

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,

WHEREAS, the Board of Trustees of Genoa Township adopted 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

WHEREAS, the Board of Trustees of Genoa Township previously adopted subsequent amendments to the June 26, 2011, Zoning Resolution under the authority and in accordance with the provisions of the Ohio Revised Code with said amendments becoming effective: February 9, 2013, and March 3, 2018; and THEREFORE, the Board of Trustees of Genoa Township adopt amendments to this Zoning Resolution under the authority and in accordance with the provisions of the Ohio Revised Code with said amendments becoming effective: (effective date to be inserted); 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of resolutions in conflict with this zoning resolution or inconsistent with provisions of this resolution are hereby repealed to the extent necessary to give this resolution full force and effect.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

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.
- 103.08 To implement the recommendations of the Genoa Township Comprehensive Plan in effect at the time in order to achieve the goals of said plan.

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.

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.

ARTICLE 1: ADMINISTRATION

- 105.04 The word “may” is permissive.
- 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.
- 107.06 Amendments to this Zoning Resolution shall not apply to any re-zoning or Legal Approval applied for, or granted, prior to the effective date of said amendment. As such, they shall be subject to Article 25, Non-Conformities. Said amendments; however, shall apply should an application to alter, revise, change, or amend a granted re-zoning or a Legal Approval be submitted on or after the effective date of the subject amendment(s).

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.

ARTICLE 1: ADMINISTRATION

- 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.
 - 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 Dwellings and the total residential Floor Area for each Dwelling;
- 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.

ARTICLE 1: ADMINISTRATION

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 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.

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.

ADA - The Americans with Disabilities Act.

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

ARTICLE 4: DEFINITIONS

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.

- 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

- Awning** - An architectural projection, wholly supported by a Building, composed of canvas, fabric, or other non-rigid material which is intended for shelter or ornamentation.
- 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.
- 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 Envelope** - An area with defined boundaries within a larger, commonly-owned property controlled by a condominium association or other similar type of entity that identifies the designated area(s) in which a Building and/or Structure may be constructed.
- 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.
- 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.
- Canopy** - An architectural projection, constructed of rigid materials, that is partially supported by a Building and one or more columns, poles, posts, or other such supports; or a freestanding Building, constructed from rigid materials, that consists of a solid roof and no walls. In either case, such a feature shall be intended only for shelter or ornamentation.

ARTICLE 4: DEFINITIONS

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, 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.

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

Common Wall Single-Family Attached Dwellings – Common Wall Single-Family Attached Dwellings 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 Dwellings per acre of land as follows:

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

B) Net Density: The number of Dwellings per acre of land when the calculation 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.

Deteriorated - Showing signs of weathering, crumbling, rust, corrosion, exposed wiring, chipped paint or faces, cracked, broken, torn, burnt, or missing faces, or loose materials; or other evidence of disrepair.

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, including housekeeping facilities, sleeping facilities, permanently installed cooking facilities, and lawfully required sanitary facilities, but not including a Mobile Home, tent, cabin, trailer, or trailer coach or other transient or Temporary Structure or facility.

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.

ARTICLE 4: DEFINITIONS

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;
- 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, 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, built, or placed upon land within a bona fide Farm and considered essential and standard to the carrying on of Farm operations.

Fascia - The vertical section of a Building or Structure that is located just below the roof.

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.

Footcandle – A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one candle. Measurement shall be taken with the meter pointed perpendicular to the property line or grade plane.

Frontage – The linear measurement of the border of a Lot that directly abuts one (1) or more public or private Right-of-Ways. In the case of a landlocked Lot, Frontage shall be measured along the border of the Lot closest and most parallel to a public or private Right-of-Way. Should the aforementioned distance be equal to more than one (1) Right-of-Way, the Lot shall be treated as a Corner Lot.

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.

Illicit - Unless otherwise protected by the First Amendment of the United States Constitution; text, imagery, or, when related to Signs, speech, that;

- A) is directly related to inciting or producing imminent lawless action;
- B) is integral to criminal conduct;

ARTICLE 4: DEFINITIONS

- C) inflicts injury, tends to incite immediate breach of the peace, and includes personally abusive epithets (i.e. "fighting words");
- D) is considered obscene under State or Federal law, be it judicial, statutory, or regulatory;
- E) is considered defamatory under State or Federal law, be it judicial, statutory, or regulatory;
- F) depicts Specified Anatomical Areas or Specified Sexual Activities; and/or
- G) is considered child pornography.

