public and utility services and encourages innovation in the planning and building of the development.

Section 1002: Contiguity of Land and Project Ownership

1002.01 All land within a proposed Planned Development shall be contiguous and shall not be divided into parts by any state or federal limited access highway or by any railroad Right-of-Way.

1002.02 The Planned Development area shall be under contract for purchase by a single entity or owned by a single entity at the time of application. For the purpose of this subsection a single entity includes, but is not limited to, the following: a husband and wife; corporation; partnership; or two or more property owners who have entered into a general development plan for a Planned Development.

Section 1003: General Requirements

1003.01 The provisions of this Article shall apply to all lands zoned in the Planned Residential district. Only parcels of at least twenty-five (25) acres in size or under application for rezoning to PRD-V that collectively sum twenty-five (25) acres or more shall be considered for Lower Density Planned Residential District zoning (PRD-V).

1003.02 The density of land use within a Planned Residential District shall not exceed 1.35 Dwelling Units per Net Developable Acre when Conservation Development Standards are used or 1.1 Dwelling Units per Net Developable Acre otherwise.

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- 1003.03 Reserved
- 1003.04 Single-family detached Dwelling Units shall constitute no less than fifty percent (50%) of the total Dwelling Units in a Lower Density Planned Residential District (PRD-V) if Conservation Development Standards are not used.
- 1003.05 Cluster or common wall Single-family zero lot line, Attached twin singles, townhouses, or other innovative forms of residential development shall constitute no more than fifty percent (50%) of the total number of Dwelling Units within a Lower Density Planned Residential District (PRD-V) if Conservation Development Standards are not used.
- 1003.06 Perimeter requirements shall call for comparable type and value of land Use with neighboring Districts where feasible.
- 1003.07 Storm Water Management – all site plans must have a storm water management plan, approved by the Delaware County Engineer’s Office, with the improvements constructed before a Zoning Permit will be issued for construction of Buildings.
- 1003.08 Parking and Loading Areas
- A) Parking of automobiles and other vehicles on private or public streets within a Planned Development is prohibited for more than three (3) days without moving the vehicle.
 - B) All automobile parking lots shall be screened from adjoining streets and adjoining residential properties in accordance with Article 20.
 - C) No parking lot shall be closer than seventy-five (75) feet from the edge of the contiguous street Right-of-Way in a Planned Residential District.
 - D) Parking spaces and loading areas shall be provided in accordance with Article 19.
- 1003.09 Streets – All streets including private streets shall conform to specifications as set forth in the Delaware County Subdivision Regulations. Public road improvements in Planned Developments shall require the following:
- A) All street drainage shall be enclosed.
 - B) Curbs and gutters shall be installed; and
 - C) All streets shall have a minimum pavement width of twenty-two (22) feet.
- 1003.10 Walkways – All residential developments shall be provided with concrete sidewalks on both sides of the street throughout the development. All other walkways shall be constructed of a suitable, dust free, hard surface material. Mulch or other similar surfaces may be permitted for walking trials in areas the Zoning Commission finds appropriate.
- 1003.11 Trees
- A) The clearing of land shall be kept to a minimum to help preserve the existing natural conditions.
 - B) No land shall be cleared of trees more than fifteen (15) feet from the foundation of a proposed Building. An exception to this requirement shall be granted in the case of those trees that should be removed due to malformation, disease, safety hazards, or to the general benefit of surrounding trees. The foregoing shall be considered as a guideline for preservation of the natural element.
 - C) No trees shall be cleared further than five (5) feet from curbs of a parking lot. The foregoing shall be considered as a guideline for preservation of the natural environment.
- 1003.12 Landscaping – All yards, front, side, and rear shall be landscaped and all nonresidential Use areas shall be landscaped. The developer shall submit a conceptual landscaping plan to be reviewed as

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part of the development plan. Each platted Lot shall be seeded or sodded in accordance with the approved development plan before a Certificate of Zoning Compliance is issued.

Section 1004: Permitted Principal Uses

1004.01 Permitted Uses without Conservation Development Standards. Within a Planned Residential District, without the use of Conservation Development Standards, the following Uses are permitted subject to the area, size, Density, and other provisions set forth in this Resolution.

- A) Single-family detached Dwellings on Lots of ten thousand (10,000) square feet or greater.
- B) Cluster Housing and Single-Family zero lot line units on portions of the property. The overall Density for such portion of the property devoted to Cluster Housing and related Open Space shall not exceed the Density that would result if those portions of the property were developed for Single-Family detached units in accordance with Section 1001. The portions of the property devoted to Cluster Housing shall not exceed six (6) units per acre.
- C) Common Wall Single-Family Attached Dwelling Units on portions of the property. The overall Density for such portion of the property devoted to Common Wall Single-Family Attached Dwelling Units and related Open Space shall not exceed the Density that would result if those portions of the property were developed for Single-Family detached units in accordance with 1003. The portions of the property devoted to Common Wall Single-Family Dwelling Units shall not exceed six (6) Dwelling Units per acre.
- D) Nonresidential Uses of a religious, cultural, educational or recreational nature of character to the extent they are designed and intended to serve the residents of the Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.
- E) Public Buildings and/or Uses which are supported in whole or part by taxes or by special public assessment. Such Uses include but are not limited to parks, playgrounds, libraries, schools, fire stations, community centers, water treatment, pumping and storage facilities, and wastewater treatment and pumping facilities.
- F) Forest and wildlife preserves.
- G) Protects specifically designed for watershed protection, conservation of soil or water or for flood control.
- H) Family Care Homes and Group Care Homes as regulated by Section 1704.

