

ARTICLE 12: PLANNED COMMERCIAL AND OFFICE DISTRICT (PCD)

Section 1201: Intent and Purpose

This District is provided in recognition that a mixing of land uses combined with increased densities allows a developer more flexibility in development design and provides more convenience in the location of commercial uses and business services. Provisions of this District are formulated to achieve harmoniously designed structures upon a well landscaped site, achieving a high degree of pedestrian vehicular separation, all of which shall be compatible with surrounding land Uses. This District is limited to areas served by central sewer wastewater treatment plants operated by the Delaware County Sanitary Engineer and to areas served by a Central Water System and by an adequate transportation network.

1201.01 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.

1201.02 This Section establishes standards for the Planned Commercial-Office District served by central sanitary sewers and Central Water Systems, or developments utilizing other sewage treatment options approved in the development plan.

1201.03 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 1202: Contiguity of Land and Project Ownership

1202.01 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.

1202.02 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 purposes of this subsection a single entity includes 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 1203: General Requirements

1203.01 The provisions herein shall apply to all lands zoned in the Planned Commercial-Office District. Only parcels of at least five (5) acres in size or adjacent to other parcels zoned PCD or under application for rezoning to PCD that collectively sum five (5) acres or more shall be considered for PCD zoning.

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- 1203.02 Commercial and/or office Buildings and shopping center establishments shall be planned as groups having common parking area and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares.
- A) Planned Commercial Office Districts having less than twenty (20) acres in area shall have direct access to at least one (1) arterial street.
 - B) Planned Commercial Office Districts of twenty (20) or more acres in area shall have direct access to one (1) arterial street and one (1) collector street and/or two (2) access points on an arterial street.
- 1203.03 There shall be created a minimum green strip of seventy-five (75) feet planted with grass and landscaped with the purpose of providing a year round combination of shrubs and trees between a residential use area and a Commercial Office development.
- 1203.04 All parking and loading areas shall conform to the requirements of Article 19 and this Article.
- 1203.05 All Signs shall conform to the requirements of Article 18.
- 1203.06 Total land occupancy by all Buildings and impervious surfaces in a Commercial Office Planned Development shall not exceed seventy-five percent (75%) of the area of the tract provided, however, that underground parking structures, the highest portions of which are not more than thirty (30) inches above the level of the centerline of the nearest adjacent street, shall not be included in computations of land occupancy by Buildings.
- 1203.07 Maximum Gross Floor Area. No Structure shall exceed 65,000 square feet in gross Floor Area. A commonly controlled business operation shall not exceed usage of 65,000 square feet of gross Floor Area within one or more structures.
- 1203.08 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.
- 1203.09 Parking and Loading Areas
- A) The overnight parking of automobiles and other vehicles on private or public streets within a Planned Development is prohibited.
 - 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 twenty-five (25) feet from the edge of the contiguous street Right-of-Way in a Planned Commercial-Office District, unless the parking lot is contiguous to a residential District, in which case seventy-five (75) feet shall be the closest distance of the parking lot to the edge of the contiguous street Right-of-Way.
 - D) Parking spaces and loading areas shall be provided in accordance with Article 19.
- 1203.10 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.
- 1203.11 Walkways – All walkways shall be constructed of a suitable, dust free, hard surface material.
- 1203.12 Trees
- A) The clearing of land shall be kept to a minimum to help preserve the existing natural conditions.

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- 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 environment.
- 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.

1203.13 Landscaping – All areas shall be landscaped. The developer shall submit a conceptual landscaping plan to be reviewed as part of the development plan. Each Lot shall be seeded or sodded in accordance with the approved development plan before a Certificate of Zoning Compliance is issued.

Section 1204: Required Conditions for Businesses

No business shall be approved in a Planned Commercial Office District until the applicant shall certify as part of the Final Development Plan that:

- 1204.01 The business activity shall be conducted wholly within a completely enclosed Building.
- 1204.02 All businesses shall be of retail or service character.
- 1204.03 No manufacturing, processing, packaging, repair or treatment of goods shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.
- 1204.04 All premises shall be furnished with all weathered hard surface walks of a material such as bituminous or Portland cement, concrete, wood, tile, terrazzo or similar material, and, except for parking areas, the grounds shall be planted and landscaped.
- 1204.05 Where the property lines separate a business District from a residential District, a visual and mechanical barrier, a minimum of five and one-half (5 ½) feet in height, shall be provided along the common Lot Line.
- 1204.06 No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.
- 1204.07 The emission of smoke or other air pollutants and dust borne by wind shall be kept to a minimum by appropriate Landscaping, paving, or other acceptable means.
- 1204.08 There will be no emission of odors or odor causing substances which can be detected without the use of instruments at or beyond the Lot Lines.
- 1204.09 There will be no vibrations which can be detected without the use of instruments at or beyond the Lot Lines.
- 1204.10 A certificate of occupancy shall be obtained before any business use is initiated, changed, or altered in accordance with Section 115.03.