Illumination, External - In relation to Signs, a constant (non-flashing) source of light directed towards Signs so that the beam falls upon the exterior surface of the Sign and is arranged so that no direct rays of light project from the artificial source into residences or streets.

Illumination, Internal - In relation to Signs, a source of illumination enclosed entirely within the Sign and not directly visible from outside the Sign.

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.

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.

LED - Light Emitting Diode.

Legal Approval -Any approved Zoning Permit, Final Development Plan, Final Development Plan Amendment, Variance request, or Conditional Use; or any Administrative Appeal decision rendered by the Board of Zoning Appeals.

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

Limited Common Element Area – A designated area immediately surrounding a Building and/or Structure situated on commonly-owned property controlled by a condominium association or other similar type entity, to which the individual owning said Building and/or Structure has limited rights to improve in accordance with applicable association covenants.

Lot – A platted parcel or other piece of land separately identified with a unique parcel identification in the County Auditor's Records.

A) Corner Lot: A lot abutting two (2) or more streets at their intersection, or two (2) 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. Principal Buildings and 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.

B) Interior Lot: A lot, other than a Corner Lot, with only one (1) Frontage on a public street.

C) Double Frontage Lot: A lot having Frontage on two (2) non-intersecting streets or two (2) 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, 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. On Corner Lots, Lot Lines which do not meet the definition of a Front Lot Line shall be considered a Side 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. No Lot Line on a Corner Lot shall be considered a Rear Lot Line.

Lot Width – (see Frontage)

ARTICLE 4: DEFINITIONS

Manual - An activity or operation conducted by an individual by hand or by use of a handheld tool and does not utilize Mechanical assistance.

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.

Marquee - Any permanently affixed roof-like Structure protruding beyond a Building, or extending along and protruding beyond the wall of a Building, which is fully supported by a Building and does not utilize columns, poles, posts, or other similar types of supports.

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.

Mechanical - An activity or operation utilizing machines, computers, or other non-Manual components to be achieved.

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.

Multi-Family Dwelling –A Dwelling or group of Dwellings on one Lot containing separate living units for two (2) or more Families.

Multi-Use Path –An improved, designated way designed to accommodate multiple recreation and transportation opportunities, such as, but not necessarily limited to, walking, biking, skating, and commuting via wheelchair, or other similar type of activity. Such ways are designed to accommodate, or permit usage by, automobiles.

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.
- 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.

Nits - A unit of measure used for lighting expressed as candelas per meter squared.

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 Sign - A pre-existing, legal Sign which does not conform to the standards set forth in this Resolution.

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.

ARTICLE 4: DEFINITIONS

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.

ORC - The Ohio Revised Code.

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

Parcel - See “Lot”.

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 .

Pennant - A piece or pieces of lightweight plastic, cloth, fabric, or other similar type of materials that is designed to move in the wind, typically, but not always, rectangular or triangular in shape, individually supported or attached to each other by means of string, rope, or other such material; and meant to be stretched across or fastened to Buildings; or between poles, posts, Structures, or other such features.

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 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%), unmitigated 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.

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.

Refacing - Any alteration to the face of a Sign involving the replacement of materials or pans. Refacing does not refer to replacing the entire Sign Structure or the removal of the Sign.

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

ARTICLE 4: DEFINITIONS

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.

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 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 – Text, illustrations, shapes, numbers, emblems, symbols, or images which are affixed to, portrayed, or depicted directly or indirectly upon any part of a Building,, Structure, Lot, and/or Tract. This definition includes all Signs visible from any public Right-of-Way or adjacent property. This definition shall not include text, illustrations, shapes, numbers, emblems, symbols, or images which are incidental to an individual product not customarily used as a Sign nor shall they pertain to any such items which are primarily displayed for celebratory and/or decorative purposes and which may be typically erected seasonally or for a one-time, non-commercial event. All Signs shall be classified as one or more of the following types:

- A) **A-Frame:** See “Sidewalk Sign”.
- B) **Abandoned (Sign):** A Sign that is Deteriorated, as defined herein, or is not adequately maintained, repaired, or removed within the specified time as ordered by this Resolution.
- C) **Address (Sign):** Any street location identifier.
- D) **Animation or Video Display** – Changing of a message, background, or structure of a Sign in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text, that depicts action or a special effect to imitate movement; the presentation of pictorials, or graphics displayed in a progression of frames which give the illusion of motion or changes of artificial or natural lighting, including, but not limited to the illusion of moving

ARTICLE 4: DEFINITIONS

objects, moving patterns, bands of light, or expanding or contracting shapes. Signs utilizing smells or noise shall also qualify as an Animation or Video Display.