1004.02 Permitted Uses With Conservation Development Standards

- A) Single-Family detached Dwellings.
- B) Cluster Housing units.
- C) Common Wall Single-Family Attached Dwelling Units.
- D) Single-Family zero lot line, Attached twin singles, townhouses, or other innovative forms of residential development, provided all Density criteria and applicable requirements are met.
- E) Nonresidential Uses of a religious, cultural, educational or recreational nature or character. Said facilities must be located with direct access to a major Thoroughfare or arterial street as to permit access without burdening residential streets.
- F) Public Buildings and/or Uses which are supported in whole or part by taxes or by special public assessment. Such Uses include but are not limited to parks, playgrounds, libraries, schools, fire stations, community centers, water treatment, pumping and storage facilities, and wastewater treatment and pumping facilities.
- G) Forest and wildlife preserves.

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- H) Projects specifically designed for watershed protection, conservation of soil or water or flood control.
- I) Family Care Homes and Group Care Homes as regulated by Section 1704.

Section 1005: Permitted Accessory Uses

- 1005.01 Accessory Buildings as regulated by Section 1609.
- 1005.02 Accessory Signs as regulated by Article 18.
- 1005.03 Accessory storage of recreational vehicles, boats, motor homes, equipment, trailers, and other vehicles other than passenger cars as regulated by Section 1906.
- 1005.04 Private Swimming Pools together with game courts for the use of occupants and their guests as regulated by Section 1709.05.
- 1005.05 Golf courses, as regulated by Section 1710, provided that such courses are subsidiary to the primary residential use of the property.
- 1005.06 Private Recreational Facilities, as regulated by Section 1711, provided that such facilities are subsidiary to the primary residential use of the property.
- 1005.07 A clubhouse and/or multipurpose Building shall be allowed as an Accessory Use on those properties where a golf course is provided, as specified in Section 1005.05. Such clubhouse and/or multipurpose Building may contain a restaurant catering primarily to golf club members and their guests.
- 1005.08 Home Occupations conducted by the owner in residence of a permitted Dwelling as regulated by Section 1708.
- 1005.09 Parking lots or storage yards for boats and recreational vehicles provided such area is owned or controlled by neighborhood or community associations and use is limited to the residents of the subdivision served.
- 1005.10 Temporary Uses specified in and regulated by Section 1702.

Section 1006: Prohibited Uses

- 1006.01 All Uses not specifically authorized as a permitted or conditionally permitted Use by the express terms of this Section of the Zoning Resolution are hereby prohibited.
- 1006.02 Outdoor Storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Such vehicles, if stored on the premises, shall be enclosed within a Building as not to be visible from any adjoining property or public road.
- 1006.03 Except as specifically permitted by Section 1707 and Section 1702, no Mobile Home or mobile Office shall be placed or occupied in this District.
- 1006.04 Adult Entertainment and Adult Entertainment Facilities are prohibited.
- 1006.05 Homes for adjustment and institutions as herein defined under Residential Care Facilities are prohibited.
- 1006.06 Except as specifically permitted by Article 22, no telecommunications tower as defined in Ohio Revised Code, Section 519.211(B)(1) shall be allowed in this District.
- 1006.07 Any commercial or business use of a parcel in this District shall be prohibited unless it complies with Section 1708, Home Occupations of this code. This shall include but is not limited to parking of vehicles or equipment used in a business or the operation of a service type business where no work actually takes place on the site such as roofing, excavating or lawn maintenance, plumbing and other similar type operations.

Section 1007: Residential Driveway Setback Requirements

- 1007.01 All driveways or pavement shall have a Setback of no less than two (2) feet from the property line.
- 1007.02 All side load garages shall have a turning pad of no less than twenty-four (24) feet.
- 1007.03 No driveway shall be located so it enters a public road within forty (40) feet of the intersection of the edge of the contiguous Right-of-Way of any two (2) public roads.

