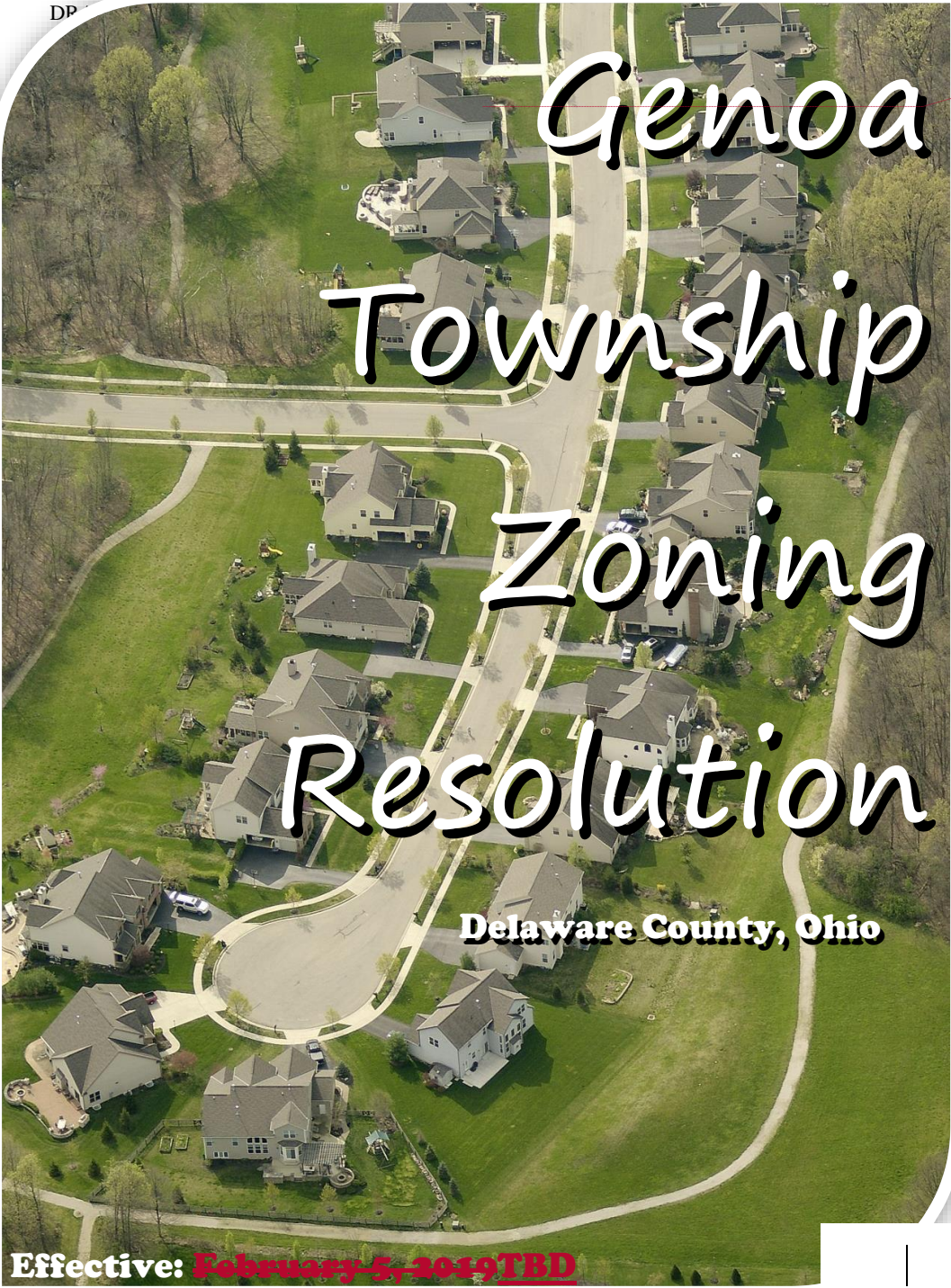


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## ZONING RESOLUTION FOR GENOA TOWNSHIP DELAWARE COUNTY, OHIO

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

WHEREAS, in accordance with Ohio Revised Code Section 519.04 and 519.13, five (5) persons have been duly appointed by the Board to serve as a Zoning Commission for said Township and five (5) other persons have been duly appointed by the Board to serve as a Board of Zoning Appeals for said Township; and,

WHEREAS, ~~zoning~~ Zoning resolutions ~~Resolutions~~ for the building and land use within the unincorporated territory of the Township were adopted in 1951 (East) and 1956 (West) in accordance with Section 519 and related sections of the Ohio Revised Code; were amended in 1969 and 1971, respectively, and were thereafter merged into a singular Zoning Resolution, on October 20, 1987, effective November 19, 1987, and subsequently amended on numerous occasions thereafter; 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 adopted a Comprehensive Plan in 1999 and subsequently updated and revised said Plan in 2008, 2009, 2016, and 2019; and,

WHEREAS, the Board has amended this Zoning Resolution on numerous occasions since 1999 in accordance with said Plan per Ohio Revised Code 519.02; and,

WHEREAS, the Board ~~of Trustees of Genoa Township previously most recently~~ adopted ~~subsequent~~ amendments to the ~~June 26, 2011~~ March 3, 2018, Zoning Resolution under the authority of, and in accordance with, the provisions of the Ohio Revised Code, with said amendments becoming effective: ~~February 9, 2013, and March 3, 2018~~ February 5, 2019; and

WHEREAS, the Zoning Commission has recommended revisions of the Genoa Township Zoning Resolution on [INSERT DATE] and has submitted such amendments to the Board under authority of, and in accordance with, the provisions of Section 519.12 of the Ohio Revised Code; and,

THEREFORE, the Board of Trustees of Genoa Township adopts amendments to this Zoning Resolution under the authority of, and in accordance with, the provisions of the Ohio

Commented [S32]: Date to be added when action is taken

Commented [S33]: 9/18/2020 – Edited per Trustee comments.

DRAFT

ZC 2020-03

SEPTEMBER 18, 2020  
GENOA TOWNSHIP ZONING RESOLUTION

PREFACE

Revised Code with said amendments becoming effective: ~~February 5, 2019~~ **INSERT**  
~~DATE;~~ and

**Commented [SJ4]:** Date to be added when action is taken

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

APPROVED BY:

*Genoa Township Board of Trustees*

## TABLE OF CONTENTS

**Commented [SJ5]:** The Table of Contents will be revised once the amendment is adopted

Table of Contents.....	iii
ARTICLE 1: Administration .....	1
Section 101: Title.....	1
Section 102: General Authority and Jurisdiction.....	1
Section 103: Purpose.....	2
Section 104: Interpretation.....	2
Section 105: Construction of Language.....	2
Section 106: Separability .....	3
Section 107: Required Conformance .....	3
Section 108: Comprehensive Plan .....	3
Section 109: Validity of Citations and References.....	4
Section 110: Buildings Under Construction .....	4
Section 111: Issued Zoning Permits.....	4
Section 112: Other Permits and Licensures .....	4
Section 113: Classification of Actions .....	5
Section 114: Administrative Bodies and their Duties.....	5
Section 115: Zoning Permits and Certificates of Compliance.....	6
Section 116: Enforcement .....	8
ARTICLE 2: Responsibilities of the Zoning Commission and Trustees .....	1
Section 201: Township Zoning Commission .....	1
Section 202: Township Trustees.....	1
ARTICLE 3: Responsibilities of the Board of Zoning Appeals .....	1
Section 301: Board of Zoning Appeals .....	1
Section 302: Conditional Use Permits.....	2
Section 303: Conditional Use Standards .....	2
Section 304: Processing of Conditional Uses .....	3
Section 305: Expiration of Conditional Use Permit.....	4
Section 306: Administrative Appeals.....	4
Section 307: Variances .....	4
ARTICLE 4: Definitions .....	1
Section 401: Introduction .....	1