- E) **Awning (Sign):** Any Sign that is permanently affixed to the visible surface(s) of an Awning.
- F) **Banner** - A flat piece of cloth, fabric, paper, plastic or any other such material with or without characters, illustrations, letters, numbers, or ornamentation, that is hung from or displayed from a Building, Structure, or portion thereof; which may or may not be intended to move in the wind and which may or may not be affixed to one or more poles, posts, or other similar type of support structure.
- G) **Billboard:** Any permanently affixed Sign that it is typically used for the purpose of directing attention to one or more entities, places, activities, products, amenities, or services and/or any entertainment not located, available, manufactured, or provided on the Lot, Tract, or commonly owned development on which the Sign is located.
- H) **Blade:** Any permanently affixed Sign that projects more than four (4) inches, from any side of a Building or Structure and whose Sign Face is situated at a perpendicular or oblique angle to the Building or Structure to which it is affixed. Such Sign Faces may be erected so as to be read horizontally or vertically.
- I) **Building Mounted:** Any Sign which is posted, Attached, or otherwise applied to a Building or a component integral to a Building, such as a door.
- J) **Bulletin Board:** A board or other similar piece material, twelve (12) square feet or smaller, mounted to the exterior of a Building, or incorporated within Sidewalk or Kiosk Sign, containing a surface upon which Signs are temporarily affixed using tacks, pins, nails, tape, or other similar means. Any Bulletin Board that exceeds twelve (12) square feet shall be considered a Manual Changeable Copy Sign.
- K) **Canopy:** Any Sign that is permanently affixed to the visible surface(s) of a Canopy.
- L) **Changeable Copy, Manual:** Any Sign, or portion thereof, with characters, illustrations, letters, numbers, or shapes that are changed or rearranged by Manual means without altering the face or surface of the Sign.
- M) **Changeable Copy, Mechanical:** Any Sign, or portion thereof, with characters, illustrations, letters, numbers, or shapes that can only be changed or rearranged by Mechanical means; without altering the face or surface of the Sign.
- N) **Channel Letter:** Any Sign consisting of individually constructed characters, illustrations, letters, numbers, or shapes that are permanently affixed to a Building or Structure.
- O) **Electronic Message Center (EMC):** Any permanently affixed Sign, or portion thereof, that displays electronic images, graphics, pictures, or video, with or without textual information, using LEDs, fiber-optics, light bulbs, or other illumination devices, or combination thereof, within the display area and where a static message change sequence is accomplished immediately or by means of fade, re-pixilation, dissolve, or other such modes, devices, processes, products, applications, or technologies from a proximate or remote location. Such Signs include: television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, monitors, and computer-programmable and microprocessor-controlled electronic displays.
- P) **Feather Banner:** A Sign consisting of a Banner with a height typically exceeding its width, affixed to the side of a pole or staff driven into the ground for support or supported by means of an individual stand.
- Q) **Flag:** Any bunting, cloth, fabric, or similar type of material containing one or more distinctive colors, patterns, emblems, ornamentation, and/or symbols that designed to have one edge affixed parallel to a pole, typically oriented horizontally, and intended move in the wind but may

also be hung from a bannister, cornice, eave, Fascia, rafter, or other similar architectural feature or projection.