Section 1008: Minimum Floor Area Requirements

The minimum residential Floor Area per Dwelling Unit within Genoa Township shall be in accordance with the following. The minimum square footage of Floor Area shall be exclusive of Porches, breezeways, utility areas, storage areas, unheated areas, unfinished areas, Basements and Attached Garages.

| Dwelling Type | Minimum Floor Area. |
|------------------------------|--|
| One-story | One thousand one hundred (1,100) square feet of Floor Area above grade. |
| Split level/Bi-level/Walkout | One thousand two hundred (1,200) square feet of Floor Area with nine hundred sixty (960) square feet on the first floor above grade. |
| Two stories | One thousand four hundred (1,400) square feet of Floor Area with eight hundred (800) square feet on the first floor above grade. |
| Single-Family Attached | Six hundred (600) square feet of Floor Area for a one (1) or Common Wall bedroom unit; seven hundred fifty (750) square feet for a two (2) bedroom unit. |
| Garage | Two (2) car Attached Garage. |

Section 1009: Dimensional Requirements

- 1009.01 Dimensional Requirements without Conservation Development Standards.
 - A) Minimum yard requirements: front, side, and rear yards for single-family detached Dwellings on Lots of ten thousand (10,000) square feet or greater shall be designed so that no residential Dwelling is closer than twenty (20) feet to any other residential Dwelling, Other permitted Uses shall have front, side, and rear yards each of which is at least forty (40) feet. No Buildings shall be located closer than fifty (50) feet to any residential District boundary line or thirty (30) feet to any private street or public Right-of-Way.
 - B) Floor space requirements: each residential Dwelling hereafter erected in this District shall have a minimum Floor Area per Dwelling Unit as specified in Section 1008.
 - C) Minimum yard requirements: Front, side and rear yards for Common Wall and Cluster Housing shall be designed so that no residential Building is closer than eleven (11) feet to any other residential Building. Other permitted Uses shall have front, side, and rear yards each of which is at least forty (40) feet. No Buildings shall be located closer than twenty-five (25) feet to any private street or public Right-of-Way or fifty (50) feet to any residential District boundary line.
 - D) There shall be an Open Space no-build Setback of two hundred (200) feet measured from the centerline of a major Thoroughfare or arterial street to any Lot Line(s) of the house lots created within the PRD-V zone.
- 1009.02 Dimensional Requirements with Conservation Development Standards. The Zoning Commission may, as a part of the PRD-V, with Conservation Development Standards, review process, require specific dimensional requirements if in their determination such requirements are in the best interests of the health and welfare of the general Township.

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- A) Minimum yard requirements: Residential, none. Other permitted Uses shall have front, side, and rear yards each of which is at least fifty (50) feet. No Building shall be located closer than fifty (50) feet to any residential district boundary line. There shall be an Open Space no-build Setback of two hundred (200) feet measured from the centerline of a major Thoroughfare or arterial street to any Lot Line(s) of the house lots created within the PRD-V zone.
- B) Floor space requirements: Each residential Dwelling hereafter erected in this District shall have a minimum Floor Area per Dwelling Unit as specified in Section 1008.

Section 1010: Open Spaces

At least forty percent (40%) of the gross acreage within a "PRD-V" Planned Development shall be reserved as Open Space. In computing the amount of gross acreage Open Space, road Rights-of-Way of all types, paved vehicular areas including parking areas and driveways shall be excluded. It does not include the areas of individual fee simple lots conveyed to homeowners. The gross acreage open space area may be, but is not required to be, open to all residents of the Planned Development or general public.

The following items are a part of the computation of the gross acreage Open Space: Scenic easements, utility easements, existing lakes or ponds, and/or private and public active or passive Open Space, and including up to twenty-five percent (25%) of land area included within bounded stanchions but located between guy-wiring and stanchions Attached to a communications tower if said guy-wires and stanchions are located as to leave said percent open to the sky. All land area located between guy-wiring and stanchions and included in an Open Space computation shall be landscaped so as to screen the base of the tower and all related Structures and shall not be used for active or passive recreation facilities of any kind.

Section 1011: Common Open Spaces

1011.01 Common Open Space requirements if Conservation Development Standards Are Not Used:

- A) A minimum of fifteen percent (15%) of the gross acreage within a residential Planned Development shall be required to be common Open Space, and shall be accessible to all tenants or residents within the zoning property, but is not required to be open to the general public.
- B) The location, shape, size and character of Common Open Space shall be suitable for the Planned Development in relation to the location, number and types of Buildings it is intended to serve. In any case, it shall be highly accessible to all residents of the Planned Development. Entry features, detention and retention basins shall not be included in the area required for Common Open Space.
- C) The Common Open Space shall be used for amenity or recreational purposes. Any Uses and/or Buildings authorized for the Common Open Space must be appropriate to the scale and character of the Planned Development in relation to its size, Density, expected population, topography, and the type of Dwellings.
- D) The Common Open Space may be suitably improved for its intended Use, but Common Open Space containing natural features worthy of preservation such as slopes over twelve percent (12%) and wooded areas may be left unimproved. The Buildings, Structures, and improvements that are permitted in the Common Open Space must be appropriate to the Uses which are authorized for the Common Open Space and must conserve and enhance the amenities of the Common Open Space with regard to its topography and unimproved condition.

1011.02 Common Open Space Requirements if Conservation Development Standards Are Used:

- A) Conservation Developments requires that no less than fifty percent (50%) of the total gross area of the area being developed be set aside as Common Open Space. Open Space land may, at the discretion of the Township Trustees, be dedicated as public parkland or public institutional use, or placed within other protected land classification systems which will assure that such land will remain in a natural state prohibiting further development, and the

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establishment of appropriate standards safeguarding the site's special assets as identified by the Zoning Commission.

