



**Genoa  
Township  
Zoning  
Resolution**

**Delaware County, Ohio**

**Effective: February 9, 2013**

## **ZONING RESOLUTION FOR GENOA TOWNSHIP DELAWARE COUNTY, OHIO**

WHEREAS, the Board of Trustees of Genoa Township, Delaware County, Ohio has deemed it necessary to promote the public health, safety, morals and general welfare of the residents of said Township; and,

WHEREAS, zoning resolutions for the building and land use within the unincorporated territory of the Township were adopted in accordance with Section 519 and related sections of the Ohio Revised Code; and,

WHEREAS, five (5) persons have been duly appointed by the Board of Trustees of Genoa Township to serve as a Zoning Commission for said Township; and,

WHEREAS, said Zoning Commission has recommended revisions of the Genoa Township Zoning Resolution on April 18, 2011 and has submitted such amendments to the Board of Trustees of Genoa Township under authority and in accordance with the provisions of Section 519.12 of the Ohio Revised Code; and,

THEREFORE, the Board of Trustees of Genoa Township adopt the following Zoning Resolution on May 27, 2011 under the authority and in accordance with the provisions of the Ohio Revised Code with said amendments becoming effective June 26, 2011; and

FURTHERMORE, all resolutions or parts of resolutions in conflict with this zoning resolution or inconsistent with provisions of this resolution are hereby repealed to the extent necessary to give this resolution full force and effect.

APPROVED BY:

*Genoa Township Board of Trustees*

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**GENOA TOWNSHIP ZONING RESOLUTION  
PREFACE**

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**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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**ARTICLE 1: ADMINISTRATION**

- 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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**ARTICLE 1: ADMINISTRATION**

- 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

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 1: ADMINISTRATION**

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.

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 1: ADMINISTRATION**

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**ARTICLE 2: RESPONSIBILITIES OF THE ZONING COMMISSION AND TRUSTEES**

**Section 201: Township Zoning Commission**

The Township Trustees shall establish a Zoning Commission, consisting of five (5) citizens of the Township to be appointed by the Township Trustees. Two (2) additional citizens may be appointed to the Zoning Commission as alternates. None of the members shall concurrently serve as a member of the Board of Zoning Appeals.

- 201.01 The terms of the members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, upon written charges being filed with the Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Township Trustees and shall be for the un-expired term.
- 201.02 The Zoning Commission shall elect its own officers annually and shall adopt the rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held periodically as the need arises but not less than quarterly at the call of the Chairman and at such other times as the Zoning Commission may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- 201.03 The Zoning Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be a public record.
- 201.04 The Zoning Commission shall act by resolution or motion. The concurring vote of three (3) members of the Zoning Commission shall be necessary to pass any motion to recommend the approval, disapproval, or modification of any proposed amendment to this Resolution. The results of such resolution or motion shall be forwarded to the Township Trustees for their action, except as may otherwise be provided herein.
- 201.05 The Zoning Commission shall initiate or review all proposed amendments to this Resolution and make recommendations to the Township Trustees in accordance with Article 26.

**Section 202: Township Trustees**

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees, in connection with this Resolution, shall not include hearing and deciding questions of interpretation and enforcement that may arise.

The Township Trustees shall be responsible for:

- 202.01 Appointing a Zoning Inspector, members of the Township Zoning Commission, and members of the Board of Zoning Appeals;
- 202.02 Establishing a schedule of fees for issuing Zoning Permits, appeals, Variances, Conditional Use Permits, processing amendments, and any other zoning actions requiring postage, legal advertising, inspections or expert review, or general processing of applications; and
- 202.03 Consideration of and adoption, rejection or modification of proposed amendments to this Resolution as provided in Article 26.

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 2: RESPONSIBILITIES OF THE ZONING COMMISSION & TRUSTEES**

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**ARTICLE 3: RESPONSIBILITIES OF THE BOARD OF ZONING APPEALS**

**Section 301: Board of Zoning Appeals**

The Township Trustees shall appoint five (5) residents of the Township to the Board of Zoning Appeals. Two (2) additional citizens may be appointed to the Board of Zoning Appeals as alternates. None of the members shall concurrently serve as a member of the Zoning Commission.

301.01 The terms of all members shall be so arranged that the term of one member shall expire every year. Each member shall serve until his successor is appointed and qualified. Members of the Board of Zoning Appeals may be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, upon written charges being filed with the Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served either personally, by registered mail, or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by resolution of the Township Trustees and shall be for the unexpired term.

301.02 The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairman and at such other times as the Board of Zoning Appeals may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board of Zoning Appeals.

301.03 In exercising its duties, the Board of Zoning Appeals may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the power of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution.

301.04 For the purpose of this Resolution, the Board of Zoning Appeals has the following specific responsibilities:

- A) To hear and decide appeals in accordance with Section 306 where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector;
- B) Where the applicant has provided sufficient evidence to warrant the granting of a Variance, to authorize such Variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done. The consideration of such Variances shall be in accordance with Section 307;
- C) To grant Conditional Use Permits as specified in Section 302 and such additional safeguards as will uphold the intent of the Resolution; and
- D) To determine the exact location of any District boundary in accordance with Section 503 if there is uncertainty as to the exact location.

**Section 302: Conditional Use Permits**

An application for a Conditional Use Permit by at least one (1) owner of the property is required prior to any authorization by the Board of Zoning Appeals. At a minimum, the application shall contain the following information:

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**ARTICLE 3: BOARD OF ZONING APPEALS**

- 302.01 Name, address, and telephone number of applicant;
- 302.02 Date of application;
- 302.03 The lot, name, and number or legal description of the property;
- 302.04 Description of existing zoning District;
- 302.05 Description of the proposed Conditional Use;
- 302.06 A site plan of the proposed site for the Conditional Use showing the scale, north arrow, location of all Buildings, parking and loading areas, traffic access and traffic circulation, sidewalks, curbs, Open Spaces, Landscaping and grading plan, refuse and service areas, fire hydrants, utilities, Rights-of-Way, Signs, yards, drainage plan, and such other information as the Board of Zoning Appeals may require to determine if the proposed Conditional Use meets the intent and requirements of this Resolution;
- 302.07 A plan for screening when applicable;
- 302.08 A narrative statement discussing the merits of the proposal;
- 302.09 Such other information as may be required by the Board of Zoning Appeals; and
- 302.10 A fee as established by the Township Trustees.

**Section 303: Conditional Use Standards**

Conditional Uses may be permitted provided that such Uses shall be found to comply with the following requirements and all other applicable requirements as set forth in this Resolution:

- 303.01 The Use is so designed, located and proposed to be operated so that the public health safety, welfare and convenience will be protected.
- 303.02 The Use will not result in the destruction, loss or damage of natural, scenic, or historic features of major importance.
- 303.03 The Use will be designed, constructed, operated, and maintained so that it shall not cause substantial injury to the value of the property in the area or neighborhood where it is to be located.
- 303.04 The Use shall be compatible with adjoining development and the proposed character of the zoning District where it is to be located.
- 303.05 The Use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools, or that the persons or agencies responsible for the establishment of the proposed Use shall be able to provide any such services adequately.
- 303.06 The Use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. Public facilities and services include but are not limited to: fire and police protection or other emergency services, roadways, intersections, traffic lights, and sanitary and storm sewers.
- 303.07 Adequate Landscaping and screening are provided, as required under Article 20.
- 303.08 Adequate off street parking is provided, and ingress and egress is so designed as to cause minimal interference with traffic on abutting streets.
- 303.09 The Use conforms to all applicable regulations governing the District in which it is located.
- 303.10 The Use is compatible with the standards, objectives, and policies of Genoa Township Comprehensive Plan as amended and any revisions thereof.
- 303.11 The Use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or vibrations.

303.12 Any other supplementary requirements as prescribed by the Board of Zoning Appeals.

**Section 304: Processing of Conditional Uses**

The Board of Zoning Appeals shall hold a public hearing within a reasonable time after the receipt of the application.

- 304.01 Before holding the public hearing, notice of such hearing shall be given in one (1) or more newspapers of general circulation within the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed Conditional Use.
- 304.02 Before holding the public hearing, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals or designee, by first class mail, at least ten (10) days before the day of the hearing to the parties in interest including the owners of property contiguous to and directly across the street from the applicant's property. The applicant shall provide a list of such property owners and one set of pre-addressed, letter size envelopes, provided with sufficient postage, which shall be used by the Board of Zoning Appeals' Secretary to notify property owners. The notice shall contain the same information as required of notices published in newspapers.
- 304.03 Within a reasonable time after the hearing, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the application as presented. If the Board of Zoning Appeals disapproves the application the applicant may seek relief through the Court of Common Pleas.

**Section 305: Expiration of Conditional Use Permit**

A Conditional Use Permit shall be deemed to authorize only one particular Conditional Use. The Conditional Use Permit shall automatically expire if, for any reason, the Conditional Use shall cease for more than six (6) months, or construction is not begun within six (6) months.

**Section 306: Administrative Appeals**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector.

- 306.01 An appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.
- 306.02 An appeal stays all proceedings in furtherance of the action appealed unless the Zoning Inspector certifies to the Board of Zoning Appeals that in his opinion, by reason of facts stated in the application, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order that may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal was taken.
- 306.03 The Board of Zoning Appeals shall select a time and place for the hearing of an appeal and give at least ten (10) days written notice to the parties in interest including the owners of property contiguous to and directly across the street from the applicant's property.  
  
In addition, public notice of such hearings including place, date and subject of the hearing, shall be published in a newspaper of general circulation at least ten (10) days prior to the date of the hearing. Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.
- 306.04 The Board of Zoning Appeals shall have all the powers of the Zoning Inspector with respect to such decision. The concurring vote of a majority of the members of the Board of Zoning Appeals shall be necessary to reverse or modify any decision of the Zoning Inspector under this Resolution. The

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Board of Zoning Appeals shall render a written decision on the application without unreasonable delay after the close of a hearing. A copy of the decision and findings of fact shall be sent to the Township Trustees and Zoning Commission, and by certified mail to the applicant.

- 306.05 A fee, the amount of which is established by the Township Trustees, shall accompany a notice of appeal.

**Section 307: Variances**

If the Zoning Inspector rejects an application for a Zoning Permit or Certificate of Zoning Compliance the applicant may appeal for a Variance to the Board of Zoning Appeals.

- 307.01 The Board of Zoning Appeals may authorize, in specific cases, a Variance from the terms of this Resolution as will not be contrary to the public interest or the intent of this Resolution, but only where strict interpretation would result in practical difficulty as defined in Ohio Revised Code, Section 519.14. No Nonconforming Use of neighboring lands, Structures, or Buildings in the same District and no permitted or Nonconforming Use of lands, Structures, or Buildings in other Districts shall be considered grounds for issuance of a Variance.

- 307.02 A Variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless the applicant has provided sufficient evidence to warrant the granting of a Variance, and a written application for a Variance is submitted to the Zoning Inspector and to the Board of Zoning Appeals.

- 307.03 An application for a Variance shall contain, at a minimum, the following information:

- A) Name, address and telephone number of applicant;
- B) Legal description of the property;
- C) Description of nature of Variance requested;
- D) A narrative statement demonstrating that the requested Variance conforms to the following standards:
  - 1) That special conditions and circumstances exist which are peculiar to the land, Structure, or Building involved and which are not applicable to other lands, Structures or Buildings in the same District;
  - 2) That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other property owners in the same District under the terms of this Resolution;
  - 3) That special conditions and circumstances do not result from the actions of the applicant;
  - 4) That granting the Variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, Structures, or Buildings in the same District; and
  - 5) That an economic hardship, requesting a more intensive Use of the property than would normally be permitted, is not the only nor the primary factor for requesting the Variance.
- E) A fee as established by the Township Trustees.

- 307.04 The burden of proof for granting a Variance shall rest with the applicant. In granting any Variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Any violation of such conditions and safeguards, when made part of the terms under which the Variance is granted, shall be deemed a violation of this Resolution and punishable under Section 116 of this Resolution. Under no circumstances shall the Board of Zoning Appeals grant a Variance to allow a Use not permissible under the terms of this Resolution in the District involved, or any Use expressly or by implication prohibited by the terms of this Resolution in said District.

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- 307.05 The Board of Zoning Appeals shall not grant a Variance unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, which support conclusions that:
- A) The Variance requested arises from special conditions of, or involving, the property. The special conditions must be unique to the property and not ordinarily found in the same zoning District. Furthermore the special conditions must result from the enforcement of this Resolution and not by an action or actions of the property owner, the applicant, or any other person or party who has had control of the property;
  - B) The strict application of the provisions of this Resolution from which a Variance is requested will constitute practical difficulty upon the property owner represented in the application;
  - C) The Variance desired will not adversely affect the public health, safety and morals; and
  - D) The Variance desired will not compromise the general spirit and intent of this Resolution.
- 307.06 The Board of Zoning Appeals shall hold a public hearing within a reasonable time after the receipt of an application for a Variance from the Zoning Inspector or an applicant.
- 307.07 Before holding the required public hearing, notice of such hearing shall be given in one (1) or more newspapers of general circulation within the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed Variance. Written notice of the public hearing shall be mailed by the Chairman of the Board of Zoning Appeals or designee, by first class mail, at least ten (10) days before the day of the hearing to the parties in interest including the owners of property contiguous to and directly across the street from the applicant's property. The applicant shall provide a list of such property owners and one set of pre-addressed, letter size envelopes provided with sufficient postage which shall be used by the Zoning Secretary to notify property owners. The notice shall contain the same information as required of notices published in newspapers.
- 307.08 In granting a Variance, the Board of Zoning Appeals may impose such conditions, safeguards and restrictions upon the premises benefited by the Variance as may be necessary to comply with the standards set out in Section 307 of this Article to reduce or minimize potentially injurious effects of such Variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Resolution.
- 307.09 The Board of Zoning Appeals shall have all the powers of the Zoning Inspector with respect to such decision. The concurring vote of a majority of the members of the Board of Zoning Appeals shall be necessary to reverse or modify any decision of the Zoning Inspector under this Resolution. The Board of Zoning Appeals shall render a written decision on the application without unreasonable delay after the close of a hearing. A copy of the decision and findings of fact shall be sent to the Township Trustees, the Township Zoning Commission, and by certified mail to the applicant.
- 307.10 A Variance granted by the Board of Zoning Appeals shall terminate at the end of six (6) months from the date on which the Board grants the Variance, unless within such six (6) month period, a Zoning Permit is obtained.

**GENOA TOWNSHIP ZONING RESOLUTION  
ARTICLE 3: BOARD OF ZONING APPEALS**

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## ARTICLE 4: DEFINITIONS

### Section 401: Introduction

All words used in this Resolution shall have their customary meanings as defined at Webster's New World: College Dictionary, Fourth Edition, 2009, published by Wiley Publishing, Inc., except those specifically defined in this Article.

### Section 402: Definitions

**Accessory Use, Building or Structure** – Any purpose for which a Building, Structure, or a tract of land may be designed, arranged, intended, maintained, or occupied which:

- A) Is customarily incidental and subordinate in area, extent or purpose to the Principal Building, Structure or Use which it serves; and
- B) Is located on the same zoning lot as the Principal Building, Structure or Use.

**Accessory Wall** – Any vertical wall which is not constructed for the purpose of retaining soil or other natural materials.

**Active Recreational Open Space** – A 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. Property so designated in a Planned Development shall be used as a common amenity incorporating an approved recreational purpose. Any Uses and/or Buildings authorized for the Active Recreational 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 and those shall be determined during a required Final Development Plan review process. Active recreational Use is at the discretion of the Township Trustees and any land designated as such can be considered for dedication as public park land.

**Adult Entertainment** – Any material or performance where any of the following apply:

- A) Its dominant appeal is to prurient interest;
- B) Its dominant tendency is to arouse lust by displaying or depicting Specified Sexual Activities, Specified Anatomical Areas, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite;
- C) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;
- D) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose; or
- E) It contains a series of displays or descriptions of Specified Sexual Activities, Specified Anatomical Areas, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, brutality, or human bodily functions or elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

**Adult Entertainment Facility** – A facility having a significant portion of its function as Adult Entertainment. Such facilities include but are not limited to:

- A) Adult bookstore and/or adult video store. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, other periodicals and/or video rentals or sales which are distinguished or characterized by their emphasis on matter depicting or relating to Specified Sexual Activities or Specified Anatomical Areas as herein defined or an establishment with a segment or section devoted to the sale, display, or rental of such material.

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**ARTICLE 4: DEFINITIONS**

- B) Adult Mini Motion Picture Theater. A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, for observation by patrons therein.
- C) Adult Motion Picture Theater. A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas, for observation by patrons therein.
- D) Adult Entertainment Business. Any establishment involved in the sale of services or products characterized by the exposure or presentation of Specified Anatomical Areas or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of Adult Entertainment business are photography, dancing, reading, Massage, escort/dating services and similar functions which utilize activities as specified above.
- E) Massage Establishments. Any establishment having a fixed place of business where Massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, licensed massage therapist or physical therapist duly licensed by the State of Ohio, nor barber shops or beauty salons in which Massages are administered only to the scalp, the face, the neck, or the shoulder.

**Agriculture** – The Use of a tract of land five (5) acres or larger for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary Accessory Uses for packing, treating, or storing produce, provided however, that:

- A) The operation of any such Accessory Use shall be secondary to that of normal agricultural activities;
- B) The above uses shall not include the feeding of garbage or offal to swine or other animals; and
- C) The above uses shall not include the operation or maintenance of a Feed Lot or a commercial stockyard.

**Alteration** – Any change in the supporting members (such as bearing walls, beams, columns, roof structure, or girders) of a Building or Structure or any addition to the exterior of a Structure or any movement of a Building or Structure from one location to another.

**Anemometer** – An instrument that measures the force and direction of the wind.

**Antenna, Aerial** – An arrangement of wires or metal rods used in sending or receiving electromagnetic waves. Antennas may be freestanding or affixed to Buildings. They are supported in the air by a Structure used primarily for the purpose of supporting one or more antennas, including foundation, guys, and other components thereof. For the purpose of this Resolution, telecommunications towers as defined in Ohio Revised Code Section 519.211(B)(1) shall not be considered an Aerial Antenna, but shall be regulated in accordance with the provisions of Section 2203 of this Resolution.

**Attached** – Any Structure or part of a Structure immediately adjacent to another Structure or part of a Structure, and fastened securely to same. When Attached is used to define the connection of two (2) Buildings, they must either:

- A) Share a common wall; or
- B) Provide for internal access between the two (2) buildings

**Barn** – An Accessory Building upon a Lot customarily used for the housing of livestock and/or for the storage of crops and/or machinery used in bona fide Agricultural activities as previously defined in this Article.

**Basement** – Floor space in a Building partially or wholly underground, but having more than one-half (1/2) of its clear floor to ceiling height below the Average Grade of the adjoining ground. A Basement shall be counted as a Story if it does not meet the definition above.

**Bedroom** – A Dwelling room used or intended to be used by human beings for sleeping purposes.

**Billboard** – A constructed unit upon which a verbal and/or pictorial Sign or advertisement is fastened for the purpose of disseminating information to the general public, but not including Bulletin Boards on government property used to display official or public notices and information.

**Board of Zoning Appeals** – The Board of Zoning Appeals of Genoa Township, Delaware County, Ohio.

**Building** – Any Structure having a roof supported by poles, columns, or walls which is designed for the shelter, support, or enclosure of persons, animals, chattels, crops, materials or property of any kind.

**Building Height** – The vertical distance from the average elevation of the finished grade at the front of the Building to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between the eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof.

**Building Line** – A line parallel to the Front Lot Line representing the distance which all or any part of the Building is to be set back from said Front Lot Line as may be provided by this Zoning Resolution or as established by the Board of Zoning Appeals.

**Building, Principal** – A Building in which is conducted the main or Principal Use of the property on which such Building is situated.

**Bulletin Board** – A Structure containing a surface upon which is displayed the name of a religious institution, school or library, auditorium, stadium, athletic field or area of Use for the announcement of services or activities to be held therein.

**Camping or Recreational Equipment** – For the purpose of this Resolution, Camping or Recreational Equipment shall include any trailer or vehicle that is used for personal recreation or hobbies, including but not limited to the following:

- A) Boat and Boat Trailer. Boat and boat trailer shall include boats, floats and rafts plus the normal equipment to transport the same on the highway.
- B) Folding Tent Trailer. A folding Structure mounted on wheels and designed for travel and vacation uses.
- C) Motorized Home. A portable Dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D) Pickup Camper. A Structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use also as a temporary Dwelling for travel, recreational, or vacation uses.
- E) Travel Trailer. A vehicular, portable Structure built on a chassis, designed to be used as a temporary Dwelling for travel, recreational and vacation uses.
- F) Horse Trailer. A Structure mounted on wheels used to transport animals and designed to be drawn by a motor vehicle.

**Cemetery** – Land used or intended to be used for the burial of human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

**Certificate of Zoning Compliance** – A document issued by the Zoning Inspector verifying compliance with the regulations of the Zoning Resolution at a point in time.

**Clear Fall Zone** – An area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods,

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or any other condition causing the turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall onto dwellings, any inhabited buildings and will not intrude onto a neighboring property.

**Club** – A premises owned or operated by a person or persons for a civic, social, cultural, religious, literary, scientific, artistic, political, recreational or like activity, but not for profit or to render a service which is customarily carried on as a business.

**Cluster Housing** – Grouping Single-Family Detached Dwelling Units at higher densities in order to conserve Open Space and allow better utilization of developed land. Single-family detached residential units exclusive of Open Space constructed within a planned District. The overall permitted Density in areas devoted to Cluster Housing including Open Space shall be determined by the permitted residential Density within the District.

**Common Wall** – A vertical structure separating two (2) or more buildings or structures.

**Common Wall Single-Family Attached Dwelling Unit** – Common Wall Single-Family Attached Dwelling Unit constructed within a planned District. The overall permitted Density in areas devoted to common wall housing including Open Space shall be determined by the permitted restricted Density within the District.

**Common Access Driveway (CAD)** – Privately constructed, owned and maintained common driveway within a platted ingress/egress easement in accordance with approved county Subdivision Regulations.

**Common Open Space** – As used herein, parcels of land together with the improvements thereon, the use and enjoyment of which shall be shared by the owners and occupants of the individual building sites of the particular development and is accessible to all tenants or residents within the zoning property, but is not required to be open to the general public.

**Commonly Controlled Business Operation** – Any business, group of businesses or other operation which is integrated by ownership, management, physical proximity, or control. A business or other operation shall be considered commonly controlled if it exhibits one or more of the following characteristics: shared premises, common ownership, shared management, shared policies, common management, common or close proximate facilities or shared employees.

**Conditional Use** – A Use permitted within a District other than a Permitted Principal Use, requiring a Conditional Use Permit and approved by the Board of Zoning Appeals. These Uses are permitted only after the applicant has followed the procedures outlined in Section 302. If for any reason, the Conditional Use shall cease for more than six (6) months, the Permit for the Conditional Use shall expire.

**Conditional Use Permit** – A permit issued by the Zoning Inspector after authorization by the Board of Zoning Appeals to allow certain specific developments that would not otherwise be allowed in a particular zoning District. These permits are issued only after the applicant has followed the procedures as stated in Section 302 of this Resolution. Development under a Conditional Use Permit differs from a zoning change in that it is much more specific. The applicant submits plans and follows conditions exactly and must reapply for a permit before deviating from that plan. If, for any reason, the Conditional Use shall not start within six (6) months or cease for more than six (6) months, the Permit shall expire in accordance with Section 305.

**Conservation Development** – Land that is designed and developed as a unified residential development with Open Space as an integral characteristic. Instead of subdividing an entire tract into house lots and streets, the same number of housing lots may be clustered on a reduced amount of acreage on the condition that the remaining land in the tract is permanently reserved for Open Space area, the future development or subdivision of which is prohibited.

**Cowling** – A streamlined removable cover that encloses the turbine's nacelle.

**Day Care Center** – A Building used for the care of three (3) or more children, not members or wards of the Family.

**Decibel** – A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the Decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.

**Density** – A unit of measurement designating the number of Dwelling Units per acre of land as follows:

A) Gross Density: The number of Dwelling Units per acre of the total land to be developed.

B) Net Density: The number of Dwelling Units per acre of land when the average involved includes only the land devoted to residential Uses and excludes such areas as street Rights-of-Way, parks, Common Open Space and other similar Uses.

**Development Standards** – Standards controlling the size of Structures and the relationships of Structures and Uses to each other and to open areas and Lot Lines. Development Standards include regulations controlling maximum height, minimum lot area, minimum lot Frontage, minimum size of yards and Setbacks, maximum Lot Coverage and maximum Floor Area ratio.

**Divergence** – A divergence is an approved deviation of development standards or requirements contained in the Zoning Resolution where such deviation advances public interests and may be considered in a Planned Development Zoning District as set forth within individual Planned District regulations and any other applicable zoning district where it is stated per the Zoning Resolution.

**District** – A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply uniformly under the provisions of this Resolution.

**Dwelling** – Any Building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a Mobile Home, tent, cabin, trailer or trailer coach or other transient or Temporary Structure or facility.

**Dwelling Unit** – One or more rooms designed for or used as a unit to provide complete housekeeping facilities for one (1) individual Family with sleeping facilities, permanently installed cooking facilities, and lawfully required sanitary facilities.

**Entry Feature** – Any structure located within sixty (60) feet of the intersection of the centerline of any driveway or entrance and the adjoining public or private road right-of-way.

**Erection** – The acts of building, constructing, altering, reconstructing, moving a Structure upon, or any physical operations on the premises which are required for construction. Excavation, Fill, drainage, material storage, hauling, and the like shall be considered a part of erection.

**Essential Services** – The erection, construction, Alteration, or maintenance by public utilities or other governmental agencies of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and applicable accessories reasonably necessary for the furnishing of adequate service by such public or private utility or government agency or for the public health, safety and morals, but not including Buildings.

**Excavation** – The act of digging, hollowing out, or any other breaking of ground resulting in a total quantity of more than one hundred (100) cubic yards of material or a vertical depth of more than four (4) feet. Common household gardening and ground care, or plowing of ground for agricultural purposes, shall be excepted from this definition.

**Existing Features (Site Analysis) Plan** – A plan that depicts the following:

A) A topographic map as published by the Delaware County Auditor's DALIS office;

B) The location of Primary Conservation Areas and all existing Rights-of-Way and easements;

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- C) Soil boundaries as shown on USDA Natural Resources Conservation Service medium-intensity maps; and
- D) the location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks, trails and any sites listed on the ODNR Natural Diversity inventory.

**Eyebrow** – A portion of roadway that protrudes beyond the travel lane to allow for a shared access point, additional lot frontage, and/or on-street parking.

**Family** – One or more persons living together as a single housekeeping unit in a Dwelling Unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five (5) persons. Licensed Residential Care Facilities shall be excluded from this definition.

**Farm** – A tract of land five (5) acres or larger on which bona fide Agricultural activities are conducted as the primary Use, operated as a single unit by the owner, farm manager, tenant or renter.

**Farm Buildings** – Any Building or Structure, other than a Dwelling Unit, built, or placed upon land within a bona fide Farm and considered essential and standard to the carrying on of Farm operations.

**Feed Lot** – Land used for the confining and commercial feeding of livestock for mass production and marketing, and not necessarily connected with any general farming upon the same Lot.

**Fence** – Any free standing Structure, other than part of a Building, which encloses or partially encloses any premises and is of sufficient strength and dimensions to prevent straying from within or intrusion from without. Live vegetation shall not be included in this definition.

**Fill** – Soil, clay, sand, gravel and other such materials (excluding sludge) which may be deposited onto or placed into the ground.

**Final Development Plan** – A required comprehensive and detailed list of Development Standards and Regulations that shall apply exclusively to property involved in a specific development's application and proceeds through the formal township review process as set forth in accordance with the requirements within individual Planned District regulations; and, in other zoning districts where the code specifies as a requirement the need for obtaining an additional approval from either the Zoning Commission or the Township Trustees. Final Development Plans generally require written development text, site maps and graphic exhibits, including, a variety of technical details such as a development's landscaping, lighting and existing land features and current conditions.

**Flood, 100 Year** – The temporary inundation of normally dry land areas by a flood that is likely to occur once every one hundred (100) years (i.e. that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

**Flood Plain, Regulatory** – The land area of Genoa Township which is subject to inundation by the One Hundred (100) Year Flood as identified by the Federal Emergency Management Agency Flood Boundary and Floodway Maps dated October 18, 1983 or any revisions thereto. Such maps are identified by Community Number 390146 with panel numbers 0090B, 0095B, 0110B, and 0115B.

**Floor Area** – The sum of the gross horizontal area of all the floors of a Building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) Buildings. In calculating Floor Area, the following shall not be included:

- A) Attic space providing structural head room of less than seven (7) feet, six (6) inches.
- B) Uncovered steps.

C) Terraces, breezeways and Porches.