- R) **Flashing:** Any Sign, or portion thereof, that changes light intensity, switches on and off in a pattern, or contains moving parts, or the optical illusion of motion caused by use of electrical energy or illumination, with a display that appears for less than fifteen (15) consecutive seconds; a Sign or any portion thereof where there is a pattern of changing light illumination, where the Sign illumination alternates suddenly between fully illuminated and fully non-illuminated or alternates between various levels of illumination for the purpose of drawing attention; illumination that is intermittently on and off so as to flash or blink or the intensity varies so as to appear to flash or blink or where there is a pattern of changing light illumination.
- S) **Freestanding:** A permanently affixed Sign that is self-supporting by use of posts, pillars, columns, or other Structures, and is not attached to any Building.
- T) **Government (Sign):** Any Sign erected, owned, and maintained by Genoa Township, Delaware County, the State of Ohio, Westerville City School District, Big Walnut Local School District, Olentangy School District, or any legitimate and recognized civil entity, agency, bureau, commission, department, district, or sub-entity thereof as well as any assigned business, contractor, or organization legally acting on behalf of any one of the aforementioned entities.
- U) **Ground Mounted:** Any Freestanding Sign attached to a permanently affixed foundation or base and not attached to, or dependent on support from, any Building, column, pole, post, or other similar type of support structure.
- V) **Human:** Any Sign that is held or worn by a person, including but not limited to a human directional, Sign walkers/wavers/twirlers, and “sandwich persons”. Human Sign does not include text or images that are displayed on a traditional article of clothing such as coats, jackets, shirts, pants, or hats.
- W) **Inflatable:** Any Sign in which all or part of the Sign is set in motion or inflated by any gas. This definition includes both hot and cold-air balloons tethered, or otherwise anchored, to the ground.
- X) **Integral, Building:** Any Sign that is embedded, extruded, or carved into the material of a Building or Structure façade, typically, but not always, made, in whole or in part, of bronze, brushed stainless steel, aluminum, or similar material, including, but not necessarily limited to, plaques, tablets, and corner stones.
- Y) **Integral, Ground:** Any Sign that is embedded, extruded, or carved into the material of a paved ground surface, typically, but not always, made, in whole or in part, of bronze, brushed stainless steel, aluminum, or similar material, including, but not necessarily limited to, plaques, tablets, and corner stones.
- Z) **Kiosk:** Any permanently affixed Structure, roofed or unroofed, that is utilized to display Signs or Bulletin Boards and is placed in areas accessible primarily to pedestrians, such as along, or at the intersection of, sidewalks, walkways, and/or trails or within a plaza, courtyard, square, or other similar pedestrian gathering area. Such Building or Structure may take the form of a booth, cubicle, open fronted hut, stand, block, cylindrical column, or a panel that is single or multi-sided.
- AA) **Landscape:** A Sign comprised of flowers, shrubs, trees, soil, much, stone, pavers, or other similar landscaping materials that is located within a planter, flower bed, garden, or open lawn area.
- BB) **Light Box:** A permanently affixed Sign with an exposed frame, translucent face, and internal illumination.

ARTICLE 4: DEFINITIONS

- CC) **Light Pole:** Any Banner which is affixed to the side of a light pole or street light designed or retrofitted for such a display.
- DD) **Marquee (Sign):** Any Sign that is permanently affixed to the visible surface(s) of a Marquee.
- EE) **Miscellaneous (Sign):** Any Sign that is not considered a Building Mounted or Freestanding Sign.
- FF) **Original Art Display:** A hand-painted work of visual art that is either affixed to, or painted directly on, the exterior wall of a Structure with the permission of the property owner but excluding mechanically produced or computer generated prints or images; including, but not limited to digitally printed vinyl, electrical or mechanical components, or changing image art display(s).
- GG) **Pole or Pylon:** Any Freestanding Sign that is permanently affixed to the ground and is supported by one (1) or more structural elements.
- HH) **Post and Panel:** Any Sign consisting of panels made of rigid material that are mounted between two (2) posts, or hung from an arm, supported by one (1) or more posts, permanently affixed to the ground; and may be removable to allow convenient changing of Sign copy.
- II) **Projection:** Any Sign that is projected onto a Building or Structure, or into the air, via digital, electrical, or other such means.
- JJ) **Roof:** Any permanently affixed Sign erected and constructed wholly on and over the roof of a Building; supported by the roof structure; extending vertically above the top walk or edge of a flat roof, the eave line of a Building with a gambrel, gable, or hip roof or the deck-line of a Building with a mansard roof.
- KK) **Roof Integral:** Any permanently affixed Sign erected or constructed as an integral part of a normal roof structure of any design such that no part of the Sign extends above the highest portion of the roof and such that no part of the Sign is separate from the rest of the roof by a space of more than six (6) inches. A Sign constructed between the eaves and deck line of a mansard roof shall be considered such a Sign.
- LL) **Sandwich Board:** See "Sidewalk Sign".
- MM) **Sidewalk:** Any Sign that is portable, typically placed on or adjacent to a sidewalk, walkway, pathway, bikeway, or trail; and is primarily intended to be viewed by pedestrians, including A-frame and sandwich board style signs. Such Signs may incorporate chalkboards, whiteboards, magnetic boards, and/or Manual Changeable Copy.
- NN) **Suspended:** Any Sign, designed to be viewed primarily by pedestrians, which hangs, or is suspended beneath, an Awning, Canopy, porch, patio or walkway cover or is hung from a support extending from a Building or other similar type of feature.
- OO) **Temporary:** Any Sign, not otherwise defined within this Resolution, which is not permanently affixed to the ground, a wall, a Building, or a Structure and is typically, but not necessarily, made, in whole or in part, of paper, cloth, canvas, plastic sheet, plywood, wallboard, cardboard, and/or other similar materials; that a reasonable person could determine is intended to be displayed for a limited period of time such as, but not necessarily limited to, Signs placed on: properties for sale, properties for rent, properties which are opening for business, properties under construction, renovation, or repair; lawn Signs, Banners not affixed to light poles, and posters but excluding Windblown devices. Such Signs shall be further categorized into one of the following classifications:
- 1) **Small Temporary Sign:** A Temporary Sign that is eight (8) square feet or smaller in Sign Area and less than four (4) feet in height.