- B) The location, shape, size and character of Common Open Space shall be suitable for the Planned Development in relation to the location, number and types of Buildings it is intended to serve. In any case, it shall be highly accessible to all residents of the Planned Development. Entry features, detention and retention basins shall not be included in the area required for Common Open Space.
- C) The Common Open Space shall be used for amenity or recreational purposes. Any Uses and/or Buildings authorized for the Common Open Space must be appropriate to the scale and character of the Planned Development in relation to its size, Density, expected population, topography, and the type of Dwellings.
- D) The Common Open Space may be suitably improved for its intended Use, but Common Open Space containing natural features worthy of preservation such as slopes over twelve percent (12%) and wooded areas may be left unimproved. The Buildings, Structures, and improvements, which are permitted in the Common Open Space, must be appropriate to the Uses which are authorized for the Common Open Space and must conserve and enhance the amenities of the Common Open Space with regard to its topography and unimproved condition.

Section 1012: Off-Site Common Open Spaces

- 1012.01 In lieu of the Common Open Spaces required in Section 1011, the Zoning Commission or Township Trustees may accept, as part of an approved Final Development Plan, Common Open Space consisting of an off-site unified tract of land which is suitably located and of adequate type and size to accommodate recreational facility sites, parks and other similar types of public uses.
- 1012.02 The proposed off-site Common Open Space shall be conveyed to a public authority that will agree to maintain the off-site Common Open Space and any Buildings Structures or improvements that have been placed on it. All land conveyed to a public authority must meet the requirements of the appropriate public authority as to size shape, location, character and the method, conditions, and timing of the transfer. Public utility or other similar easements and Right-of-Way for watercourses or other similar channels are not acceptable for off-site Common Open space dedication unless such land or Right-of-Way is usable as a trail or other similar purpose and approved by the public authority to which land is to be transferred.
- 1012.03 The off-site Common Open space shall be used for recreational purposes, Open Space, park, school site, or other similar type of public use. Any Uses and/or Buildings authorized for the off-site Common Open Space must be appropriate in relation to the location, size, shape and topography of the tract.
- 1012.04 The off-site Common Open Space may be suitably improved for its intended Use, but off-site Common Open Space containing natural features worthy of preservation such as slopes over twelve percent (12%) and wooded areas may be left unimproved. The Buildings, Structures, and improvements that are permitted in the off-site Common Open Space must be appropriate to the Uses which are authorized for the off-site Common Open Space and must conserve and enhance the amenities of the off-site Common Open Space with regard to its topography and unimproved condition.
- 1012.05 The minimum size of the proposed off-site Common Open Space shall be the greater of fifteen percent (15%) of the gross acreage of the Planned Development or five (5) acres.
- 1012.06 Off-site Common Open Space shall only be considered upon request of the applicant and upon a determination that common Open Space within the development is insufficient, inappropriate and impractical for the proposed Uses and purposes and that the off-site Common Open Space is reasonably accessible to all residents and users of the Planned Development. In all cases, the benefits of a proposed off-site Common Open Space shall outweigh the benefits of providing

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Common Open Space within the Planned Development. Factors used in evaluating the adequacy and appropriateness of the proposed off-site Common Open Space include:

- A) The location, size, shape and topography of the tract;
- B) The intended Use of the tract and the existing and proposed amenities, improvements and facilities;
- C) The access to and location of the tract in relation to the Planned Development;
- D) The method and degree of integration of the tract with the Planned Development;
- E) The character of the Zoning District in which the tract is located, the Uses permissible within the District, and the compatibility of the proposed Uses with adjoining development and Uses; and
- F) The availability and adequacy of essential public facilities and services.

Section 1013: Ownership of Common Open Space

Different ownership and management options apply to the permanently protected Common Open Space created through the development process. The Common Open Space shall remain undivided and may be owned and managed by a Homeowner's Association, the township, or a recognized land trust of conservation District (conservancy). A public land dedication, not exceeding ten percent (10%) of the total parcel size, may be required by the Township Trustees to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities and open spaces.

1013.01 Ownership Standards. Common Open Space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the Township Trustees.

1013.02 Offer of Dedication. The Township Trustees shall have the first offer of dedication of undivided Common Open Space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The Township Trustees may, but is not required to accept undivided Common Open Space provided; 1) such land is accessible to all residents of the Township Trustees; 2) there is no cost of acquisition other than incidental costs related to the transfer of ownership; 3) the Township Trustees agree to maintain such lands. Where the Township Trustees accept dedication of Common Open Space that contains improvements, the Township Trustees may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.