D) Automobile parking space in a Basement or Garage.

E) Basements.

**Frontage** – The distance between the side Lot Lines measured along the required front Setback line; in the case of a Corner Lot, Frontage shall be measured along the shortest front Lot Line.

**Garage, Private** – A detached Accessory Building or a portion of a main Building, intended for the parking or storage of automobiles, motorized recreational vehicles or boats owned by the occupants of the premises.

**Garage Sale** – A sale of personal property to the general public conducted in or on any property within any Zoning District, to include, without limitation, garage sales, patio sales, yard sales, Porch sales, driveway sales, attic and basement sales and the like.

**Grade, Average** – The average elevation of the finished surface of the ground at the exterior walls of a Building or Structure.

**Greenhouse/Hothouse/Nursery** – A sun or artificially heated Structure in which to grow out of season plants, flowers or vegetables or a form of Agriculture whose chief function is the field growing of plants, shrubs, and trees.

**Home Occupation** – An occupation conducted by an owner on the same premises as his principal place of residence.

**Homeowner's Association** – A private non-profit corporation, association or other non-profit entity established by the developer to maintain such Open Space and facilities as may be dedicated to subdivision residents. Membership in such an association shall be mandatory for all purchasers of Lots in the development (or units in a condominium); the association shall be capable of and responsible for maintenance, control and insurance of common areas, including the Open Space; and the association shall have the right to impose assessments upon its members, enforceable by liens, in order to ensure that it will have sufficient financial resources to provide for proper care and maintenance of the Open Space.

**Identification Sign** – A Sign which displays only the same address and/or Use of the premises upon which the Sign is located or to which it is affixed or the product or service offered therein.

**Impervious Surfaces** – Areas that have been paved and/or covered with Buildings and materials which include, but are not limited to, concrete, asphalt, rooftop, blacktop and brick.

**Improved Common Open Space** – Open space set aside for passive or active recreational purposes. These areas may contain Accessory Buildings and improvements necessary and appropriate for recreational Uses as shown on the development plan. If deemed appropriate by the Zoning Commission, Improved Common Open Space may incorporate land for on-site wastewater disposal.

**Industrialized Unit** – A Building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as a part of a greater Structure and that requires transportation to the site of intended Use. Industrialized Unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. Industrialized Unit does not include a Manufactured or Mobile Home as defined herein.

**Junk** – For the purposes of this resolution, junk refers to any machinery, appliances, products or merchandise with parts missing, materials that are damaged, or deteriorated or scrap including copper, brass, rope, rags, batteries, paper, rubber, iron, steel and other old or scrap ferrous or nonferrous materials which are not held for sale or re-melting purposes by an establishment having facilities for processing such materials.

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**Junk Vehicles or Inoperable Vehicle** – A vehicle shall be deemed junk or an inoperable vehicle whenever any two or more of the following occur for a period of two weeks prior to the filing of a cease and desist order:

- A) The vehicle is without a valid, current registration and/or license plate.
- B) The vehicle is apparently inoperable.
- C) The vehicle is without fully inflated tires and/or has any type of support under it.
- D) The vehicle has a missing or shattered window or windshield.
- E) The vehicle has an extensively damaged or missing door, motor, transmission or other similar major mechanical or body part (such as a fender).

**Kennel** – A Lot or premises on which five (5) or more domesticated animals (pets) more than four (4) months of age are housed, groomed, bred, boarded, trained or sold for commercial purposes.

**Landscaping** – The improvement of open areas by the planting and maintenance of trees, bushes, flower gardens, grass, and other vegetation.

**Land Use Policy Statements** – Guiding principles developed by the Zoning Commission in June 1987 to serve as a guide in the future development and zoning of the township. The guiding principles are listed in the current Genoa Township Comprehensive Plan.

**Life Care Retirement Center** – Nursing homes, rest homes, and convalescent houses which include individual Dwelling Units for the elderly as an integral part of the facility where the total Floor Area devoted to individual Dwelling Units does not exceed seventy percent (70%) of the total Floor Area of the entire facility.

**Lot** – A piece or parcel of land occupied or intended to be occupied by a Principal Building or a group of such Buildings and its Accessory Building and Accessory Uses, including such Open Spaces as are required under the provision of this Resolution. Every lot shall have the minimum required Frontage upon a public or an approved private street or Common Access Drive (CAD).

- A) Corner Lot: A lot abutting two (2) or more streets at their intersection, or two parts of the same street, and in either case forming an interior angle of one hundred thirty-five (135) degrees or less as measured at the center line of the road or the interior Right-of-Way line as applicable.
- B) Interior Lot: A lot, other than a corner lot, with only one Frontage on a public street.
- C) Double Frontage Lot: A lot having Frontage on two (2) non-intersecting streets or two approximately perpendicular portions of the same street.

**Lot Coverage** – That percentage of the lot area which, when viewed directly from above, would be covered by the principal and Accessory Structure or Structures or any part thereof, excluding projecting roof eaves of less than twenty four (24) inches.

**Lot Lines** – Lines bounding the lot as shown in the accepted plat or survey record.

- A) Front Lot Line: A Lot Line which either falls along a street Right-of-Way line or falls approximately along the centerline of the Right-of-Way. On a corner, Lot Lines along both streets shall be considered Front Lot Lines.
- B) Side Lot Line: A Lot Line which is neither a front Lot Line nor a Rear Lot Line.
- C) Rear Lot Line: The Lot Line that is most distant from and most nearly parallel to the Front Lot Line. If a Rear Lot Line is less than fifteen (15) feet long, or if the lot comes to a point, the Rear Lot Line shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to, and a maximum distance from the Front Lot Line. In the case of a corner lot, the Rear Lot Line shall be the Lot Line opposite the shortest Front Lot Line.

**Lot Width** – (see Frontage)

**Manufactured Home** – A non self-propelled Building unit or assembly of closed construction fabricated in an off-site facility, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. A Manufactured Home is transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on-site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis, designed to be used as a Dwelling with or without permanent foundation when connected to required utilities. Calculations, used to determine the number of square feet in a Structure’s exterior dimensions, are measured at the largest horizontal projections when erected on-site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. (ORC §4501.01) For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.

**Massage** – A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.

**Megawatt (MW)** – A unit of power, equal to one million watts.

**Minerals** – Sand, gravel, clay, shale, gypsum, halite, limestone, dolomite, sandstone, other stone, metalliferous or nonmetalliferous ore, or other material or substance of commercial value excavated in a solid state from natural deposits on or in the earth, but not including coal, peat or top soil.

**Mobile Home** – A non self-propelled Building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is eight (8) feet or more in width and more than thirty-five (35) feet in length, which when erected on-site is three hundred twenty (320) or more square feet, that is transportable in one or more sections and which does not qualify as a Manufactured Home or Industrialized Unit.

**Mobile Office** – A unit used for business or construction purposes that is not permanently sited.

**Nacelle** – Sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.

**Natural Open Space** – Land set-aside in its natural condition. Typical natural conditions might be, but are not limited to ravines, wetlands, floodplains, woods, scenic views, or appropriate Agriculture.

**Net Developable Acre** – The product of gross acreage after the Net Developable Area is subtracted.

**Net Developable Area** – Determined by deducting fifteen percent (15%) of the subdivision’s gross acreage for streets and utilities plus all otherwise un-buildable areas, as follows:

- A) Jurisdictional wetlands, as defined in the U.S. Army Corps of Engineers’ Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss. Jurisdictional wetlands as regulated by Section 404 of the Clean Water Act consist of hydric soils, hydrophytic vegetation and wetland hydrology (this generally means they support more than fifty percent (50%) wetland vegetation, and are poorly drained soils which are periodically inundated or saturated).
- B) Flood Plain areas that lie within a FEMA 100-year flood plain, either within elevations determined by FEMA, or mapped by FEMA, or as determined by the Delaware County engineer for a development’s anticipated storm-water flow path.

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- C) Slopes greater than twenty percent (20%), including ravines shown to be critical resource areas on the Delaware County Regional Planning Commission Comprehensive Land Use Plan.
- D) Utilities, Rights-of-Way and easements for above-ground and currently existing utility structures such as above-ground pipelines, and overhead electric transmission (not local service) wires that exist prior to the rezoning application.
- E) Existing bodies of water.

**No Build Zone** – That portion of a development where because of the need to preserve an area’s natural features, slope, soils, native vegetation and water courses, no Structure shall be erected or permitted to extend.

**No Disturb Zone** – That portion of a development where because of the need to preserve an area’s natural features, slope, soils, native vegetation and water courses, no Structure shall be erected or permitted to extend into any zone nor shall any of the existing natural features be disturbed, removed or physically altered.

**Nonconforming Building or Structure** – A Building or Structure lawfully existing at the time of enactment of this Resolution or subsequent amendments, which does not conform to the regulations of the District in which it is situated or other applicable provisions of this Resolution.

**Nonconforming Lot** – A Lot existing at the time of enactment of this Resolution or any subsequent amendments which does not conform to the lot area and/or Frontage requirements of the District in which it is located.

**Nonconforming Use** – A Use of land lawfully existing at the time of enactment of this Resolution or subsequent amendments, which does not conform to the regulations of the District in which it is situated or other applicable provisions of this Resolution.

**Nuisance** – An offensive, annoying, unpleasant, or obnoxious thing, act or practice; a cause or source of annoyance, especially a continual or repeated invasion of a Use or activity which invades the property line of another so as to cause harm or discomfort to the owner or resident of that property. Excessive or noisy vehicular traffic, dust, glare, and smoke are examples of nuisances.

**Off Road Motorized Vehicles** – For the purposes of this Resolution Off Road Motorized Vehicles shall include the following: all terrain vehicles, snowmobiles, motorbikes or what is commonly referred to as dirt bikes.

**Off Street Parking Lot** – A facility providing means of temporarily storing a motor vehicle in a defined space, and including adequate aisles and drives for maneuvering such motor vehicle, including access for entrance and exit so as to accommodate two (2) or more vehicles.

**Open Space** – Land within a development that shall not be built upon and may be classified as either “improved common” or “natural” open space, or a combination of both. It does not include the areas of individual fee simple Lots conveyed to homeowners. Open Space land may be owned by a homeowners’ association, the Township, a land trust or other conservation organization recognized by the Township. The ownership of Open Space shall be specified in The Final Development Plan and shall be subject to the approval of the Genoa Township Trustees.

**Open Space Easement** – A recorded legal instrument which permanently and irrevocably protects land from future development. The easement shall be tied to the title of the land regardless of the subsequent ownership of the land.

**Outdoor Storage** – Storing or keeping of chattels not enclosed in a Building.

**Parking Space, Off Street** – A space located totally outside of any street or alley Right-of-Way for the parking of an automobile or other vehicle either in a parking Structure or on a lot and where each parking space conforms to the standards specified in Article 19 .

**Permanently Sited Manufactured Housing** – Manufactured housing constructed and located pursuant to the definition in ORC §3781.06 (C)(6) and further meeting the following standards:

- A) Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 88 stat.700, 42 U.S.C.A. 5401 and 5403) after January 1, 1995. It must also have a permanent label or tag Attached to it as specified in 42 U.S.C.A 5415, certifying compliance with all federal construction and safety standards.
- B) Be Attached to a permanent foundation (defined in ORC §3781.06 as permanent masonry, concrete or locally approved footing or foundation).
- C) Be connected to appropriate facilities (water, sanitary sewage disposal, and electric).
- D) Have a length of at least twenty-two (22) feet and a width of at least twenty-two (22) feet, as manufactured.
- E) Conform to minimum size of living area, by zoning standards herein.
- F) Have conventional residential siding (i.e. lap, clapboard, shake, masonry, and vertical natural materials), a 6-inch minimum eave overhang, and a minimum “A” roof pitch of 3:12.
- G) Not be located in a Manufactured Home park as defined by Section 3733.01 of the Ohio Revised Code.
- H) Meet all applicable zoning requirements uniformly imposed (i.e. minimum Lot size; Setbacks; minimum Dwelling Unit square footage; all indicia of mobility be removed upon placement upon its foundation) on all Single- Family Dwellings in the District, (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD code standards for manufactured housing).

**Planned Development** – When all of the following apply:

- A) Land under unified control planned and developed as a whole;
- B) A single development or a definitely programmed series of development operations including all lands and Buildings;
- C) Accomplished according to comprehensive and detailed plans which include not only streets, utilities, Lots, or building sites and the like, but also site plans and design principles for all Buildings as intended to be located, constructed, used, and related to each other; and detailed plans for other Uses and improvements on the land as related to Buildings; and
- D) A program for the provision, operation, and maintenance of a land area including improvements and facilities necessary for common Use by some or all of the occupants of the development, but which will not be provided, operated, or maintained at general public expense.

**Porch** – A covered space located on any side of a Building with a roof supported by columns and Attached to the main Structure but not considered an integral part of the main Structure.

**Primary Conservation Area** – An area comprised of steep slopes (over 20%), wetlands, watercourses, intermittent streams, and/or 100-year floodplains.

**Primary Structure** – For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

**Principal Use** – The land Use designation given to a legally defined parcel of land and based upon the primary activity occurring on such parcel.

**Professional Engineer** – A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

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**Public Service Facility** – The erection, construction, Alteration, operation or maintenance of Buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail or passenger bus transport, communication, public water and sewerage services.

**Public Use Facility** – Government owned facilities to which the public has access such as public parks, schools, school administrative Buildings, recreational, cultural and service Buildings, but not including public land or Buildings devoted solely to the storage and maintenance of equipment and material or the disposal of refuse.

**Recreational Facilities, Governmental** – Facilities operated by Genoa Township or other governmental entities that are open to the public with or without charge.

**Recreational Facilities, Private** – Facilities which are not operated by Genoa Township or any other governmental entity and include both indoor and outdoor recreation Uses, but exclude Swimming Pools as regulated by Section 1709 and golf courses as regulated by Section 1710.

**Residential Care Facility** – Facilities providing resident services for the care and/or rehabilitation of groups of individuals who require protective supervision within a residential environment, including but not limited to the following listed categories:

- A) Foster Home: A private residence providing resident services and protective supervision for the care and/or rehabilitation of not more than eight (8) children, adolescents, or adults within a home environment, all under the regulation of the appropriate social service agency having authority under law to license the operation.
- B) Family Care Home: A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for not more than eight (8) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All family care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.
- C) Group Care Home: A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for more than eight (8) but not more than sixteen (16) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All group care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.
- D) Home for Adjustment: A residential facility operated by a court, a social service agency, or private citizens which provide therapy, counseling, and a residential environment for eight (8) or fewer adolescents or adults for the following purposes:
  - 1) To assist them in recuperating from the effects of drugs or alcohol;

- 2) To assist them in adjusting to living with handicaps or emotional or mental disorder in lieu of or subsequent to confinement within an institution; or
  - 3) To provide housing and a supervised living arrangement in lieu of or subsequent to placement within a correctional institution.
- E) Institution: Any residential facility designed or used for more than sixteen (16) persons functioning under the purposes of a family care home or a group care home, or any residential facility designed or used for more than eight (8) persons under the purposes of a home for adjustment.

**Retail** – The use of land for selling products or commodities.

**Right-of-Way** – A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by the topography or treatment such as grade separation, landscaped areas, viaducts and bridges.

**Road** – (see Thoroughfare)

**Roadside Stand** – A Temporary Structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

**Satellite Dish Antenna** – Satellite dishes shall mean one or more of the following:

- A) A signal receiving device (antenna, dish antenna, or dish type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extra terrestrial sources.
- B) A low noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

**Secondary Conservation Area** – Land typically consisting of upland forest, meadows, pastures, and farm fields that are part of the ecologically connected matrix of natural areas significant for wildlife habitat and/or water quality protection, historic, archeological or cultural features listed (or eligible to be listed) on national, state, or county registers or inventories, and scenic views into the property from existing public roads and other reasons. Secondary conservation areas are the “nice places” that are to be saved in a conservation subdivision in addition to the Primary Conservation Areas.

**Service Business** – A commercial use that includes the intangibles.

**Setback** – An imaginary line, parallel to a Lot Line extending the full dimension of the Lot, representing the distance which all or any part of any Structure or Building is to be set back from the Lot Line.

- A) Front Setback Line: An imaginary line, parallel to the Front Lot Line, extending the full width of the Lot, representing the distance which all or any part of any Structure or Building is to be setback from the Front Lot Line.
- B) Side Setback Line: An imaginary line parallel to any Side Lot Line representing the distance which all or any part of any Principal Building is to be set back from the Side Lot Line.
- C) Rear Setback Line: An imaginary line parallel to any Rear Lot Line representing the distance which all or any part of any Principal Building is to be set back from the Rear Lot Line.

**Sewage Disposal System, Central** – A wastewater treatment system, approved by the appropriate county, state, city and/or federal agencies, which provides a collection network and a central wastewater treatment facility for a single development, a community, or a region.

**Sewage Disposal System, On-site** – A septic tank or similar installation on an individual Lot which utilizes an aerobic or anaerobic bacteriological process or equally satisfactory process approved by the

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Delaware County, Ohio, Board of Health or the Ohio Environmental Protection Agency, for the treatment of sewage, and provides for the proper and safe disposal of the effluent.

**Sign** – A name, identification, description, display or illustration which is affixed to or painted upon or represented directly or indirectly upon a Building, Structure or piece of land, or affixed to the glass on the outside or inside of a window so as to be seen from the outside of a Building and which directs attention to an object, product, place, activity, person, institution, organization, or business.

- A) Advertising sign: One which directs attention to a Use, commodity or service.
- B) Freestanding sign: One which is supported or suspended by one (1) or more uprights or braces in or upon the ground surface.
- C) Identification sign: One which displays only the same address and/or Use of the premises upon which the sign is located or to which it is affixed or the product or service offered therein.
- D) Projecting sign: One which is Attached perpendicular to any Building or Structure.
- E) Wall sign: One that is affixed to, painted on, or Attached to a Building wall or extension of a Building which faces a street, parking lot or service drive. Such signs may not extend beyond any Building setback lines. Wall signs shall be Attached parallel to the Building face and shall not extend outward more than ten (10) inches except that such signs may be painted on an awning area or Attached canopy or marquee which projects beyond the Building provided that no part of such sign may extend above the roof line, canopy or marquee.
- F) Window sign: One which is physically affixed or Attached to the glass or other structural component of the ground or first floor window of the Building.

**Sign Area (Sign Face)** – The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such Sign from the background against which it is placed, excluding the necessary supports or uprights on which such Sign is placed.

The area of a Sign having more than one display surface shall be computed as the total of the exposed exterior display surface area.

**Sign Height, Freestanding** – The vertical distance from the uppermost point used in measuring the Sign Area or the top of the Sign Structure, whichever is greater, to the existing surface grade.

**Sign Structure** – The supports, uprights, bracing or framework for Signs.

**Single-Family Dwellings** – Detached, individual Dwelling Units, which accommodate one Family related by blood, adoption, or marriage, or up to five (5) unrelated individuals living as one housekeeping unit. The type of construction of such units shall conform either to the OBOA, or CABO One and Two family dwelling code, or other applicable building code, or be classified as an Industrialized Unit under the Ohio Basic Building Code, or permanently-sited manufactured housing pursuant to Ohio Revised Code 519.212.

**Small Wind Project** – Any wind project less than 5MW which includes the wind turbine generator and Anemometer.

**Specified Anatomical Areas** –

- A) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola;
- B) Human male genitals in a discernable turgid state even if completely and opaquely covered.

**Specified Sexual Activities** –

- A) Human genitals in a state of sexual stimulation or arousal;

- B) Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; or
- C) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

**Story** – The part of a Building, except a mezzanine, included between the surface of one floor and the surface of the next floor above, or if there is no floor above, then the ceiling next above. The floor of a story may have split levels provided that there not be more than four (4) feet difference in elevation between the different levels of the floor. A Basement (as defined herein) shall not be counted as a story.

**Street** – (see Thoroughfare)

**Structure** – “Structure” means anything constructed or permanently erected in a fixed location on the ground, or attachment to something having a fixed location on the ground, including but not limited to, principal and Accessory Buildings, entry columns and walls, Fences, Porches, Swimming Pools, tennis and other recreation game courts, antennae, Signs, built-in barbecues, outdoor fireplaces and permanent playground equipment and ornamental landscape fountains, raised patios and retention walls.

**Swimming Pool** – Any artificially constructed receptacle or natural body of water which contains a depth of water of at least one and one-half (1 ½) feet at any point used or intended to be used for swimming or bathing and maintained by an owner or manager, including any accessory recreational Structure. This excludes hot tubs with hard lockable covers

**Temporary Use or Structure** – A transient, non-permanent Use or Structure permitted to exist for a designated period of time during periods of construction of the Principal Use or Structure, or for special events. A Temporary Structure shall not be intended to be permanently affixed to the ground.

**Thoroughfare Plan** – The Official Thoroughfare Plan of, and as adopted by the Delaware County Regional Planning Commission, establishing the location and official Right-of-Way widths of principal highways, streets and roads in Delaware County, together with all amendments thereto subsequently adopted.

**Thoroughfare, Road, Street** – The principal public means of access to abutting property, including the following types:

- A) Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
- B) Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- C) Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end permanently terminating in a vehicular turn around.
- D) Dead End Street: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- E) Local Street: A street primarily for providing access to residential, commercial, or other abutting property.
- F) Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street and are not normally more than six hundred (600) feet from each other.

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G) **Marginal Access Street:** A local or collector street, parallel to and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.

**Township Trustees** – The Board of Trustees of Genoa Township, Delaware County, Ohio.

**Ultra Light Vehicles** – For the purposes of this Resolution an un-powered or powered ultra light vehicle is one that is used or intended to be used for manned operation in the air by occupant(s) for sport or recreation. Ultra light aircraft do not have any United States or foreign airworthiness certificate. They weigh less than two hundred fifty four (254) pounds empty weight and have a fuel capacity not exceeding five (5) U.S. gallons. If powered, such vehicles are capable of not more than fifty five (55) knots calibrated airspeed at full power in level flight.

**Use** – The specific purpose for which land, a Structure, or a Building is designed, arranged, intended, occupied, or maintained.

**Variance** – A Variance is a modification of the strict terms of this Resolution where such modifications will not be contrary to the public interest and, where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Resolution would result in unnecessary hardship. Variances are granted only after the applicant has followed the procedures stated in Section 307 of this Resolution.

**Vicinity Map** – A drawing which sets forth by dimensions or other means the relationship of a property or Use to other nearby developments of landmarks and community facilities and services within Genoa Township in order to better locate and orient the area in question.

**Water System, Central** – A water supply system approved by the appropriate county, state, and/or federal agencies which provides a water supply to a single development, a community, or a region.

**Water System, On-Site** – A well or other similar installation on an individual lot which provides a water supply to any Structures or Uses upon the Lot, subject to the approval of health and sanitation officials having jurisdiction.

**Wind Power Turbine Owner** – The person or persons who owns the Wind Turbine structure.

**Wind Power Turbine Tower** – The support structure to which the turbine and rotor are attached.

**Wind Power Turbine Tower Height** – The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation.

**Yard** – An open or unoccupied space other than a court on the same Lot with a principal Building and unobstructed by Buildings or Structures from ground to sky except by trees or shrubbery or as otherwise provided herein. The minimum depth of a yard shall be determined by the Setback lines as defined in this Resolution. No part of a yard provided for any Building or Structure shall be included as a part of any yard required for any other Building or Structure unless specifically permitted herein.

A) **Front Yard:** An open space extending the full width of the lot between a Building or Structure and the Front Lot Line of a street unoccupied and unobstructed from the ground upward except as hereinafter specified. Minimum depth shall be measured from the Front Lot Line, existing Right-of-Way line, or proposed Right-of-Way line established on the Official Thoroughfare Plan or by any other method specified elsewhere in this Resolution, as appropriate.

B) **Side Yard:** An open space extending from the front yard to the rear yard between a Building or Structure and the nearest Side Lot Line unoccupied and unobstructed from the ground upward except as herein specified.

C) **Rear Yard:** An open space extending the full width of the lot between a Building or Structure and the Rear Lot Line, unoccupied and unobstructed from the ground upward except as herein specified.

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**Zoning Commission** – The Zoning Commission of Genoa Township, Delaware County, Ohio.

**Zoning Inspector** – The Zoning Inspector or his/her authorized representative appointed by the Genoa Township Trustees.

**Zoning Map** – The Zoning Map of Genoa Township or portion thereof with all amendments thereto subsequently adopted.

**Zoning Permit** – A document issued by the Zoning Inspector certifying proposed construction as compliant with the Zoning Resolution.

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 4: DEFINITIONS**

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**ARTICLE 5: ESTABLISHMENT OF DISTRICTS AND MAP**

**Section 501: Establishment of Districts**

In order to carry out the purposes and provisions of this Resolution, Genoa Township is hereby divided into the following zoning Districts:

Rural Residential District	(RR)
Planned Rural Residential Conservation District	(PRRCD)
Suburban Residential District	(SR)
Planned Residential District	(PRD) ←formerly known as PD-1
Lower-Density Planned Residential District	(PRD-V)
Community Business	(CB)
Planned Commercial-Office District	(PCD) ←formerly known as PD-2
Planned Industrial-Warehouse District	(PID) ←formerly known as PD-3
Planned Community Facilities District	(PCF)
Light Industrial	(LI)

**Section 502: Official Zoning District Map**

The zoning Districts and their boundaries are shown on the Official Zoning District Map of Genoa Township. The map, together with all explanatory data and changes is hereby incorporated into and made part of this Resolution. A resolution number and date corresponding to each change shall be included in an appendix to this resolution that may be updated administratively by the Genoa Township Development & Zoning Office. The official map is to be maintained and kept up-to-date by the Genoa Township Development & Zoning Office. Assistance may be provided by the Delaware County Regional Planning Commission. The original shall be the final authority as to the current zoning status of lands, Buildings, and other Structures within the Township. The official map shall be posted on the Township website, made available to the public in the Genoa Township Development & Zoning Office during regular business hours and otherwise maintained in accordance with relevant public records laws.

**Section 503: Interpretation of District Boundaries**

Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Official Zoning District Map, the following rules shall apply:

- 503.01 Boundaries indicated as approximately following the center lines or Right-of-Way lines of streets, highways, and/or alleys shall be construed to follow such center lines or their extensions.
- 503.02 Boundaries indicated as approximately following platted Lot Lines shall be construed as following such lines.
- 503.03 Boundaries indicated as approximately following municipal limits shall be construed as following municipal lines.
- 503.04 Boundaries indicated as following railroad lines shall be construed to be located midway between the main tracks.
- 503.05 Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- 503.06 Boundaries indicated as parallel to or extensions of features or lines indicated above shall be so construed. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.
- 503.07 Questions concerning the exact location of District boundary lines shall be determined by the Zoning Inspector, subject to the owner’s right of appeal to the Board of Zoning Appeals as provided herein.

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 5: ESTABLISHMENT OF DISTRICTS AND MAP**

503.08 Where physical or cultural features existing on the ground are at a variance with those shown on the Official Zoning District Map, or in other circumstances not covered by preceding subsections above, the Board of Zoning Appeals shall interpret the District boundaries.

## ARTICLE 6: RURAL RESIDENTIAL DISTRICT (RR)

### Section 601: Intent and Purpose

There is hereby created within Genoa Township a Rural Residential District whose purpose is to preserve and protect the surface and ground water quality, retain open space, preserve woodlands, wetlands and other environmentally sensitive areas, and permit low Density residential development that fits the natural landscape.

### Section 602: Permitted Principal Uses

- 602.01 Single-family Dwellings on lots of two (2) acres or greater exclusive of the land area in Common Access Drive easements.
- 602.02 Planned Rural Residential Conservation Subdivisions, only as provided in Article 7.
- 602.03 Religious land uses, churches and other places of worship as regulated by Section 1706.
- 602.04 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, wastewater treatment and pumping facilities.
- 602.05 Forest and wildlife preserves.
- 602.06 Projects specifically designed for watershed protection, conservation of soil or water or for flood control.
- 602.07 Foster homes provided such homes comply with all appropriate state and local agency licensing requirements.
- 602.08 Adult Family Homes, as provided for in Ohio Revised Code Section 3722 for the care of three (3) to five (5) unrelated adults.
- 602.09 Child Day Care provided in home for six (6) or fewer children who are not members of the immediate resident Family provided the Day Care is accessory to the Use of the Dwelling as the provider's residence and further provided that such Day Care qualifies as a Type B family day care home as defined in Ohio Revised Code Section 5104.01.