2) **Large Temporary Sign:** A Temporary Sign that exceeds eight (8) square feet in size and/or four (4) feet in height.

- PP) **Trailer:** Any Sign which is attached to, supported by, or part of a structure, where the structure's primary purpose is the display of such Sign, and where the structure is designed to move on trailer wheels, skids, or other similar devices, or is transported, pushed, or pulled by a motor vehicle, whether or not such trailer is parked or being towed.
- QQ) **Vehicle:** Any Sign attached to or displayed on a licensed and operable Vehicle and not otherwise considered a Trailer Sign.
- RR) **Wall:** Any Sign that is permanently affixed or Attached directly and generally parallel to, or painted on or otherwise inscribed on, an exterior Building wall which faces a public or private Right-of-Way, parking lot, or service drive and is confined within the limits thereof of any Building and which projects from that surface less than twelve (12) inches at all points.
- SS) **Windblown Device:** Any Sign or device, not otherwise specifically defined in this Resolution, which is set in motion by wind. Such devices shall include; streamers, ribbons, Pennants, and long, narrow strips of fabric, plastic, or other pliable material designed to move in the wind.
- TT) **Window:** Any Signs, posters, symbols and other types of identification, directly attached to the window of a Building, including faux windows and doors, or erected on the inside of a Building and visible from any public Right-of-Way or adjacent property.

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 – 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 finished surface grade directly below it. Sign height may not be artificially increased by the use of mounding.

Sign Structure – The supporting unit of a Sign Face, including but not limited to frames, braces, and poles. If the Sign Structure has a communicative element to it, the Sign Structure shall be included in the Sign Area.

Sign Width – The maximum horizontal or semi-horizontal distance between the two (2) points of a Sign Structure.

Single-Family Dwellings – A Dwelling which accommodates one Family.

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

ARTICLE 4: DEFINITIONS

C) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

Speech, Commercial - In regards to Signs, any speech proposing or promoting a commercial transaction(s) intelligent market choice(s), directing attention to a business, commodity, or service and not relating to topics, ideas, opinions, or beliefs concerning politics, religion, and/or philosophy. Such speech may only advertise products or services that are legal in the place it is offered and shall not be false or misleading.

Speech, Non-Commercial - In regards to Signs, any speech not proposing a commercial transaction or promoting "intelligent" market choices but, instead, related to topics, ideas, opinions, or beliefs concerning politics, religion, and/or philosophy.

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 barbeques, 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 adopted by Delaware County, as may be amended, establishing the location and official Right-of-Way widths of principal highways, streets and roads within Delaware County.

Thoroughfare, Road, Street - The principal public means of access to abutting property, as may be further defined, designated, delineated, or amended by the current Thoroughfare Plan, including the following types:

- A) **Arterial Street:** A general term denoting a Thoroughfare primarily designed and utilized 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 having only one outlet for vehicular traffic and may or may not be extended or continued in the future.
- E) **Freeway:** An express highway with limited or controlled access through the means of entrance and exit ramps, regardless of whether or not they are tolled; (e.g. Interstate 71).

F) **Local Street:** A Street providing access to residential, commercial, or other abutting property that is not described or listed elsewhere in the definition of a Thoroughfare.

1) 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.

G) **Marginal Access Street:** A Local or Collector Street, parallel to and adjacent to an Arterial Street, Collector Street, or Freeway, providing access to abutting properties and protection from said Streets.