1013.03 Homeowner's Association. The undivided Common Open Space and associated facilities may be held in common ownership by a Homeowner's Association. The association shall be formed and operated under the following provisions:

- A) The developer shall provide a description of the association, including its bylaws and methods for maintaining the Common Open Space.
- B) The association shall be organized by the developer and shall be operated by the developer, before the sale of any Lots within the development.
- C) Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
- D) The association shall be responsible for maintenance of insurance and taxes on the undivided Common Open Space, enforceable by liens placed by the Township Trustees on the association. The association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.

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- E) The members of the association shall share equitable the costs of maintaining and developing, where appropriate, such undivided Common Open Space, Share shall be defined within the association bylaws.
 - F) In the event of transfer, within the methods here permitted, or undivided Common Open Space land by the Homeowner's Association, or the assumption of maintenance of undivided Common Open Space land by the Township, Notice of such pending action shall be given to all property owners within the development
 - G) The association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided Common Open Space.
 - H) The Homeowner's Association may lease Common Open Space lands to any other qualified person, or corporation, for operation and maintenance of Common Open Space lands, but such a lease agreement shall provide:
 - 1) That the residents of the development shall at all times have access to the Common Open Space lands contained therein (except croplands during the growing season);
 - 2) That the undivided Common Open Space shall be maintained for purposes set forth in this Section; and
 - 3) That the operation of Common Open Space facilities may be for the benefit of the residents only, or may be open to all residents of the township, at the election of the developer and/or Homeowner's Association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of Common Open Space within the township, all residents of the township shall have access to such identified paths/walkways.
 - I) The lease shall be subject to the approval of the Homeowner's Association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Delaware County Recorder's Office and notification shall be provided to the Township Trustees within thirty (30) days of action by the Board.
- 1013.04 Condominiums. The undivided Common Open Space and associated facilities may be controlled through the use of condominium agreements, approved by the Township Trustees. Such agreements shall be in conformance with all applicable laws and regulations. All undivided Common Open Space land shall be held as a common element.
- 1013.05 Dedication of Easements. The Township Trustees may, but shall not be required to, accept easements for public use of any portion or portions of undivided Common Open Space land, title of which is to remain in ownership by condominium or Homeowner's Association, provided:
- A) Such land is accessible to township residents;
 - B) There is no cost of acquisition other than incidental transfer of ownership costs; and
 - C) A maintenance agreement is reached between the developer, association and the Township Trustees.
- 1013.06 Transfer of Easements to a Private Conservation Organization. With formal expressed permission of the Township Trustees, an owner may transfer easements to a private nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:
- A) The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;
 - B) The conveyance contains appropriate provisions for the proper reverter or retransfer in the event that organization becomes unwilling or unable to continue carrying out its function; and
 - C) A maintenance agreement acceptable to the Township Trustees is entered into by the developer and the organization.

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Section 1014: Maintenance of Open Space

1014.01 The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues and special assessments. The owner shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues and assessments.

1014.02 In the event that the organization established to own and maintain Common Open Space shall at any time after establishment of the Planned Development fail to maintain the Common Open Space in reasonable order and condition in accordance with the Final Development Plan, the Township Trustees may serve written notice upon such organization or upon the residents of the Planned Development setting forth the manner in which the organization has failed to maintain the Common Open Space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice as to the deficiencies and may give an extension of time within which they shall be cured.

If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the Township Trustees, in order to preserve the taxable values of the properties within the Planned Development and to prevent the Common Open Space from becoming a public Nuisance, may enter upon said Common Open Space and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any rights to use the Common Open Space. Before the expiration of said year, the Township Trustees shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the Common Open Space, call a public hearing upon notice to such organization, or to the residents of the Planned Development, to be held by the Township Trustees, at which hearing such organization or the residents of the Planned Development shall show cause why such maintenance by the Township Trustees shall not, at the election of the Township Trustees, continue for a succeeding year. If the Township Trustees shall determine such organization is ready and able to maintain said Common Open Space in reasonable condition, the Township Trustees shall determine such organization is not ready and able to maintain said Common Open Space in a reasonable condition, the Township Trustees may, in its discretion, continue to maintain said Common Open Space during the next succeeding year and the subject to a similar hearing and determination, in each year thereafter. The decision of the Township Trustees in any such case shall constitute a final administrative decision subject to review as provided by law.

The cost of such maintenance by the Township Trustees shall be assessed against the properties within the Planned Development that have a right of enjoyment of the Common Open Space, and shall become a tax lien on said properties. The Township Trustees, at the time of entering upon said Common Open Space for the purpose of maintenance, shall file a notice of such lien in the office of the Delaware County Recorder, upon the properties affected by such lien within the Planned Development.

Section 1015: Planning Process Overview

The following sequence of actions herein prescribed should be followed when applying for a change in zoning to the PRD-V classification. These steps should be followed sequentially and may be combined only at the discretion of the Zoning Commission.

1015.01 Pre-application Discussion. A pre-application discussion is suggested between the applicant, staff, Board of Trustees and the Zoning Commission. The purpose of this meeting is to introduce the applicant and his/her representatives to the Township's Conservation Concept, and to discuss the applicant's objectives in relation to the Township's official policies and other related requirements.