### Section 603: Permitted Accessory Uses

- 603.01 Bona fide Agricultural Accessory Structures including, but not limited to Barns, stables, sheds, tool rooms, shops, bins, tanks, silos, and Fences.
- 603.02 Accessory Buildings as regulated by Section 1609, including permanent Dwellings for full time Farm labor employed on the premises.
- 603.03 Accessory storage of recreational vehicles, boats, motor homes, equipment, trailers and other vehicles other than passenger cars as regulated by Section 1906.
- 603.04 Private Swimming Pools as regulated by Section 1709.05 together with game courts for the use of occupants and their guests.
- 603.05 Fences as regulated by Section 2002.
- 603.06 Temporary Uses specified in and regulated by Section 1707.
- 603.07 Utilities as regulated by Article 22.
- 603.08 The operation and use of Off-Road Motorized Vehicles as regulated by Section 1613.
- 603.09 The keeping of animals and/or fowl as pets or for domestic use.
  - A) No animals, except household pets, shall be kept on any parcel of less than five (5) acres unless the Building housing said animals is at least fifty (50) feet from any Lot Line. Swine and

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 6: THE RURAL RESIDENTIAL DISTRICT (RR)**

goats may be kept on such tract only if the Building housing such swine or goats is located at least two hundred (200) feet from any Lot Line.

- B) This subsection shall apply only to those parcels where the total land holdings of the using party is five (5) acres or less and shall not be construed to apply to individual pens, pastures or fields of less than five (5) acres if part of a larger tract of land devoted to agricultural uses.
- C) Any parcel of land located within the Rural Residential District and containing less than five (5) acres shall contain no more than one (1) large animal for every two and one-half (2 ½) acres of land. Large animal is defined for the purposes of this Section as being any animal weighing more than one hundred fifty (150) pounds.

**Section 604: Conditional Uses**

The following Uses shall be permitted only in accordance with Article 3, the supplemental regulations specified in Article 17, and the regulations specified in Article 18.

- 604.01 Swimming Pools as regulated by Section 1709 and golf courses as regulated by Section 1710.
- 604.02 Home Occupations conducted by the resident of a permitted Dwelling as regulated by Section 1708.
- 604.03 Kindergarten as regulated by Section 1703.
- 604.04 Public or private schools and colleges provided that said institution occupies not less than twenty (20) acres. Instructional areas, whether improved with Buildings or not, shall provide adequate parking areas for faculty, staff and students. Such parking may not exist within the Right-of Way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.
- 604.05 Family Care Homes as regulated by Section 1704.
- 604.06 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 residents of the subdivision served.
- 604.07 Temporary Conditional Uses specified in and regulated by Section 1702.
- 604.08 Kennels on lots of five (5) acres or more provided that any Building, outside an enclosed area, or outside run is a minimum of five hundred (500) feet from any existing Dwelling and a minimum of two hundred (200) feet from any Side or Rear Lot Line.
- 604.09 Private landing fields for aircraft for use by the Owner of the property and his/her guests provided that no commercial activities take place on said premises and regulated by the following:
  - A) All landing strips shall be approved by the Ohio Department of Transportation, Division of Aviation and shall be situated so as to not create a Nuisance or hazard to residential Dwellings or other Structures within the vicinity.
  - B) Ultra Light Vehicles or any aircraft shall be prohibited from taking off or landing within any District except at a landing strip approved above.
- 604.10 Hospitals, sanitariums, Life Care Retirement Centers or homes for children provided that the area of the tract is adequate to provide Setbacks of the Districts and recreational areas prescribed by the Board of Zoning Appeals.
- 604.11 Cemetery, provided it meets the standards of Section 1705.

**Section 605: Prohibited Uses**

- 605.01 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.

**GENOA TOWNSHIP ZONING RESOLUTION  
ARTICLE 6: THE RURAL RESIDENTIAL DISTRICT (RR)**

- 605.02 For the purposes of this Resolution, the operation of a Feed Lot for the feeding for sale of cattle, sheep or hogs shall be deemed commercial if the number of such animals is greater than five (5) head of cattle or ten (10) head of sheep or hogs per acre of farmland operated by the proprietor in Genoa Township. The feeding for sale of more than one thousand (1,000) chickens, five hundred (500) turkeys or two hundred fifty (250) of other species of poultry at any one time shall be deemed commercial. None of these commercial operations shall be permitted in the Rural Residential District.
- 605.03 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 so as not to be visible from any adjoining property or public road.
- 605.04 Except for Permanently Sited Manufactured Homes as defined herein, or as specifically permitted by Section 1707 and Section 1702, no Mobile Home or mobile office shall be placed or occupied in this District.
- 605.05 Adult Entertainment and Adult Entertainment Facilities are prohibited.
- 605.06 Group homes as described by Ohio Revised Code, Sections 3722, 5119.22, 5123.19 and 2151.418.
- 605.07 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.
- 605.08 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.

**Section 606: Dimensional Requirements for Lots**

- 606.01 Minimum lot area: no parcel of land in this District, whether in a conventional subdivision, or a lot split, exclusive of conservation subdivisions, shall be used for residential purposes which has an area of less than two (2) acres exclusive of the land area in Common Access Drive easements.
- 606.02 Minimum Lot Frontage: except as hereinafter set forth, all lots or parcels shall have one hundred fifty (150) feet Frontage.  
  
Flag Lots or parcels having less than the above-listed minimum Frontage must have a Lot Width fifty (50) feet forward of the Building Line which is equal to that minimum Lot Frontage requirement. In no case shall the parcel have a Lot Width less than sixty (60) feet at the Right-of-Way line and the width of sixty (60) feet shall not be decreased at any point forward of the Building Line of the principal residence located on the premises.
- 606.03 Any parcel of land which at the Building Setback Line is separated or removed from the public road by more than one other parcel of land shall be accessed only by a Common Access Drive (CAD) as regulated by Section 1604.
- 606.04 For Lots having Frontage on streets having extreme curvature, e.g., cul-de-sacs, the Lot shall have the minimum width as specified above at the Building Line, and a Lot Width of not less than ninety-five (95) feet at the Right-of-Way line. Where streets have extreme curvature, no more than three (3) Lots with such reduced Lot Width at the Right-of-Way line shall be permitted.
- 606.05 Minimum Corner Lot Frontage: one hundred fifty (150) feet Frontage.
- 606.06 Minimum front yard depth: seventy-five (75) feet measured from the edge of the contiguous Right-of-Way. If the Lot is along a street in a new subdivision with platted streets having a carrying capacity of less than 2,000 vehicles per day, defined by ADT (Average Daily Traffic) and is served by public water and sewer, the minimum front yard depth is fifty (50) feet from the edge of the contiguous Right-of-Way.

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 6: THE RURAL RESIDENTIAL DISTRICT (RR)**

- 606.07 Minimum side yard width, each side: no Principal Building or Structure shall be located closer than twenty-five (25) feet to any Side Lot Line.
- 606.08 Minimum rear yard depth: no principal Dwelling shall be located closer than fifty (50) feet to the Rear Lot Line.
- 606.09 Building Height limits: no Principal Building in this District shall exceed thirty-five (35) feet in height.
- 606.10 Lot Coverage: on no Lot or parcel in this zoning District shall Buildings be constructed which cover more than ten percent (10%) of the lot area, and Impervious Surfaces (roofs and pavement) shall not exceed twenty-five percent (25%) of the lot area.
- 606.11 Accessory Buildings: all Accessory Buildings shall conform to the requirements of Section 1609.

**Section 607: Residential Driveway Setback Requirements**

- 607.01 All driveways or pavement shall have a Setback of no less than two (2) feet from the property line.
- 607.02 All side load garages shall have a turning pad of no less than twenty-four (24) feet.
- 607.03 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 608: 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.

<b>Dwelling Type</b>	<b>Minimum Floor Area</b>
One story	One thousand one hundred (1100) square feet of Floor Area above grade.
1 ½/Split Level/ Bi-level/ Walkout	One thousand two hundred (1200) square feet of Floor Area with nine hundred sixty (960) square feet on the first floor above grade.
Two stories	One thousand four hundred (1400) square feet of Floor Area with eight hundred (800) square feet on the first floor above grade.
Garage	Two (2) car Garage.

## ARTICLE 7: PLANNED RURAL RESIDENTIAL CONSERVATION DISTRICT (PRRCD)

### Section 701: Intent and Purpose

Pursuant to Section 519.021 of the Ohio Revised Code, the Planned Rural Residential Conservation District (PRRCD) is created to further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting greater efficiency in providing public and utility services, and encouraging innovation in the planning and building of all types of development. The PRRCD achieves this purpose while permanently preserving and integrating open space within rural residential developments; offering landowners alternatives to standard tract subdivision of their land, thereby establishing a less sprawling, more efficient use of land, streets and utilities; preserving natural topography in wooded areas; creating usable and accessible open space, recreational areas, and green corridors for wildlife, walking trails and/or bike paths; and encouraging creativity in design through a controlled process of review and approval of the development plan and related documents.

### Section 702: Overlay Area

The PRRCD is created pursuant to Section 519.021(C) of the Ohio Revised Code and encompasses, includes and overlays all land which is west of the Hoover Reservoir and contained within the Rural Residential Zoning District as of the effective date of this amendment and as shown on the current Genoa Township Zoning District Map. The Rural Residential Zoning District and the zoning regulations thereunder shall continue to apply to all property within the PRRCD unless the Township Zoning Commission approves an application of an owner of property within the Rural Residential District west of the Hoover Reservoir to subject the owner's property to the provisions of the PRRCD. Such an application shall be made in accordance with the provisions herein of the Genoa Township Zoning Resolution and shall include a development plan in compliance with the provisions of said Section. Upon receiving such an application, the Township Zoning Commission shall determine whether the application and development plan comply with the provisions herein. If the Township Zoning Commission determines that the application and development plan comply and approves the application, the Township Zoning Commission shall cause the Zoning Map to be changed so that the Rural Residential District no longer applies to such property, with the property being thenceforth located in the PRRCD and subject to the regulations thereunder. The approval of the application and development plan and the removal of the prior Rural Residential Zoning District from the Zoning Map is a ministerial act and shall not be considered to be an amendment to the Genoa Township Zoning Resolution.

### Section 703: Designing a Conservation Subdivision

A conservation subdivision is a Planned Development designed in accordance with the following process:

703.01 Five Step Sequential Design Process:

- A) Delineate all Primary Conservation Areas; preserve as Natural Open Space.
- B) Delineate select Secondary Conservation Areas; preserve as Improved Common Open Space. Preserved natural and Improved Common Open Space must exceed fifty percent (50%) of gross tract area, as in Section 705.03.
- C) Draw house footprints outside the conservation areas. The number of houses is based either on 705.04(A) or 705.04(B) (applicant's preference).
- D) Draw roads to connect the houses.
- E) Draw Lot Lines.

703.02 Design Requirements: A conservation subdivision shall incorporate the following design features:

- A) Dwellings should generally be located along the edges of fields, as seen from existing public roads, rather than in the center to reduce visual impact.
- B) Eighty-five percent (85%) or more of all house Lots should abut Open Space.
- C) Retain or replant native vegetation adjacent to wetlands and surface waters.

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- E) Preserve existing hedge and tree lines.
- F) Preserve scenic views and vistas.
- G) Avoid new construction on prominent hilltops or ridges.
- H) Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources.
- I) Preserve historic or archaeological sites (i.e. earthworks, burial grounds).
- J) Front Dwellings on internal roads, not on external roads.
- K) Landscape or retain vegetation in common areas with native trees and shrubs. Shade trees along internal roads shall be planted at fifty-foot intervals on at least one side of the road.
- L) Provide active recreational areas in suitable locations.
- M) Include a viable pedestrian circulation system.
- N) Protect natural drainage swales and creeks. No construction of Buildings inside the 100-year floodplain.

**Section 704: Procedure to Create a Conservation Subdivision**

- 704.01 Prepare Site Analysis Map. The applicant shall prepare a site analysis map and calculate the net developable acreage and yield as provided herein.
- 704.02 Submit Site Analysis Map without fee. The applicant shall submit the Existing Features (Site Analysis) Map for a tract(s) of land to be considered as a conservation subdivision under this Section with the Zoning Commission, and schedule an agreeable time to jointly visit the site for an on-site walkabout.
- 704.03 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.
- 704.04 Prepare Application and Formal Development Plan. Applicant shall prepare and submit a formal application and development plan, with ten (10) copies and fees to the Zoning Commission. A public hearing will be scheduled. Notice of the hearing shall be given to property owners within five hundred (500) feet of the subject tract by first class mail to the addresses of such owners as appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any action taken on the application. The Zoning Commission may request the Delaware County Regional Planning Commission (DCRPC) to comment. The Zoning Commission's review is administrative; no zoning amendment is required. The DCRPC's review is also administrative.  
  
The Final Development Plan shall include, in text and map form, the following:
  - A) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.
  - B) A grading plan drawn at a scale of 1"=100', showing all information pertaining to surface drainage.
  - C) A landscape plan which depicts and identifies all proposed Landscaping features, including those specified in Section 705.20.

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- D) An explanation of the method/structure and proposed documentation and instruments to be used in order to perpetually preserve the required Open Space.
- E) The Development Plan shall be to a scale of at least 1"=100' and shall show the proposed Uses of the site, location of Buildings and Structures, streets and roadways, and parking areas, all required design features, including the following:
- 1) The general development character, design features and the permitted and Accessory Uses, Buildings and Structures to be located on the tract including the limitations or controls to be placed on each, with proposed Lot sizes, and minimum Setback and spacing requirements. Other development features, including Landscaping, entrance features, signage, pathways, sidewalks, recreational facilities and Open Space areas. All commonly owned Structures shall be shown in detail which identifies the location, quantity, type and typical section of each. The landscape plan shall identify each plant, shrub or tree, its name, its size at planting and rendering of how that section of the development would look in elevation. The Development Plan shall identify Dwelling Unit densities, Dwelling Unit types, the total number of Dwelling Units proposed for the site, and the method and manner used to calculate Density.
  - 2) Primary Conservation Areas such as the 100-year floodplain, wetlands, and slopes greater than twenty percent (20%) shall be mapped.
  - 3) No Structure (other than approved drainage structures as shown on The Development Plan) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Delaware County.
  - 4) Locations of stream channels, watercourses, wooded areas and buffer areas shall be designated. Existing topography and drainage patterns shall also be shown. Primary and Secondary Conservation Areas to be conserved and such areas to be impacted or altered shall be identified on the Plan.
  - 5) Architectural design criteria including materials, colors and renderings for all Structures and criteria for proposed Signs, with proposed control procedures. These shall also include specific renderings of the elevations of Structures. Any modification of these Structures shall require re-approval of the Development Plan by the Zoning Commission. Materials and colors shall be submitted for approval.
  - 6) The proposed provisions for water, fire hydrants, sewage disposal and surface drainage with engineering feasibility studies or other evidence of reasonableness. Pipe sizes and locations, detention basins and drainage structures shall be drawn.
  - 7) A traffic impact analysis by a competent traffic engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing streets and conditions.
  - 8) The relationship of the proposed development to existing and probable Uses of surrounding areas during the development timetable.
  - 9) Identification and location of all Uses and Structures proposed within the site and the location of schools, parks and other public facility sites within or adjacent to the site. This includes a showing of:
    - a) The exact location and dimension of private streets, common drives and public street Rights-of-Way;
    - b) Exact location of Building footprints or envelopes within which Dwelling Units are to be constructed, and Lot Lines with dimensions for all residential units for which individual ownership is proposed;
    - c) Dimensions of Building/unit spacing;

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- d) The extent of environmental conservation and change and the exact location of all no cut/No Disturb Zones;
  - e) Designated Open Space areas and a description of proposed Open Space improvements; and
  - f) The exact location of all utility easements.
- 10) The proposed time schedule for development of the site including streets, Buildings, utilities and other facilities.
- 11) If the proposed timetable for development includes developing the land (including Open Space) in phases, all phases shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
- 12) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
- 13) Except for Density and the percentage of required Open Space, the applicant may request a Divergence from the other Development Standards set forth in this Article. 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:
- a) The conservation and protection of the natural resources, scenic areas, wildlife habitat and the historical and unique natural features of the land;
  - b) The health, safety, morals, and general welfare of the present and future inhabitants of Genoa Township;
  - c) 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;
  - d) The assurance of the compatibility of land uses which are either adjacent or in proximity to each other;
  - e) The orderly development of all lands within the Township to its appropriate use; and/or
  - f) The most appropriate use of land to facilitate and provide adequate public and private improvements.
- 14) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained as well as the Open Space.
- 15) Other information, as may be required by the Zoning Commission, in order to determine compliance with this Resolution.
- 16) The Development Plan shall bear the seal of a registered engineer or surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio.
- 704.05 Public Hearings. The Zoning Commission and Township Trustees shall hold a public hearing on the request within a reasonable period of time after receipt of the application, Final Development Plan and submission of fees.
- 704.06 Action by the Genoa Township Zoning Commission and the Genoa Township Trustees.

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- A) The Zoning Commission may recommend approval of the application and Final Development Plan provided it determines that the application and Final Development Plan comply with the standards of this Article as well as all other applicable sections of the Genoa Township Zoning Resolution and preserve and protect the Primary Conservation Areas, and adequately provide useable Open Space in Secondary Conservation Areas.
- B) If the Zoning Commission finds that the Final Development Plan does not meet the standards of this Article or any other applicable section of the Genoa Township Zoning Resolution or that the Divergences requested are not warranted, they shall deny the plan or the Divergences. This completes the Zoning Commission's actions, and they shall forward the application and Final Development Plan to the Township Trustees for their review.
- C) Upon receipt of the application and Final Development Plan and the Zoning Commission's recommendations, the Township Trustees shall hold a properly advertised public hearing. Notice of the hearing shall be given to property owners within five hundred (500) feet of the subject tract by first class mail to the addresses of such owners as appearing on the Delaware County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any action taken on the application.
- D) The Township Trustees can either uphold, modify, or overturn the recommendation of the Zoning Commission. A majority vote is required by the Township Trustees to uphold the Zoning Commission's recommendation. A majority decision of the Township Trustees is required to overturn or modify the Zoning Commission's recommendation.

704.07 Subdivision Plat. 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 shall be made unless the provisions of Section 705 are followed. The applicant shall submit the subdivision plat to the Zoning Inspector for review in order to assure the notes and agreed conditions on the Development Plan are not compromised by final engineering.

704.08 Certificate of Zoning Compliance. After the Final Development Plan is approved and any required final Subdivision Plat 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 705: Development Plan Standards**

- 705.01 Permitted Uses: Single-family detached Dwellings; Attached two and three unit dwellings; Open Space; recreation facilities accessory to the development.
- 705.02 Minimum tract size: Twenty-five (25) acres.
- 705.03 Open Space: At least fifty percent (50%) of the gross tract acreage shall be designated as permanent Common Open Space, not to be further subdivided. Open Space shall be owned, administered and maintained pursuant to Sections 913 and 914 of the Genoa Township Zoning Resolution. Dedication of land for public purposes approved with the development plan including trails, active recreation, spray irrigation fields, etc. may be encouraged by the Township Trustees. The decision whether to accept an applicant's offer to dedicate Open Space for public use shall be

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 7: PLANNED RURAL RESIDENTIAL CONSERVATION DISTRICT**

at the discretion of the Township Trustees. Land dedicated to public purposes may count toward the Open Space requirement if approved on the development plan.

- A) At least twenty-five percent (25%) of the minimum required Open Space shall be suitable for active recreation purposes, but no more than fifty percent (50%) shall be utilized for that purpose, in order to preserve a reasonable proportion of Natural Open Space on the site. The development plan shall specify the purposes for which Open Space areas are proposed. Any recreational facilities proposed to be constructed within Open Space areas shall be clearly shown on the development plan.
- B) In calculating Open Space, the areas of fee simple Lots conveyed to homeowners shall not be included.
- C) The required Open Space may be used for underground drainage fields for individual or community On-Site Sewage Disposal Systems, and for “spray fields” for spray irrigation purposes in a “land treatment” sewage disposal system as approved per the development plan.
- D) Primary Conservation Areas plus storm water management detention/retention ponds, plus constructed wetlands acting as detention basins, plus sewage treatment ponds may count in their combined aggregate for up to fifty percent (50%) of the required Open Space.
- E) Any area of Natural Open Space that is proposed to be disturbed during construction or otherwise not preserved in its natural state shall be shown on the development plan and shall be restored with vegetation that is compatible with the natural characteristics of the site. The method and timing of any restoration shall be set forth in the development plan.
- F) 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 development.

705.04 Determining Density or “Yield”. The permitted Density is the number of Dwelling Units in the development. Applicants shall have two options to establish the legally permitted Density.

Either:

- A) Multiply the Net Developable Area (in acres) by either:
  - 1) Six tenths (0.6) Dwelling Unit per net developable acre with On-Site Sewage Disposal Systems; or
  - 2) Seventy-five hundredths (0.75) Dwelling Units per net developable acre with centralized sewer.

The result in either case shall be rounded down to the nearest whole number; or

- B) Create a “yield plan” for a conventional subdivision of 2-acre Lots. The conservation subdivision may cluster the same number of Dwellings as provided herein. Such “yield plan” consists of a conventional Lot and street layout and must conform to the Township’s regulations for the Rural Residential Zoning District governing Lot dimensions, land suitable for development, street design, parking, water supply and general sewage disposal feasibility (by soils mapping or other alternative). Although such plans shall be conceptual in nature, and are not intended to involve significant engineering costs, they must be realistic and must not show potential house sites or streets in areas that would not ordinarily be legally permitted in a conventional layout.

Typical “yield plans” would include, at minimum, basic topography, location of wetlands, 100-year floodplains, slopes exceeding twenty percent (20%), and soils subject to slumping, as indicated on the medium-intensity maps contained in the county soil survey published by the USDA Natural Resources Conservation Service.

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- 705.05 Sewage Disposal: For sites not served by public centralized sewer, sewage disposal feasibility shall be demonstrated by letter from the local Board of Health, the Ohio EPA, or a licensed sanitary or civil engineer.
- 705.06 Perimeter Setback: No Building shall be constructed within fifty (50) feet of the external boundary of the conservation subdivision.
- 705.07 Storm Water: No features shall be designed which are likely to cause erosion or flooding.
- 705.08 Subdivision Standards: Street and drainage improvements shall conform to the subdivision standards for Delaware County, Ohio, and Genoa Township Street Specifications as contained in Section 903.09.
- 705.09 Paths: Sidewalks or walking paths may be required for subdivisions of more than fifteen (15) Lots. Sidewalks/paths shall be separated from the paved street surface by at least five (5) feet of landscaped or grassed strip. The Zoning Commission may require paved/unpaved walkways to connect residential areas and Open Spaces.
- 705.10 Street Trees: Deciduous, broad leaf street trees with a minimum caliper of three inches (3") at planting shall be planted (or retained) at least every fifty (50) lineal feet along at least one side of the street(s).
- 705.11 Minimum Front Setbacks: Dwelling Units shall be set back forty (40) feet from the edge of the contiguous Right-of-Way. Garages must be set back at least fifty (50) feet from the edge of the contiguous Right-of-Way, except side load garages shall be set back at least forty (40) feet from the edge of the contiguous Right-of-Way.
- 705.12 Minimum Lot Size: Twelve thousand (12,000) square feet for Single-family detached Dwellings on fee simple ownership lots. Attached units or detached condominiums as approved per the Final Development Plan.
- 705.13 Minimum Lot Width at the Building Line: One hundred (100) feet for Single-family detached Dwelling Units on fee simple ownership Lots.
- 705.14 Minimum Side Yards: Twelve and one-half (12½) feet each side, with no encroachments, including chimneys, air conditioning units, etc., for Single-family detached Dwellings on fee simple ownership Lots. In all other cases, the minimum separation between Buildings containing Dwelling Units shall be thirty (30) feet.
- 705.15 Driveway Setbacks: Two (2) feet from Side Lot Line. Side-load garages shall provide at least 24 feet of paved apron in addition to the two (2) foot Setback from the Lot Line for Single-family detached Dwellings on fee simple ownership Lots. Attached units or detached condominiums as approved per the Final Development Plan.
- 705.16 Minimum Rear Yard: Thirty (30) feet for Single-family detached Dwellings on fee simple ownership Lots and Attached Garages. Fifteen (15) feet for Accessory Buildings. Attached units or detached condominiums as approved per the Final Development Plan.
- 705.17 Building Height Requirement: No Principal Building in this District shall exceed thirty-five (35) feet in height.
- 705.18 Minimum Dwelling Unit Floor Area: See Section 708.
- 705.19 Street Lighting: If provided, it must be of white light, maximum height sixteen (16) feet in accordance with Article 21 of the Genoa Township Zoning Resolution.
- 705.20 Landscaping: All yards, front, side and rear, shall be landscaped. All Improved Common Open Space shall be landscaped per the approved development plan. A landscape plan for the Common Open Space and streetscape within road Right-of-Way shall be prepared by a licensed landscape architect showing the caliper, height, numbers, name and placement of all material, and shall be submitted with and approved as a part of the Final Development Plan.

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- 705.21 Parking: Off-Street parking shall be provided at the time of construction of each principal Structure or Building, with adequate provisions for ingress and egress in accordance with the development plan. Off-Street parking shall comply with the provisions of Article 19 of the Genoa Township Zoning Resolution.
- 705.22 Signs: All Signs shall be in accordance with Article 18 of the Genoa Township Zoning Resolution.
- 705.23 Supplemental Conditions and Safeguards: The Zoning Commission may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed, landscaping, development, improvement and maintenance of Open Space (whether Improved Common Open Space or Natural Open Space), and any other pertinent development characteristics.
- 705.24 Divergences: The Zoning Commission, as a part of development plan approval, may grant Divergences from any standard or requirement in this Section with the exception of Density and the percentage of required Open Space. An applicant requesting a Divergence shall specifically and separately list each requested Divergence and the justification therefore on the development plan submittals with a request that the proposed Divergence be approved “per plan”.

**Section 706: Ownership and Maintenance of Open Space**

Common Open Space within a development shall be owned, administered, and maintained pursuant to Sections 913 and 914 of the Genoa Township Zoning Resolution.

**Section 707: Extension or Modification of Final Development Plan**

- 707.01 An extension of the time limit for the approved Final Development Plan may be granted by the Zoning Commission without public hearing provided the Zoning Commission finds that such extension is not in conflict with public interest.
- 707.02 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. In approving such requests, the Zoning Commission may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this District.
- 707.03 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 Space and loading space;
  - G) A reduction in required pavement widths; or
  - H) A reduction of the acreage in the Planned Development.In approving such requests, the Zoning Commission may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this District.

**Section 708: 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.

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<u>Dwelling Type</u>	<u>Minimum Floor Area</u>
One story	One thousand one hundred (1100) square feet of Floor Area above grade.
1 ½/Split Level/Bi-level/ Walkout	One thousand two hundred (1200) square feet of Floor Area with nine hundred sixty (960) square feet on the first floor above grade.
Two stories	One thousand four hundred (1400) square feet of Floor Area with eight hundred (800) square feet on the first floor above grade.
Garage	Two (2) car Attached Garage.

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## ARTICLE 8: SUBURBAN RESIDENTIAL DISTRICT (SR)

### Section 801: Intent and Purpose

The intent of the Suburban Residential District is to recognize the demand for Single-family residential Lots of medium Density located contiguous to urban areas. The District is to be applied to areas currently served or immediately planned to be served by central water, central sewer wastewater treatment plants operated by the Delaware County Sanitary Engineer, and by other Essential Services.

### Section 802: Permitted Principal Uses

- 802.01 Single-family detached Dwellings on Lots of twenty thousand (20,000) square feet or greater exclusive of the land area in Common Access Drive easements, except as provided for in Section 806.
- 802.02 Nonresidential Uses of a religious, cultural, educational or recreational nature or character to the extent they are designed and intended to serve the residents of the neighborhood where the Use is located. 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.
- 802.03 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.
- 802.04 Forest and wildlife preserves.
- 802.05 Projects specifically designed for watershed protection, conservation of soil or water or for flood control.

### Section 803: Permitted Accessory Uses

- 803.01 Accessory Buildings as regulated by Section 1609.
- 803.02 Accessory Signs as regulated by Article 18.
- 803.03 Accessory storage of recreational vehicles, boats, motor homes, equipment, trailers and other vehicles other than passenger cars as regulated by Section 1906.
- 803.04 Private Swimming Pools as regulated by Section 1709.05 together with game courts for the use of occupants and their guests.
- 803.05 Fences as regulated by Article 20.
- 803.06 Temporary Uses specified in and regulated by Section 1707.
- 803.07 Satellite Dish Antennas and Aerial Antennas as regulated by Article 22.
- 803.08 The keeping of animals and/or fowl as pets or for domestic use.
  - A) No animals, except household pets, shall be kept on any parcel of less than five (5) acres unless the Building housing said animals is at least fifty (50) feet from any lot line. Swine and goats may be kept on such tract only if the Building housing such swine or goats is located at least two hundred (200) feet from any lot line.
  - B) This subsection shall apply only to those parcels where the total land holdings of the using party is five (5) acres or less and shall not be construed to apply in individual pens, pastures or fields of less than five (5) acres if part of a larger tract of land devoted to agricultural uses.
  - C) Any parcel of land located within the Suburban Residential District and containing less than five (5) acres shall contain no more than one (1) large animal for every two and one-half (2 1/2) acres of land. Large animal is defined for the purposes of this section as being any animal weighting more than one hundred fifty (150) pounds.