Effective: ~~February 5, 2019~~**TBD**

Preface iii |

DRAFT  
GENOA TOWNSHIP ZONING RESOLUTION  
PREFACE

ZC 2020-03

SEPTEMBER 18, 2020

Section 402: Definitions.....	1
ARTICLE 5: Establishment of Districts and Map .....	
Section 501: Establishment of Districts .....	1
Section 502: Official Zoning District Map .....	1
Section 503: Interpretation of District Boundaries.....	1
ARTICLE 6: Rural Residential District (RR) .....	
Section 601: Intent and Purpose .....	1
Section 602: Permitted Principal Uses.....	1
Section 603: Permitted Accessory Uses.....	1
Section 604: Conditional Uses.....	2
Section 605: Prohibited Uses .....	3
Section 606: Dimensional Requirements .....	4
Section 607: Residential Driveway Setback Requirements .....	5
Section 608: Minimum Floor Area Requirements.....	5
Section 609: District Standards.....	5
Section 610: Administration and Enforcement.....	6
ARTICLE 7: Reserved .....	
ARTICLE 8: Suburban Residential District (SR).....	
Section 801: Intent and Purpose.....	1
Section 802: Permitted Principal Uses.....	1
Section 803: Permitted Accessory Uses.....	1
Section 804: Conditional Uses.....	2
Section 805: Prohibited Uses .....	3
Section 806: Dimensional Requirements .....	3
Section 807: Residential Driveway Setback Requirements .....	4
Section 808: Minimum Floor Area Requirements.....	4
Section 809: District Standards.....	5
Section 810: Administration and Enforcement.....	5
ARTICLE 9: Planned Residential District (PRD).....	
Section 901: Intent and Purpose.....	1
Section 902: Contiguity of Land and Project Ownership .....	1
Section 903: General Requirements .....	1
Section 904: Permitted Principal Uses.....	4
Section 905: Permitted Accessory Uses.....	6
Section 906: Prohibited Uses .....	7
Section 907: Residential Driveway Setback Requirements .....	7
Section 908: Minimum Floor Area Requirements.....	7
Section 909: Dimensional Requirements .....	8
Section 910: Open Spaces.....	9
Section 911: Common Open Spaces.....	9
Section 912: Off-Site Common Open Spaces .....	10
Section 913: Ownership of Common Open Space.....	11
Section 914: Maintenance of Open Space .....	13
Section 915: Administration and Enforcement.....	14
ARTICLE 10: Reserved.....	
ARTICLE 11: Community Business District (CB).....	
Section 1101: Intent and Purpose .....	1
Section 1102: Permitted Principal Uses .....	1
Section 1103: Permitted Accessory Uses .....	2
Section 1104: Conditional Uses .....	2
Section 1105: Operational Standards.....	3
Section 1106: Prohibited Uses .....	3

## PREFACE

Section 1107: Dimensional Requirements .....	4
Section 1108: Design Standards .....	5
Section 1109: Administration and Enforcement .....	6

ARTICLE 12: Planned Commercial District (PCD) .....	1
Section 1201: Intent and Purpose .....	1
Section 1202: Contiguity of Land and Project Ownership .....	1
Section 1203: General Requirements .....	1
Section 1204: Required Conditions for Businesses .....	3
Section 1205: Permitted Principal Uses .....	4
Section 1206: Permitted Accessory Uses .....	5
Section 1207: Prohibited Uses .....	5
Section 1208: Dimensional Requirements .....	6
Section 1209: Administration and Enforcement .....	8

ARTICLE 13: Planned Industrial District (PID) .....	1
Section 1301: Intent and Purpose .....	1
Section 1302: Contiguity of Land and Project Ownership .....	1
Section 1303: General Requirements .....	2
Section 1304: Permitted Principal Uses .....	3
Section 1305: Permitted Accessory Uses .....	5
Section 1306: Required Standards .....	5
Section 1307: Prohibited Uses .....	7
Section 1308: Dimensional Requirements .....	7
Section 1309: Administration and Enforcement .....	10

ARTICLE 14: Planned Community Facilities District (PCF) .....	1
Section 1401: Intent and Purpose .....	1
Section 1402: Contiguity of Land and Project Ownership .....	1
Section 1403: Permitted Principal Uses .....	1
Section 1404: Permitted Accessory Uses .....	3
Section 1405: Conditional Uses – None .....	3
Section 1406: General Requirements .....	3
Section 1407: Prohibited Uses .....	5
Section 1408: Dimensional Requirements .....	6
Section 1409: Administration and Enforcement .....	7

ARTICLE 15: Light Industrial District (LI) .....	1
Section 1501: Intent and Purpose .....	1
Section 1502: Permitted Principal Uses .....	1
Section 1503: Permitted Accessory Uses .....	2
Section 1504: Conditional Uses .....	3
Section 1505: Operational Standards .....	3
Section 1506: Prohibited Uses .....	5
Section 1507: Dimensional Requirements .....	6
Section 1508: Design Standards .....	7
Section 1509: Administration and Enforcement .....	7

ARTICLE 16: General Development Standards .....	1
Section 1601: Intent and Purpose .....	1
Section 1602: Street Frontage Required .....	1
Section 1603: Reserved .....	1
Section 1604: Common Access Drives .....	1
Section 1605: Access Drives and Appurtenant Structures .....	1
Section 1606: Principal Buildings per Lot .....	1
Section 1607: Reduction of Area or Space .....	2
Section 1608: Architectural Projections Into Required Yards .....	2
Section 1609: Accessory Structures .....	2
Section 1610: Outdoor Storage and Waste Disposal .....	3
Section 1611: Nuisances .....	4



DRAFT  
GENOA TOWNSHIP ZONING RESOLUTION  
PREFACE

ZC 2020-03

SEPTEMBER 18, 2020

Section 1612: Objectionable Practices or Conditions .....	5
Section 1613: Reserved.....	5
Section 1614: Water Impoundments .....	6
Section 1615: Sight Distance .....	6
Section 1616: Exceptions, Modifications, and Interpretations of Height Regulations .....	6
Section 1617: Dangerous Wild Animals .....	6
ARTICLE 17: Special and Miscellaneous Uses.....	1
Section 1701: Intent and Purpose .....	1
Section 1702: Temporary Uses and Special Events.....	1
Section 1703: Day Care Centers .....	4
Section 1704: Residential Care Facilities .....	4
Section 1705: Cemeteries .....	7
Section 1706: Religious Establishments .....	7
Section 1707: Portable Storage Units .....	9
Section 1708: Home Occupations.....	11
Section 1709: Swimming Pools.....	12
Section 1710: Golf Courses .....	13
Section 1711: Private Recreational Facilities – Outdoor .....	13
Section 1712: Sexually Oriented Businesses .....	14
Section 1713: Accessory Dwellings.....	16
Section 1714: Agriculture .....	16
Section 1715: Agritourism .....	17
Section 1716: Farm Markets.....	18
Section 1717: Substance Abuse Treatment Clinics .....	19
ARTICLE 18: Sign Standards.....	1
Section 1801: Intent and Purpose .....	1
Section 1802: General Provisions and Safety Requirements .....	1
Section 1803: Authorized Signs for All Zoning Districts .....	5
Section 1804: Non-Residential Zoning District Regulations .....	8
Section 1805: Planned Residential Zoning District Regulations .....	12
Section 1806: Residential Zoning District Regulations .....	14
Section 1807: Nonconforming Signs.....	17
Section 1808: Prohibited Signs .....	17
Section 1809: Removal of Signs .....	17
Section 1810: Substitution .....	18
Table of Permitted Sign Types by Zoning District.....	19
ARTICLE 19: Parking Standards.....	1
Section 1901: Intent and Purpose .....	1
Section 1902: Required Parking Plan .....	1
Section 1903: Off-Street Parking Design Standards .....	1
Section 1904: Parking Space Requirements .....	2
Section 1905: Off-Street Loading Areas.....	3
Section 1906: Parking and Storage of Vehicles Other Than Passenger Cars .....	4
ARTICLE 20: Landscaping Standards .....	1
Section 2001: Intent and Purpose .....	1
Section 2002: Fences, Accessory Walls and Vegetation.....	1
Section 2003: Screening.....	2
Section 2004: Retaining Walls.....	2
Section 2005: Street Trees.....	3
Section 2006: Size Requirements .....	3
ARTICLE 21: Lighting Standards .....	1
Section 2101: Intent and Purpose .....	1
Section 2102: General Provisions and Design Standards .....	1
ARTICLE 22: Utilities .....	1