1015.02 Existing Features Plan (Site analysis). Plans analyzing each site's special features are required for all proposed developments as they form the basis of the design process for greenway lands, Building location, street alignments, and Lot Lines. Plans shall contain, as a minimum, the basic

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information contained within the Delaware County Regional Planning Commission's Geographic Information System (GIS) including:

- A) A topographic map based upon the most recent U.S. Geological Survey;
- B) The location of severely constraining elements such as steep slopes (over 20%), wetlands, watercourses, intermittent streams and 100-year floodplain and all Rights-of-Way and easements
- C) Soil boundaries as shown on the USDA Natural Resource Conservation Service maps; and
- D) The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or from the site, watershed divides and drainage ways, existing Fences or stone walls, rock outcrops, and existing Structures, roads, tracks and trails, and sites or Buildings of historic importance.

Similar data shall be made available regarding adjacent properties and existing developments in order to provide continuity of plans including streets, paths and walkways.

- 1015.03 Sewage disposal. For sites not served by public centralized sewer, sewage disposal feasibility shall be demonstrated by letter from the Delaware county General Health District, the Ohio Environmental Protection Agency, or a licensed sanitary or civil engineer.
- 1015.04 On-Site Walkabout. The applicant and the Zoning Commission shall walk the site, at which time the Primary and Secondary Conservation Areas to be saved shall be identified. At the completion of the site walk or shortly thereafter a very conceptual development plan should be quickly sketched on the site analysis map by the applicant or his consultant for impromptu comments from the Zoning Commission. No binding decisions or votes are made at the on-site walkabout. Based upon such comments, a formal development plan can be prepared for public hearing. The On-Site Walkabout is a public meeting pursuant to Ohio Sunshine Law and must be properly noticed.
- 1015.05 Conceptual Preliminary Plan. The conceptual Preliminary Plan refers to a preliminarily engineered sketch plan drawn to illustrate initial thoughts about a layout for greenway lands, house sites, and street alignments. This stage is undertaken before heavy engineering cost is incurred or commitment made to a final concept.
- 1015.06 The Conceptual Preliminary Plan should be submitted by the applicant to the Zoning Commission for review for the purpose of securing early agreement on an overall pattern of streets, house lots and conservation lands prior to any significant expenditure on engineering costs in the design of streets, storm water management, or the accurate delineation of site details.
- 1015.07 Design Process. Each sketch Plan or Conceptual preliminary Plan should follow a design process described below:
 - A) Designating Open Space. During the first step, all potential conservation areas shall be identified, using the Existing Features Plan (Site Analysis), Conservation areas shall consist of wetlands, floodplain, slopes over twenty percent (20%) and soils susceptible to slumping the remainder of the open space conservation areas shall include the most sensitive and noteworthy natural, scenic, and cultural resources on the remaining property. Guidance concerning Township values relating to desired Open Space shall be provided by the Zoning Commission. Mandatory setbacks from major roads may be counted, in whole or part, as Open Space.
 - B) Location of House Sites. During the second step, potential house sites are tentatively located. Structure location represents a significant decision impacting the site therefore applicants shall identify general location of house sites on the Conceptual Plan and proposed house sites on the detailed Final Plan. House sites shall not be located closer than thirty (30) feet of Conservation Areas. Actual Building footprints of proposed residences may be changed with approval of a majority vote of the Zoning Commission.

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- C) Street and Lot Layout. The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economic way. When streets and Lots are laid out, they shall be located in a way that avoids or minimizes adverse impacts on the Conservation Areas. Wetland crossings and streets traversing existing slopes over fifteen percent (15%) shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of cul-de-sacs to be maintained by the Township and to facilitate ease of access to adjacent properties. Cul-de-sacs serving more than six homes shall generally be designed with a central island containing plantings to be maintained by a Homeowner's Association. The use of eyebrows for the purpose of increasing the number of Lots shall not be permitted. Dedicated streets shall not be considered as land counted as Conservation Area. Fifty-percent (50%) of the land area within private street Rights-of-Way may be considered as a portion of the required Conservation Area.
- D) Lot Lines. The fourth step is simply to draw the Lot Lines (where applicable). These generally are drawn midway between house locations and may include flag-lots or other more innovative design creations.

Section 1016: Application Procedure

In addition to any other procedures set out in this resolution, all applications for amendments to the Zoning Map to rezone lands to this District shall follow the procedures hereinafter set forth:

1016.01 Application - the owner or owners of Lots and lands within the township may request that the Zoning Map be amended to include such tracts in the Planned Development District in accordance with the provisions of this resolution. Ten (10) copies of the application for the proposed amendment shall be submitted to the Zoning Inspector and shall contain at a minimum the following information:

- A) Name, address, and telephone number of applicant;
- B) Date;
- C) Legal description of the property;
- D) Present Use;
- E) Present Zoning District;
- F) Proposed Use;
- G) Proposed Zoning District;
- H) Existing Features Plan (Site Analysis). Plans analyzing each site's special features are required for all proposed developments, as they form the basis of the design process for greenway lands, Building location, street alignments, and Lot Lines. Plans shall contain, at a minimum, the basic information contained within the Delaware County Regional Planning Commission's Geographic Information System (GIS) including:
 - 1) A contour map based upon the most recent U.S. Geological Survey;
 - 2) The location of severely constraining elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and 100-year flood plain, and all Rights-of-Way and easements;
 - 3) Soil boundaries as shown on the USDA Natural Resource Conservation Service maps;
 - 4) The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or from the site, watershed divides and drainage ways, existing Fences or stone walls, rock outcrops, and existing Structures, roads, tracks and trails, and sites or Buildings of historic importance; and

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- 5) An aerial photograph of the site and surrounding area. Similar data shall be made available regarding adjacent properties and existing developments in order to provide continuity of plans including streets, paths and walkways.
- I) A development plan for the site;
- J) A landscape plan, including an inventory of existing trees;
- K) A plan for any exterior lighting and/or signage;
- L) A Vicinity Map at a scale approved by the Zoning Commission showing property lines, streets, Structures within five hundred (500) feet of the property's boundary, existing and proposed zoning, and such other items as the Zoning Commission may require;
- M) A site review conducted by Delaware County Regional Planning Commission and their comments;
- N) A traffic study, unless waived by the Zoning Commission;
- O) A list of all property owners, as appearing on the county auditor's current tax list within five hundred (500) feet of, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and others that may have a substantial interest in the case. For each of the property owners, the applicant shall provide two sets of pre-addressed, stamped letter-size envelopes with postage sufficient to send a notice via first class mail; and
- P) A fee as established by the Township Trustees.

1016.02 Development Plan – Ten (10) copies of the development plan shall be submitted with the application, which plan shall include in the text and map form:

- A) The proposed size and location of the Lower Density Planned Residential District (PRD-V);
- B) The general development character of the tract, including the limitations or controls to be placed on residential and related Uses, with probable Lot sizes, minimum setback requirements and other development features, including Landscaping;
- C) Architectural design criteria for all Structures and criteria for proposed Signs with proposed control procedures;
- D) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness;
- E) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise;
- F) A traffic study examining the impact of the development on the existing infrastructure, modifications required to handle the increased traffic and the mechanism proposed to complete the necessary improvements;
- G) The relationship of the proposed development to existing and probable Uses of surrounding areas during the development timetable;
- H) Location of schools, parks, and other facility sites, if any;
- I) The proposed time schedule for development of the site, including streets, Buildings, utilities, and other facilities;
- J) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases;
- K) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan; and

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- L) Specific statements of Divergence shall be requested “per plan”; if any deviation from the development standards in this Resolution or existing county regulations or standards are desired, an applicant making such a request shall specifically and separately list each requested Divergence and submit written development text justifying each deviation from any requirements of this Resolution and demonstrating how each Divergence will advance public interests and the General Purposes of this Zoning Resolution, by promoting one or more of the following purposes;
- 1) The conservation and protection of the natural resources, scenic areas, wildlife habitat and the historical and unique natural features of the land;
 - 2) The health, safety, morals, and general welfare of the present and future inhabitants of Genoa Township;
 - 3) 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;
 - 4) The assurance of the compatibility of land uses which are either adjacent or in proximity to each other;
 - 5) The orderly development of all lands within the Township to its appropriate use; and
 - 6) The most appropriate use of land to facilitate and provide adequate public and private improvements.

Unless a deviation from development standards is specifically approved as a Divergence, the same shall be complied with.

1016.03 Administrative Review – All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, or designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved.

Section 1017: Action by Zoning Commission

The Zoning Commission shall hold a public hearing on the Proposed Amendment as provided by Article 26 of this Resolution. Such public hearing shall consider all aspects of the Proposed Amendment including the Final Development Plan as well as any proposed states and/or units of development. The Zoning Commission shall within thirty (30) days after the final public hearing on such plan recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the Delaware County Regional Planning Commission thereon to the Township Trustees.

Section 1018: Final Development Plan General Requirements

The Final Development Plan submitted shall support the following requirements:

- 1018.01 The physical character of the site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site from probability of flooding, erosion, subsidence, or slipping of the soil or other dangers, annoyances, or inconveniences.
- 1018.02 Any Divergence from the Zoning Resolution requirements is warranted per plan by the design and amenities incorporated in the development plan and each requested Divergence shall specifically and separately be listed in the Final Development Text in accordance with Section 1020.
- 1018.03 Land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in Use.
- 1018.04 The proposed change to a Planned Development District is in conformance with the standards, objectives and policies of the Genoa Township Comprehensive Plan.

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- 1018.05 The site must have direct access to a major street without creating traffic on minor residential streets outside the District.
- 1018.06 Existing and proposed utility services are adequate for the proposed development.
- 1018.07 Each phase of the proposed development, as it is proposed to be completed contains the required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and suitable environment.
- 1018.08 The proposed Planned Development including all proposed parking spaces, and landscape areas and utilities can be substantially developed, and all construction for public benefit has been approved by the Delaware County Engineer, within three (3) years of the establishment of the Planned Development District unless a different time schedule is set forth in the approved development plan.
- 1018.09 The developer either possesses or has access to sufficient funds for the initiation and completion of the project as described in the Final Development Plan.