H) **Private Street:** Any Street which is not owned or maintained by any public or governmental agency but rather by an individual, group of individuals, neighborhood, organization, corporation, or association.

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

Tract – Any Lot or group of Lots which are adjacent to one another that are intended and proposed to be constructed as a singular Planned Development, regardless of whether or not construction of said development occurs in phases. All concepts and definitions pertaining to Lots, such as Frontage, Lot Lines, Setback, and Yard, shall apply to Tracts.

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

ARTICLE 4: DEFINITIONS

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.

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

Zoning District, Non-Residential – Any one of the following zoning districts, as identified on the Zoning Map and further regulated herein; Community Business (CB), Planned Commercial-Office District (PCD), Light Industrial (LI), Planned Industrial-Warehouse District (PID), and Planned Community Facilities District (PCF).

Zoning District, Planned Residential – Any one of the following zoning districts as identified on the Zoning Map, and further regulated herein; Planned Rural Residential Conservation District Overlay (PRRCD) and Planned Residential District (PRD).

Zoning District, Residential – Any one of the following zoning districts as identified on the Zoning Map, and further regulated herein; Rural Residential (RR) and Suburban Residential (SR).

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.

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
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.
- 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 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 married couple; 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).

ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

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

903.03 Open Space areas shall be provided around the entire perimeter of a Tract. Such areas shall count towards the Planned Development's required Open Space acreage.

A) The required widths of said area shall be:

- 1) Fifty (50) feet from any Lot within a Planned Residential Zoning District.
- 2) One hundred (100) feet from any Lot located within a Residential or Non-Residential Zoning District.
- 3) One hundred (100) feet from the Right-of-Way line of any Street that is not classified as an Arterial Street.
- 4) One hundred fifty (150) feet from the Right-of-Way line of any Arterial Street.

B) The perimeter of said area shall be planted with two (2) evergreen trees and three (3) deciduous trees for every fifty (50) feet of site perimeter.

- 1) Required plantings shall be planted in staggered rows or groupings to create a natural looking landscape buffer but shall still generally cover the entire linear perimeter of the Tract.
- 2) Required plantings shall adhere to the size requirements found in Section 2006.
- 3) In sections where existing woody vegetation, which is healthy, mature, and abundant enough to serve as a visual screen, occurs along the perimeter of the Tract, said vegetation may be credited towards the above planting requirements.

C) No Building or Structure shall be permitted within said area unless approved as part of the Planned Development's Common Open Space as further regulated in Section 911.

D) No Limited Common Element Area shall be permitted within said area.

903.04 Critical Resource Protection

A) All Buildings, Structures, Streets, and Lot Lines shall be set back at least twenty (20) feet from any Primary Conservation Area(s).

903.05 Access

A) All Planned Developments within this District shall have at least one (1) direct vehicular access point to an Arterial or Collector Street.

B) Planned Developments consisting of more than thirty (30) Lots or Building Envelopes shall have a second vehicular access point to a Street of any type.

- 1) Such access may be achieved by providing a vehicular connection to an existing Street within an adjacent Planned Development with its own direct vehicular access point. Drives restricted only to emergency and/or maintenance vehicles only shall not count towards this requirement.
- 2) A second access point shall not be required if all of the Dwellings within a Planned Development contain residential sprinkler systems.

Reserved.

903.07 Storm Water Management

A) Setbacks.