## PREFACE

Section 2201: Intent and Purpose .....	1
Section 2202: General Standards .....	1
Section 2203: Aerial Antennas and Satellite Dish Antennas .....	1
Section 2204: Telecommunications Towers .....	3
Section 2205: Wind Turbines .....	8
ARTICLE 23: Reserved .....	1
ARTICLE 24: Reserved .....	1
ARTICLE 25: Non-Conformities .....	1
Section 2501: Intent and Purpose .....	1
Section 2502: Nonconforming Lots .....	1
Section 2503: Nonconforming Uses of Land .....	1
Section 2504: Nonconforming Structures .....	1
Section 2505: Incompatibilities of Non-Conformities .....	2
Section 2506: Substitutions of Nonconforming Uses .....	2
Section 2507: Certificates for Nonconforming Uses .....	2
ARTICLE 26: Amendments .....	1
Section 2601: Intent and Purpose .....	1
Section 2602: General Requirements .....	1
Section 2603: Initiation of Amendments .....	2
Section 2604: Submission Requirements for Text Amendments .....	2
Section 2605: Submission Requirements for Map Amendments – Straight Zoning Districts .....	4
Section 2606: Procedure for Amendments .....	5
ARTICLE 27: Planned Development Administration and Procedures .....	1
Section 2701: General Requirements .....	1
Section 2702: Pre-Application Process for Planned Residential Districts (PRD) .....	2
Section 2703: Zoning Map Amendment and Preliminary Development Plan Submission Requirements .....	3
Section 2704: Zoning Map Amendment and Preliminary Development Plan Procedure .....	6
Section 2705: Final Development Plan Submission Requirements .....	9
Section 2706: Final Development Plan Procedure .....	13
Section 2707: Divergence Review and Conflicts with Other Sections .....	15
Section 2708: Subdivision Plat and Subdivision Regulations .....	17
Section 2709: Certificate of Zoning Compliance .....	17
Section 2710: Modifications and Final Development Plan Amendments .....	17
Section 2711: Final Development Plan Amendment Submission Requirements .....	19
Section 2712: Final Development Plan Amendment Procedure .....	20
Section 2713: Enforcement .....	22
History of Genoa Township Zoning & Planning .....	1

DRAFT  
GENOA TOWNSHIP ZONING RESOLUTION  
PREFACE

ZC 2020-03

SEPTEMBER 18, 2020

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**ARTICLE 1: ADMINISTRATION****Section 101: Title**

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

**Section 102: ~~Areas of Jurisdiction~~General Authority and Jurisdiction.**

- 102.01 ~~Per Ohio Revised Code Section 519.02, in the interest of the public health, safety, and general welfare, the Township Trustees may, in accordance with a comprehensive plan, regulate the location, height, bulk, number of stories, and size of Buildings and other Structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, Setback Building lines, sizes of Yards, courts, and other Open Spaces, the density of population, the Uses of Buildings and other Structures, including tents, cabins, and trailer coaches, and the Uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of Genoa Township, and establish reasonable residential landscaping standards and residential architectural standards, excluding exterior building materials, for the unincorporated territory of Genoa Township; and, for all these purposes, the Township Trustees may divide all or any part of the unincorporated territory of Genoa Township into Districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform for each class or kind of Building or other Structure or Use throughout any District or zone, but the regulations in one District or zone may differ from those in other Districts or zones.~~
- 102.02 ~~The provisions of this Resolution shall apply to all lands, Buildings, Structures, Signs, and/or Uses within the unincorporated area of Genoa Township, Delaware County, Ohio, unless otherwise specified herein or exempted by the Ohio Revised Code (ORC) or by any other law or governing agency with jurisdiction or authority over such matter.~~
- 102.03 ~~Agriculture shall be permitted in accordance with ORC 519.21 and the standards set forth in Section 1714, as may be amended.~~
- 102.04 ~~Agritourism shall be permitted in accordance with ORC 519.21(C)(4) and the standards set forth in Section 1715, as may be amended.~~
- 102.05 ~~Farm Markets shall be permitted in accordance with the standards set forth in Section 1716, as may be amended.~~
- 102.06 ~~Public Utilities and Railroads. In accordance with ORC 519.211, public utilities and railroads shall not be prohibited in respect to the location, erecting, construction, reconstruction, change, Alteration, maintenance, removal, use or enlargement of any Buildings or Structures for the operation of its business except as otherwise provided for telecommunication towers in Section 2204 of this Zoning Resolution.~~
- 102.07 ~~Governmental Facilities. Any local, statestate, or federal governmental Use shall not be prohibited in any Zoning District. Such local, statestate, or federal governmental bodies proposing a use of land or construction of a Building incidental to their governmental functions and responsibilities shall make a good faith effort to comply with this Zoning Resolution.~~
- 102.08 ~~Sale or Use of Alcoholic Beverages. In accordance with ORC 519.21, the sale or use of alcoholic beverages shall not be prohibited in areas where the establishment and operation of any Retail business, Hotel, lunchroom, or Restaurant is permitted.~~
- 102.09 ~~Outdoor Advertising. In accordance with ORC 519.20, outdoor advertising shall be classified as a business Use and shall be permitted in all Districts zoned for industry, business, tradetrade, or lands used for agricultural purposes. Outdoor advertising shall comply with all applicable provisions within Article 18 of this Resolution.~~

**Commented [SJ6]:** 9/18/2020 – Edited per Trustee comments.

**Commented [SJ7]:** NOTE 9/18/2020 – Edited per Trustee comments.

**Commented [JS8]:** Suggested language from Peter Griggs has been slightly modified to better fit the resolution.

NOTE: (9/16/19) – The ZC asked staff to revise this text to make it less "wordy". Staff has discovered this text is actually the zoning authorization language of ORC 519.02. Given this fact, staff recommends this section generally remain as originally drafted, with some minor edits. An opening statement has been added to reflect the citation. The only other change is the statute only cites public health and safety in its opening statement. It does not mention convenience, comfort, prosperity or general welfare. As such, that text has been removed.

**Commented [SJ9]:** Suggested language from Peter Griggs has been modified to better fit the resolution.

**Commented [SJ10]:** Addressing these matters per the recommendation of Peter Griggs.

**Commented [SJ11]:** Language provided by Peter Griggs. It has been modified to better fit the resolution.

**ARTICLE 1: ADMINISTRATION**

102.10 Oil and Gas Production. In accordance with ORC 1509.02, the permitting, location, and spacing of oil and gas wells and production operations shall fall under the authority of the Ohio Department of Natural Resource's Division of Oil and Gas Resources.

**Commented [SJ12]:** Addressing this matter per the recommendation of Peter Griggs.

**Commented [SJ13]:** This is verbatim language from ORC 1509.02.

**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 while protecting the property rights of all residents.
- 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 as further prescribed in Sections 102.03, 102.04, 102.05, 1714, 1715, and 1716 of this Resolution. 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~~ 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 conflict with itself, the stricter, higher standard shall apply ~~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.~~

**Commented [SJ14]:** 5/24/19 – Revised for clarity and because Township zoning has no authority or involvement with any rules or regulations adopted independently of this Resolution and/or by another agency, public or private.

**Section 105: Construction of Language**

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

- 105.01 Words used in the singular shall include the plural, and the plural the singular.
- 105.02 Words used in the present tense shall include the future tense.
- 105.03 The word “shall” is mandatory and not discretionary.
- 105.04 The word “may” is permissive.
- 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~~~~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, 1213, 1313, and 1413.~~
- 107.06 Amendments to this Zoning Resolution shall not apply to any ~~re-zoning~~Zoning Map Amendment 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:

A) An application for a Zoning Map Amendment be submitted on or after the effective date of the subject amendment(s);

B) An application for Legal Approval, including Final Development Plan applications, be submitted on or after the effective date of the subject amendment(s); or

C) An application to alter, revise, change, or amend a previously granted re-zoningZoning Map Amendment or a Legal Approval, including Final Development Plans, be submitted on or after the effective date of the subject amendment(s). Unless otherwise specified herein, amendments shall only apply to those portions of the original approval being altered, revised, changed, or amended.