Section 1019: Action by the Township Trustees

The Township Trustees shall hold a public hearing on the Final Development Plan as provided by Article 26 of this Resolution. If the application is granted, the area of land involved shall be re-designated as a Planned Development District by resolution, and such resolution shall incorporate the Final Development Plan, including any condition or restriction of safeguard that may be imposed by the Township Trustees. Violations of such conditions, restrictions, or safeguards when made a part of the terms under which the Final Development Plan is approved, shall be deemed a violation of this Resolution and subject to the provisions of Section 116 of this Resolution.

Section 1020: Divergence Review and Conflicts with Other Sections

Because of the special characteristics of Planned Developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other Sections of this Resolution, the provisions of this Article shall prevail. Subjects not covered by this Section shall be governed by the respective provisions found elsewhere in this Resolution. Unless formal variation from development standards is specifically approved as a Divergence, the same shall be complied with. Formal consideration must be requested by an applicant seeking approval of a Divergence to any development standards or requirements in this Zoning Resolution and no Divergence will be approved unless the provisions of this subsection are met in accordance with the terms set forth below.

- 1020.01 The Genoa Township Zoning Commission and the Township Trustees may consider Divergences requested at the time of the filing of a development plan application, which is determined in compliance with all other general development standards listed in the zoning district where the proposed development will be occurring. The applicant shall provide written development text in accordance with Sections 1016.02(L).
- 1020.02 Divergences may be granted “per plan” during a public hearing conducted by either the Genoa Township Zoning Commission, or the Township Trustees conducting a formal review of a development plan. The Township has discretion to determine whether requested Divergences are warranted based on the applicant’s particular case. When acting on a requested Divergence, the Zoning Commission and the Township Trustees may approve a Divergence, provided they determine that the benefits, improved arrangement and the design of the proposed development justify the deviation from any requirements of this Resolution and that the proposed Divergence is consistent with the purpose and intent of this Resolution.

Section 1021: Subdivision Plat and Subdivision Regulations

- 1021.01 The uniqueness of each proposal for a Planned Development may require that there be modification from the specifications established in the Subdivision Regulations of Delaware County, Ohio. Modifications may be incorporated into the plan by the developer only after the

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review of the Delaware County Regional Planning Commission and the County Engineer for consideration by the Zoning Commission and the Township Trustees.

1021.02 No Certificate of Zoning Compliance shall be issued for any Structure in any portion of a Planned Development for which a plat is required by the Delaware County Subdivision Regulations unless and until:

- A) The final subdivision plat for that portion has been approved by the Delaware County Regional Planning Commission, Delaware County Commissioners and recorded; and
- B) A full size and an 11"x17" copy have been filed with the Zoning Inspector. No modification of the provisions of the Final Development Plan, or part thereof, as finally approved and recorded shall be made unless the provisions of Section 1023 are followed.

Section 1022: Certificate of Zoning Compliance

After the Final Development Plan is recorded the Zoning Inspector may issue a Certificate of Zoning Compliance upon payment of the required fees and submission of the detailed Landscaping plan for each platted Lot. The Certificate of Zoning Compliance for a Planned Development shall be for a period not to exceed three (3) years or that period approved in the Final Development Plan. If no construction has begun within three (3) years after approval is granted the Final Development Plan approval shall be void.

Section 1023: Extension or Modification of Final Development Plan

1023.01 An extension of the time limit for the approved Final Development Plan may be granted by the Township Trustees without public hearing provided the Township Trustees find that such extension is not in conflict with public interest.

1023.02 A request for minor changes to the Final Development Plan may be approved by the Zoning Commission without being subject to the same procedures as the original application. A resolution to accept changes, which may include additional conditions shall be required.

1023.03 In the case of a request for a modification of amendment to the Final Development Plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial departures from the original application.

- A) A change in the Use or character of the development;
- B) An increase in overall coverage of Structures;
- C) An increase in the Density;
- D) An increase in the problems of traffic circulation and public utilities;
- E) A reduction in approved Open Space;
- F) A reduction of Off-Street parking and loading space;
- G) A reduction in required pavement widths; or
- H) A reduction of the acreage in the Planned Development.

Section 1024: Enforcement

1024.01 The Zoning Inspector shall review, at least once every six (6) months, all Zoning Permits issued and all construction that has taken place within the development area.

1024.02 If the Zoning Inspector shall find that the ratio of construction of residential units, non-residential Structures, Open space and/or recreational facilities substantially differs from the approved phasing program, he shall follow the procedures of Section 116.02 in order to suspend further construction until compliance is achieved.

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1024.03 If the Zoning Inspector shall find that the developer of a Planned Development has failed to meet the approved development schedule, he shall forward this information to the Township Trustees.

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