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**Section 804: Conditional Uses**

The following Uses shall be permitted only in accordance with Article 3, the supplemental regulations specified in Article 17, and the regulations specified in Article 18.

- 804.01 Swimming Pools as regulated by Section 1709 and golf courses as regulated by Section 1710.
- 804.02 Home Occupations conducted by the resident of a permitted Dwelling as regulated by Section 1708.
- 804.03 Kindergarten or child care facilities as regulated by Section 1703.
- 804.04 Public or private schools and colleges provided that said institution occupies not less than twenty (20) acres. Instructional areas, whether improved with Buildings or not, shall provide adequate parking areas for faculty, staff and students. Such parking may not exist within the Right-of-Way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.
- 804.05 Family Care Homes and Group Care Homes as regulated by Section 1704.
- 804.06 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 residents of the subdivision served.
- 804.07 Temporary Conditional Uses specified in and regulated by Section 1702.

**Section 805: Prohibited Uses**

- 805.01 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.
- 805.02 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 so as not to be visible from any adjoining property or public road.
- 805.03 Except as specifically permitted by Section 1707 and Section 1702 no Mobile Home or mobile office shall be placed or occupied in this District.
- 805.04 Adult Entertainment and Adult Entertainment Facilities are prohibited.
- 805.05 Homes for adjustment and institutions as herein defined under Residential Care Facilities are prohibited.
- 805.06 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.
- 805.07 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.

**Section 806: Dimensional Requirements**

- 806.01 Minimum lot area: no parcel of land in this District, shall be used for residential purposes which has an area of less than twenty thousand (20,000) square feet exclusive of the land area in Common Access Drive easements
- 806.02 Minimum Lot Frontage; except as hereinafter set forth all Lots or parcels shall have eighty five (85) feet Frontage.

Flag lots or parcels having less than the above listed minimum Frontage must have a Lot Width fifty (50) feet forward of the Building Line which is equal to that minimum lot Frontage requirement. In no case shall the parcel have a Lot Width less than sixty (60) feet at the Right-of-

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Way line and the width of sixty (60) feet shall not be decreased at any point forward of the Building Line of the principal residence located on the premises.

For Lots having Frontage on streets having extreme curvature on cul-de-sacs, or minor streets, the Lot shall have the minimum width of not less than sixty-five (65) feet at the Right-of-Way line.

- 806.03 Any parcel of land which at the Building Setback line is separated or removed from the public road by more than one other parcel of land shall be accessed only by a Common Access Drive (CAD) as regulated by Section 1604.
- 806.04 Minimum Corner Lot Frontage: Eighty-five (85) feet Frontage.
- 806.05 Minimum Front Yard depth: Fifty (50) feet measured from the edge of the contiguous road Right-of-Way.
- 806.06 Minimum Side Yard width, each side: No Principal Building or Structure shall be located closer than twelve (12) feet to any Side Lot Line.
- 806.07 Minimum Rear Yard depth: No Principal Building or Structure shall be located closer than fifty (50) feet to the Rear Lot Line.
- 806.08 Building Height limits: No Principal Building in this District shall exceed thirty-five (35) feet in height.
- 806.09 Lot Coverage: On no Lot or parcel in this zoning District shall Buildings be constructed which cover more than twenty percent (20%) of the Lot area and impervious surfaces (roofs and pavement) shall not exceed thirty-five percent (35%) of the lot area.
- 806.10 Accessory Buildings: All Accessory Buildings shall conform to the requirements of Section 1609.

**Section 807: Residential Driveway Setback Requirements**

- 807.01 All driveways or pavement shall have a Setback of no less than two (2) feet from the property line.
- 807.02 All side load garages shall have a turning pad of no less than twenty-four (24) feet.
- 807.03 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 808: 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.

<u>Dwelling Type</u>	<u>Minimum Floor Area</u>
One story	One thousand one hundred (1100) square feet of Floor Area above grade.
1 ½/Split Level/Bi-level/ Walkout	One thousand two hundred (1200) square feet of Floor Area with nine hundred sixty (960) square feet on the first floor above grade.
Two stories	One thousand four hundred (1400) square feet of Floor Area with eight hundred (800) square feet on the first floor above grade.
Garage	Two (2) car Attached Garage.

**GENOA TOWNSHIP ZONING RESOLUTION  
ARTICLE 8: SUBURBAN RESIDENTIAL DISTRICT (SR)**

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## ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

### Section 901: Intent and Purpose

The Township recognizes that with increased suburbanization and population growth come increased demands for well organized residential areas which take into account unique natural features, contemporary land use concepts, and a balanced residential environment. The Planned Residential District is intended to promote flexibility of land development for residential purposes 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.

- 901.01 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.
- 901.02 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.
- 901.03 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 902: Contiguity of Land and Project Ownership

- 902.01 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.
- 902.02 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 903: General Requirements

- 903.01 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 that collectively sum twenty-five (25) acres or more shall be considered for Planned Residential District zoning (PRD).

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)**

- 903.02 The density of land use within a Planned Residential District shall not exceed 2.2 Dwelling Units per Net Developable Acre when Conservation Development Standards are used or 1.8 Dwelling Units per Net Developable Acre otherwise.
- 903.03 Reserved
- 903.04 Single-family detached Dwelling Units shall constitute no less than sixty-five percent (65%) of the total Dwelling Units in a Planned Residential District (PRD) if Conservation Development Standards are not used.
- 903.05 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 thirty-five percent (35%) of the total number of Dwelling Units within a Planned Residential District (PRD) if Conservation Development Standards are not used.
- 903.06 Perimeter requirements shall call for comparable type and value of land Use with neighboring Districts where feasible.
- 903.07 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.
- 903.08 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 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.
- 903.09 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.
- 903.10 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 trails in areas the Zoning Commission finds appropriate.
- 903.11 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 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.

- 903.12 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 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 904: Permitted Principal Uses**

904.01 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 901. 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 903. 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 or 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) Projects 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.

904.02 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

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**ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)**

stations, community centers, water treatment, pumping and storage facilities, and wastewater treatment and pumping facilities.

- G) Forest and wildlife preserves.
- 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 905: Permitted Accessory Uses**

- 905.01 Accessory Buildings as regulated by Section 1609.
- 905.02 Accessory Signs as regulated by Article 18.
- 905.03 Accessory storage of recreational vehicles, boats, motor homes, equipment, trailers, and other vehicles other than passenger cars as regulated by Section 1906.
- 905.04 Private Swimming Pools together with game courts for the use of occupants and their guests as regulated by Section 1709.05.
- 905.05 Golf courses, as regulated by Section 1710, provided that such courses are subsidiary to the primary residential use of the property.
- 905.06 Private Recreational Facilities, as regulated by Section 1711, provided that such facilities are subsidiary to the primary residential use of the property.
- 905.07 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 905.05. Such clubhouse and/or multipurpose Building may contain a restaurant catering primarily to golf club members and their guests.
- 905.08 Home Occupations conducted by the owner in residence of a permitted Dwelling as regulated by Section 1708.
- 905.09 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.
- 905.10 Temporary Uses specified in and regulated by Section 1702.

**Section 906: Prohibited Uses**

- 906.01 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.
- 906.02 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 so as not to be visible from any adjoining property or public road.
- 906.03 Except as specifically permitted by Section 1707 and Section 1702 no Mobile Home or mobile office shall be placed or occupied in this District.
- 906.04 Adult Entertainment and Adult Entertainment Facilities are prohibited.
- 906.05 Homes for adjustment and institutions as herein defined under Residential Care Facilities are prohibited.
- 906.06 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.
- 906.07 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 907: Residential Driveway Setback Requirements**

- 907.01 All driveways or pavement shall have a Setback of no less than two (2) feet from the property line.
- 907.02 All side load garages shall have a turning pad of no less than twenty-four (24) feet.
- 907.03 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 908: 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.
1 ½/Split level/Bi-level/Walkout	One thousand two hundred (1200) square feet of Floor Area with nine hundred sixty (960) square feet on the first floor above grade.
Two stories	One thousand four hundred (1400) square feet of Floor Area with eight hundred (800) square feet on the first floor above grade.
Single Family Attached or Common Wall	Six hundred (600) square feet of Floor Area for a one (1) bedroom unit; seven hundred fifty (750) square feet for a two (2) bedroom unit.
Garage	Two (2) car Attached Garage.

**Section 909: Dimensional Requirements**

- 909.01 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 908.
  - 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 zone.
- 909.02 Dimensional Requirements with Conservation Development Standards

The Zoning Commission may, as a part of the PRD, with Conservation Development Standards, review process, require specific dimensional requirements if in their opinion 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 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 908.

**Section 910: Open Spaces**

At least forty percent (40%) of the gross acreage within a “PRD” 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 so 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 911: Common Open Spaces**

911.01 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.

911.02 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

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 912: Off-Site Common Open Spaces**

- 912.01 In lieu of the Common Open Spaces required in Section 911, 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.
- 912.02 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.
- 912.03 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.
- 912.04 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.
- 912.05 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.
- 912.06 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 913: 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 or 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.

- 913.01 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.
- 913.02 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 are not required to accept undivided Common Open Space provided: 1) such land is accessible to all the 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.
- 913.03 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 equitably the costs of maintaining and developing, where appropriate, such undivided Common Open Space. Shares shall be defined within the association bylaws.
  - F) In the event of transfer, within the methods here permitted, of 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 30 days of action by the Board.
- 913.04 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.
- 913.05 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.
- 913.06 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 Trustees, 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.

**GENOA TOWNSHIP ZONING RESOLUTION  
ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)**

**Section 914: Maintenance of Open Space**

914.01 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.

914.02 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. At such hearing the Township Trustees may modify the terms of the original 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 cease to maintain said Common Open Space at the end of said year. If 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 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 915: Planning Process Overview**

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

915.01 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.

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- 915.02 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, at a minimum, the basic 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.

- 915.03 Sewage Disposal. For sites not served by public centralized sewer, sewage disposal feasibility shall be demonstrated by letter from the local Board of Health, the Ohio EPA, or a licensed sanitary or civil engineer.
- 915.04 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.
- 915.05 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.
- 915.06 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.
- 915.07 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

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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.

- 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 916: 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:

916.01 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 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

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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, 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.

916.02 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 Residential District (PRD);
- 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

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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 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.

916.03 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 917: 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 918: Final Development Plan General Requirements**

The Final Development Plan submitted shall support the following requirements:

- 918.01 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.
- 918.02 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 920.

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- 918.03 Land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in Use.
- 918.04 The proposed change to a Planned Development District is in conformance with the standards, objectives, and policies of the Genoa Township Comprehensive Plan.
- 918.05 The site must have direct access to a major street without creating traffic on minor residential streets outside the District.
- 918.06 Existing and proposed utility services are adequate for the proposed development.
- 918.07 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.
- 918.08 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.
- 918.09 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 919: 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 920: 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.

- 920.01 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 916.02 (L).
- 920.02 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.

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**Section 921: Subdivision Plat and Subdivision Regulations**

- 921.01 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.
- 921.02 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 923 are followed.

**Section 922: 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 923: Extension or Modification of Final Development Plan**

- 923.01 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.
- 923.02 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.
- 923.03 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 924: Enforcement**

- 924.01 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.

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- 924.02 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.
- 924.03 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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## **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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**ARTICLE 10: LOWER-DENSITY PLANNED RESIDENTIAL DISTRICT (PRD-V)**

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

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.

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 10: LOWER-DENSITY PLANNED RESIDENTIAL DISTRICT (PRD-V)**

- 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

**GENOA TOWNSHIP ZONING RESOLUTION**

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

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.

**GENOA TOWNSHIP ZONING RESOLUTION**  
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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.

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 10: LOWER-DENSITY PLANNED RESIDENTIAL DISTRICT (PRD-V)**

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## ARTICLE 11: COMMUNITY BUSINESS DISTRICT (CB)

### Section 1101: Intent and Purpose

The intent of the Community Business District is to provide within Genoa Township areas for business and service establishments which are pleasant, safe, and convenient to the neighborhood. The District is to be applied to areas currently served by central sewer wastewater treatment plants operated by the Delaware County Sanitary Engineer and by central water and other Essential Services.

### Section 1102: Permitted Principal Uses

- 1102.01 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.
- 1102.02 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.
- 1102.03 Offices of veterinarians provided that the practice of said veterinarians is limited to small domestic animals, that no animals are boarded on the premises except for the confinement of small animals under emergency treatment in facilities within the office, and that no outside runs or exercise areas are provided.
- 1102.04 Bake goods shop, retail only.
- 1102.05 Barber and beauty shop.
- 1102.06 Candy and ice cream stores.
- 1102.07 Drug stores.
- 1102.08 Pick up stations for dry cleaning and laundry.
- 1102.09 Self serve dry cleaning and laundromats.
- 1102.10 Grocery and delicatessen stores.
- 1102.11 Shoe repair.
- 1102.12 Florists.
- 1102.13 Hardware.
- 1102.14 Health studios.
- 1102.15 Photo studios.
- 1102.16 Radio and television sales and service.
- 1102.17 Sporting goods.
- 1102.18 Variety stores.
- 1102.19 Watch, clock, and jewelry sales and service.
- 1102.20 Small business activities which are not listed as a prohibited or Conditional Use herein and which fulfill all the requirements of this Section.

### Section 1103: Permitted Accessory Uses

- 1103.01 Accessory Uses, Buildings, or other Structures customarily incidental to any of the foregoing permitted Uses.
- 1103.02 Off Street parking and loading spaces as regulated by Article 19.
- 1103.03 Signs as regulated by Article 18.

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 11: COMMUNITY BUSINESS DISTRICT (CB)**

**Section 1104: Conditional Uses**

The following Uses shall be permitted only in accordance with this Section, the requirements of Article 3, the supplemental regulations specified in Article 17, and the regulations specified in Article 18.

- 1104.01 Veterinary or animal hospitals provided that any Building, outside enclosed area, or outside run is a minimum of five hundred (500) feet from any existing Dwelling or residential District.
- 1104.02 Temporary Uses specified in and regulated by Section 1707.
- 1104.03 Equipment rental and lease (but not including automobiles, trucks, and trailers).
- 1104.04 Automobile service stations as regulated by Section 1304.
- 1104.05 Indoor recreation facilities.
- 1104.06 Small engine service and repair.
- 1104.07 Eating establishments without live entertainment. These businesses 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.

**Section 1105: Required Standards**

No Certificate of Zoning Compliance shall be issued for any Use in a Community Business District until the applicant shall have certified to the Zoning Inspector that:

- 1105.01 The business activity shall be conducted wholly within a completely enclosed Building or other structural elements appropriate for business use.
- 1105.02 All business shall be of retail or service character.
- 1105.03 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.
- 1105.04 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.
- 1105.05 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, as regulated by Article 20.
- 1105.06 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.
- 1105.07 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.
- 1105.08 There will be no emission of odors or odor causing substances that can be detected without the use of instruments at or beyond the Lot Lines.
- 1105.09 There will be no vibrations that can be detected without the use of instruments at or beyond the Lot Lines.

Failure to comply with any of the Required Standards by property owners or users shall be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

**Section 1106: Prohibited Uses**

- 1106.01 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.
- 1106.02 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.
- 1106.03 No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the Front Building Line of any Lot within this District. If a Structure is located on the tract of land or lot the Building Line shall be considered to be the front wall of the Structure, even if said Structure is located behind the minimum Building Line established by this code or the restrictions on the plat or deed.
- 1106.04 Except as specifically permitted by Section 1707 no Mobile Home or mobile home office Structure shall be placed or occupied in this District.
- 1106.05 Adult Entertainment and Adult Entertainment Facilities are prohibited.
- 1106.06 Homes for adjustment and institutions as herein defined under Residential Care Facilities are prohibited.

**Section 1107: Dimensional Requirements**

In addition to any other provisions of this Resolution, all lands and Uses within a Community Business District shall be developed in strict compliance with the standards hereinafter established:

- 1107.01 Minimum lot area: Twenty thousand (20,000) square feet;
- 1107.02 Minimum lot Frontage: Except as hereinafter set forth all Lots or parcels shall have one hundred (100) feet Frontage. Lots or parcels having less than the above listed minimum Frontage must have a Lot Width fifty (50) feet forward of the Building Line which is equal to the minimum lot Frontage requirement. In no case shall the parcel have a Lot Width less than eighty five (85) feet at the Right-of-Way line and the width of eighty-five (85) feet shall not be decreased at any point forward of the Building Line of the Principal Building located on the premises;
- 1107.03 Minimum Corner Lot Frontage: One hundred (100) feet on one (1) street;
- 1107.04 Minimum front yard depth: No Building shall be located closer than one hundred (100) feet to any street Right-of-Way or one hundred fifty (150) feet to the centerline of a major collector or arterial street;
- 1107.05 Minimum side yard width, each side: No Principal Building or Structure shall be located closer than twenty (20) feet to any Side Lot Line;
- 1107.06 Minimum rear yard depth: No Principal Building or Structure shall be located closer than thirty-five (35) feet to the Rear Lot Line;
- 1107.07 No Building shall be located closer than one hundred (100) feet from a residential District boundary line;
- 1107.08 Building Height limits: No Building in this District shall exceed thirty five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the Structure. No Aerial Antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line less ten (10) feet of said tract; and
- 1107.09 Lot Coverage: On no lot or parcel in this zoning District shall Buildings be constructed which cover more than thirty five percent (35%) of the lot area.

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 11: COMMUNITY BUSINESS DISTRICT (CB)**

**Section 1108: General Development Requirements**

- 1108.01 The maximum square feet of Floor Area for individual retail and service establishments shall be determined by the ratio of: Building area in square feet = lot size in acres x 10,000.
- 1108.02 Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the applicant showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces, and service areas. Parking areas shall be adequately lighted and setback from Side and Rear Property Lot Lines a minimum of six (6) feet unless contiguous to property zoned for single-family residences, in which case the Setback shall be twenty (20) feet.
- 1108.03 Provision for storm drainage shall be adequate to protect the public and owners of surrounding lands.
- 1108.04 Trash and litter shall be controlled and stored in container systems which are located and enclosed in a manner to screen them from view.
- 1108.05 All service and delivery shall be at the rear of the Structures; provided, however, that under hardship conditions provisions may be made for service and delivery at the side of the Structures.
- 1108.06 Outdoor Storage and display of merchandise on pedestrian areas is prohibited unless a five (5) foot wide strip is left for pedestrian traffic.
- 1108.07 For Conditional Uses the Township Board of Appeals may request additional information from the applicants and may attach conditions for approval as are deemed necessary to meet the objectives of this Resolution.
- 1108.08 Parking areas shall be no closer to main Structures than ten (10) feet.
- 1108.09 Pavement areas adjacent to a residential District shall be screened. Such screening shall have a minimum height of five and one-half (5½) feet and a maximum height of eight (8) feet.
- 1108.10 The following regulations shall be adhered to when vending machines and display racks are used:
- A) All vending machines, except ice machines, newspaper vending machines, and telephone booths shall be located inside the Building.
  - B) Ice machines may be located on an exterior wall, provided less than one-half (1/2) of the machine extends beyond the surface of the wall.
  - C) All other uses of outside display racks and of outside vending machines, and the display of merchandise outside are prohibited.

## **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.

**GENOA TOWNSHIP ZONING RESOLUTION**

**ARTICLE 12: PLANNED COMMERCIAL AND OFFICE DISTRICT (PCD)**

- 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.

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 12: PLANNED COMMERCIAL AND OFFICE DISTRICT (PCD)**

- 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.

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 12: PLANNED COMMERCIAL AND OFFICE DISTRICT (PCD)**

- 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;

**GENOA TOWNSHIP ZONING RESOLUTION**  
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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;

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 12: PLANNED COMMERCIAL AND OFFICE DISTRICT (PCD)**

- 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 textural 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

**GENOA TOWNSHIP ZONING RESOLUTION**

**ARTICLE 12: PLANNED COMMERCIAL AND OFFICE DISTRICT (PCD)**

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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## **ARTICLE 13: PLANNED INDUSTRIAL AND WAREHOUSE DISTRICT (PID)**

### **Section 1301: Intent and Purpose**

The purpose of the Planned Industrial Warehouse District is to encourage the coordination and integration of industrial uses designed as separate elements into one specific site layout. The entire design is intended to utilize industrial uses which are compatible in terms of activity, parking needs, traffic accessibility, sign systems and space requirements into an industrial park setting. Planned Industrial Warehouse Districts are 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.

1301.01 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.

1301.02 This Section establishes standards for the Planned Industrial and Warehouse District in areas served by central sanitary sewers and Central Water Systems, or developments utilizing other sewage treatment options approved in the development plan.

1301.03 Pursuant to Ohio Revised Code Section 519.021(C), this District will encompass, include and overlay all lands contained within the Light Industrial District (LI) and may be permitted upon application and approval of specific and detailed Final Development Plans. The LI District and the zoning regulations thereunder shall continue to apply to all property within the PID unless the Township Trustees approve an application of an owner of property within the LI District to subject the owner's property to the provisions of the PID. Such an application shall be made in accordance with the provisions herein of the Genoa Township Zoning Resolution and shall include a development plan in compliance with the provisions of said Section. Upon receiving such an application, the Township Trustees shall determine whether the application and development plan comply with the provisions herein. If the Township Trustees determine that the application and development plan comply and approves the application, the Township Trustees shall cause the Zoning Map to be changed so that the LI District no longer applies to such property, with the property being thenceforth located in the PID and subject to the regulations thereunder. The approval of the application and development plan and the removal of the prior LI District from the Zoning Map is a ministerial act and shall not be considered to be an amendment to the Genoa Township Zoning Resolution.

### **Section 1302: Contiguity of Land and Project Ownership**

1302.01 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.

1302.02 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.

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 13: PLANNED INDUSTRIAL AND WAREHOUSE DISTRICT (PID)**

**Section 1303: General Requirements**

- 1303.01 The provisions of this Article shall apply to all lands zoned in the Planned Industrial-Warehouse District. Only parcels at least ten (10) acres in size or adjacent to other parcels zoned PID or under application for rezoning to PID that collectively sum ten (10) acres or more shall be considered for the PID.
- 1303.02 Industrial and/or Warehouse Buildings and 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 Industrial Warehouse Districts less than twenty (20) acres in area shall have direct access to one (1) arterial street.
- B) Planned Industrial Warehouse Districts of twenty (20) or more acres in area shall have direct access to one (1) arterial street and to one (1) collector street and/or two (2) access points on an arterial street.
- 1303.03 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 the Industrial Warehouse development.
- 1303.04 All parking and loading areas shall conform to the requirements of Article 16 and 19.
- 1303.05 All Signs shall conform to the requirements of Article 18.
- 1303.06 Total land occupancy by all Buildings and impervious surfaces in an Industrial Warehouse Planned Development shall not exceed seventy-five percent (75%) of the area of the tract.
- 1303.07 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.
- 1303.08 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.
- 1303.09 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 Industrial-Warehouse 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.
- 1303.10 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.
- 1303.11 Walkways – All walkways shall be constructed of a suitable, dust free, hard surface material.

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 13: PLANNED INDUSTRIAL AND WAREHOUSE DISTRICT (PID)**

1303.12 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 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.

1303.13 Landscaping – All yards, front, side, and rear shall be landscaped. The developer shall submit a conceptual landscaping plan to be reviewed as part of the development plan. All areas shall be seeded or sodded in accordance with the approved development plan before a Certificate of Zoning Compliance is issued.

**Section 1304: Permitted Principal Uses**

1304.01 The manufacturing, compounding, processing, assembling, packaging or treatment of goods, materials and products not involving operations which are obnoxious or offensive by reason of odor, dust, smoke, gas fumes, noise, refuse matter or vibration are permitted. Uses include articles or products from the following previously prepared or treated materials: bone, canvas, cellophane, clay, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi precious stone or metal, sheet metal, shell, textiles, tobacco, wax, wire and wood.

1304.02 Any industrial activity, such as those enumerated below as examples, which fulfills all the requirements of the other sections of this Article:

- A) The manufacturing or assembling of medical, dental, optical and similar precision instruments; musical instruments, novelties, toys, rubber products; orthopedic or medical appliances; watches and clocks;
- B) Machine shops and tools and die shops;
- C) Manufacturing, assembling or repairing of electrical and electronic products, components and equipment;
- D) Compounding, processing and packaging of meat, dairy and food products, exclusive of slaughtering;
- E) Compounding, processing, and packaging of chemical products, but not including any materials which decompose by detonation;
- F) Automobile service stations as regulated by the following:
  - 1) The selling and dispensing of petroleum fuel primarily to passenger vehicles;
  - 2) Accessory Uses as the sale and installation of lubricants, tires, batteries, accessories and supplies, incidental washing and polishing, tune-ups and brake repair;
  - 3) No outdoor dismantling, wrecking or storage of automotive vehicles, parts, or accessories shall be permitted; and
  - 4) No Outdoor Storage or rental of trucks, trailers, or passenger vehicles shall be permitted;
- G) Awning company;
- H) Bakeries, wholesale;
- I) Beverage distributors manufacturing, bottling plants;

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- J) Carpenter and cabinet shops;
- K) Carpet and rug cleaning plants;
- L) Commercial radio and television transmitting stations, antenna towers and other electronic equipment requiring outdoor towers;
- M) Restaurants with or without drive in and/or drive through services;
- N) Electric supply company;
- O) Equipment rental, sales and service, including automobiles, trucks and trailers;
- P) Fence company;
- Q) Glass distributors;
- R) Labor union meeting halls;
- S) Laundries, dry cleaning plants and linen supply;
- T) Mail order houses;
- U) Monument sales and finishing;
- V) Offices;
- W) Printing, publishing, binding and typesetting plants;
- X) Research and engineering laboratories;
- Y) Sign painting and manufacturing;
- Z) Sales establishments for building materials and lumber yards; or
- AA) Warehouses or storage in bulk for: clothing, cotton, drugs, dry goods, feed, food, fuel, furniture, hardware, ice, machinery, metals, paint, paint materials, pipe, rubber, shop supplies, soil stabilizer, tobacco, wool.

1304.03 Outdoor Storage which shall be wholly enclosed by a continuous visual and mechanical barrier eight (8) feet in height. Material so stored shall not extend over or project above such enclosure.

1304.04 Temporary Uses specified in and regulated by Section 1707, except 1707.04.

1304.05 Hotels

**Section 1305: Permitted Accessory Uses**

1305.01 Accessory Uses, Buildings, or other Structures customarily incidental to any aforesaid permitted Use.

1305.02 Off Street parking and loading spaces as regulated by Section 19.

1305.03 Signs as regulated by Article 18.

**Section 1306: Required Standards**

No Certificate of Zoning Compliance shall be issued in a Planned Industrial-Warehouse District until the applicant shall have certified to the Zoning Commission that:

1306.01 The industrial activity will be conducted wholly within a completely enclosed Building, except for automobile service stations; drive-in restaurants; equipment rental, sales and service, including automobiles, trucks and trailers.

1306.02 Noise from any operation conducted on the premises, either continuous or intermittent, shall not disturb any neighboring residential uses.

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**ARTICLE 13: PLANNED INDUSTRIAL AND WAREHOUSE DISTRICT (PID)**

- 1306.03 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 industry involved shall be taken.
- 1306.04 The emission of smoke or other air pollutants and dust borne by the wind shall be kept to a minimum by appropriate Landscaping, paving, or other acceptable means.
- 1306.05 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.
- 1306.06 There will be no vibrations that can be detected without the use of instruments at or beyond the Lot Lines.
- 1306.07 Where the property lines separate a Planned Industrial District from a residentially used property, or portion thereof, a visual and mechanical barrier, a minimum of five and one-half (5 ½) feet in height and a maximum of eight (8) feet in height, shall be provided along the common Lot Line as regulated by Article 20.
- 1306.08 Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public street.
- 1306.09 No Building or Structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- 1306.10 No raw materials shall be processed into any kind of the following basic products: metals of any kind, glass, plastic, textiles, leather or paper.
- 1306.11 All premises shall be furnished with all weather 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.
- 1306.12 The storage, utilization and manufacture of solid, liquid and gaseous chemicals and other materials shall be permitted subject to the following conditions:
- A) The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted; but only if said materials or products are stored, utilized or manufactured within completely enclosed Buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
  - B) All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosions, as well as with adequate fire fighting and suppression equipment and devices standard to the industry involved.
  - C) The storage, utilization or manufacture of pyrophoric and explosive powders and dusts, and of materials and products that decompose by detonation is prohibited.
  - D) The manufacture of flammable liquids or materials that produce flammable or explosive vapors or gases is prohibited.
  - E) The storage and utilization of flammable liquids or materials that produce flammable or explosive vapors or gases shall be permitted on any Lot in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshal for the Manufacture, Storage, Handling, Sale and Transportation of Flammable and Combustible Liquids."
- 1306.13 The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in strict conformance with:
- A) The applicable regulations of any federal, state and/or other regulatory agency; and

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- B) The applicable regulations of any instrumentality of the State of Ohio. Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

**Section 1307: Prohibited Uses**

- 1307.01 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.
- 1307.02 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.
- 1307.03 No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the Front Building Line of any Lot within this District. If a Structure is located on the tract of land or Lot the Building Line shall be considered to be the front wall of the Structure, even if said Structure is located behind the minimum Building Line established by this code or the restrictions on the plat or deed.
- 1307.04 Except as specifically permitted by Section 1707, no Mobile Home or mobile home office Structure shall be placed or occupied in this District.
- 1307.05 Adult Entertainment and Adult Entertainment Facilities are prohibited.
- 1307.06 Homes for adjustment and institutions as herein defined under Residential Care Facilities are prohibited.