- 1) All stormwater basins shall be set back a minimum of twenty (20) feet from: Lot Lines, Structures, designated Building Envelopes, and designated Limited Common Element Areas.
 - 2) The setback distance shall be measured landward from the maximum one hundred (100) year stormwater surface elevation of the basin during a one hundred (100) year storm.
- B) 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.
- C) Should any of the above contradict or conflict with the regulations of any County, State, or Federal agency having jurisdiction over such matter, the regulations of said agency shall supersede.
- 903.08 Parking and Loading Areas
- A) Reserved.
- 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
- A) All Street drainage shall be enclosed.
- B) Curbs and gutters shall be installed.
- C) All streets shall have a minimum pavement width of twenty-two (22) feet.
- D) The minimum width of any landscape strip between the back of a curb and a sidewalk or Multi-Use Path shall be at least six (6) feet. This width may be reduced when necessary without a Divergence to accommodate street crossings, accessibility, public services, utilities, and/or on-street parking.
- E) All Streets, including private Streets, shall conform to all applicable Delaware County specifications.
- 903.10 Sidewalks, Multi-Use Paths, and Trails
- A) Sidewalks along Streets.
- 1) New Streets. Sidewalks and/or Multi-Use Paths shall be provided along both sides of any new public or private Street.
 - 2) Existing Streets. Sidewalks and/or Multi-Use Paths shall be provided along any existing public or private Street within, abutting, or adjacent to a Planned Development.
 - 3) Whether a sidewalk or Multi-Use Path is installed shall be determined upon the context of the surrounding area. Consistency in the type (sidewalk or Multi-Use Path) with neighboring properties and/or with a pedestrian network already established along the subject Street corridor shall be maintained and continued whenever possible and logical to do so.
 - 3) Pedestrian Easement Option. When location of sidewalks and/or Multi-Use Paths is not possible, or is not logical due to the lack of connections at both ends of the required improvement, easements, where necessary, allowing for future construction by the

ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

Township, or its assignee, and public pedestrian access shall be provided in lieu of the above.

- a) The width of said easement shall be fifteen (15) feet.
- b) Easements shall be recorded prior to the issuance of any Zoning Permit for Buildings within the Planned Development.
- B) Sidewalks shall be at least four (4) feet wide and constructed of concrete or another similar type of surface.
- C) Multi-Use Paths shall be at least (10) feet wide and constructed of asphalt or another similar type of surface.
- D) Trails, where provided, shall be at least four (4) feet wide and may be paved or unpaved but must be visually delineated in some fashion.

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

- A) 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.
- B) Street Trees shall comply with Section 2005.
- C) All required landscaping shall be maintained. Dead and dying plants shall be replaced with a plant of a similar type no later than the subsequent planting season.

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.
- B) Single-family zero Lot line units, attached twin singles, townhouses, or other forms of residential development.
- C) Common Wall Single Family Attached Dwellings .
- 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 with direct access to Arterial or Collector Streets so 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) Single-family zero Lot line units, attached twin singles, townhouses, or other forms of residential development.
- C) Common Wall Single-Family Attached Dwellings.
- D) Multi-Family Dwellings.
- E) Nonresidential Uses of a religious, cultural, educational or recreational nature or character. Said facilities must be located with direct access to an Arterial or Collector Street so 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.
- 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 and Structures as regulated by Section 1609.
- 905.02 Accessory Signs as regulated by Article 18.
- 905.03 Fences and Retaining Walls as regulated by Article 20.
- 905.04 Entry Features as regulated by Section 1605.
- 905.05 Accessory storage of recreational vehicles, boats, motor homes, equipment, trailers, and other vehicles other than passenger cars as regulated by Section 1906.
- 905.06 Private Swimming Pools together with game courts for the use of occupants and their guests as regulated by Section 1709.05.
- 905.07 Golf courses, as regulated by Section 1710, provided that such courses are subsidiary to the primary residential Use of the property.
- 905.08 Private Recreational Facilities, as regulated by Section 1711, provided that such facilities are subsidiary to the primary residential Use of the property.
- 905.09 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

ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

multipurpose Building may contain a restaurant catering primarily to golf club members and their guests.

- 905.10 Home Occupations conducted by the owner in residence of a permitted Dwelling as regulated by Section 1708.
- 905.11 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.
- 905.12 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.
- 907.04 All driveways and parking areas shall be hard-surfaced with asphaltic concrete, Portland cement concrete, permeable pavers, or another similar type of hard, non-gravel surface.

Section 908: Minimum Floor Area Requirements

The minimum residential Floor Area per Dwelling 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 Lot size:

- 1) Ten thousand (10,000) square feet or greater for any detached Dwelling situated on its own individual Lot.
- 2) The Building Envelope of Detached Dwellings situated on land commonly owned by a condominium or other similar type of association shall be at least sixty (60) feet wide and one hundred twenty (120) feet deep.