#### Section 108: ~~Agriculture~~ Comprehensive Plan

~~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~~

Commented [SJ15]: 5/24/19 – Revised for clarity

Commented [SJ16]: Section being re-purposed

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 1: ADMINISTRATION

~~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. Legislative amendments to this Zoning Resolution shall be consistent and compatible with the Genoa Township Comprehensive Plan, as may be amended. The Comprehensive Plan may be utilized as a guide in the administration of this Zoning Resolution; however, in instances where the two documents conflict, the Zoning Resolution shall control.~~

### Section 109: Exceptions, Modification and Interpretations of Height Regulations Validity of Citations and References

~~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.~~

~~109.01 All article and section citations within this Zoning Resolution shall be assumed to be referring to this Resolution unless otherwise expressly stated, implied, inferred, or in any other way made obvious.~~

~~109.02 Citations of the Ohio Revised Code, as well as other laws and plans not found within this Resolution, reflect references which existed at the time of this Resolution's adoption. Amendments to any cited law and/or plan, which may or may not alter a referenced code number and/or document name, does not necessarily invalidate said citation. Any such law or plan which has been revised shall be presumed to still be valid and enforceable, as amended, unless there exists substantive and verifiable evidence to the contrary.~~

### Section 110: Buildings Under Construction

Nothing contained in this Resolution shall require any change in plans, construction, ~~size~~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~~one (1) year 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~~eighteen (18) months 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~~eighteen (18) months 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.~~

**Commented [SJ17]:** Section is being deleted due to the fact that: 1) Agriculture is being addressed in Sections 1714-176 2) Height regulation exceptions are being moved to a more appropriate location in Section 1616.

**Commented [SJ18]:** Language drafted by staff to make it clear that even if the ORC, or another law or plan referenced in this document is revised or amended, it is still considered valid.

**Commented [SJ19]:** Revisions recommended by staff as the current standard does not contain a lot of room for error should inclement weather during winter months, or another setback beyond the applicant's control, slow construction.

**Commented [SJ20]:** We do not have this authority per the County Prosecutor's Office

**Section 113: Reserved Classification of Actions**

~~113.01 The approval of a Zoning Map Amendment shall be considered a legislative action subject to referendum pursuant to Ohio Revised Code Section 3519.01, as may be amended.~~

~~113.02 The approval or denial of a Final Development Plan, or any amendment to a Final Development Plan, shall be considered an administrative action.~~

~~113.03 The approval or denial of a Zoning Permit, the issuance or withholding of a Certificate of Compliance, and any other ministerial action taken by the Zoning Inspector or their designee shall be considered administrative actions.~~

~~113.04 The approval or denial of a Variance or Conditional Use application, as well as the decision rendered in an Administrative Appeal case, shall be considered quasi-judicial actions.~~

**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 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) Review all applications within the Township for Zoning Map Amendments, zoning text amendments, Final Development Plans, Final Development Plan amendments, Variances, Conditional Uses, and Administrative Appeals and report findings regarding zoning compliance to the appropriate board, commission, committee, and/or staff member(s).~~

~~BC) Conduct on-site inspections to ensure the actual construction will zoning-related activities conform to the Zoning Permit applicable Legal Approvals.~~

~~CD) 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.~~

~~DE) Order discontinuance of illegal Uses of land, Buildings or Structures in accordance with the provisions of the Ohio Revised Code.~~

~~EE) Order removal of illegal Buildings or Structures or illegal additions or structural Alterations in accordance with the provisions of the Ohio Revised Code.~~

~~FG) 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.~~

~~GH) 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 contact information 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.~~

~~HI) Issue monthly as-needed reports to the Zoning Commission, Board of Zoning Appeals, and/or Township Trustees regarding activities and inspections undertaken to meet the responsibilities outlined in subsections 114.01(A-GJ).~~

**Commented [SJ21]:** 9/18/2020 – Edited per Trustee comments.

**Commented [SJ22]:** Clarification added at the recommendation of Peter Griggs; however, staff drafted this language.

9/16/19 – This text was originally drafted under the definition of Planned Development. The ZC recommended it be moved into Article 1.

**Commented [SJ23]:** NOTE (1/16/20) – Added to reflect actual practice

**Commented [SJ24]:** NOTE (1/16/20) – Revised to broaden scope and reflect actual practices and authority

**Commented [SJ25]:** NOTE (1/16/20) – Added for clarification

~~J) Delegate duties to personnel authorized to assist with zoning administration, inspections, reporting, enforcement, and record keeping.~~

Commented [SJ26]: NOTE (1/16/20) – Added for clarification

- 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~~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 within this Resolution. -~~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 or e-mail address of applicant;
- ~~B) Applicant's signature;~~
- ~~BC) Date of application;~~
- ~~CD) Name and address of property owner;~~
- ~~E) Should the applicant not be the property owner of record, or if said owner does not co-sign the application, proof of the property owner's authorization for the application to be made shall be submitted in the form of a signed letter, e-mail, or a copy of a legal agreement or contract between the applicant and the property owner which establishes that the applicant has an equitable interest in said property;~~
- ~~DE) Name, address, and phone number of the person to contact regarding information provided on the Zoning Permit application;~~
- ~~EG) A certified address, the name of the subdivision and the lot number, or other information necessary to establish the location of the Lot;~~
- ~~FH) 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")eleven by seventeen inches (11" x 17"), 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;~~
- ~~GI) The number of proposed Dwellings and the total residential Floor Area for each Dwelling;~~
- ~~HJ) 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;~~

Commented [JS27]: Added to codify existing practice.  
5/24/19 – Wording revised for clarity

~~(K)~~ 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;

~~(M)~~ A statement by the applicant attesting to the truth and exactness of all information supplied on the application;

~~(N)~~ 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; If construction does not begin within one (1) year of the issuance date of a Zoning Permit, said Permit shall no longer be considered valid. The Zoning Permit shall be valid for eighteen (18) months unless otherwise extended via written consent of the Zoning Inspector at their discretion.

~~(O)~~ Such other information as may be necessary to determine conformance with this Resolution; and

~~(P)~~ 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/she 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/she shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning Permit. If the Director of the Ohio Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the Zoning Permit.

#### 115.03 Certificate of Zoning Compliance

A) It shall be unlawful to use or occupy or permit the use or occupancy of any Building or premises, or both, or part thereof hereafter created, erected, changed in ownership, converted in Use, or wholly or partly altered or enlarged in its Use or Structure until a Certificate of Zoning Compliance or a Temporary Certificate of Zoning Compliance is issued thereof by the Zoning Inspector stating that the proposed Use of the Building or land conforms to the requirements of this Resolution with the Zoning Permit issued for the project. Submission of additional

**Commented [SJ28]:** 9/18/2020 – Edited per Trustee comments.

**Commented [SJ29]:** Revised the reflect wording on current zoning permits and current practices. Furthermore, the existing text implied that all work had to be done within the zoning permit's lifespan. Larger projects can take longer than a year to complete. Once a permit is issued and work has begun, the permit holder is likely entitled to what was approved.



## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 1: ADMINISTRATION

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~~ Temporary certificate ~~Certificate~~ of Zoning Compliance may be issued by the Zoning Inspector for a period not exceeding ~~six (6)~~ eighteen (18) 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 if~~ 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~~ based on 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~~ may 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, Remedies, and Penalties – Pursuant to Ohio Revised Code 519.23 and 519.24, No no Building, Structure, Sign, or Use shall be established, located, erected, constructed, reconstructed, enlarged, changed, maintained, or used occupied, 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. 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 said violation. The Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this Section. Violations shall be subject to remedies and penalties identified within Ohio Revised Code Section 519.99, as may be amended.