**Section 1308: Dimensional Requirements**

- 1308.01 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 the edge of the contiguous street Right-of-Way.
- 1308.02 Floor space requirements: none.

**Section 1309: 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:

- 1309.01 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 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,

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 13: PLANNED INDUSTRIAL AND WAREHOUSE DISTRICT (PID)**

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; and
- P) A fee as established by the Township Trustees.

1309.02 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 Industrial-Warehouse District (PID);
- 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.

1309.03 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 1310: 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 1311: Final Development Plan General Requirements**

The Final Development Plan submitted shall support the following requirements:

- 1311.01 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.
- 1311.02 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 1313.
- 1311.03 Land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in Use.
- 1311.04 The proposed change to a Planned Development District is in conformance with the standards, objectives, and policies of the Genoa Township Comprehensive Plan.
- 1311.05 The site must have direct access to a major street without creating traffic on minor residential streets outside the District.
- 1311.06 Existing and proposed utility services are adequate for the proposed development.
- 1311.07 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.
- 1311.08 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.
- 1311.09 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 1312: 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 1313: 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.

- 1313.01 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

**GENOA TOWNSHIP ZONING RESOLUTION**

**ARTICLE 13: PLANNED INDUSTRIAL AND WAREHOUSE DISTRICT (PID)**

proposed development will be occurring. The applicant shall provide written development text in accordance with Sections 1309.02 (L).

- 1313.02 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 1314: Subdivision Plat and Subdivision Regulations**

- 1314.01 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.

- 1314.02 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 1316 are followed.

**Section 1315: 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 Zoning Permit 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 1316: Extension or Modification of Final Development Plan**

- 1316.01 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.

- 1316.02 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.

- 1316.03 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;

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**ARTICLE 13: PLANNED INDUSTRIAL AND WAREHOUSE DISTRICT (PID)**

- 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 1317: Enforcement**

- 1317.01 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.
- 1317.02 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.
- 1317.03 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.

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 13: PLANNED INDUSTRIAL AND WAREHOUSE DISTRICT (PID)**

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## **ARTICLE 14: PLANNED COMMUNITY FACILITIES DISTRICT (PCF)**

### **Section 1401: Intent and Purpose**

The purpose of the Planned Community Facilities District is to provide zoning classification for governmental, civic, recreational, and similar community facilities in proper location and extent so as to promote the general safety, convenience, comfort, and welfare. The Planned Community Facilities District encourages the use of existing facilities and regulates the location of new facilities to ensure their proper functioning in consideration of traffic, access and general compatibility and to minimize the adverse visual effects on surrounding areas through design and Landscaping standards. The District is designed to protect community facilities and institutions from the encroachment of certain other Uses and to make sure Uses are compatible with adjoining residential Uses.

1401.01 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.

1401.02 This Section establishes standards for the Planned Community Facilities District in areas served by central sanitary sewers and Central Water Systems, or developments utilizing other sewage treatment options approved in the development plan.

1401.03 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 1402: Contiguity of Land and Project Ownership**

1402.01 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.

1402.02 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 1403: Permitted Principal Uses**

1403.01 Village, Township, County, State, and Federal Government Buildings for administrative functions and use by the general public.

1403.02 Art galleries, libraries, museums, memorials, monuments, and other public facilities.

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**ARTICLE 14: PLANNED COMMUNITY FACILITIES DISTRICT (PCF)**

- 1403.03 Primary and secondary public, private, or parochial schools; Nursery schools and other educational facilities.
- 1403.04 General and special hospitals and clinics, convalescent centers, institutions for the care of children or senior citizens.
- 1403.05 Senior citizen retirement, residential and congregate care centers.
- 1403.06 Churches and places of worship as regulated by Section 1706.
- 1403.07 Government Recreational Facilities such as parks, recreation fields and playgrounds, lakes, nature preserves, cemeteries, and similar Open Space facilities, and
- 1403.08 Private Recreational Facilities as regulated by the following:
- A) Minimum lot area for an indoor private recreational facility shall be no less than five (5) acres.
  - B) Setbacks:
    - 1) Front: 100 feet for structures and 75 feet for parking;
    - 2) Rear: 75 feet; and
    - 3) Side: 75 feet.
  - C) Driveways and parking areas shall be at least fifty (50) feet from any adjacent parcels where residences are a permitted Use.
  - D) Where a landscaped screen is not already required adjacent to another parcel, one (1) deciduous tree shall be provided for every forty (40) feet of parking lot boundary and loading/unloading area, plus a three (3) foot average height continuous planting, hedge, Fence, Accessory Wall, or earth mound. The same parking lot perimeter screening shall also be provided adjacent to the public Right-of-Way. At least one (1) tree per five thousand (5,000) square feet of parking area shall be provided within the parking lot.
  - E) Lighting - No exterior lighting shall be positioned so as to extend glare on adjacent property or public Right-of-Way.
  - F) Limitation on Use - All activities shall be conducted entirely within an enclosed Building.
  - G) Parking - All such Uses shall provide the total number of spaces required of the specific combination of recreation facilities provided, based on the following:
    - 1) Auditoriums, arenas, stadiums, and gymnasiums: One (1) space for every four (4) seats capacity;
    - 2) Recreation centers: One (1) space for every two hundred fifty (250) square feet of floor space except those designed for use exclusively by senior citizens, or youth under age sixteen (16), in which case there shall be one (1) space for every seven hundred fifty (750) square feet;
    - 3) Skating rinks: One (1) space per three hundred (300) square feet of gross Floor Area;
    - 4) Swimming Pools: one (1) space for every seventy-five (75) square feet of water surface;
    - 5) Tennis, racquetball and handball courts: Four (4) spaces for each playing court; and
    - 6) All recreational Use shall provide, in addition to the above standards, one (1) space for every two (2) employees on the largest work shift.
  - H) Accesses and Traffic Impact - Access shall be from an arterial street or commercial collector or shall be provided in a manner that does not cause heavy traffic on residential streets.

**Section 1404: Permitted Accessory Uses**

- 1404.01 Accessory Uses, Accessory Buildings, or other Accessory Structures as defined herein customarily incidental to any previously stated permitted Use, including smaller Structures such as pump stations.
- 1404.02 Bulletin Boards and Signs as regulated by Article 18.
- 1404.03 Residences for custodians or guards.
- 1404.04 Internal food service operated to accommodate the permitted Principal Use without any external advertising or signage.

**Section 1405: Conditional Uses – None**

**Section 1406: General Requirements**

No Certificate of Zoning Compliance shall be issued in a Planned Community Facilities District until the applicant shall have certified in their development plan that:

- 1406.01 The proposed Buildings or Use shall be located on a major arterial or collector street so as to generate a minimum of traffic on local streets. Elementary schools and playgrounds or parks intended for neighborhood use may, however, be located on local streets.
- 1406.02 The proposed Buildings or Use shall be located properly in accordance with this Article.
- 1406.03 The location, design, and operation of the Community Facility shall not impose undue adverse impacts on surrounding residents.
- 1406.04 One or more Buildings or permitted Uses may be placed on a Lot, however the maximum square feet of first Floor Area for all Buildings on a site shall be determined by the ratio of: Maximum first floor Building area in square feet = lot size in acres x 7,500 sq. ft.
- 1406.05 If multiple Buildings are constructed on a site there shall be a minimum of twenty (20) feet separating them.
- 1406.06 The maximum height for any Structure in this District with a 6/12 roof pitch or greater shall not exceed thirty-five (35) feet, with less than a 6/12 roof pitch, thirty (30) feet.
- 1406.07 Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the applicant showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces, and service areas. All parking and loading areas shall conform to the requirements of Article 19.
  - A) Planned Community Facilities Districts less than twenty (20) or more acres in area shall have direct access to one (1) arterial street.
  - B) Planned Community Facilities Districts of twenty (20) or more acres in area shall have direct access to one (1) arterial street and to one (1) collector street and/or two (2) access points on an arterial street.
- 1406.08 Parking areas shall be adequately lighted. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any adjoining property or upon any public street.
- 1406.09 Applicant shall submit a letter from the Genoa Township Fire Chief certifying that all applicable fire codes have been met and that the equipment of the Genoa Township Fire Department as well as that of those departments which provide mutual aid to the township are able to maneuver throughout the site.
- 1406.10 All premises shall be furnished with all weather 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.
- 1406.11 All Signs shall conform to the requirements of Article 18.

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**ARTICLE 14: PLANNED COMMUNITY FACILITIES DISTRICT (PCF)**

- 1406.12 At least forty percent (40%) of the gross acreage shall be reserved as Open Space, as defined herein. In computing the amount of Open Space, entrance features, road Rights-of-Way of all types, paved vehicular areas including parking areas and driveways shall be excluded.
- 1406.13 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.
- 1406.14 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) Parking spaces and loading areas shall be provided in accordance with Article 19.
- 1406.15 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.
- 1406.16 Walkways –All walkways shall be constructed of a suitable, dust free, hard surface material. Mulch or other similar surfaces may be permitted for walking trails in areas the Zoning Commission feels are appropriate.
- 1406.17 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 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.
- 1406.18 Landscaping – All nonresidential Use areas shall be landscaped. The developer shall submit a conceptual landscaping plan to be reviewed as part of the development plan. All areas shall be seeded or sodded in accordance with the approved development plan before a Certificate of Zoning Compliance is issued.

Failure of property owners or users to comply with any of the Required Conditions will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

**Section 1407: Prohibited Uses**

- 1407.01 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.
- 1407.02 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 so as not to be visible from any adjoining property or public road.

**GENOA TOWNSHIP ZONING RESOLUTION  
ARTICLE 14: PLANNED COMMUNITY FACILITIES DISTRICT (PCF)**

1407.03 Except as specifically permitted by Section 1702 and Section 1707 no Mobile Home or mobile office shall be placed or occupied in this District.

1407.04 Adult Entertainment and Adult Entertainment Facilities are prohibited.

**Section 1408: Dimensional Requirements**

Minimum Setbacks and side and rear yard requirements will be according to the following table; shall be the highest Setback required by Zoning Districts on either side or directly across the street.

	RR	SR	PRD/PRD-V	PCD	LI/PID	CB	PCF
Front Parking	75 feet			30 feet			
Front Driveway	75 feet	50 feet	30 feet	30 feet			
Side Parking & Drive	25 feet			6 feet			
Rear Parking & Drive	75 feet			6 feet			
Building, Front	75 feet			100 feet existing, 50 feet new roads	50 feet		
Building, Side	Note A			25 feet			
Building, Rear	Note B			25 feet			

Note A: Setback equals one-fourth (1/4) of the sum of the height of the Structure plus the length of the wall most nearly parallel to the Side Lot Line. In no case shall the Setback be less than twenty-five (25) feet.

Note B: Setback equals one-fourth (1/4) of the sum of the height of the Structure plus the length of the wall most nearly parallel to the Rear Lot Line. In no case shall the Setback be less than fifty (50) feet.

**Section 1409: 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:

1409.01 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 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,

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 14: PLANNED COMMUNITY FACILITIES DISTRICT (PCF)**

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; and
- P) A fee as established by the Township Trustees.

1409.02 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 Community Facilities District (PCF);
- 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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**ARTICLE 14: PLANNED COMMUNITY FACILITIES DISTRICT (PCF)**

- 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 the development standards in Sections 1403 and 1406 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.

1409.03 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 1410: 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.

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 14: PLANNED COMMUNITY FACILITIES DISTRICT (PCF)**

**Section 1411: Final Development Plan General Requirements**

The Final Development Plan submitted shall support the following requirements:

- 1411.01 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.
- 1411.02 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 1413.
- 1411.03 Land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in Use.
- 1411.04 The proposed change to a Planned Development District is in conformance with the standards, objectives, and policies of the Genoa Township Comprehensive Plan.
- 1411.05 The site must have direct access to a major street without creating traffic on minor residential streets outside the District.
- 1411.06 Existing and proposed utility services are adequate for the proposed development.
- 1411.07 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.
- 1411.08 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.
- 1411.09 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 1412: 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 1413: 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.

- 1413.01 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 1409.02 (L).

- 1413.02 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 1414: Subdivision Plat and Subdivision Regulations**

- 1414.01 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.

- 1414.02 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.
- 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 1416 are followed.

**Section 1415: 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 1416: Extension or Modification of Final Development Plan**

- 1416.01 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.

- 1416.02 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.

- 1416.03 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;

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- 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 1417: Enforcement**

- 1417.01 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.
- 1417.02 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.
- 1417.03 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.

## ARTICLE 15: LIGHT INDUSTRIAL DISTRICT (LI)

### Section 1501: Intent and Purpose

The intent of the Light industrial District is to provide within Genoa Township areas for Industrial establishments which are pleasant, safe and convenient to the Township. The district is to be applied to areas currently served by central sewer wastewater treatment plants operated by the Delaware County Sanitary Engineer and by central water and other Essential Services.

### Section 1502: Permitted Principal Uses

- 1502.01 The manufacturing, compounding, processing, assembling, packaging or treatment of goods, materials and products not involving operations which are obnoxious or offensive by reason of odor, dust, smoke, gas fumes, noise, refuse matter or vibration are permitted. Uses include, but are not limited to, articles or products from the following previously prepared or treated materials: bone, canvas, cellophane, clay, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious stone or metal, sheet metal, shell,, textiles, tobacco, wax, wire and wood.
- 1502.02 Any industrial activity, such as the examples listed herein, which fulfills all the requirements of the other sections of this Article:
- A) The manufacturing or assembling of medical, dental, optical and similar precision instruments; musical instruments, novelties, toys, rubber products; orthopedic or medical appliances; watches and clocks;
  - B) Machine shops and tools and die shops;
  - C) Manufacturing, assembling or repairing of electrical and electronic products, components and equipment;
  - D) Compounding, processing and packaging of meat, dairy and food products, exclusive of slaughtering;
  - E) Compounding processing, and packaging of chemical products, but not including any materials which decompose by detonation;
  - F) Automobile service stations as regulated by the following:
    - 1) The selling and dispensing of petroleum fuel primarily to passenger vehicles;
    - 2) Accessory Uses as the sale and installation of lubricants, tires, batteries, accessories and supplies, incidental washing and polishing tune-ups and brake repair;
    - 3) No outdoor dismantling, wrecking or storage of automotive vehicles, parts, or accessories shall be permitted; and
    - 4) No Outdoor Storage or rental of trucks, trailers, or passenger vehicles shall be permitted.
  - G) Awning company;
  - H) Bakeries, wholesale;
  - I) Beverage distributors manufacturing, bottling plants;
  - J) Carpenter and cabinet shops;
  - K) Carpet and rug cleaning plants
  - L) Commercial radio and television transmitting stations, antenna towers and other electronic equipment requiring outdoor towers;
  - M) Restaurants with or without drive-in and/or drive-through services;
  - N) Electric supply company;

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- O) Equipment rental, sales and service, including automobiles, trucks and trailers;
- P) Fence company;
- Q) Glass distributors;
- R) Labor union meeting halls;
- S) Laundries, dry-cleaning plants and linen supply;
- T) Mail order houses;
- U) Monument sales and finishing;
- V) Offices;
- W) Printing, publishing, binding and typesetting plants;
- X) Research and engineering laboratories;
- Y) Sign painting and manufacturing;
- Z) Sales establishments for building materials and lumber yards; or
- AA) Warehouses or storage in bulk for: clothing, cotton, drugs, dry goods, feed, food, fuel, furniture, hardware, ice, machinery, metals, paint, paint materials, pipe, rubber, shop supplies, soil stabilizer, tobacco, wool.

1502.03 Outdoor Storage which shall be wholly enclosed by a continuous visual and mechanical barrier eight (8) feet in height. Material so stored shall not extend over or project above such enclosure.

**Section 1503: Permitted Accessory Uses**

- 1503.01 Accessory Uses, Buildings or other Structures customarily incidental to any aforesaid permitted Use.
- 1503.02 Off-Street parking and loading spaces as regulated by Section 19.
- 1503.03 Signs as regulated by Article 18.

**Section 1504: Conditional Uses**

The following Uses shall be permitted only in accordance with this Section, the requirements of Article 3, the supplemental regulations specified in Article 17, and the regulations specified in Article 18.

- 1504.01 Temporary Uses specified in and regulated by Section 1707.

**Section 1505: Required Standards**

No Certificate of Zoning Compliance shall be issued for any Use in a Light Industrial District until the applicant shall have certified to the Genoa Township Development & Zoning Office that:

- 1505.01 The industrial activity will be conducted wholly within a completely enclosed Building, except for automobile service stations; drive-in restaurants; equipment rental, sales and service, including automobiles, trucks and trailers;
- 1505.02 All parking and loading areas shall conform to the requirements of Article 16 and 19.
- 1505.03 All signs shall conform to the requirements of Article 18.
- 1505.04 Total land occupancy by all Buildings and impervious surfaces in an Industrial Warehouse Planned Development shall not exceed seventy-five percent (75%) of the area of the tract.
- 1505.05 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.

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- 1505.06 Noise from any operation conducted on the premises either continuous or intermittent, shall not disturb any neighboring residential uses.
- 1505.07 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 industry involved shall be taken.
- 1505.08 The emission of smoke or other air pollutants and dust borne by the wind shall be kept to a minimum by appropriate Landscaping, paving or other acceptable means.
- 1505.09 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.
- 1505.10 There will be no vibrations that can be detected without the use of instruments at or beyond the Lot Lines.
- 1505.11 Where the property lines separate a Light industrial District from a residentially used property or portion thereof, a visual and mechanical barrier, a minimum of five and one-half (5 ½) feet in height and a maximum of eight (8) feet in height, shall be provided along the common Lot Line as regulated by Article 20.
- 1505.12 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 the Industrial Warehouse development.
- 1505.13 Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public street.
- 1505.14 No Building or Structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- 1505.15 No raw materials shall be processed into any kind of the following basic products; metals of any kind, glass, plastic, textiles, leather or paper.
- 1505.16 All premises shall be furnished with all-weather hard surface walks of a materials 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.
- 1505.17 The storage, utilization and manufacture of solid, liquid and gaseous chemicals and other materials shall be permitted subject to the following conditions:
- A) The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted; but only if said materials or products are stored, utilized or manufactured within completely enclosed Buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
  - B) All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective device s against hazards of fire and explosions, as well as with adequate fire-fighting and suppression equipment and devices standard to the industry involved.
  - C) The storage, utilization or manufacture of pyrophoric and explosive powders and dusts, and of materials and products that decompose by detonation is prohibited.
  - D) The manufacture of flammable liquids or materials that produce flammable or explosive vapors or gases is prohibited.
  - E) The storage and utilization of flammable liquids or materials that produce flammable or explosive vapors or gases shall be permitted on any Lot in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State

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Fire Marshal for the Manufacture, Storage, Handling, Sale and Transportation of Flammable and Combustible Liquids”.

- 1505.18 The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in strict conformance with;
- A) The applicable regulations of any federal, state and/or other regulatory agency; and
  - B) The applicable regulations of any instrumentality of the State of Ohio. Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.
- 1505.19 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.
- 1505.20 Parking and Loading Areas
- A) All automobile parking lots shall be screened from adjoining streets and adjoining residential properties in accordance with Article 20.
  - B) No parking lot shall be closer than twenty-five (25) feet from the edge of the contiguous street Right-of-Way in a Planned Industrial-Warehouse 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.
  - C) Parking spaces and loading areas shall be provided in accordance with Article 19.
- 1505.21 Streets – All streets, including private streets shall conform to specifications as set forth in the Delaware County Subdivision Regulations.
- 1505.22 Walkways – All walkways shall be constructed of a suitable, dust free, hard surface material.
- 1505.23 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 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.
- 1505.24 Landscaping – All yards, front, side, and rear shall be landscaped. All areas where buildings, parking or walkways are not present shall be seeded or sodded with grass before a Certificate of Zoning Compliance is issued.

Failure to comply with any of the Required Standards by property owners or users shall be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

**Section 1506: Prohibited Uses**

- 1506.01 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.
- 1506.02 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.

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- 1506.03 No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the Front Building Line of any Lot within this District. If a Structure is located on the tract of land or lot the Building Line shall be considered to be the front wall of the Structure, even if said Structure is located behind the minimum Building Line established by this code or the restrictions on the plat or deed.
- 1506.04 Except as specifically permitted by Section 1707, no Mobile Home or mobile home office Structure shall be placed or occupied in this District.
- 1506.05 Adult Entertainment and Adult Entertainment Facilities are prohibited.
- 1506.06 Homes for adjustment and institutions as herein defined under Residential Care Facilities are prohibited.

**Section 1507: Dimensional Requirements**

In addition to any other provisions of this Resolution, all lands and Uses within a Light Industrial District shall be developed in strict compliance with the standards hereinafter established:

- 1507.01 Minimum lot area: Two (2) acres;
- 1507.02 Minimum lot Frontage: Except as hereinafter set forth, all Lots or parcels shall have two hundred (200) feet Frontage, which shall not be decreased at any point forward of the Building Line of the Principal Building located on the premises;
- 1507.03 Minimum Corner Lot Frontage: One hundred (100) feet on each street;
- 1507.04 Minimum front yard depth: No Building shall be located closer than one hundred and fifty (150) feet to any street Right-of-Way;
- 1507.05 Minimum side yard width, each side: No Principal Building or Structure shall be located closer than twenty-five (25) feet to any Side Lot Line;
- 1507.06 Minimum rear yard depth: No Principal Building or Structure shall be located closer than fifty (50) feet to the Rear Lot Line;
- 1507.07 No Building shall be located closer than one hundred (100) feet from a residential District boundary line;
- 1507.08 Building Height limits: No Building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the Structure. No Aerial Antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line less ten (10) feet of said tract; and
- 1507.09 Lot Coverage: On no lot or parcel in this zoning District shall Buildings be constructed which cover more than thirty-five percent (35%) of the lot area.

**GENOA TOWNSHIP ZONING RESOLUTION  
ARTICLE 15: LIGHT INDUSTRIAL DISTRICT (LI)**

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## **ARTICLE 16: GENERAL DEVELOPMENT STANDARDS**

### **Section 1601: Intent and Purpose**

The following general regulations are applicable to all zoning Districts within Genoa Township unless otherwise stipulated or modified by the requirements of a specific zoning District.

### **Section 1602: Street Frontage Required**

No new Lot shall be created nor shall any Building be erected upon a Lot which does not possess its own access drive and the required minimum Frontage upon a public or an approved private street or Common Access Drive (CAD) established for the District in which such Lot is located.

### **Section 1603: Corner Lots**

On a Corner Lot the Principal Building and all Accessory Structures shall be required to have the same Setback distance from all street Right-of-Way lines as required for the front yard in the District in which such Structures are located. The minimum required setback from all other property lines shall be equal to that of the minimum Side Yard required within the relevant zoning district. There shall be no required Rear Yard on a corner lot.

### **Section 1604: Common Access Drives**

A Common Access Drive may be permitted if approved by the Delaware County Regional Planning Commission.

### **Section 1605: Access Drives and Appurtenant Structures**

All private access drives and necessary or related appurtenant Structures shall conform to the following requirements:

- 1605.01 Private access driveways for individual Lots that terminate at a length greater than eighty (80) feet from a public street shall be not less than twelve (12) feet in width and shall be constructed over an aggregate base of ten (10) inches or other depth as necessary to support the weight of service and emergency vehicles.
- 1605.02 Private access driveways for individual Lots with a travel length over four hundred (400) feet shall be designed to provide widened paved passing areas at least fifteen (15) feet in width and sixty (60) feet in length at intervals not more than three hundred (300) feet in distance from each other.
- 1605.03 All culverts, bridges, and similar drainage facilities constructed as integral components of access drives shall be certified by a professional engineer in writing that good engineering practices have been utilized in their design and construction and that such Structures meet current standards as necessary to protect the public safety and general welfare.
- 1605.04 Gates erected across an access drive, or across any part of a property's ingress/egress and/or incorporated in an entrance feature of any property shall provide manual or automatic release mechanisms for emergency vehicle access. Electronically or manually locking gates that cannot meet the above requirements are prohibited. Fire Department approval shall be obtained before any installation of a gate.

### **Section 1606: Principal Buildings per Lot**

No more than one Principal Building or Structure may be constructed upon any one Lot for the purposes of this Resolution. The construction of more than one Principal Building or Structure upon any one Lot shall require a Variance from the Board of Zoning Appeals.

### **Section 1607: Reduction of Area or Space**

No Lot, yard, court, parking area, or other space shall be reduced in area or dimension thus making said area or dimension less than the minimum required by this Resolution. If said area or dimension is already less than the minimum required by this Resolution it shall not be further reduced.

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No part of a yard, court, parking area, or other space provided for any Building or Structure for the purpose of complying with the provisions of this Zoning Resolution shall be included as part of a yard, court, parking area or other space required under this Zoning Resolution for another Building or Structure.

**Section 1608: Architectural Projections Into Required Yards**

All architectural projections shall be in accordance with the following provisions:

- 1608.01 Sills, pilasters, cornices, eaves, gutters, and other similar architectural features, may project into any required yard Setback a maximum of twenty-four (24) inches. However, nothing may project into any No Build or No Disturb Zone.
- 1608.02 Unroofed Porches, decks and steps may extend from the Dwelling into the required front and rear yard a maximum of ten (10) feet. Open Structures such as roofed Porches, patios, canopies, balconies, and carports, shall be considered parts of the Building to which Attached and shall not project into any required yard.
- 1608.03 No Structure may project into a required side yard except in the case of a single Nonconforming Lot of record, which is of insufficient width to meet the side yard requirements of this Resolution. The Board of Zoning Appeals may grant a minimum specified Variance to permit the construction of a single-family residence in such a case.
- 1608.04 Window wells may extend into a required side yard provided that the well is covered with a hard surface and the well is no closer than six (6) feet to any adjoining property line.

**Section 1609: Accessory Structures**

- 1609.01 All Accessory Buildings shall be in conformity with the following provisions:
  - A) No Accessory Building shall be erected within any required Front Yard Setback of the Principal Building.
  - B) No Accessory Building shall be located within fifteen (15) feet of any Side or Rear Lot Line or when the required Side Lot Line for the Principal Building on that property is less than fifteen (15) feet the Accessory Building may be located at that reduced setback.
  - C) The maximum number of permitted Accessory Buildings per parcel shall be one (1) plus one (1) for each full acre of parcel size, but in no case shall exceed five (5) Accessory Buildings on a parcel.
  - D) The maximum height shall not exceed twenty-two (22) feet on a parcel under three (3) acres in size. On parcels three (3) acres or larger, the maximum height shall not exceed thirty-five (35) feet.
  - E) The maximum size of Accessory Building(s) shall not exceed the maximum permitted building coverage within the zoning district.
  - F) No Accessory Building within any district shall be used for human occupancy except as a permitted Conditional Use if specified within a district.
- 1609.02 All Accessory Structures, not otherwise regulated, shall be in conformity with the following provisions, except those specifically listed in Section 109:
  - A) No Accessory Structure shall exceed twelve (12) feet in height or be located in an easement, Front Yard or in a required Setback for an Accessory Building, according to Section 1609.01, unless specifically permitted.
  - B) A mechanical Structure, such as a generator, air conditioning unit or similar structure is permitted in a Rear or Side Yard, if the unit is at least fifteen (15) feet from any adjoining property.
  - C) A propane tank is permitted in a Side or Rear setback if it is at least six (6) feet from any adjoining property and entirely screened from view from adjoining properties.

- D) An outdoor fireplace, pit or permanently-sited grill is permitted in a required Rear Yard provided it is no closer than fifteen (15) feet from any property line.
- E) Solar panels shall be constructed so as to not protrude more than two (2) feet above the roofline of a building on which they are mounted, not to exceed the maximum building height.

**Section 1610: Outdoor Storage and Waste Disposal**

All Outdoor Storage and waste disposal shall be in accordance with the following provisions:

- 1610.01 Highly flammable or explosive liquids, solids, or gases shall not be stored in bulk above or below ground in any residential District.
- 1610.02 The storage of hazardous or toxic materials shall not be permitted without documented approval by the Ohio Environmental Protection Agency.
- 1610.03 Materials or wastes which might cause fumes or dust, which constitute a fire hazard, or which may be edible or attractive to rodents or insects shall be stored outdoors only in closed containers constructed of impervious material.
- 1610.04 No materials or wastes shall be deposited upon a Lot in such form or manner that they may be transferred off the Lot by wind, flood, or natural causes or forces.