Section 1205: Permitted Principal Uses

- 1205.01 General office, retail or service businesses, included but not limited to:
 - A) Office facilities for the providing of personal service such as insurance agencies, insurance brokers, real estate offices, architects, engineers, law offices, offices of physicians, surgeons, dentists, chiropractors, or podiatrists or other allied medical, dental or optical fields.
 - B) Offices of credit agencies, banks, savings and loan associations, personal credit institutions or loan offices. These businesses may be drive through businesses, provided any speakers are located at least one hundred (100) feet from any residential District boundary.

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- C) Eating establishments. These business may have drive-through facilities provided any speakers are located at least two hundred (200) feet from any residential District boundary. This distance may be reduced to one hundred (100) feet if the speaker is located on the side of the Building opposite the residential boundary,

1205.02 Medical research facilities.

1205.03 Research and development laboratories.

1205.04 Temporary Uses specified in and regulated by Section 1707, except Section 1707.04.

Section 1206: Permitted Accessory Uses

1206.01 Accessory Buildings as regulated by Section 1609.

1206.02 Off Street parking and loading spaces as regulated by Article 19 and Section 1903.

1206.03 Signs as regulated by Article 18.

Section 1207: Prohibited Uses

1207.01 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.

1207.02 The Outdoor Storage of inoperable, unlicensed, or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicle, if stored on the premises, shall be enclosed within a Building so as not to be visible from any adjoining property or public road.

1207.03 Except as specifically permitted by Section 1707 no Mobile Home or mobile home office Structure shall be placed or occupied in this District.

1207.04 Adult Entertainment and Adult Entertainment Facilities are prohibited.

1207.05 Homes for adjustment and institutions as herein defined under Residential Care Facilities are prohibited.

Section 1208: Dimensional Requirements

Minimum yard requirements: front, side, and rear yards shall be designed so that no Building is closer than fifty (50) feet to any other Building. No Buildings shall be located closer than one hundred (100) feet to any District boundary line or one hundred (100) feet from a street Right-of-Way.

Section 1209: 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:

1209.01 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;

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- H) Existing Features Plan (Site Analysis). Plans analyzing each sites 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 floodplain, 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
 - 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;
- K) A plan for any 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;
- P) A fee as established by the Township Trustees.

1209.02 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 Planned Commercial-Office (PCD);
- 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;

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- 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; and
- K) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.
- L) Specific statements of Divergence shall be requested "per plan"; if any deviation from 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.

1209.03 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 1210: 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 stages 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 1211: Final Development Plan General Requirements

The Final Development Plan submitted shall support the following requirements:

- 1211.01 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.
- 1211.02 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 1213.
- 1211.03 Land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in Use.
- 1211.04 The proposed change to a Planned Development District is in conformance with the standards, objectives, and policies of the Genoa Township Comprehensive Plan.
- 1211.05 The site must have direct access to a major street without creating traffic on minor residential streets outside the District.
- 1211.06 Existing and proposed utility services are adequate for the proposed development.
- 1211.07 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.
- 1211.08 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.
- 1211.09 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 1212: 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 or 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 1213: 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.

- 1213.01 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

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proposed development will be occurring. The applicant shall provide written development text in accordance with Sections 1209.02 (L).

- 1213.02 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 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 1214: Subdivision Plat and Subdivision Regulations

- 1214.01 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 review of the Delaware County Regional Planning Commission and the County Engineer for consideration by the Zoning Commission and the Township Trustees.

- 1214.02 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"x 17" 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 1216 are followed.

Section 1215: 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 1216: Extension or Modification of Final Development Plan

- 1216.01 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.

- 1216.02 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.

- 1216.03 In the case of a request for a modification or 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 1217: Enforcement

- 1217.01 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.
- 1217.02 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.
- 1217.03 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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