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,~~

**Commented [SJ30]:** 9/16/19 – This text largely reflects the wording of the Ohio Revised Code.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 1: ADMINISTRATION

~~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.~~

116.0302 Fees – Any application under this Resolution for a Certificate of Zoning Compliance, ~~or~~ Zoning Permit, Conditional Use Permit, Variance, ~~sign~~ Sign permit, ~~Temporary Use permit, Zoning Map Amendment~~, 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 any public schools or Government Agency.~~ 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, ~~the compensation of Board of Zoning Appeals or Zoning Commission members for attending said hearing or hearings, and any other costs incurred in administering this Resolution.~~ Such fees are not refundable regardless of the outcome of the application ~~unless otherwise authorized by the Township Trustees.~~

**Commented [SJ31]:** 9/16/19 – ZC recommended deletion due to the fact remedies and penalties, particularly fines, are levied by the court system, not the Township.

**Commented [SJ32]:** 9/18/2020 – Edited per Trustee comments.



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

### Section 201: Township Zoning Commission

The Township Trustees shall establish a Zoning Commission, in accordance with ORC 519.04, consisting of five (5) citizens of the Township to be appointed by the Township Trustees. Two (2) additional citizens may be appointed to the Zoning Commission as alternates. ~~None of the members shall concurrently serve as a member of the Board of Zoning Appeals or Township Trustees.~~

201.01 The terms of the members shall be of such length and so arranged that the term of one member will expire each year. ~~Each member shall serve until his-their~~ successor is appointed and qualified.

Commented [SJ33]: 9/18/2020 – Edited per Trustee comments.

201.02 Members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, upon written charges being filed with the Township Trustees, after a public hearing has been held regarding ~~such-the~~ charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days ~~prior to~~ before the hearing, either personally, by registered mail or by leaving ~~such-the~~ copy at ~~his-the~~ member's usual place of residence. ~~The hearing shall occur within sixty (60) days after the charges are filed.~~ The member shall be given an opportunity to be heard and answer ~~such-the~~ charges. ~~Upon the approval of a majority of the Township Trustees, the member may be suspended from participating as a member of the Zoning Commission during the period of up to sixty (60) days before the pending hearing on the removal.~~ Vacancies shall be filled by the Township Trustees and shall be for the un-expired term. ~~A suspension authorized by this section is not a vacancy for purposes of this section. The decision of the Township Trustees regarding the suspension or removal may be appealed under Chapter 2506 of the Ohio Revised Code.~~

Commented [SJ34]: Revisions made to reflect recent changes to ORC. The wording here is almost verbatim to how the law now will read.

201.0203 The Zoning Commission shall elect its own officers annually and shall adopt the rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held periodically as the need arises but not less than quarterly at the call of the Chairman and at such other times as the Zoning Commission may determine. ~~The Chairman, or in his-their~~ absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

Commented [SJ35]: 9/18/2020 – Edited per Trustee comments.

201.0304 The Zoning Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be a public record.

201.0405 The Zoning Commission shall act by resolution or motion. ~~The concurring~~ A majority vote of ~~three (3)~~ a quorum of Zoning Commission members of the Zoning Commission shall be necessary to pass any motion to recommend the approval, disapproval, or modification of any proposed amendment to this Resolution. ~~The results of such resolution or motion shall be forwarded to the Township Trustees for their action, except as may otherwise be provided herein.~~

Commented [SJ36]: Revised at the suggestion of the Prosecutor's Office to be consistent with legal precedent.

201.0506 The Zoning Commission shall initiate or review all proposed amendments to this Resolution and make recommendations to the Township Trustees in accordance with Article 26.

201.07 ~~The Zoning Commission shall review all proposed Final Development Plans and Final Development Plan amendments and make recommendations to the Township Trustees in accordance with Article 27 and ORC 519.05. The Zoning Commission shall have decision-making authority regarding Final Development Plan amendments deemed by the Commission to be minor amendments in accordance with the provisions of this Resolution.~~

NOTE (1/17/20) – Legal precedence defaults to a 1992 opinion of the Attorney General (which gets treated like law). Furthermore, said opinion cites several related cases/decisions made by the Ohio Supreme Court.

The ORC does not give the Zoning Commission express permission to set its own rules for what constitutes a majority vote. We generally must assume we can't do something unless the ORC expressly says we can.

Exceptions to that viewpoint sometimes are made if something is purely viewed as a natural extension of a government's administrative function (i.e. relatively trivial) but staff believes voting on zoning matters is a due process issue which the Township would have much less latitude in dictating.

Commented [SJ37]: 9/18/2020 – Edited per Trustee comments.

### Section 202: Township Trustees

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of

DRAFT

ZC 2020-03

SEPTEMBER 18, 2020

GENOA TOWNSHIP ZONING RESOLUTION

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

the Township Trustees, in connection with this Resolution, shall not include hearing and deciding questions of interpretation and enforcement that may arise.

Regarding zoning. ~~The~~ the Township Trustees shall be responsible for:

- 202.01 ~~Appointing Appointment and removal of a~~ the Zoning Inspector, Zoning Secretary, zoning staff, members of the Township Zoning Commission, ~~and~~ members of the Board of Zoning Appeals, and, ~~if so established, members of the Architectural Review Board;~~
- 202.02 ~~Establishing Establishment of~~ a schedule of fees to defray the costs of ~~for issuing Zoning Permits, appeals, Variances, Conditional Use Permits, processing amendments, and any other zoning actions requiring postage, legal advertising, inspections or expert review, or general processing of applications administering and enforcing this Zoning Resolution;~~ and
- 202.03 Consideration of, and adoption, ~~rejection~~ rejection, or modification of, proposed amendments to this Resolution, including the Zoning Map, as provided in Article 26; and
- 202.04 Consideration of, and adoption, rejection, or modification of, proposed Final Development Plans and Final Development Plan amendments as provided in Article 27.

**Commented [SJ38]:** Re-phrased to simplify and to prevent from accidentally leaving an item out

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

### Section 301: Board of Zoning Appeals

The Township Trustees shall ~~establish a Board of Zoning Appeals, in accordance with ORC 519.13, appoint consisting of~~ five (5) residents of the Township ~~to the Board of Zoning Appeals~~. Two (2) additional citizens may be appointed to the Board of Zoning Appeals as alternates. None of the members shall concurrently serve as a member of the ~~Township Trustees, Zoning Commission, or Architectural Review Board~~.

301.01 The terms of all members shall be so arranged that the term of one member shall expire every year. Each member shall serve until ~~his-their~~ successor is appointed and qualified.

Commented [SJ39]: 9/18/2020 – Edited per Trustee comments.

301.02 Members of the Board of Zoning Appeals may be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, upon written charges being filed with the Township Trustees, after a public hearing has been held regarding ~~such-the~~ charges, and after a copy of the charges has been served ~~upon the member so charged at least ten (10) days before the hearing~~, either personally, or by registered mail, or by leaving ~~such-the~~ copy at ~~his-the~~ member's usual place of residence. ~~The hearing shall occur within sixty (60) days after the charges are filed.~~ The member shall be given an opportunity to be heard and answer ~~such-the~~ charges. ~~Upon the approval of a majority of the Township Trustees, the member may be suspended from participating as a member of the Board of Zoning Appeals during the period of up to sixty (60) days before the pending hearing on the removal. The decision of the Township Trustees regarding the suspension or removal may be appealed under Chapter 2506. Vacancies shall be filled by resolution of the Township Trustees and shall be for the unexpired term. A suspension authorized by Section 519.04 of the Ohio Revised Code is not a vacancy for the purposes of this section.~~

Commented [SJ40]: Revised to match recent changes to ORC. Wording is practically verbatim to what is stated in the ORC.

301.0203 The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairman and at such other times as the Board of Zoning Appeals may determine. The Chairman, or in ~~his-their~~ absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board of Zoning Appeals.

Commented [SJ41]: 9/18/2020 – Edited per Trustee comments.