**Section 1611: Objectionable, Noxious or Dangerous Uses, Practices or Conditions**

No land or Building in any District shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious or objectionable, or which otherwise adversely affect surrounding areas or adjoining premises. Specifically the occupation or use of any land or Building in any District shall be in violation of this Resolution if one or more of the following conditions is found to exist at any time:

- 1611.01 The storage or accumulation of trash, garbage, refuse and other debris (including, without limitation, discarded household goods, discarded commercial products, discarded building materials, discarded industrial by-products, discarded brush and other vegetation and other similar materials) shall be a Nuisance per se and shall be prohibited excepting trash, garbage, refuse and debris that is completely enclosed within an appropriate container and placed at an assigned location for regularly scheduled pick-up. In all cases, there shall be full compliance with all applicable zoning District standards.
- 1611.02 The storage or accumulation of Junk, Junk Vehicles, vehicle parts and other similar debris shall be a Nuisance per se and shall be prohibited excepting the Outdoor Storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days provided such vehicles are completely enclosed within a Building so as not to be visible from any adjoining property or public road. In all cases there shall be full compliance with applicable zoning District standards.
- 1611.03 Noise or vibration which, at the property line of the property on which such noise or vibration is produced, exceeds the level that is normally perceptible from other activities in the area shall be prohibited.
- 1611.04 Direct or reflected glare that adversely affects neighboring areas or interferes with safety on any public street, road or highway shall be prohibited.
- 1611.05 All construction and maintenance within Genoa Township shall be accomplished in a manner consistent with maintenance of good surface drainage
  - A) Modifications to property shall not create adverse impacts on off-site drainage.
  - B) Every reasonable effort shall be made to ensure that proper drainage on the subject property and adjacent or servant properties is maintained or improved.

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- C) In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.
  - D) All buildings over two hundred (200) square feet in Floor Area shall contain gutters and downspouts adequate to handle all rainwater discharged from the roof of the building.
  - E) Downspouts and pumps shall be either connected to a storm water outlet or discharged to a location that will not create surface water runoff.
- 1611.06 Storage of firewood, mulch and other similar products or materials in a Planned Residential District must not be in the Front Yard or within ten (10) feet of an adjoining property and such materials shall not be stored outdoors for more than six (6) months. Storage of such materials shall be orderly or entirely screened from view from other ;properties.
- 1611.07 Maintenance of buildings shall ensure boarded doors or windows are painted consistent with the color of the building.

**Section 1612: Insecure, Unsafe or Structurally Defective Buildings or Structures**

Any Building or Structure declared unfit for human habitation in any zoning District by the Board of Health or any Building or Structure in the township declared insecure, unsafe, or structurally defective by the Township Fire Department, the County Building Department or other authority responsible under Chapter 3781 of the Ohio Revised Code for the enforcement of building regulations shall be removed or repaired to a safe and structurally sound condition. The enforcement shall be accomplished through the procedures outlined in Section 505.86 of the Ohio Revised Code.

**Section 1613: Off-Road Motorized Vehicles**

The operation of Off-Road Motorized Vehicles including but not limited to all terrain vehicles, snowmobiles, and motor bikes, are a Nuisance per se when operated in such a manner that causes excessive noise, loss of protective vegetation, damage to property or loss of wildlife habitat. Accordingly, to protect the health, safety and welfare of Genoa Township residents such vehicles shall be operated only in conformance with the following standards:

- 1613.01 No Off-Road Motorized Vehicle shall be operated on private property without the consent of the owner.
- 1613.02 No Off-Road Motorized Vehicle shall be operated in any public park, wildlife preserves, or forest preserve unless a designated trail is provided and marked as such.
- 1613.03 Erosion shall be physically controlled and detained on-site.

**Section 1614: Water Impoundments**

All water impoundments such as ponds, lakes or swimming pools shall be constructed and developed so that no such impoundments are located between a principal structure and the edge of the contiguous road Right-of-Way line within any District.

**Section 1615: Utilities**

- 1615.01 Planned Developments shall have an adequate source of potable water. All water lines constructed within a Planned Development shall be the financial responsibility of the owner or developer.
- 1615.02 No construction of Buildings within any segment of a Planned Development shall be commenced until after the extension of sanitary sewage lines or approved sanitary treatment facilities required with alternative sewage disposal systems have been completed.
- 1615.03 The following utility equipment shall be provided, constructed and installed underground within a Planned Development: gas lines, sanitary and storm sewer lines, water lines, electrical lines, telephone lines, and cable television lines.

- 1615.04 All utility systems shall be located and designed in such a manner and method as to preserve the natural features of the land such as streams, rock outcropping, topsoil, trees and shrubs and the same shall be incorporated into and with the Landscaping of said lands.
- 1615.05 Easements across Lots or centered on Rear or Side Lot Lines shall be provided for utilities where necessary and shall be of adequate width to facilitate the proposed usage.

**Section 1616: Height Requirements**

No Principal Building shall exceed thirty-five (35) feet in height, as defined herein.

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 16: GENERAL DEVELOPMENT STANDARDS**

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## **ARTICLE 17: SPECIAL AND MISCELLANEOUS USES**

### **Section 1701: Intent and Purpose**

The following regulations are applicable to the districts within which they are specified unless otherwise stipulated or modified by the regulations within a specific zoning District.

### **Section 1702: Temporary Conditional or Accessory Uses**

The following Uses are deemed temporary in nature and are subject to the specific conditions and time limitations that follow and to the regulations of any District in which such Use is located. In addition any Use listed within this Section may be conditionally permitted only upon a finding by the Board of Zoning Appeals that such a Use complies with the requirements of Article 3.

- 1702.01 Carnivals, circuses, tent meetings, bazaars, political rallies, festivals, art shows, or other similar public events may be conditionally permitted upon church, school or other similar sites within any District. Prior to the issuance of a temporary Conditional Use Permit the written consent of at least fifty one percent (51%) of the owners of all residentially used property within one thousand (1000) feet of the property lines of the Temporary Use site must be obtained. Written consent of the various property owners shall be filed by the applicant at least ninety (90) days prior to the scheduled event.
- 1702.02 The temporary placement of a Mobile Home upon a Lot which already contains a residential Structure may be permitted where the Board of Zoning Appeals finds that special circumstances or conditions such as fires, windstorms, or other similar events which are fully described in the findings of the Board, have existed so that the use of a temporary residential Structure is necessary in order to prevent exceptional hardship to the applicant, provided that such a Temporary Structure does not represent a hazard to the safety, health, or welfare of the community.
- 1702.03 An applicant for a temporary Conditional Use Permit must produce a written statement from the Delaware County Health Department approving the water supply and wastewater disposal system of the temporary Mobile Home location. Such permit may be initially issued for nine (9) months, renewable for up to an additional three (3) months for all permits, not exceeding a total of twelve (12) months.

### **Section 1703: Kindergartens**

Kindergarten facilities may be permitted in specified Districts provided the following conditions are met:

- 1703.01 The Building occupied by the Use is compatible with neighborhood Structures in dimension, size, and architecture.
- 1703.02 There shall be an outdoor play area of eighty five (85) square feet or more per child.
- 1703.03 Such play area shall be enclosed with a chain link Fence or its equivalent in strength and protective character to a height of five (5) feet to control accessibility of children to adjoining hazardous conditions such as streets, ponds, etc., or adjacent yards.
- 1703.04 A drop-off area is provided so that children do not have to walk through the parking lot to enter the facility.
- 1703.05 Parking spaces are provided as specified in Section 1904.

### **Section 1704: Residential Care Facilities**

Selected Residential Care Facilities providing resident services for the care and/or rehabilitation of individuals who require protective supervision within a residential environment shall be conditionally permitted in designated residential Districts only in accordance with the following provisions:

- 1704.01 With the exception of Foster Homes no more than two (2) Residential Care Facilities of any type may be permitted in any one (1) census tract within Genoa Township.

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 17: SPECIAL AND MISCELLANEOUS USES**

- 1704.02 Foster Homes for children or adults who for various reasons cannot reside with their natural family may be permitted within any residential Dwelling provided such homes possess a valid, appropriate license.
- 1704.03 Family Care Homes may be permitted as a Conditional Use within an adequately sized unattached residential Dwelling within any residential District provided that:
- A) The home shall possess a valid license from appropriate state and/or local agencies.
  - B) The home shall be required to meet the District regulations applicable to single-family residences within the District in which such home is located.
  - C) The home shall provide adequate off street parking for each resident and/or resident supervisor who is permitted to own or operate an automobile.
  - D) The Zoning Permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.
- 1704.04 Group Care Homes may be conditionally permitted within an adequately-sized unattached residential Dwelling within designated residential Districts subject to the following criteria:
- A) No Group Care Home may be permitted unless the agency supervising such a facility satisfies the Board of Zoning Appeals that the home complies with all state and/or local licensing requirements.
  - B) The home shall not be located closer than twenty thousand (20,000) feet to another Family Care Home or Group Care Home. Variances of more than ten percent (10%) of this requirement may not be considered.
  - C) The home shall be reasonably accessible, by reason of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.
  - D) Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable Floor Area for each occupant.
  - E) The operator or agency applying for a Conditional Use Permit to operate such a facility shall provide the Board of Zoning Appeals with a plan that documents the following:
    - 1) The need for the home in relation to the specific clientele served;
    - 2) A description of program objectives and the nature of other community-based residential social service facilities operated by such operator or agency; and
    - 3) A list of the licensing agencies' standards and the sponsoring agency's standards for the operation of the desired facility.
  - F) The home shall provide adequate Off-Street parking area for each resident supervisor and/or resident who is permitted to own or operate an automobile.
  - G) The proposed use of the site as a group care home shall be compatible with the present character of the neighborhood, considering noise, traffic, lights, exterior Alterations of the Structure, or other potentially offensive characteristics.
  - H) The Conditional Use Permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.
- 1704.05 Suitable space shall be provided for indoor and/or outdoor recreational activities for the clientele served, based upon generally accepted recreational standards or those specified by the licensing authority.

**GENOA TOWNSHIP ZONING RESOLUTION  
ARTICLE 17: SPECIAL AND MISCELLANEOUS USES**

- 1704.06 No exterior Alterations of the Structure shall be made which depart from the residential character of the Building. All new Structures proposed shall be of compatible residential design with the surrounding neighborhood, to the degree possible.
- 1704.07 All exterior lighting shall be in accordance with Article 21.
- 1704.08 In its review of each proposed facility, the Board of Zoning Appeals shall make specific findings of fact relative to the following criteria. Specifically the Board shall determine that the proposed facility:
- A) Is in fact a Residential Care Facility and, if required, is licensed by the appropriate authority to provide such service within the State of Ohio (and the respective jurisdiction);
  - B) Is in fact a needed facility in the location proposed, based upon evidence acceptable to the Board of Zoning Appeals;
  - C) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned Uses of the general vicinity and that such Use will not change the essential character of the same area. In this regard, it does not contribute to a concentration of such facilities in the respective area;
  - D) Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion or traffic generation which would be incompatible with the neighborhood environment;
  - E) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed Use shall be able to provide adequately any such services;
  - F) Will not involve Uses, activities and conditions of operation that will be detrimental to any persons, property, or the general welfare;
  - G) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
  - H) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- 1704.09 The Board of Zoning Appeals may issue a Conditional Use Permit for a period of one (1) year. At the completion of the one (1) year period, the Residential Care Facility operation shall be reviewed by the Board of Zoning Appeals. The Board of Zoning Appeals may extend the Conditional Use or deny the Conditional Use.

**Section 1705: Cemeteries**

The following standards shall apply to the development and construction of cemeteries within Genoa Township:

- 1705.01 The site proposed for a Cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a Thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of facility proposed.
- 1705.02 Any new Cemetery shall be located on a site containing not less than twenty (20) acres.
- 1705.03 Internment shall not be within three hundred (300) feet of a Dwelling, unless the owner of such Dwelling gives his consent, or unless the entire tract appropriated is a necessary addition to or enlargement of a Cemetery already in use, as further provided in Ohio Revised Code, Section 1721.03.
- 1705.04 A mausoleum shall not be within three hundred (300) feet of any property line.

**GENOA TOWNSHIP ZONING RESOLUTION  
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- 1705.05 A crematory or other Structure shall not be within one thousand (1,000) feet of any property line.
- 1705.06 Every Cemetery company or association shall cause a plat of its grounds and of the Lots laid out by it to be made and recorded or filed in the offices of the county recorder in accordance with Ohio Revised Code, Section 1721.09.
- 1705.07 All required yards shall be landscaped and maintained in good order. A plan for perpetual care of the grounds shall be required.

**Section 1706: Churches**

The following standards shall apply to the development and construction of churches and their Accessory Uses within Genoa Township:

- 1706.01 The minimum lot area shall be three (3) acres and the minimum Lot Width shall be three hundred (300) feet.
- 1706.02 The lot area shall be adequate to accommodate the required Off Street Parking Space requirements of the church in accordance with Article 19. In no event shall parking be permitted on adjacent streets or within a street Right-of-Way.
- 1706.03 The church Building shall be set back from any adjacent residential property line a distance equal to or greater than the height of the Structure exclusive of the steeple or spire or the Setbacks determined according to Section 1706, whichever is larger.
- 1706.04 The church lot shall be accessible to a major arterial street in a manner that does not require the passage of traffic through local residential streets.
- 1706.05 Accessory living quarters may be provided on the church lot as a Conditional Use subject to location, Density, and additional lot area requirements approved by the Board of Zoning Appeals, except in a Planned Community Facilities District where such facilities are permitted without Conditional Use approval.
- 1706.06 Accessory recreational uses may be provided on the church lot as a Conditional Use subject to approval by the Board of Zoning Appeals, except in a Planned Community Facilities District where such facilities are permitted without Conditional Use approval, provided that other applicable standards contained in Section 1711 and in other sections of the Resolution are met.
- 1706.07 Minimum Setbacks and side and rear yard requirements will be according to the following table; shall be the highest Setback required by Zoning Districts on either side or directly across the street.

	RR	SR	PRD/PRD-V	PCD	LI/PID	CB	PCF
Front Parking	75 feet			30 feet			
Front Driveway	75 feet	50 feet	30 feet 30 feet	30 feet			
Side Parking & Drive	25 feet			6 feet			
Rear Parking & Drive	75 feet			6 feet			
Building, Front	75 feet			100 feet existing, 50 feet new roads	50 feet		
Building, Side	Note A			25 feet			
Building, Rear	Note B			25 feet			

Note A: Setback equals one-fourth (1/4) of the sum of the height of the Structure plus the length of the wall most nearly parallel to the Side Lot Line. In no case shall the Setback be less than twenty-five (25) feet.

Note B: Setback equals one-fourth (1/4) of the sum of the height of the Structure plus the length of the wall most nearly parallel to the Rear Lot Line. In no case shall the Setback be less than fifty (50) feet.

- 1706.08 Lighting – All lighting shall be in compliance with Article 21.
- 1706.09 Temporary Signs – All signage shall comply with Article 18.

- 1706.10 Required Parking Plan – All parking shall comply with Article 19.
- 1706.11 Accessory private school Buildings associated with a church may be located on a church lot subject to a Conditional Use approval being granted by the Board of Zoning Appeals, except in a Planned Community Facilities District where such schools are permitted without Conditional Use approval, provided that said institution occupies not less than twenty (20) acres and adequate parking areas for faculty, staff, and students in accordance with Article 19. A site plan shall be prepared and submitted for consideration and shall provide screening adjacent to residential areas.

### **Section 1707: Temporary Uses**

The following regulations are necessary to govern the operation of certain Uses that are non-permanent in nature. Application for a Temporary Zoning Permit, where applicable, shall be made to the Zoning Inspector, containing a graphic description of the property to be utilized and a site plan, a description of the proposed Use, and sufficient information to determine yard requirements, Setback, sanitary facilities, and parking space for the proposed Temporary Use. The following Uses are deemed to be Temporary Uses and shall be subject to the specific regulations and time limits, which follow, and to the regulations of any District in which such use is located:

- 1707.01 Model Homes, the same being defined as residential-type Structures used as sales offices by a builder/developer and to display the builder/developer's product. The same may be furnished within, since its purpose is to display features (such as exterior siding treatments, roofing materials, interior trim, moldings, floor coverings, etc.) in the environment of a completed home, and may be staffed by the builder/developer's sales force. Model homes shall be subject to the following restrictions:
- A) Hours of operation: All model homes shall close by 9:00 p.m. during the Spring, Summer and Fall seasons, and by 8:00 p.m. during the winter season. No model home shall be open on Sunday before 12:00 noon.
  - B) Lighting: All exterior lighting must be "down lighting," so that absolutely no light shall be cast onto adjoining residential properties. All Off-Street Parking Spaces must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home, except that which is in character with those found on surrounding homes.
  - C) Parking: All model homes shall provide Off-Street paved Parking Spaces for the public. Such Off-Street paved parking shall be located contiguous to the model home. The parking lot shall be removed upon expiration of model home permit. The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) of the required parking spaces.
  - D) Screening and Trash Receptacles: Landscape drawings shall be required and shall show adequate Landscaping and screening from adjoining residential Lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.
  - E) Termination of Use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision shall be permitted for one (1) year, and may be granted for six-month extensions, but shall terminate when building permits reach ninety percent (90%) of the lots therein.
  - F) Signs: All model home signage shall comply with Article 18.
- 1707.02 Temporary offices including mobile offices for contractors and equipment sheds incidental to construction projects may be permitted within any District. The permit shall not be valid for more than one (1) year but may be renewed for six-month extensions if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Zoning Permit whichever occurs sooner.

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- 1707.03 The seasonal sale of agricultural produce grown on the premises may be permitted within any District when in compliance with Section 519.21 of the Ohio Revised Code. Such sales shall not extend for more than five (5) months in any calendar year and all Structures or Roadside Stands shall be removed at the conclusion of the seasonal sale. All such structures must be set back from the roadway pavement a minimum of thirty-five (35) feet and the site shall contain adequate Off-Street Parking Spaces so as not to create a traffic hazard and to provide for safe ingress and egress.
- 1707.04 Garage Sales may be permitted within any District in which Dwellings are permitted in accordance with the following standards:
- A) No person shall sell or offer for sale at a Garage Sale any merchandise that has been purchased, consigned, or otherwise acquired for purposes of resale. The offering of new merchandise for sale shall be prima-facie evidence that such merchandise was acquired by the resident for purpose of resale. The provisions of this paragraph shall not apply to corporations not for profit, churches, temples, schools, fraternities, sororities, associations, Clubs or lodges. Such organizations may conduct sales of personal property donated to them on real estate owned or occupied by such organizations.
  - B) Only one such sale may be conducted on any parcel of real estate in any six (6) month period, which sale shall be limited to not more than three (3) consecutive days or two (2) consecutive weekends of two (2) days each. No sale may extend later than sunset.
  - C) No Sign except advertising a Garage Sale may be displayed at any place except on the premises on which the sale is held. Only one (1) such Sign may be displayed. A maximum of three (3) directional Signs may be placed off the premises to direct the public to the sale. The display of such advertising and directional Signs shall be limited to the dates and hours during which the sale is held. Such Signs shall not be larger than four (4) square feet in display area, shall not be illuminated or animated, shall not be placed in a Right-of-Way of any public street or road, and shall not interfere or obstruct visibility when entering or leaving property.
  - D) Except as provided above, the provisions of this Section shall not apply to a sale of property publicized solely by classified newspaper advertising, which describes or identifies the specific property offered for sale and does not designate the date, hours, or location of the sale other than by stating name, address or telephone number of the seller.

**Section 1708: Home Occupations**

- 1708.01 The following standards shall govern Home Occupations as a permitted Use within Genoa Township.
- A) The owner of the premises must reside in the Dwelling Unit used for the Home Occupation.
  - B) No person or persons, other than the owners of the premises shall operate a Home Occupation.
  - C) Not more than one worker exclusive of the owners shall be employed in a Home Occupation at any one time.
  - D) All Home Occupations shall be conducted entirely within the Dwelling Unit, and the use of the Dwelling Unit for the Home Occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
  - E) Not more than twenty percent (20%) or four hundred (400) square feet of the gross Floor Area, whichever is less, of any Dwelling Unit shall be used for a Home Occupation.
  - F) Home Occupations shall not be permitted in any Accessory Building within any District.
  - G) There shall be no change in the outside appearance of the Building or premises, or other visible evidence of the conduct of such Home Occupation other than one Sign, not exceeding two (2) square feet in area, non- illuminated, and mounted flat against the wall of the Building in which the Home Occupation is located.

- H) There shall be no sale on the premises of commodities other than those produced as the result of the Home Occupation.
- I) No traffic shall be generated by such Home Occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such Home Occupation shall meet the Off-street parking requirements as specified in this Resolution, and shall not be located in a required front yard.
- J) Equipment or processes shall not be used in such Home Occupations which create noise, vibrations, glare, fumes, odors, or electrical interference detectable off the Lot. No equipment or process shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises.
- K) There shall be no increased burden placed upon existing public services provided to the residence as a result of a Home Occupation.

1708.02 A person may apply for a Conditional Use Permit for a Home Occupation that does not comply with the requirement of Section 1708.01. The criteria for the issuance of such a permit for a Home Occupation are as follows:

- A) There shall be no more than two (2) non-residential employees or volunteers to be engaged in the proposed Use;
- B) Sales of commodities not produced on the premises may be permitted provided that the commodities are specified in the application and are reasonably related to the Home Occupation;
- C) Outside storage related to the Home Occupation may be permitted if totally screened from adjacent residential Lots, provided the application so specifies;
- D) Not more than thirty percent (30%) of the gross Floor Area of any residence shall be devoted to the proposed Home Occupation;
- E) The external appearance of the Structure in which the Use is to be conducted shall not be altered and not more than one (1) Sign no larger than two (2) square feet shall be mounted flush to the wall of the Structure;
- F) Minor or moderate Alterations in accordance with other provisions of this Resolution may be permitted to accommodate the proposed Use but there shall be no substantial construction or reconstruction;
- G) No equipment process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation or electrical disturbances; and
- H) No more than two (2) additional parking places may be proposed in conjunction with the Home Occupation, which shall not be located in a required Front Yard.

**Section 1709: Swimming Pools**

1709.01 Swimming Pools, except for a pool for the occupants of a single-family Dwelling, shall comply with the following conditions and requirements:

- A) The pool and Accessory Structures thereto, including the areas used by bathers, shall not be closer than seventy-five (75) feet to any property line; and
- B) The swimming pool and all of the area used by bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. Said Fence or Accessory Wall shall not be less than six (6) feet in height and maintained in good condition.

1709.02 Loud speakers, juke boxes, public address systems and electric amplifiers shall be permitted only if the use of the same is solely for the occupants of the Building, and only if the equipment is

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installed within the Building and does not create a Nuisance and disturb the peace of other persons or properties in this or any other District.

- 1709.03 Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any other property or upon any public street.
- 1709.04 Off-street parking shall be provided in accordance with Article 19.
- 1709.05 Private accessory Swimming Pools for single-family Dwellings may be permitted in any District, provided the following provisions are met:
- A) The pool is intended solely for the enjoyment of the occupants and guests of the Principal Use of the property on which it is located;
  - B) It may not be located closer than ten (10) feet to any property line and may not encroach upon any required Front Yard, Side Yard, or any required on-site wastewater leaching areas;
  - C) The Swimming Pool shall be walled or fenced in order to prevent uncontrolled access by children from any street or adjacent property. Any such Fence shall not be less than four (4) feet in height and maintained in good condition with a gate and lock; and
  - D) Exterior lighting shall be shaded wherever necessary in order to avoid casting direct light upon any other property or any public street.

**Section 1710: Golf Courses**

All golf course facilities shall be in accordance with the following provisions in addition to any conditions required by the Board of Zoning Appeals:

- 1710.01 The hours of operation of the golf course shall be limited from dawn to dusk to prevent undue disturbance to neighboring uses.
- 1710.02 All maintenance equipment shall be stored in sheds or other Structures and away from view.
- 1710.03 No hole or green shall be located within two hundred (200) feet of an existing residential Structure unless otherwise approved as part of the development plan within a Planned Development District.
- 1710.04 The Board of Zoning Appeals may require fencing, Accessory Walls, Landscaping, earth mounds or other measures where it is determined that buffering or screening is necessary to manage land use conflicts and/or protect the public safety unless otherwise approved as part of the development plan within a Planned Development District.
- 1710.05 Parking area requirements shall conform to Article 19.
- 1710.06 The minimum Floor Area requirements for the clubhouse or management Structure shall be five thousand (5000) square feet.
- 1710.07 Any golf courses hereinafter constructed within designated areas of Genoa Township shall occupy not less than one hundred fifty (150) acres.

**Section 1711: Private Recreational Facilities – Outdoor**

- 1711.01 Minimum lot area for a private recreational facility shall be no less than six (6) acres.
- 1711.02 Setbacks:
- A) Front: 100 feet for structures and 75 feet for parking;
  - B) Rear: 75 feet;
  - C) Side: 75 feet;

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- D) All Structures and playing fields for outdoor recreation shall be located at least two hundred (200) feet and drives and parking areas shall be at least fifty (50) feet from any adjacent parcels where residences are a permitted Use; and
  - E) Where a landscaped screen is not already required adjacent to another parcel, one (1) deciduous tree shall be provided for every forty (40) feet of parking lot boundary and loading/unloading area, plus a three (3) foot average height continuous planting, hedge, Fence, Accessory Wall, or earth mound. The same parking lot perimeter screening shall also be provided adjacent to the public Right-of-Way. At least one (1) tree per five thousand (5,000) square feet of parking area shall be provided within the parking lot.
- 1711.03 All outdoor playing fields, courts and other similar outdoor recreation facilities must be secured at night to prevent unauthorized access. While no lighting will be permitted on any such outdoor recreation facility, security lights may be approved for any permanent facilities at the site.
- 1711.04 The maximum Density allowed on any parcel shall not exceed one (1) field for every five (5) acres.
- 1711.05 A minimum of thirty-five (35) parking spaces shall be provided for every field at the site. All parking areas shall be constructed in accordance with Article 19 of this Resolution.
- 1711.06 A minimum eight (8) foot high landscaped screen or combination mound and plant material with a ninety percent (90%) year round opacity shall be provided on any side of the site adjacent to parcels where Dwellings are a permitted Use. If a mound is used it shall be constructed with no more than a 4 to 1 slope. Mounds shall not be constructed to restrict the natural flow of surface water to or from the site.
- 1711.07 Permanent toilet facilities, connected to a sanitary sewer or other approved on-site disposal system, must be provided with the following minimum number of fixtures:
- Women - 5 toilets and 2 lavatories (minimum); and
  - Men - 1 toilet, 2 urinals and 2 lavatories (minimum).
- Additional fixtures must be added at the rate of three (3) for every two (2) fields over four (4) fields per site.
- 1711.08 Accesses and Traffic Impact
- Access shall be from an arterial street or commercial collector or shall be provided in a manner that does not cause heavy traffic on residential streets.

**Section 1712: Horse Care**

Private care of horses intended solely for the enjoyment of the occupants and guests of the Principal Use of the property and the boarding of horses may be permitted as a Conditional Use within designated Districts subject to the following conditions at a minimum:

- 1712.01 The Zoning Inspector may place a limit on the number of stock after consultation with the Delaware County Soil and Water Conservation District and the Delaware County Health Department. The limit shall be based upon the ratio of total acreage to the grazing requirements of horses, the method of feeding, and upon the method and frequency of waste disposal. As a general guide one horse for every two and one-half (2 ½) acres may be permitted.
- 1712.02 The owner or operator shall construct and maintain adequate fencing to contain the stock within the premises.
- 1712.03 The owner or operator shall utilize every reasonable means to minimize the number of insects, rodents or other vermin which may naturally be propagated as a result of operating the facility.
- 1712.04 Animal wastes shall be handled in such a manner as to eliminate or minimize the detection of offensive odors by surrounding property owners.

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- 1712.05 The areas around Buildings and in horse grooming and exercise areas shall be graded so that water does not stand in pools. The owner or operator shall employ every reasonable means of reducing the encroachment of dust upon surrounding properties.
- 1712.06 The location of all Structures shall be subject to approval by the Zoning Inspector and shall adhere to the required front, rear and side yard Setbacks of the zoning District. Buildings or stables shall be located a minimum of five hundred (500) feet from any existing Dwelling and a minimum of two hundred (200) feet from any Side or Rear Lot Line.