B) Minimum yard requirements:

- 1) Front, side, and rear yards for detached Dwellings on Lots 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. Such Dwellings shall be located no closer than thirty (30) feet to any private Street or public Right-of-Way.
- 2) Front, side, and rear yards for detached Dwellings on land commonly owned by a condominium or other similar type of association, single-family zero Lot Line Dwellings, and Common Wall Single-Family Attached Dwellings, shall be designed so that no residential Building is closer than eleven (11) feet to any other residential Building. Such Dwellings shall be located no closer than twenty-five (25) feet to any private Street or public Right-of-Way.
- 3) Other permitted Principal Uses not otherwise specified above shall have front, side, and rear yards each of which is at least forty (40) feet. No Buildings consisting of such Use shall be located closer than thirty (30) feet to any private Street or public Right-of-Way.
- 4) Yard requirements for architectural projections, Accessory Buildings, and Accessory Structures shall be as established in Article 16.
- 5) Setbacks from private Streets without defined easements or Right-of-Ways shall be measured from the backside of the Street curb. If curbs are not present, the measurement shall be taken from the Street's edge of pavement.

- C) Building Height limits: Unless otherwise permitted by this Resolution, no Building shall exceed thirty-five (35) feet in height.

909.02 Dimensional Requirements with Conservation Development Standards

- A) 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.
- B) The Building Envelope of Detached Dwellings situated on land commonly owned by a condominium or other similar type of association shall be at least sixty (60) feet wide and one-hundred twenty (120) feet deep.
- C) Minimum yard requirements:

ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

- 1) Residential, excluding Multi-Family Dwellings, none.
 - 2) Other permitted Principal Uses, including Multi-Family Dwellings, shall have front, side, and rear yards each of which is at least fifty (50) feet.
 - 3) Yard requirements for architectural projections, Accessory Buildings, and Accessory Structures shall be as established in Article 16.
- C) Building Height limits: Unless otherwise permitted by this Resolution, no Building shall exceed thirty-five (35) feet in height.
- D) Setbacks from private Streets without defined easements or Right-of-Ways shall be measured from the backside of the Street curb. If curbs are not present, the measurement shall be taken from the Street's edge of pavement.

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, Limited Common Element Areas, road Rights-of-Way of all types, and paved vehicular areas including parking areas and driveways shall be excluded. It shall also 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, and Limited Common Element Areas 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, and Limited Common Element Areas 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.

ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

- 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 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.
 - 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:

ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

- 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.

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 shall 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 required between the applicant and administrative staff. 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.
- 915.02 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.

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

ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

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 Preliminary 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

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.

ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

- 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 Reserved.
- 918.05 Reserved.
- 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.

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.

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

922.01 After the subdivision plat is recorded, the Zoning Inspector may issue Zoning Permits for Lots within the plat upon payment of any required fees and submission of detailed and specific plans for said Lot.

922.02 Zoning approval 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.

ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

- 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: RESERVED

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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 11.5 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:

- 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.

Section 2005: Street Trees

- 2005.01 All street trees, whether required or voluntarily installed, shall comply with the requirements of this section.
- 2005.02 Street trees installed along any public Right-of-Way shall be restricted to the following species:
- A) In lawn strips two (2) to four (4) feet in width:
 - Armstrong Red Maple
 - Bowhall Red Maple
 - Washington Hawthorn
 - B) In lawn strips exceeding four (4) feet in width:
 - American Hophornbeam
 - Amur Corktree
 - Armstrong Red Maple
 - Bowhall Red Maple
 - Cleveland Norway Maple
 - Crimean Linden

Crimson King Norway Maple
Fassens Black Norway Maple
Hardy Rubertree
Japanese Scholar Tree
Kwanzan Japanese Cherry
Littleleaf Linden
Norway Maple
Red Maple
Ruby Red Horsechestnut
Shademaster Honeylocust
Skyline Honeylocust
Sunburst Honeylocust
Swedler Norway Maple
Sweetgum
Washington Hawthorn
White English Hawthorn

Section 2006: Size Requirements

- 2006.01 The following regulations are applicable wherever specified by this Resolution unless otherwise stipulated or modified.
- 2006.02 All deciduous trees shall be a minimum of two and one-half (2 ½) inch caliper in size, measured six (6) inches above the ground.
- 2006.03 All evergreen trees shall be a minimum of six (6) feet in height, measured from finished grade.
- 2006.04 All shrubs shall be a minimum twenty-four (24) inches in height at the time of planting.

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"

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.
- March 3, 2018 – Complete revision of sign regulations to comply with the *Reed v. Gilbert* U.S. Supreme Court decision as well as modification, addition, and/or deletion of various definitions pertaining to said revision.

- (effective date to be inserted) – Revised regulations and terms pertaining to the Planned Residential District (PRD), deleted the Low-Density Planned Residential Development District (PRD-V), and added landscaping standards.