301.0304 In exercising its duties, the Board of Zoning Appeals may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the power of the Zoning Inspector from whom the appeal is taken. ~~The concurring~~A majority vote of ~~three (3)~~ a quorum of Board of Zoning Appeals members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution.

Commented [SJ42]: Revised at the suggestion of the Prosecutor's Office to be consistent with legal precedent

301.0405 ~~For the purpose of this Resolution~~Pursuant to ORC 519.14, the Board of Zoning Appeals has the following specific responsibilities:

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

## GENOA TOWNSHIP ZONING RESOLUTION

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

- C) To grant Conditional Use Permits as specified in Section 302 and such additional safeguards as will uphold the intent of the Resolution; and
- D) To determine the exact location of any District boundary in accordance with Section 503 if there is uncertainty as to the exact location.

~~301.06 The Zoning Commission and Township Trustees shall not have authority over the responsibilities delegated to the Board of Zoning Appeals nor shall they have the authority to assume said responsibilities or override any decision of the Board of Zoning Appeals.~~

~~301.07 Decisions made by the Township Trustees or the Zoning Commission shall not be eligible for appeal to the Board of Zoning Appeals. Similarly, decisions made by the Board of Zoning Appeals shall not be eligible for appeal to the Township Trustees or the Zoning Commission.~~

**Section 302: Conditional Use Permits**

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

302.01 Name, address, and telephone number ~~or e-mail address of the~~ applicant;

~~302.02 Applicant's signature~~

~~302.0203~~ Date of application;

~~302.04 Name and address of property owner;~~

~~302.05 Should the applicant not be the property owner of record, or if the applicant of property of record does not co-sign the application, proof of the property owner's authorization for the application to be made shall be submitted in the form of a signed letter, e-mail, or a copy of a legal agreement or contract between the applicant and the property owner which establishes that the applicant has an equitable interest in said property;~~

~~302.06 Address or parcel identification number (PIN) of the subject property;~~

~~302.0307 The lot, name, and number or legal description of the property name of the subdivision the Lot is located within, Lot number, a legal description of the Lot, or any other such information necessary to identify the location of the Lot;~~

~~302.0408~~ Description of existing ~~zoning~~ Zoning District;

~~302.0509~~ Description of the proposed Conditional Use;

~~302.0610~~ A site plan of the proposed site for the Conditional Use showing the scale, north arrow, location of all Buildings, parking and loading areas, traffic access and traffic circulation, sidewalks, curbs, Open Spaces, Landscaping and grading plan, refuse and service areas, fire hydrants, utilities, Rights-of-Way, Signs, yards, drainage plan, and such other information as the Board of Zoning Appeals may require to determine if the proposed Conditional Use meets the intent and requirements of this Resolution;

~~302.0711~~ A plan for screening when applicable;

~~302.0812~~ A narrative statement discussing the merits of the proposal;

~~302.0913~~ Such other information as may be required by the Board of Zoning Appeals; and

~~302.1014~~ A fee as established by the Township Trustees.

**Section 303: Conditional Use Standards**

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

Commented [JS43]: Added to codify existing practice



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

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

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

**Section 304: Processing of Conditional Uses**

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

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

**Commented [SJ44]:** 9/18/2020 – Edited per Trustee comments.

**Commented [SJ45]:** Added to reflect exact verbiage of the ORC

**Commented [SJ46]:** Deleted because this is not a review process item

## GENOA TOWNSHIP ZONING RESOLUTION

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

## Section 305: Expiration of Conditional Use Permit

A Conditional Use Permit shall be deemed to authorize only one, particular Conditional Use. -The Conditional Use Permit shall automatically expire if, for any reason, the Conditional Use shall cease for more than six (6) months, or construction is not begun within ~~six (6)~~ twelve (12) months.

## Section 306: Administrative Appeals

In accordance with ORC 519.15, Appeals appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector or an authorized administrative officer enforcing this Resolution.

306.01 An appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. -The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.

306.02 An appeal stays all proceedings in furtherance of the action appealed unless the Zoning Inspector certifies to the Board of Zoning Appeals that in ~~his~~ their opinion, by reason of facts stated in the application, a stay would cause imminent peril to life and property. -In such case, proceedings shall not be stayed other than by a restraining order that may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal was taken.

306.03 The Board of Zoning Appeals shall select a time and place for the hearing of an appeal and give at least ten (10) days written notice to the parties in interest including the owners of property ~~contiguous~~ Contiguous to and directly across the street from the applicant's property.

In addition, public notice of such hearings including place, ~~dated~~ date, and subject of the hearing, shall be published in a newspaper of general circulation at least ten (10) days prior to the date of the hearing. -Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.

306.04 The Board of Zoning Appeals shall have all the powers of the Zoning Inspector with respect to such decision. -The concurring vote of a majority of the a quorum of Board of Zoning Appeals members of the Board of Zoning Appeals shall be necessary to reverse or modify any decision of the Zoning Inspector under this Resolution. -The Board of Zoning Appeals shall render a written decision on the application without unreasonable delay after the close of a hearing. -A copy of the decision and findings of fact shall be sent to the Township Trustees and Zoning Commission, and by certified mail to the applicant.

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

## Section 307: Variances

If the Zoning Inspector rejects an application for a Zoning Permit or Certificate of Zoning Compliance or if the Zoning Resolution prohibits the erection of a Building, Structure, Sign or Use, the applicant may appeal for a Variance to the Board of Zoning Appeals.

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

307.02 A Variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless the applicant has provided sufficient evidence to warrant the granting of a Variance, and a

Commented [SJ47]: 9/18/2020 – Edited per Trustee comments.

Commented [SJ48]: Revised at the suggestion of the Prosecutor's Office to be consistent with legal precedent

Commented [SJ49]: Revision made for clarification purposes. A denied zoning permit is not a requirement to file for a variance. They may be, and often are, proactively sought by an individual.

## GENOA TOWNSHIP ZONING RESOLUTION

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

written application for a Variance is submitted to the Zoning Inspector and to the Board of Zoning Appeals.

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

- A) Name, address and telephone number or e-mail address of the applicant;
- B) Legal description of the propertyApplicant's signature;
- C) Date of the application;
- D) Name and address of the property owner;
- E) Should the applicant not be the property owner of record, or if said owner does not co-sign the application, proof of the property owner's authorization for the application to be made shall be submitted in the form of a signed letter, e-mail, or a copy of a legal agreement or contract between the applicant and the property owner which establishes that the applicant has an equitable interest in said property;
- F) Address or parcel identification number (PIN) of the subject property;
- G) The name of the subdivision the Lot is located within and the Lot number, a legal description of the Lot, and/or any other such information necessary to identify the location of the Lot.
- GH) Description of nature of Variance requestedThe specific Section of the Zoning Resolution that the Variance is being sought and a description of what is being proposed;
- DJ) A narrative statement demonstrating that the requested Variance conforms to the following standards: justifying the request that cites the factors to be considered and standards established herein. The burden of proof for granting a Variance shall rest with the applicant. 4) That special conditions and circumstances exist which are peculiar to the land, Structure, or Building involved and which are not applicable to other lands, Structures or Buildings in the same District;
- 2) That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other property owners in the same District under the terms of this Resolution;
- 3) That special conditions and circumstances do not result from the actions of the applicant;
- 4) That granting the Variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, Structures, or Buildings in the same District; and
- 5) That an economic hardship, requesting a more intensive Use of the property than would normally be permitted, is not the only nor the primary factor for requesting the Variance
- EJ) A fee as established by the Township Trustees.

**Commented [JS50]:** Added to codify existing practice

**Commented [SJ51]:** Revision made as the requirement to provide a description of the variance is inherent to item immediately below this section. The resolution did plainly state that the section relief is needed from needs to be stated by the applicant.

**Commented [SJ52]:** Revision made to make this sub-section consistent with the recommended variance language provided by Peter Griggs and inserted below.