**Section 1713: Exotic Animals**

- 1713.01 The following restriction applies to all districts.
- 1713.02 No person shall own, harbor, keep, breed, sell or import any exotic animals or reptiles. The term "exotic animal or reptiles" shall mean wild animals/reptiles not indigenous to Ohio.
- 1713.03 Exemptions to Section 1713.01 and special provisions include:
- A) Exotic animals purchased or adopted and housed on the subject property prior to the adoption of this Zoning Resolution, provided a bill of sale or notarized statement which verifies the sale date is provided and that the exotic animal(s) is confined in a house, Building, or other enclosure in such a way that human contact, other than with the owner(s), cannot occur;
  - B) Wild animals held for exhibit or use by research institutions and other government agencies having legal authority to possess wild animals, publicly supported zoos, circuses, or extensions thereof; and
  - C) Any animal, which is commonly sold by a bona fide commercial pet shop.

## ARTICLE 18: SIGN STANDARDS

### Section 1801: Intent and Purpose

The intent of this Article is to provide a comprehensive system of Sign regulations for Genoa Township that recognizes the necessity and desirability of communication by outdoor Signs while promoting planned graphic signage systems that eliminate visual clutter and confusion within the physical environment. The purpose is to protect property values and the safety and general welfare of the public within Genoa Township by encouraging compatibility between the design and functional nature of the Sign and its location within the physical environment, thus reducing the propensity for traffic accidents and personal hazards caused by distractions, sight obstructions, and unsafe Structures.

### Section 1802: General Provisions and Safety Requirements

Prior to occupancy, each Building within Genoa Township shall be identified with street address numbers in numeral form.

Single-family homes shall be identified with reflective address numbers, not less than three (3) inches in height, posted on both sides of the mailbox for that Building. Address numbers may also be posted on the principal residential Structure. For residences located on a Common Access Drive, address numbers shall be located at the split of the drive and also at the street. Common Wall Single-Family Attached Units shall place the address on the fronts of the Building facing the street to show unit numbers contained within that Building. These addresses will also be located on the mailboxes.

Commercial Buildings shall be identified with street numbers not less than six (6) inches in height, which shall be posted on the Structure no more than three (3) feet from the main entrance. Large Buildings containing multiple units shall place the address on the fronts of the Building facing the street to show unit numbers contained within that Building. These addresses will also be located on the mailboxes.

All other Signs erected or located within Genoa Township shall be in conformance with the following requirements:

- 1802.01 Signs shall not be erected within nor project into any public Right-of-Way unless otherwise specified.
- 1802.02 Signs shall not prevent free ingress to or free egress from any door, window, or fire escape.
- 1802.03 Signs shall not obstruct free and clear visibility at any intersection.
- 1802.04 Signs shall not be located or designed so as to interfere with, obstruct the view of, or be confused with any authorized traffic control sign, signal, or device.
- 1802.05 Signs shall not make use of rotating, fluctuating, blinking, flashing, or intermittent lights.
- 1802.06 Signs shall not be posted, Attached, or otherwise applied to trees, bus shelters, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting Structure.
- 1802.07 Signs shall not be erected or located upon any property or Building without the consent of the owner(s) or an authorized representative.
- 1802.08 All lighting, indirect or internal, shall consist of constant illumination which is uniform in intensity. All lighting shall be properly directed so as to not create a Nuisance to surrounding properties because of glare.
- 1802.09 All Freestanding Signs shall be set back a minimum of ten (10) feet from the edge of the contiguous street Right-of-Way.
- 1802.10 No part of any Freestanding Sign shall exceed an above grade height of eight (8) feet.
- 1802.11 Wall Signs shall not extend above the junction of any roof and wall.

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- 1802.12 Signs shall not make use of the words "STOP," "LOOK," "DANGER," or other similar words that may mislead or confuse traffic.
- 1802.13 The date each temporary Sign is first displayed and the time period for which the temporary Sign will be displayed shall be legibly marked on the Sign.
- 1802.14 All temporary Signs shall be located at the site or location of the event being promoted.
- 1802.15 There shall be not more than three (3) types nor more than four (4) sizes of lettering used for any Sign including characters or trademarks used for identification.

**Section 1803: Signs (No Permit Required)**

The following Signs shall be permitted in Genoa Township. No Zoning Permit shall be required for any of the following types of Signs constructed or erected under the terms of this Article:

- 1803.01 Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies for the purpose of safety provided that such signs contain no supplementary advertising;
- 1803.02 Flags, emblems and insignia of any governmental agency or political subdivision;
- 1803.03 Historical signs, commemorative plaques, or corner-stones placed by recognized historical agencies, provided that such signs are less than nine (9) square feet in area and not illuminated;
- 1803.04 Address and name of occupant of premises for a residential Structure, not to include designations as to employment or Home Occupation, and to be limited in size to two (2) square feet; and
- 1803.05 Directional or other incidental signs pertaining to vehicular or pedestrian control on private property provided the said Signs are located outside the Right-of-Way of any public street or road, do not exceed two (2) square feet of area per side and do not interfere or obstruct visibility when entering or leaving said property.
- 1803.06 Temporary Signs
- A) Agricultural Product Signs – Signs identifying the sale of agricultural products such as vegetables, eggs, straw, hay, and seeds grown or produced upon the premises may be temporarily erected upon any Lot during the season in which they are available. The maximum Sign Area permitted for an agricultural product shall be six (6) square feet per side. All Signs shall be set back from the edge of the contiguous street Right-of-Way a minimum of ten (10) feet.
  - B) Community Event Signs – Community events and programs which last for a time period of fourteen (14) days or less and which are sponsored by nonprofit, public, educational, religious and charitable organizations may display four (4) Signs during the event for a time period of fourteen (14) days immediately preceding the commencement of the event. One Sign may be located at the site of the event provided it does not exceed twenty-four (24) square feet in size. All off-site Signs shall not exceed eighteen (18) square feet in size. Each Sign shall be placed at a different site and shall be removed not later than forty-eight (48) hours after the scheduled activity. If the program or event is for a continuing period of time in excess of fourteen (14) days, only one Sign, not larger than ten (10) square feet is permitted and such Sign must be located either at the site of the event or program or at the location of the sponsoring organization.
  - C) Temporary Real Estate Signs – Signs identifying a property for sale, for rent, or lease may be placed on-site until ten (10) days after the property has been closed, sold, rented, or leased. Real estate signs shall not exceed six (6) square feet in area per side. Such Signs shall not be illuminated and shall be set back at least twelve (12) feet from all property lines when not attached flat against a Building.

- D) Political Campaign Headquarter Signs – Each principal Structure shall be limited to one Sign. The size of the Sign shall be limited in area to one (1) square foot per four (4) lineal feet of Building Frontage up to a maximum of twenty-five (25) square feet.
- E) Political Signs or Posters – Such Signs involving any candidate for public elective office or any issues and similar matters to be decided by public election may be erected for a period not to exceed thirty (30) days before or three (3) days after an election. Political signs shall be permitted as Freestanding Signs in all Districts, and shall not be Attached to any Structures including telephone poles, light poles and Fences or located in any manner destructive to public property. The maximum Sign Area shall be six (6) square feet per side within any residential District and twenty (20) square feet per side upon private property in any other District. Political signs shall not be located in or closer than ten (10) feet to the edge of the contiguous public street Right-of-Way.
- F) Special Business Promotions – Signs not greater than four (4) square feet in size which promote special business sales, promotions, or occasions may be displayed for not more than ninety (90) days per calendar year or for more than thirty (30) continuous days. The date each Sign is first displayed and the time period for which the Sign will be displayed shall be legibly marked on the Sign.
- G) Yard or Moving Sales – A Sign advertising the sale of personal property at a garage, yard, porch or moving sale may be temporarily erected on the same Lot as the sale provided such Sign is in conformance with the requirements of Section 1707.

**Section 1804: Signs (Permit Required)**

The erection or location of any Sign within Genoa Township shall require a permit unless otherwise specified within this Article. Each application for a permit to erect a temporary or permanent Sign shall be accompanied by a drawing showing the design proposed, the size, style, and color of letters, lines and symbols, and method of illumination. In addition the details and specifications for construction shall be described including the exact location of the Sign in relation to the Building and property.

1804.01 Permanent Identification Signs for Non-Residential Uses - Identification Signs shall display only the same address and/or use of the premises upon which the Sign is located or to which it is affixed. Identification Signs shall not contain any advertising of products or changeable copy, nor shall they be portable signs on wheels. Planned Developments and Community Business Districts - Each principal commercial business, office, warehouse, or industrial Structure shall be entitled to one (1) identification Sign, freestanding, wall or window. Each separate commercial business, office, warehouse, or industrial Use within the principal Structure shall be entitled to one (1) Identification Sign, either a Wall or a Window Sign.

- A) The following types of permanent Identification Signs are permitted:
  - 1) Wall;
  - 2) Freestanding; and
  - 3) Window.
- B) The maximum Sign Area per visible side for a Wall Identification Sign shall be one (1) square foot per linear foot of lot Frontage up to a maximum of one hundred (100) square feet per visible side.
- C) The maximum Sign Area for a Freestanding Identification Sign shall be twenty-five (25) square feet per side with the total Sign Area limited to fifty (50) square feet per Sign.
- D) Window Identification Signs shall be limited to one (1) Sign per window. Such Signs may occupy up to twenty-five percent (25%) of the total area of the window but in no case shall such Sign exceed ten (10) square feet in area.

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1804.02 Permanent Identification Signs for Residential Subdivisions - Recorded residential subdivisions may be permitted Freestanding Identification Signs as a Conditional Use subject to the following:

- A) Such Signs shall be limited to one (1) to two (2) entrances along major thoroughfares and shall not obstruct the visibility at any intersection;
- B) Such Signs shall contain only the name of the subdivision that they identify, shall not exceed six (6) feet in height, and shall be landscaped;
- C) The applicant shall submit a plan for the perpetual maintenance of such Signs, identifying the responsibilities of the applicant, the public, the landowner, or other parties. Such plan shall be subject to approval by the Board of Zoning Appeals;
- D) The Board of Zoning Appeals may limit the size of such Signs so as to ensure the scale of such Signs is compatible with the residential character of the area. The maximum size of such a Sign shall not exceed twenty (20) square feet per side;
- E) Non-residential Uses Within Residential Districts - Identification Signs shall be Attached to the Structure that houses the Use or Uses identified on the Sign. Such Signs shall be non-illuminated and shall not exceed two (2) square feet in area. No Freestanding Identification Sign shall be used for a nonresidential Use within any residential District except as provided herein.

1804.03 Advertising Signs - Advertising Signs direct attention to a Use, commodity, or service. Such Signs may be located on or off the premises where services are sold within a Planned Commercial-Office District, Community Business District, or Planned Industrial-Warehouse District.

- A) An Advertising Sign located on the premises where services are sold must conform to the following requirements:
  - 1) Such a Sign must be either a Wall or Window Advertising Sign;
  - 2) One Advertising Sign shall be permitted for each principal Structure; and
  - 3) The Sign shall not exceed ten (10) square feet in area.
- B) An Advertising Sign located off of the premise where such services are sold must conform to the following requirements:
  - 1) Such a Sign must be a Freestanding Sign;
  - 2) Not more than one (1) Advertising Sign shall be permitted per Lot;
  - 3) The Sign shall not exceed forty-eight (48) square feet in area; and
  - 4) Any existing Sign larger than forty-eight (48) square feet in area that has been erected prior to the enacting of this code amendment shall be permitted to remain as a Nonconforming Use, in accordance with the provisions of Section 2503, Nonconforming Uses of Land, of this code amendment.

1804.04 Bulletin Boards - Bulletin Boards with changeable copy shall be permitted for the following Uses provided such Signs shall meet the other requirements of this Article and not exceed thirty-two (32) square feet per side with total Sign Area limited to sixty-four (64) square feet per Sign:

- A) Churches;
- B) Public parks, playgrounds and community centers;
- C) Publicly owned and operated Buildings and facilities;
- D) Schools and colleges for academic instruction; and
- E) Golf courses, Clubs, and other recreational facilities.

1804.05 Temporary Signs Requiring a Permit

- A) Construction signs - Signs identifying a construction project may be temporarily erected upon the same Lot as the project. Such Signs shall be permitted only for the length of the construction project or for one year, whichever is shorter. Any extension past the one-year time shall be subject to approval by the Board of Zoning Appeals. Construction signs shall contain only the name of the construction project, the construction firm(s), the engineer, the architect, and/or the subcontractors involved in the project. Only one (1) construction sign shall be permitted per project. Maximum Sign Area permitted shall be three (3) square feet for each Dwelling Unit for residential Structures up to a maximum of twenty (20) square feet per side for all principal Structures. All Signs shall be set back from the edge of the contiguous street Right-of-Way a minimum of fifteen (15) feet.
- B) Special Event Signs - Information Signs advertising a grand opening, a seasonal event, a special sale, or any other similar special event may be temporarily located upon the premises on which the event is to take place for a period not to exceed seven (7) days within any thirteen (13) week period. The maximum Sign Area permitted for special event Signs shall not exceed a display area of one hundred (100) square feet. All Signs shall be set back from the edge of the contiguous street Right-of-Way a minimum of ten (10) feet.
- C) Real Estate Signs - On parcels exceeding fifteen (15) acres, one (1) Sign not to exceed twenty (20) square feet per side is allowed. Where a parcel has Frontage on two (2) or more roads, one Sign may be permitted on each road on review of the Zoning Inspector. Such Signs shall not be illuminated and shall be set back at least twelve (12) feet from all property lines when not attached flat against a Building.
- D) Subdivision Sale Signs - Signs providing information on the sale of Lots within an approved and recorded subdivision may be placed upon the property until such time as ninety percent (90%) of the Lots within the subdivision are sold. Subdivision sale signs shall contain only the name of the subdivision, the name of the owner, the name of the developer, and information regarding the price, terms, and the location and phone number of the sales office. All such Signs shall be set back a minimum of ten (10) feet or the total number of square feet of Sign Area, whichever is greater. The maximum Sign Area shall be twenty (20) square feet per side.
- E) Model Home Signs - Signs identifying a properly permitted model home unit where a sales office is operating and information on the sale of Lots is provided may be placed upon the property until such time as the model home is sold and reconverted for use as a residential Structure. Model home signs shall contain only the name of the subdivision and model home or information center general identification, information regarding the hours of operation and other pertinent contact information, including the phone number of the sales office. All such Signs shall be set back a minimum of ten (10) feet or the total number of square feet of Sign Area, whichever is greater. The maximum Sign Area shall be twenty (20) square feet per side.

**Section 1805: Nonconforming Signs**

- 1805.01 The continuance of an existing Sign that does not meet the regulations and requirements of this Article shall be deemed a nonconforming Sign that shall terminate upon abandonment. A Sign shall be considered abandoned:
- A) When the Sign is associated with an abandoned Use;
  - B) When the Sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least two (2) years;
  - C) When the Sign together with all supports, braces, guys and anchors is not kept in a proper state of preservation or repair; or
  - D) When the Sign and the immediately surrounding premises is not maintained by the owner or person in charge thereof in a clean, sanitary and inoffensive condition free and clear of all obnoxious substances, rubbish and weeds.

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- 1805.02 A nonconforming Sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this section
- 1805.03 A nonconforming Sign shall be maintained or repaired in accordance with the following provisions:
- A) The size and structural shape shall not be changed or altered. The copy may be changed provided that the change applies to the original Nonconforming Use associated with the Sign and that the change is made by the owner of the Sign at the time the Sign becomes nonconforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the Sign into compliance within thirty (30) days.
  - B) In case damage occurs to the Sign to the extent of fifty percent (50%) or more of either the Structure or the replacement value of the Sign, the Sign shall be brought into compliance. Where damage to the sign is less than fifty percent (50%) of the Structure or its replacement value, the Sign may be repaired within sixty (60) days. If not repaired, it must be removed.

**Section 1806: Prohibited Signs**

- 1806.01 Streamers, spinners, banners, strings of lights, and other similar devices are prohibited.
- 1806.02 Changeable copy shall be prohibited on any Sign except as permitted on Bulletin Boards regulated by Section 1804.04.
- 1806.03 Portable signs that can be moved from one location to another without any change in its structural components or members, including trailer signs are prohibited.
- 1806.04 Message centers, flashing Signs, moving Signs, and the animation of Signs are prohibited.
- 1806.05 Outdoor advertising displays and/or Billboards are prohibited except for those advertising devices regulated by Section 519.20 of the Ohio Revised Code.
- 1806.06 Signs mounted upon the roof of any Building or Structure are prohibited.
- 1806.07 The use of Building walls for display of advertising is prohibited.
- 1806.08 "A" frame Signs are prohibited.
- 1806.09 Air activated attraction devices are prohibited.
- 1806.10 Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features are prohibited.
- 1806.11 Signs painted directly upon the roof of any Building or Structure are prohibited.
- 1806.12 Projecting Signs are prohibited.

**Section 1807: Removal of Signs**

All Signs erected within Genoa Township under this Zoning Resolution are subject to inspection, whether a permit is required or not prior to erection.

The Zoning Inspector or designee shall cause to be removed: any Sign that endangers the public safety by reason of its location and placement; an abandoned Sign that no longer applies to the property on which it is situated; a dangerous or materially, electrically or structurally defective Sign; or a Sign for which no required permit has been issued.

**ARTICLE 19: PARKING STANDARDS**

**Section 1901: Intent and Purpose**

No Building or Structure shall be erected, substantially altered, changed in Use, or any land used or changed in Use unless adequately maintained Off-Street Parking Spaces, either in Garages or open parking areas, have been provided in accordance with the provisions of this Article. The provisions of this Article shall not apply to any Building, Structure, or land Use existing before the effective date of this Resolution or any amendment hereto unless such Building, Structure, or Use is altered or changed. However, the number of Off-Street Parking Spaces or loading spaces shall not be reduced to an amount less than required for a new land Use as specified in this Article.

**Section 1902: Required Parking Plan**

A parking plan shall not be required for single-family residential Uses. All other land Uses shall submit a parking plan to the Zoning Inspector as a part of the application for a Zoning Permit. The parking plan shall show boundaries of the property, setback lines, parking spaces, driveways, circulation patterns, drainage plans, construction plans for any boundary Accessory Walls or Fences, a screening plan, and the location of adjacent houses or Buildings.

**Section 1903: Off-Street Parking Design Standards**

All parking facilities, including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following specifications:

1903.01 All parking spaces shall be in accordance with the following design requirement:

	45 degree	60 degree	90 degree	Parallel
Width of Parking Space	14'	11' 5"	10'	9'
Length of Parking Space	21'6"	22'	20'	23'
Width of Parking Aisle	13'	17' 6"	25'	12'

The minimum parking Setback from the property line on the side and rear shall be six (6) feet unless specified otherwise within the specific District requirements.

1903.02 All parking spaces, except those required for single-family Uses, shall have access to a public street in such a manner that any vehicle leaving or entering the parking area from or into a public street or private interior drive shall be traveling in a forward motion.

1903.03 All required parking spaces including driveways and other circulation areas, except for single-family Dwellings in the Rural Residential District and other specified Uses, shall be hard-surfaced with asphaltic concrete or Portland cement concrete pavement.

1903.04 All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water that might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties or walkways and damage to public streets.

1903.05 Wherever a parking lot extends to a property line, a suitable barrier such as fencing, wheel stops, or curbs, shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.

1903.06 Screening shall be required as provided in Article 20.

1903.07 No motor vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or associated with any Off-Street parking area.

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- 1903.08 Display or sales of any merchandise within any parking area shall be permitted only in accordance with Section 1702 and 1707.
- 1903.09 All parts of open Off-Street parking areas which are unusable, either for parking or for traffic, shall be landscaped with plantings of grass, flowers, shrubs, and/or trees, which shall be continuously maintained.
- 1903.10 Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street.
- 1903.11 All parking spaces shall be marked with paint lines or curb stones and maintained in a clearly visible condition.
- 1903.12 The owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.
- 1903.13 Any parking area that is intended to be used during non-daylight hours shall be properly illuminated as to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.
- 1903.14 Entrances, exits, and intended circulation patterns of parking areas shall be clearly marked.

**Section 1904: Parking Space Requirements**

For the purposes of this Resolution the following parking space requirements shall apply. The number of parking spaces required for Uses not specifically mentioned shall be determined by the Board of Zoning Appeals:

- 1904.01 Single-family residential - two (2) unenclosed off-street parking spaces;
- 1904.02 Animal hospitals or Kennels - one for every four hundred (400) square feet of Floor Area and one (1) for every employee;
- 1904.03 Churches and other places of religious assembly - one (1) for every four (4) seats in main sanctuary;
- 1904.04 Business, technical, and trade schools - one (1) for every two (2) students and one (1) for every teacher;
- 1904.05 Colleges and universities - one (1) for every four (4) students and one (1) for each employee;
- 1904.06 Elementary and junior high schools - two (2) for every classroom and one (1) for every eight (8) seats in auditoriums or assembly halls;
- 1904.07 High schools - one (1) for every two (2) persons capacity of the largest assembly area including one for every ten (10) students, one (1) for every teacher, and one (1) for every employee or administrator;
- 1904.08 Golf courses open to the general public - five (5) for every hole and one (1) for every employee;
- 1904.09 Private clubs and lodges - one (1) for every three (3) persons capacity and one (1) for every employee;
- 1904.10 Tennis facilities, racquetball facilities or similar Uses - two (2) for every three (3) playing areas and one (1) for every employee;
- 1904.11 Swimming Pools - one (1) for every three (3) persons pool is designed to serve and one (1) for every employee;
- 1904.12 Residential Care Facilities - one (1) for every employee and one (1) for every resident who is permitted to operate a motor vehicle;

- 1904.13 Child Care Centers or kindergartens - one (1) for every four hundred (400) square feet of Floor Area and one (1) for every employee, but not less than six (6) for the Building;
- 1904.14 In Planned Residential Districts at least two (2) Off-Street Parking Spaces located within a fully enclosed Garage shall be provided for each Dwelling Unit with two (2) or more Bedrooms;
- 1904.15 Laundromats - one (1) for every washing or dry cleaning machine;
- 1904.16 Libraries, museums, and art galleries - one (1) for every three hundred (300) square feet of Floor Area;
- 1904.17 Medical and dental offices - three (3) for every examination or treatment room and one (1) for each employee;
- 1904.18 Offices, public or professional administration, or service building - one (1) for every two hundred (200) square feet of Floor Area;
- 1904.19 Restaurants - one (1) for every three (3) persons capacity and one (1) for each employee;
- 1904.20 Retail stores - one (1) for every one hundred fifty (150) square feet of Floor Area and one (1) for every two (2) employees;
- 1904.21 Hospitals, convalescent home or similar institution - one (1) for every three (3) beds;
- 1904.22 Theater or auditorium, sports arena, stadium or gymnasium - one (1) for every five (5) seats or bench seating spaces;
- 1904.23 Mortuary or funeral home - one (1) for every fifty (50) square feet of floor space in parlors or individual funeral service rooms; and
- 1904.24 Manufacturing, industrial, warehouse or similar establishment - one (1) for every two (2) employees plus space to accommodate all trucks, trailers and other vehicles used in connection therewith.

#### **Section 1905: Off-Street Loading Areas**

A permanently maintained area for standing, loading, and unloading materials shall be provided for on the same Lot with every Building, Structure, or part thereof erected and occupied for office, business, or industrial Uses. These off-street loading areas shall be required to avoid undue interference with public use of streets in Planned Commercial-Office Districts, Planned Industrial-Warehouse Districts, and Community Business Districts or other Districts where the Use requires the receipt or distribution by vehicles of material or merchandise. All loading facilities shall be in accordance with the following specifications:

- 1905.01 Each loading space shall have minimum dimensions not less than twelve (12) feet in width, fifty (50) feet in length, and a vertical clearance of not less than fifteen (15) feet.
- 1905.02 Off-street loading spaces may occupy any part of a required rear or side yard, but shall not project into any front yard.
- 1905.03 All required, off-street loading spaces shall have access to a public street in such a manner that any vehicle leaving or entering the premises shall be traveling in a forward motion.
- 1905.04 All required loading spaces, together with driveways, aisles, and other circulation areas, shall be surfaced with an asphaltic concrete or Portland cement concrete pavement in order to provide a durable and dust free surface.
- 1905.05 All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the drainage of surface water onto adjacent properties or walkways and damage to public streets.
- 1905.06 Screening shall be required as provided in Article 20.

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- 1905.07 Any loading area that is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.
- 1905.08 No loading ramp, dock, door, or space, nor any portion thereof, shall be located closer than fifty (50) feet from any Lot zoned for residential Use.
- 1905.09 For Uses in excess of ten thousand (10,000) square feet of gross Floor Area one (1) additional off-street loading space shall be required for each additional twenty thousand (20,000) square feet of gross Floor Area or fraction thereof.

**Section 1906: Parking and Storage of Vehicles Other Than Passenger Cars**

- 1906.01 Outdoor Storage or parking of any Camping or Recreational Equipment, including trailers of any type shall not be permitted within any required front yard for more than seven (7) days per calendar year.
- 1906.02 No Dwelling Unit shall be maintained and no business shall be conducted within any Camping or Recreational Equipment while such equipment is parked within any residential District.
- 1906.03 The wheels or any similar transporting devices of any Camping or Recreational Equipment shall not be removed except for repairs for more than seven (7) days per calendar year, nor shall any such equipment be permanently Attached to the ground.
- 1906.04 No motor home, Mobile Home, or any Camping or Recreational Equipment may be occupied for more than seven (7) days per calendar year.
- 1906.05 Parked or stored Camping or Recreational Equipment shall not have fixed connections to electricity, water, gas, or sanitary sewer facilities.
- 1906.06 Outdoor Storage or parking of backhoes, bulldozers, dump trucks with the carrying capacity of one (1) ton or above, well rigs, and other similar construction equipment, other than equipment temporarily used for construction upon the site, shall not be permitted within any residential District.
- 1906.07 The Outdoor Storage or parking of any semi-trailer or tractor, construction equipment or construction equipment trailer or of any vehicle having a gross vehicle weight rating greater than ten thousand (10,000) pounds or an overall vehicle length greater than twenty-one (21) feet shall not be permitted on the same Lot as a Single-Family Dwelling, except for vehicles making temporary service or delivery calls and except for one recreational vehicle which does not have a gross vehicle weight greater than fifteen thousand (15,000) pounds or an overall vehicle length greater than forty (40) feet.

## ARTICLE 20: LANDSCAPING STANDARDS

### Section 2001: Intent and Purpose

The following regulations are applicable to the districts within which they are specified unless otherwise stipulated or modified by the regulations within a specific zoning District.

### Section 2002: Fences, Accessory Walls and Vegetation

No person shall erect or construct a fence or Accessory Wall within Genoa Township without first obtaining a Zoning Permit as per Section 115 of this Resolution. A plot plan or site plan must be provided along with a completed permit application showing the location of the proposed Fence or Accessory Wall and accurate distance measurements from all existing Structures and property lines.

Each property owner shall determine exact locations of property lines to ascertain no encroachment upon another Lot or parcel of land. The issuance of a Zoning Permit by the Genoa Township Development & Zoning Office shall not certify the location of lot lines, which is the property owner's duty otherwise imposed.

The location and height of all Fences, Accessory Walls, and vegetation shall be in accordance with the following provisions.

- 2002.01 No Structure, Fill or vegetation shall be erected, placed, planted, or allowed to grow on any Corner Lot so as to create a sight impediment within seventy-five (75) feet of the intersecting center lines of any two or more streets. In determining if any sight impediment exists, the Zoning Inspector shall measure the sight distance between the center lines of such streets at a height of three feet, nine inches (3'9") above the actual grades of the streets.
- 2002.02 Fences and Accessory Walls shall not be permitted within any Right-of-Way.
- 2002.03 No Fence or Accessory Wall on a residential Lot shall exceed eight (8) feet unless approved by the Board of Zoning Appeals and no Fence or Accessory Wall shall exceed thirty (30) inches in height between the street Right-of-Way line and the Building Setback Line. Supporting members for Accessory Walls and Fences shall be installed on the interior of the Lot being fenced. This regulation shall not apply to Fences or Accessory Walls that are designed so that the supporting members are identical in appearance from both sides of the Fence. Fences and Accessory Walls shall be kept in proper repair and maintained so as not to create conditions which endanger the health, comfort and safety of the public.
- 2002.04 On Lots of less than one (1) acre, electrified Fences that follow the property line or parcel boundary shall be prohibited. Electrical Fences shall only be permitted on Lots of less than one (1) acre if they are located within the required lot Setback.
- 2002.05 No Accessory Structure, Accessory Wall, Fence, or vegetation of any kind may be constructed, placed, planted, or allowed to grow which would visibly obscure, hide, or screen fire hydrants, street address numbering, and other security or emergency service equipment, controls or components.
- 2002.06 Where a Fence or Accessory Wall is constructed on an embankment, or where the ground under a Fence or Accessory Wall has been graded to a higher level than the surrounding ground, the permissible height of the Fence or Accessory Wall, as set forth in this section, shall be reduced by the height of the embankment or grading.
- 2002.07 Entry Features to private residential properties are exempted from Section 2002, but are regulated under Section 1605.