307.04 The burden of proof for granting a Variance shall rest with the applicant. In granting any Variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Any violation of such conditions and safeguards, when made part of the terms under which the Variance is granted, shall be deemed a violation of this Resolution and punishable under Section 116 of this Resolution. Under no circumstances shall the Board of Zoning Appeals grant a Variance to allow a Use not permissible under the terms of this Resolution in the District involved, or any Use expressly or by implication prohibited by the terms of this Resolution in said District. Approval of a Variance. Except as otherwise provide for Area Variances in Section 307.06 below, the Board of Zoning Appeals shall only approve a Variance, or modification thereof, if the following findings are made:

- A) That such Variance or modification will not be contrary to the public interest; and
- B) That owing to special conditions, a literal enforcement of this Zoning Resolution will result in unnecessary hardship; and

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

C) That the approval of such Variance or modification thereof is consistent with the spirit of this Zoning Resolution, and substantial justice shall be done thereby.

307.05 The Board of Zoning Appeals shall not grant a Variance unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, which support conclusions that:

A) The Variance requested arises from special conditions of, or involving, the property. The special conditions must be unique to the property and not ordinarily found in the same zoning District. Furthermore, the special conditions must result from the enforcement of this Resolution and not by an action or actions of the property owner, the applicant, or any other person or party who has had control of the property;

B) The strict application of the provisions of this Resolution from which a Variance is requested will constitute practical difficulty upon the property owner represented in the application;

C) The Variance desired will not adversely affect the public health, safety and morals; and

D) The Variance desired will not compromise the general spirit and intent of this Resolution. Factors to be Considered in Making Findings. In making such findings, the Board of Zoning Appeals shall consider all relevant factors including, but not limited to, the following:

A) That special conditions and circumstances exist which are peculiar to the land, Structure, or Building involved and which are not applicable to other lands, Structures, or Buildings in the same District; and

B) That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same District under the terms of this Resolution; and

C) That the special conditions and circumstances do not result from the actions of the applicant; and

D) That granting the Variance requested will not confer on the applicant the same effect as Rezoning to another Zoning District classification; and

E) That granting the requested Variance will conform to the Genoa Township Comprehensive Plan and the spirit and intent of the Genoa Township Zoning Resolution; and

F) That the requested Variance is the minimum Variance necessary to accomplish the purpose of the request; and

G) That granting the Variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to persons or property in such vicinity, or injurious to private property or public improvements in the vicinity.

307.06 The Board of Zoning Appeals shall hold a public hearing within a reasonable time after the receipt of an application for a Variance from the Zoning Inspector or an applicant. Area Variances. The Board of Zoning Appeals shall not grant an area Variance unless the property owner has encountered practical difficulties in the use of such owner's property. The Board of Zoning Appeals shall consider all relevant factors in determining whether the applicant has encountered practical difficulties in the use of such property including, but not limited to:

A) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the Variance.

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

B) Whether the Variance is substantial.

C) Whether the essential character of the neighborhood would be substantially altered, or whether adjoining properties would suffer a substantial detriment as a result of the variance.

D) Whether the Variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage, emergency response, maintenance of public infrastructure).

E) Whether the property owner purchased the property with knowledge of the zoning restriction.

F) Whether the property owner's predicament feasibly can be obviated through some method other than a Variance.

G) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the Variance.

307.07 Use Variances. The Board of Zoning Appeals shall not grant a Variance to permit a non-permitted or prohibited Use unless an unnecessary hardship exists. An unnecessary hardship shall exist only if the property owner is able to sufficiently prove, with facts, that it is not economically feasible to put their property to any Use permitted within its current zoning classification due to characteristics unique to the property. An unnecessary hardship shall be considered to not exist if the property is suitable for any Use permitted within its current zoning classification.

307.0708 The Board of Zoning Appeals shall hold a public hearing within a reasonable time after the receipt of an application for a Variance. Before holding the required public hearing, notice of such hearing shall be given in one (1) or more newspapers of general circulation within the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed Variance. Written notice of the public hearing shall be mailed by the Chairman of the Board of Zoning Appeals or designee, by first class mail, at least ten (10) days before the day of the hearing to the parties in interest including the owners of property contiguousContiguous to and directly across the street from the applicant's property. The applicant shall provide a list of such property owners and one set of pre-addressed, letter-legal size envelopes provided with sufficient postage which shall be used by the Zoning Secretary to notify property owners. The notice shall contain the same information as required of notices published in newspapers.

307.0809 In granting a Variance, the Board of Zoning Appeals may impose such conditions, safeguards and restrictions upon the premises benefited by the Variance as may be necessary to comply with the standards set out in Section 307 of this Article to reduce or minimize potentially injurious effects of such Variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Resolution. Conditions. In granting any Variance request, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the request for a Variance is granted, shall be deemed a violation of this Resolution and thus subject to enforcement pursuant to Section 116. Unless otherwise permitted by Section 307.07, under no circumstances shall the Board of Zoning Appeals grant any Variance or impose any conditions which allow a Use not permissible under the terms of this Resolution in the Zoning District involved or any Use expressly or by implication prohibited by the terms of this Resolution in said District.

307.0910 The Board of Zoning Appeals shall have all the powers of the Zoning Inspector with respect to such decision. The concurring vote of a majority of the a quorum of Board of Zoning Appeals members of the Board of Zoning Appeals shall be necessary to reverse or modify any decision of the Zoning Inspector under this Resolution. The Board of Zoning Appeals shall render a written decision on the application without unreasonable delay after the close of a hearing. A copy of the decision

**Commented [SJ53]:** Language provided by Peter Griggs. It has been slightly modified to better fit the resolution. This edit also deletes the prohibition of Use Variances as such language conflicts with ORC 519.12.B

**Commented [SJ54]:** Townships cannot not completely prohibit use variances. That said, the legal standard for them in Ohio is very tough. This text was derived from information the Prosecutor's Office presented during a Use Variance hearing in September 2018. It has been re-worded to fit the Resolution.

**Commented [SJ55]:** Text re-located from 307.06

**Commented [SJ56]:** Language provided by Peter Griggs. It has been slightly modified to better fit the resolution.

**Commented [SJ57]:** Revised at the suggestion of the Prosecutor's Office to be consistent with legal precedent

## GENOA TOWNSHIP ZONING RESOLUTION

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

and findings of fact shall be sent to the ~~Township Trustees, the Township Zoning Commission, and by certified mail to the~~ applicant.

307.1011 A Variance granted by the Board of Zoning Appeals shall terminate at the end of six (6) months from the date on which the Board grants the Variance, unless within such six (6) month period, a Zoning Permit is obtained. ~~Expiration of Approval. Unless otherwise stipulated by the Board of Zoning Appeals, the applicant for a Variance shall obtain a Zoning Permit for the proposed Building, Structure, or Use within one (1) year of the Board of Zoning Appeals' approval of the Variance; otherwise, said approval shall lapse, expire, and be null and void ab initio.~~

A) ~~Extensions of time may be requested by the applicant in writing by filing such a request with the Zoning Inspector at least thirty (30) days prior to the expiration of the one (1) year period. If an applicant fails to make an extension request within the prescribed deadline, the approved Variance shall become void and a new Variance would have to be sought.~~

B) ~~The Board of Zoning Appeals, for good cause shown, may enlarge the one (1) year period prescribed within this Section.~~

C) ~~Alternatively, when approving a Variance, the Board of Zoning Appeals may grant the Zoning Inspector the authority to extend said Variance at their discretion. Requests would be subject to the deadline established in Section 307.11.A.~~

**Commented [SJ58]:** Revision made as these actions are unnecessary and are currently not being done. Any decision made by the BZA is public record and can easily be obtained via the meeting audio, the adopted meeting minutes, by contacting staff, or by making a public records request. Furthermore, neither the Zoning Commission or Trustees have the ability to overrule the Board of Zoning Appeals.

**Commented [SJ59]:** 9/18/2020 – Edited per Trustee comments.

**Commented [SJ60]:** Language provided by Peter Griggs. It has been modified and slightly expanded upon.

6/27/19 NOTE: Variance expiration is a common practice in Ohio townships; however, there is some question as to whether they are actually enforceable. Variances “run with the land” meaning that they granted for a property, not by a property owner, and thereby exist in perpetuity regardless of who owns the land (or runs a business on the land). This is why townships are advised to exercise caution when granting a variance and to not make the decision based on who is making the request, but rather based upon the facts related to the property.