### Section 2003: Screening

When screening is required in any District the provisions of this Section shall apply. In addition the Board of Zoning Appeals may require a screening plan in approving a Conditional Use. In such instances the Board of Zoning Appeals shall determine the need for screening and shall review a proposed screening plan in accordance with the following provisions:

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**ARTICLE 20: LANDSCAPING STANDARDS**

- 2003.01 Screening shall be provided for one or more of the following purposes:
- A) A visual barrier to partially or completely obstruct the view of Structures or activities, (e.g., parking and loading areas);
  - B) As an acoustic screen to aid in absorbing or deflecting noise, (e.g., HVAC units); or
  - C) For the containment of debris and litter, (e.g., trash containment receptacles).
- 2003.02 Screening may be one of the following or a combination of two or more, as determined by the Board of Zoning Appeals:
- A) A solid masonry wall;
  - B) A solidly constructed decorative Fence;
  - C) Louvered Fence;
  - D) Dense evergreen plantings; and/or
  - E) Landscaped mounding.
- 2003.03 Visual screening Accessory Walls, Fences, plantings, or mounds shall be a minimum of five and one-half (5 ½) feet high in order to accomplish the desired screening effects.
- 2003.04 Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense planting or a solid masonry Accessory Wall in combination with decorative plantings.
- 2003.05 Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles. All screening shall be trimmed, maintained in good condition, and free of advertising or other Signs.

**Section 2004: Retaining Walls**

Construction of a retaining wall shall not require a Zoning Permit, but must meet the following standards:

- 2004.01 Retaining walls shall not be located in the right-of-way, exceed thirty (30) inches in height between the Principal Structure and the Right-of-Way or exceed six (6) feet in height at any other location.
- 2004.02 Retaining walls shall be setback from adjacent property lines at a distance of twice the height of the retaining wall;
- 2004.03 Retaining walls shall be constructed and maintained allowing for property drainage and not allowing soils to erode the wall.

**ARTICLE 21: LIGHTING STANDARDS****Section 2101: Intent and Purpose**

The following regulations are applicable to the districts within which they are specified unless otherwise stipulated or modified by the regulations within a specific zoning district.

**Section 2102: General**

All lighting shall be controlled in such a way as to not shine up into the sky or onto any neighboring properties. Examples of ways in which this shall be accomplished are:

- 2102.01 Use of fully shielded cut-off fixtures;
- 2102.02 Directing light fixtures downward rather than upward;
- 2102.03 Shielding the light in such a way that the light-emitting portion of the fixture cannot be seen at a reasonable distance;
- 2102.04 All outdoor light pole fixtures shall not exceed a maximum height of twenty-five (25) feet measured from the finished grade established not closer than fifteen (15) feet to the pole; and/or
- 2102.05 In addition to the provisions of this Article all outdoor light fixtures shall be installed in conformity with all other applicable provisions of this Resolution.

**GENOA TOWNSHIP ZONING RESOLUTION  
ARTICLE 21: LIGHTING STANDARDS**

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**ARTICLE 22: UTILITIES****Section 2201: Intent and Purpose**

Except in the case of a telecommunications tower as defined in Ohio Revised Code Section 519.211(B)(1), nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, Alteration, maintenance, removal, use or enlargement of any Building or Structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business. All Structures, however, shall conform to yard, height, and setback requirements of this Resolution and other applicable laws and regulations. Telecommunications towers shall be regulated pursuant to the provisions of Section 2203 of this Resolution.

**Section 2202: Antennas**

The purpose of this section is to minimize the adverse visual effects of antenna devices through design and Landscaping standards. It protects properties that are adjacent and within the general vicinity from the potential damage of antenna failure and falling ice and debris. Telecommunication towers as defined in Ohio Revised Code, Section 519.211 shall be regulated pursuant to the provisions of Section 2203 of this Resolution.

Dish type signal-receiving satellites up to ten (10) feet in diameter; antennas used for personal or "ham" radios; citizen band (CB) radios, portable, hand held and vehicular transmissions; industrial, scientific, and medical equipment operating at frequencies designated for that purpose by the FCC; a source of non-ionizing electromagnetic radiation with an effective radiated power of seven (7) watts or less; telecommunications devices that only receive an RF signal; a sole source emitter with an average output of one (1) kilowatt or less if used for amateur purposes; and marketed consumer products such as microwave ovens and remote control toys may be located in any District provided they meet the following requirements:

- 2202.01 No antenna installation shall be constructed in any front or side yard. All installations shall be constructed to the rear of the residence or main Structure, unless a tower would be Attached to the principal Structure, in which case it may be located to the side.
- 2202.02 No antenna installation shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line less ten percent (10%) of the height of the antenna, unless the design of the antenna foundation and guying system have been designed by, and the plans and computations imprinted with the seal of, a Professional Engineer registered to practice in the State of Ohio, and these plans and computations are placed on file with the Zoning Inspector.
- 2202.03 In no instance shall an antenna installation be erected within a required minimum Setback.
- 2202.04 Ground-mounted Satellite Dishes shall be governed by the following additional requirements:
  - A) All Satellite Dish Antenna installations shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.
  - B) All Satellite Dish Antenna installations shall employ materials and colors that blend with the surroundings.
- 2202.05 Roof-mounted Satellite Dish Antennas may be permitted provided:
  - A) The applicant demonstrates that a ground-mounted installation would obstruct the antenna's reception window and that such obstructions involve factors beyond the control of the applicant.
  - B) The application for a Zoning Permit includes certification by a registered engineer that the proposed installation conforms to the structural requirements of the Ohio Building Code.

**Section 2203: Telecommunications Towers**

The purpose of this Section is to regulate telecommunications towers as defined in Ohio Revised Code Section 519.211(B)(1) which are proposed to be located in the unincorporated area of Genoa Township in an

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 22: UTILITIES**

area zoned for residential Use. If there is a conflict or difference between the provisions of this Section and other provisions of this Zoning Resolution, the provisions of this Section shall prevail.

2203.01 A person proposing to construct a telecommunications tower as defined in Ohio Revised Code Section 519.211(B)(1) in an area zoned for residential Use shall provide documentation to the Township Trustees that notice has been provided in accordance with Section 519.211 of the Ohio Revised Code. An area zoned for residential Use shall include all land located within the following Zoning Districts: the Rural Residential District (RR), the Suburban Residential District (SR), Lower Density Planned Residential District (PRD-V) and the Planned Residential District (PRD). If a timely notice from any person entitled to object under Ohio Revised Code Section 519.211(B) is made, then the applicant shall be subject to the requirements set forth herein. Upon receipt of such notice, the proposed telecommunications tower shall be deemed to be and classified as a prohibited Use in the area zoned for residential Use unless otherwise permitted under Section 2203.02.

2203.02 Telecommunications towers meeting the following conditions shall be deemed a permitted Use in areas zoned for residential Use:

- A) Telecommunications towers proposed to be located on property that is owned by the Genoa Township Board of Trustees or any other political subdivision of the State of Ohio, provided that such public entity consents to the location.
- B) The attachment of a telecommunications antenna on either an existing telecommunications tower if the attachment would not increase the tower's height by greater than twenty percent (20%), or on another existing tall structure if the attachment would top at an aggregate height of less than fifty (50) feet as measured from the base of the tall structure. The term "tall structure" shall be defined as an existing smoke stack, water tower, nonresidential Building or Structure over thirty-five (35) feet in height which is not located within one hundred (100) feet of the property line and power transmission lines. Tall structure shall not include any Dwelling or any Building or Structure containing a Dwelling Unit. The term "telecommunications antenna" refers to any Structure, equipment or device used to receive or transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services and ground-wired communications systems including both directional antennas and omni-directional antennas such as whips and other equipment utilized to serve personal communication services.

2203.03 The provisions of this Resolution as they relate to telecommunications towers shall be interpreted and applied in a manner consistent with Ohio Revised Code Section 519.211. If, however, any such provision or part thereof shall be finally determined by a court of competent jurisdiction, after exhausting all appeals therefrom, to be unconstitutional or invalid in such manner so as to substantially impair or invalidate the Township's manner of regulating telecommunications towers as set forth herein, then in such event and only in this event, telecommunications towers as defined in Ohio Revised Code Section 519.211 may be allowed as a Conditional Use in areas zoned for residential, in accordance with Section 2203, subject to the following criteria:

- A) The person proposing to construct a telecommunications tower in an area zoned for residential Use shall provide documentation that notice has been provided in accordance with Section 519.211 of the Ohio Revised Code. If a timely notice from any person entitled to object under Ohio Revised Code Section 519.211(B) is made, then the applicant shall comply with the remaining criteria set forth in this Section.
- B) The applicant shall document the nature and location of all existing and approved towers within range of the proposed equipment and certify to the Township Board of Zoning Appeals support documentation that one or more of the following conditions exist:
  - 1) Planned equipment would exceed the structural capacity of existing and approved towers.

- 2) Existing towers and other tall structures do not have space on which a new antenna could function in parity with similar equipment in the area.
  - 3) The fees and/or costs for shared use are unreasonable.
- C) New telecommunications towers shall be located on a site of sufficient size so as to contain on-site all ice-fall or debris from tower failure and preserve the privacy of abutting properties, particularly if those properties are in zoning Districts permitting Single Family Dwellings. The following Setback requirements must be met:
- 1) The base of telecommunications towers shall be set back from all abutting property not less than fifty percent (50%) of the height of the tower and not less than one hundred percent (100%) of the height of the tower from any Dwelling Unit.
  - 2) Guy wire anchors shall be set back from all abutting property not less than fifty (50) feet.
  - 3) Accessory Buildings shall be set back from all abutting property not less than the required Rear Yard Setback for the zoning District in which the telecommunications tower is located.
- D) The construction of telecommunications towers shall meet the standards of the Genoa Township Zoning Code and the following design standards and shall be certified by an engineer registered to practice in Ohio.
- 1) Telecommunications towers of two hundred (200) feet or less in height, more than ten thousand (10,000) feet from a feeder airport, and/or more than twenty thousand (20,000) feet from a major airport shall have a galvanized finish or be painted silver in color.
  - 2) Telecommunication towers of more than two hundred (200) feet in height, less than ten thousand (10,000) feet from a feeder airport, and/or less than twenty thousand (20,000) feet from a major airport shall comply with FAA and ODOT painting and lighting standards for such Structures.
  - 3) All telecommunications towers shall be designed to collapse downward and inward in the event of failure instead of over and outward so as to ensure the safety of adjacent Structures and properties.
- E) All telecommunications towers and related Structures located in areas zoned for residential Use shall be landscaped with continuous six (6) foot high planting, hedge, Fence or Accessory Wall. Earth mounding of three (3) feet in height may be used to achieve the overall buffer height of six (6) feet. Natural vegetation shall have a minimum opaqueness of seventy-five percent (75%) during full foliage when viewed from two (2) to five (5) feet above the ground. Full opaqueness shall be achieved not more than three (3) years from time of planting.
- 1) All towers located in areas zoned for residential Use and one hundred (100) feet or more in height are also subject to additional landscaping requirements imposed by the Board of Zoning Appeals.
  - 2) Telecommunication tower bases and all Accessory Structures or the entire perimeter of the site shall be enclosed by fencing of such type as to prevent illegitimate access. Such Fences shall not be less than six (6) feet in height and shall be screened with Landscaping as required in paragraph (E) above.

#### **Section 2204: Wind Turbines**

- 2204.01 Wind Projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small Wind Projects less than 5MW and used solely for Agriculture will be exempt from these zoning regulations as an Agricultural Use. Any proposed construction, erection, or siting of a Small Wind Project less than 5MW, including the wind turbine generator or Anemometer or any parts thereof shall be a Permitted Use in all Township Zoning Districts if the following conditions are met (both as Permitted and Conditional Use);

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- A) The maximum height of any turbine shall be 125 feet. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system, including the tower, and the maximum vertical height of the turbine's blades. Maximum height shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.
  - B) Setbacks: Any turbine erected on a parcel of land shall be setback 1.1 times the height of the tower, or established "Clear Fall Zone", from all road Right-of-Way lines and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located.
  - C) Maintenance: Wind turbines must be maintained in good working order. The owner shall within thirty (30) days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine or Small Wind Project may stand no longer than twelve (12) months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Wind turbines that become inoperable for more than twelve (12) months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.
  - D) Decibel Levels: Decibel levels shall not exceed thirty (30) dB at any adjoining property line.
  - E) Wiring and electrical apparatuses: All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state and federal codes, including the County Building Regulations and Residential Building Code of Ohio.
  - F) Warning Signs: Appropriate warning signs to address voltage shall be posted.
  - G) Building Permits: All Small Wind Projects and parts thereof shall obtain all applicable building permits from the State of Ohio and Delaware County Code Compliance.
- 2204.02 Permits: A permit shall be required before construction can commence on an individual wind turbine project. As part of the permit process, the applicant shall inquire with the Delaware County Code Compliance Office as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports. Applicant shall then provide:
- A) The location of all public and private airports in relation to the location of the wind turbine.
  - B) The total height and size of the unit.
  - C) If applicable, the total size and depth of the unit's foundation structure, as well as soil and bedrock data.
  - D) A list and/or depiction of all safety measures that will be on the unit, including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring and anchors.
  - E) Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
  - F) The maximum Decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.
  - G) Hazardous materials containment and disposal plan.
  - H) A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public Right-of-Ways and neighboring property lines.
  - I) Evidence of established setbacks of 1.1 times the height of the turbine and "Clear Fall Zone."

J) A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

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**ARTICLE 22: UTILITIES**

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**GENOA TOWNSHIP ZONING RESOLUTION  
ARTICLE 23: RESERVED**

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**GENOA TOWNSHIP ZONING RESOLUTION  
ARTICLE 24: RESERVED**

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## ARTICLE 25: NON-CONFORMITIES

### Section 2501: Intent and Purpose

Within the Districts established by this Resolution or amendments that may later be adopted, there exist Lots, Structures, or Uses of land and Structures which were lawful before this Resolution was passed or amended, but which would be prohibited or more restricted under the terms of this Resolution or amendments thereto. It is the intent of this Resolution to permit these non-conformities to continue until they are removed.

### Section 2502: Nonconforming Lots

In any District in which single-family Dwellings are permitted, a single-family Dwelling may be erected on any single Lot of official record at the effective date of adoption of this amendment. This provision shall apply even though such Lot fails to meet the requirements for area or width, or both, that are generally applicable in the District. Yard dimensions and requirements other than those applying to area or width, or both, of the Lot shall conform to the regulations for the District in which such Lot is located. Variance of yard requirements from the required standards shall be obtained only through action of the Board of Zoning Appeals.

### Section 2503: Nonconforming Uses of Land

Where, at the time of adoption or amendment of this Resolution, lawful Uses of land exist which would not be permitted by the regulations imposed by this Resolution, the Uses may be continued so long as they remain otherwise lawful, provided:

- 2503.01 No such nonconforming nonresidential Uses shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
- 2503.02 Any Nonconforming Use may be extended throughout any parts of a Building, which were manifestly arranged or designed for such Use at the time of adoption or amendment of this Resolution.
- 2503.03 No such Nonconforming Uses shall be moved in whole or in part to any portion of the Lot or parcel other than that occupied by such Uses at the effective date of adoption or amendment of this Resolution unless it increases conformity with these regulations.
- 2503.04 If any such Nonconforming Uses of land are voluntarily discontinued for a period of more than two (2) years, any subsequent Use of such land shall conform to the regulations specified by this Resolution for the District in which such land is located.
- 2503.05 Additional Structures not conforming to the requirements of this Resolution shall not be erected in connection with such Nonconforming Use of land.
- 2503.06 Nothing contained in this Section shall in any way prohibit a Nonconforming Use from acquiring additional Off-Street Parking Space.
- 2503.07 No nonconforming Accessory Use shall continue after the Principal Use to which it is necessary has been discontinued.

### Section 2504: Nonconforming Structures

Where a lawful Structure exists at the effective date of adoption of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, height, yards, its location on the Lot, or other requirements concerning the Structure, such Structure may be continued so long as it remains otherwise lawful, subject to the following regulations:

- 2504.01 No such Nonconforming Structure may be enlarged or altered in a way which increases its nonconformity, but any Structure or portion thereof may be altered to decrease its nonconformity.
- 2504.02 Should a residential Nonconforming Structure be destroyed, either partially or totally, by any means the Structure or portion of the Structure may be reconstructed to the same size or larger Floor Area provided other applicable provisions of this Resolution are met.

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**ARTICLE 25: NON-CONFORMITIES**

- 2504.03 Should a nonresidential Nonconforming Structure be destroyed, either partially or totally, by any means the Structure or portion of the Structure may be reconstructed provided the bulk, height, and Floor Area shall not be in excess of those which existed prior to said damage.
- 2504.04 Should such Structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.
- 2504.05 To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated Use of any Building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently.
- 2504.06 When a Nonconforming Use of a Structure, or Structure and premises in combination, is voluntarily discontinued or abandoned for more than two (2) years, the Structure or Structure and premises in combination shall not thereafter be used except in conformity with the regulations of the District in which it is located and all other applicable provisions of this Resolution.
- 2504.07 Nothing in this Article shall be deemed to prevent ordinary maintenance and repairs on walls, fixtures, wiring, or plumbing or the restoration to a safe condition any Building or other Structure in accordance with the order of a public official who is charged with protecting the public safety and who declares such Building or other Structure to be unsafe and orders its restoration to a safe condition.

**Section 2505: Incompatibilities of Non-Conformities**

Non-conformities are declared by this Ordinance to be compatible with permitted Uses in the districts in which such Uses are located. A Nonconforming Use of a Structure, a Nonconforming Use of land, or a Nonconforming Use of a Structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a Building or premises of additional Signs intended to be seen from off the premises, or by the addition of other Uses of a nature which would be generally prohibited in the District in which such Use is located.

**Section 2506: Substitutions of Nonconforming Uses**

So long as no structural Alterations are made, except as required by enforcement of other codes or ordinances, any Nonconforming Use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another Nonconforming Use of the same classification or of a less intensive classification, or the Board shall find that the Use proposed for substitution is equally appropriate to the District than the existing Nonconforming Use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions shall be considered a punishable violation of this Ordinance. Whenever a Nonconforming Use has been changed to a less intensive Use or becomes a conforming Use, such Use shall thereafter not be changed to a more intensive use.

**Section 2507: Certificates for Nonconforming Uses**

The Zoning Inspector may upon his initiative, or shall upon the request of the owner, issue a certificate for any Lot, Structure, Use of land, Use of Structure, or Use of land and Structure in combination, that certifies that the Lot, Structure, or Use is a valid Nonconforming Use. The certificate shall specify the reason why the Use is a Nonconforming Use, including a description of the extent and kind of Use made of the property in question, the portion of the Structure or land used for the Nonconforming Use, and the extent that the dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or Structures that are or become nonconforming. No fee shall be charged for this certificate. One (1) copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

**ARTICLE 26: AMENDMENTS****Section 2601: Intent and Purpose**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may, by resolution after receipt of recommendations from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and District boundaries or classification of property.

**Section 2602: Initiation of Amendments**

Amendments to this Resolution, Zoning District Map, and Final Development Plans may be initiated in one of the following ways:

- 2602.01 By adoption of a motion by the Zoning Commission.
- 2602.02 By adoption of a resolution by the Township Trustees.
- 2602.03 By the filing of an application by at least one (1) owner of property or his designee within the area proposed to be changed or affected by said amendment.

**Section 2603: Application for Amendments**

- 2603.01 Ten (10) copies of the application for amendment shall be submitted to the Zoning Commission via the Township Zoning Secretary and 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) A Vicinity Map at a scale approved by the Zoning Commission showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Commission may require;
  - I) Proposed amendment to the text;
  - J) A list of all property owners with mailing addresses, as appearing on the county auditors 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; and
  - K) A fee as established by the Township Trustees.
- 2603.02 For each of the property owners in 2603.01 (J) the applicant shall provide pre addressed legal size envelopes (4 1/8" x 9 1/2") with postage sufficient to send a notice via first class mail. One set of envelopes will be provided along with the application. An additional set of envelopes will be required for all applications being heard by the Genoa Township Board of Trustees.

**Section 2604: Procedure for Amendments**

- 2604.01 Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Township Trustees, or the filing of an application by at least one (1) owner, or his designee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the Delaware County Regional Planning Commission. The Delaware County Regional Planning Commission shall recommend the

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**ARTICLE 26: AMENDMENTS**

approval, denial, or modification to the Zoning Commission. Such recommendation shall be read at the public hearing held by the Zoning Commission.

2604.02 In the event that a proposed rezoning is located adjacent to another political jurisdiction, an additional copy of the application shall be provided and forwarded to the chairman of the planning commission or the zoning commission of that jurisdiction. Any comments provided by the adjoining jurisdiction shall be read at the public hearing of the Zoning Commission.

2604.03 Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to 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 Commission shall give notice, by registered mail to the Director of the Ohio Department of Transportation. The Zoning Commission may proceed as required by law; however, the Township Trustees shall not approve the amendment 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 Township Trustees that he shall proceed to acquire any land needed, then the Township Trustees shall refuse to approve the zoning amendment. If the Director of the Ohio Department of Transportation notifies the Township Trustees that acquisition at this time is not in the public interest or upon 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 Township Trustees shall proceed as required by law.

2604.04 The Zoning Commission shall schedule a public hearing after the adoption of their motion, a transmittal of a resolution from the Township Trustees, or the filing of an application for zoning amendment. Said hearing shall not be less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

2604.05 Before the required public hearing, notice shall be given by the Zoning Commission by at least one (1) publication in a newspaper of general circulation within the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for further determination.

2604.06 If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail using pre-addressed, letter size envelopes provided by the applicant at least twenty (20) days before the date of the public hearing to all owners of property within five hundred (500) feet of, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate any such amendment. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for further determination.

2604.07 Within thirty (30) days after the required public hearing, the Zoning Commission shall forward with reasons for such recommendation to the Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted.

2604.08 Upon receipt of the recommendation from the Zoning Commission, the Township Trustees shall schedule a public hearing. The date of said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.

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ARTICLE 26: AMENDMENTS**

- 2604.09 Notice of the required public hearing shall be given by the Township Trustees by at least one (1) publication in a newspaper of general circulation within the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. This notice shall set forth the time and place of the public hearing and the nature of the proposed amendment.
- 2604.10 If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Township Trustees, by first class mail using pre-addressed, letter size envelopes provided by the applicant at least twenty (20) days before the date of the public hearing to all owners of property within five hundred (500) feet of, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate any such amendment. This notice shall set forth time and place of the public hearing, and the nature of the proposed amendment.
- 2604.11 Within twenty (20) days after the required public hearing, the Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Township Trustees denies or modifies the recommendation of the Zoning Commission the majority vote of the Township Trustees is required.
- 2604.12 Such amendment adopted by the Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.
- 2604.13 No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

**GENOA TOWNSHIP ZONING RESOLUTION  
ARTICLE 26: AMENDMENTS**

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## HISTORY OF GENOA TOWNSHIP ZONING & PLANNING

The following history was compiled based on noteworthy historical information available to Genoa Township and is accurate to the best of our knowledge:

Genoa Township's initial zoning resolution was adopted by the Township Trustees on October 22, 1951, but only regulated the use of properties located east of Tussic Street Road. This code contained only one (1) zoning district for residential development, but laid out the basic framework for the Township's Zoning Commission (ZC) and Board of Zoning Appeals (BZA) as they exist today. The Resolution was upheld by residents during a General Election of registered voters held on November 6, 1951. This resolution was later amended on November 15, 1969 to update references to the Ohio Revised Code, expand the minimum floor area requirements, clarified frontage requirements, clarified responsibilities of the BZA, and defined an advertising advice and average grade.

A zoning resolution was adopted in 1956 for properties located west of Tussic Street Road in Genoa Township. This resolution provided three zoning districts being a residential, commercial and industrial district. This resolution was later amended on November 2, 1971 for much of the same purposes as specified above for the eastern code. The 1971 amendments also separated the commercial zoning district into eight (8) separate districts.

On April 16, 1982 two graduate students with The Ohio State University (OSU) City and Regional Planning Program completed an issue paper on "Revision of the Genoa Township Zoning Code(s)." The authors recommended revising the code(s) with the potential for a combined Zoning Resolution for Genoa Township. A class of college students in the School of Natural Resources at The Ohio State University (OSU) voluntarily completed "A Land Use Study of Genoa Township" during their Winter Quarter of classes in 1984 under the direction of Dr. Disinger. The report was published on March 12, 1984.

On May 2, 1985, the Genoa Township Board of Trustees contracted with OSU's School of Natural Resources to complete a survey of citizens regarding the future of land use and zoning in the Township. A report from the survey was published on July 30, 1987. In conjunction with this report, in June 1987 the Zoning Commission published the Township's first master plan, titled "Genoa Township Recommended Land Use Policy Statements."

A revised Zoning Resolution was adopted on October 20, 1987 combining the east and west codes and establishing the following zoning districts: Critical Resource Area (CRA), Flood Plain (FP), Agricultural Residential (AR), Rural Residential (RR), Suburban Residential (SR), Planned Residential (PD-1), Community Business (CB), Planned Commercial-Office (PD-2) and Planned Industrial-Warehouse (PD-3). The Zoning Map was also updated to reflect these new districts when it took effect on November 19, 1987.

The Zoning Resolution was thereafter amended on the following effective dates with the following notable amendments:

- June 21, 1991 - established CRA maximum density of 1 unit per acre.
- November 15, 1991 - established Community Facilities (CF) District, further restricted antennas (including cellular towers), applied conditional use standards for common access driveways, added regulations for access drives and appurtenant structures.
- February 21, 1992 - amended RR on zoning map to SR south of Freeman Road, west of State Route 3 over to Orange Township.
- June 26, 1992 - deleted AR district.
- September 10, 1992 - changes to the Community Facilities District (telecommunication towers changes to a conditional use from a permitted use)
- June 15, 1994 - amendments to Home Occupation standards
- October 27, 1995 - added provision for "Off-Site Common Open Spaces"

## **GENOA TOWNSHIP ZONING RESOLUTION APPENDIX**

In March 1996 separate groups of OSU graduate students from the City and Regional Planning Program voluntarily developed a “Socioeconomic Characteristics of Genoa Township” report, a “Genoa Township Vision Plan – 2010: Managing the Rural Landscape” report and an “Infrastructure Report for Genoa Township.”

After contracting with the Township Trustees to update the master plan, consultants Frank Elmer Associates published a “Genoa Township Comprehensive Plan” in February 1997. On June 1, 1998, consultants Burns, Bertsch & Harris published a “Genoa Township Comprehensive Plan.” Neither plan was adopted by the Township Trustees.

The Zoning Resolution was thereafter amended on the following effective dates with the following notable amendments:

- December 12, 1997 – changes to fence and deck regulations.
- August 28, 1998 – amendments to the CF District.

After Burns, Bertsch & Harris published a copy of the “Genoa Township Comprehensive Plan” the Township Trustees established a steering committee of Township residents to review the document and offer guidance to the Board. The steering committee then prepared a “Genoa Township Comprehensive Plan” that was adopted by the Township Trustees on January 17, 1999.

The Zoning Resolution was thereafter amended on the following effective dates with the following notable amendments:

- February 17, 1999 (recorded)
- February 24, 2000 (recorded)
- December 15, 2000 – CF district made a “Planned District”
- February 2, 2002 (recorded) – residential driveway setback requirements added.
- April 26, 2003 – Application for Zoning Permit section rewritten
- December, 12, 2003 – Added Planned Rural Residential Conservation District (PRRCD)
- February 24, 2007 – Added Divergence review criteria to Planned Development Standards.
- January 26, 2008 – Added new Section to provide criteria for BZA permitted principal use determination (substantially similar).
- April 11, 2008 – Added Trustee review to PRRCD.
- July 10, 2009 – Reorganized code sections to be more user-friendly.

After the Township Trustees contracted with Delaware County Regional Planning Commission (DCRPC), a “Genoa Township Comprehensive Plan” was drafted in 2004. This plan was not adopted by the Township Trustees. In 2006 the Township Trustees established a new steering committee of Township residents to update the 1999 Comprehensive Plan. The Board then contracted with Otterbein College’s Department of Communication to survey residents. On September 17, 2007 the College published the “Genoa Voices Report.” The Board adopted the “Genoa Township Comprehensive Plan: 2008” on December 10, 2008. The Board then amended and adopted the “Genoa Township Comprehensive Plan: 2009” on December 10, 2009 to amend land use recommendations for lands east of the Hoover Reservoir as a result of additional public meetings.

The Zoning Resolution was thereafter amended on the following effective dates with the following notable amendments:

- May 1, 2010 – Corrected errors from the previously adopted version.
- June 26, 2011 – Implemented recommendations from the 2009 Comprehensive Plan.
- February 9, 2013 – Modified corner lot setbacks, allowed patios at the same setbacks as decks, modified accessory building standards and removed requirement for attached garage in RR district.