DRAFT

ZC 2020-03

SEPTEMBER 18, 2020

GENOA TOWNSHIP ZONING RESOLUTION

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

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**ARTICLE 4: DEFINITIONS****Section 401: Introduction**

All words, terms, abbreviations, and/or phrases used in this Resolution shall ~~have retain~~ their customary meanings as defined at Webster's New World: College Dictionary, Fourth Edition, 2009, published by Wiley Publishing, Inc., ~~except those unless otherwise~~ specifically defined within this Article Resolution.

**Section 402: Definitions**

**Accessory Use, Building or Structure** – Any purpose for which a Building, Structure, or a ~~tract portion~~ 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~~ Lot or Tract as the Principal Building, Structure or Use.

**Accessory Dwelling** – ~~An Accessory Use consisting of a Single-Family Dwelling that comprises some or all portions of an Accessory Building.~~

**Accessory Wall** – ~~An Accessory Structure consisting of Any any vertical wall, taller than one (1) foot, which is not constructed for the purpose of to~~ 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:~~

**Commented [SJ61]:** Since tract is now a defined term and specifically relates to planned developments, any instance in which it is being used in a manner inconsistent with said definition is being revised to prevent confusion.

**Commented [SJ62]:** Deleted because this term did not appear anywhere else in the Zoning Resolution.

**Commented [SJ63]:** Moved under Sexually Oriented Business definition

- ~~A) Adult bookstore and/or adult video store. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, other periodicals and/or video rentals or sales which are distinguished or characterized by their emphasis on matter depicting or relating to Specified Sexual Activities or Specified Anatomical Areas as herein defined or an establishment with a segment or section devoted to the sale, display, or rental of such material.~~
- ~~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~~ Any and all activities recognized by ORC Section 512.21, as may be amended.

- ~~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.~~

**Agricultural Production** – ~~See ORC Sections 901.80(A)(1) and 929.01(A), as may be amended.~~

**Agritourism** – ~~Any and all activities recognized in ORC Sections 519.21(D)(2) and 901.80(A)(2), as may be amended.~~

**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~~

**Commented [SJ64]:** Definition deleted as the sub-definitions have been re-located to be standalone definitions. They have also been revised.

**Commented [SJ65]:** Definition revised at the recommendation of Peter Griggs

**Commented [SJ66]:** Definition added at the recommendation of Peter Griggs.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 4: DEFINITIONS

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 ~~2203-2204~~ 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 or equipment used in bona fide Agricultural activities as previously defined in this Article for the purposes of Agriculture.

**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 statutory Board of Zoning Appeals of Genoa Township, Delaware County, Ohio established in accordance with Ohio Revised Code 519.

**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~~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. The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of a Structure.

**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. A line parallel to the Street touching that part of a Building closest to the Street and thereby establishing the minimum distance between said Building and Street.

**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~~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.

**Commented [SJ67]:** 9/16/19 – Change specifically requested by the Zoning Commission.

**Commented [SJ68]:** Revised at the suggestion of the Prosecutor's Office. The definition of this term is not consistent with other Townships. Furthermore, this definition is very similar to the already existing definition of setback.

NOTE (9/16/19) – This term has been used in conjunction with flag lots and lot frontages; however, currently proposed revisions remove it.

This term is also used to prohibit storage of trailers, boats, and other such items in front of buildings in certain districts. The theory being that we don't want to see these items out in front of buildings. The front yard setback cannot be demarcation line because buildings could be placed at or beyond the required setback resulting in such items being permitted in front of said building.

The ZC suggested the edit "an existing Building" in the last sentence; however, given the above, staff recommends not making said edit.

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.

**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~~ an approved and issued Zoning Permit.

**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~~ Lot Lines of the primary ~~parcel~~ Lot 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 ~~private premises establishment owned or operated by a person or persons primarily utilized~~ 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, Restaurant, Nightclub, or Sexually Oriented Business. Such facilities may also be occasionally, but not primarily, utilized as an Event Facility.

**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~~ downed, 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 situated on a single Lot or on two (2) or more Contiguous Lots which is-are 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.

**Commented [SJ69]:** 9/16/19 - Addition edits beyond those recommended by the ZC made to further clean the first line up.

**Commented [SJ70]:** Revised to address arguments raised during the Cardinal Self-Storage case

**ARTICLE 4: DEFINITIONS**

**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.~~

**Commented [SJ71]:** Deleted because this section is redundant to the Conditional Use language that already appears in Article 3.

**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~~ 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.~~

**Commented [SJ72]:** 9/16/19 – Deleted per ZC recommendation. Text explaining the difference between Conditional Use and re-zoning is unnecessary. Also, expiration dates are already covered in Article 3.

**Condominium Owner's or 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 ~~within a subdivision or Planned Development~~. 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.

**Commented [SJ73]:** 9/16/19 – Re-located definition since the word Condominium was added at the beginning.

**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-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-Tract is permanently reserved for Open Space area, the future development or subdivision of which is prohibited.~~

**Contiguous** – ~~A physical arrangement of property, such as, but not necessarily limited to, Lots, Tracts, and Right-of-Ways, in which a piece of property directly contacts or immediately connects, in an unbroken sequence, to another piece of property. Lots or Tracts that are separated from one another by a Right-of-Way or Easement but would otherwise connect in an unbroken sequence if their Frontages where extended through such barrier, shall be considered Contiguous.~~

**Commented [SJ74]:** Definition drafted by staff for clarification

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

**Delaware County Regional Planning Commission (DCRPC)** – ~~The legally recognized county planning commission of Delaware County, Ohio.~~

**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~~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 Plan, Final** – A comprehensive and detailed package of documents containing drawings, Final Development Plan Text, exhibits, maps, renderings, studies, reports, analysis, technical specifications, and other similar types of precise, informative materials which demonstrate compliance with applicable zoning provisions and which also describe, illustrate, support, and specifically regulate, with binding provisions, a Planned Development.

**Commented [SJ75]:** NOTE (3/11/2020) – Definition revised to better match the newly drafted definition of Preliminary Development Plan.

**Development Plan, Preliminary** – A comprehensive package of documents containing drawings, Preliminary Development Plan Text, exhibits, maps, renderings, studies, reports, analysis, specifications, and other similar types of informative materials, which may be non-binding and conceptual in nature, for the purposes of generally describing, illustrating, and supporting a proposed Planned Development. Such materials are typically, but not necessarily always, submitted in conjunction with a Zoning Map Amendment application.

**Commented [SJ76]:** NOTE (3/11/2020) – Definition added to reflect verbiage utilized in newly added Article 27.

**Development Plan Text, Final** – A written narrative which definitively describes a Planned Development, specifically identifies and demonstrates how the Planned Development complies with the requirements of the Zoning Resolution, establishes enforceable Development Standards and regulations for the Planned Development, and memorializes any terms, agreements, conditions, and/or approvals related to the Planned Development.

**Commented [SJ77]:** NOTE (3/11/2020) – Definition added to reflect verbiage utilized in the newly added Article 27.

**Development Plan Text, Preliminary** – A written narrative which conceptually describes a Planned Development, identifies how the Planned Development would generally comply with the requirements of the Zoning Resolution, and establishes potential Development standards and regulations that would apply to the Planned Development, as well as any tentative terms, agreements, conditions, and/or approvals which would be applicable to the Planned Development.

**Commented [SJ78]:** NOTE (3/11/2020) – Definition added to reflect verbiage utilized in the newly added Article 27.

**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~~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~~ Zoning district 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.~~(see Zoning District)

**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~~Structure or Accessory Wall intended to identify the entrance of a Lot or Tract, that:

- A) ~~is~~ located within sixty (60) feet of the intersection of the centerline of any driveway or entrance and the adjoining public or private road ~~right~~Right-of-wayWay-; and
- B) ~~Does not exceed fifty (50) linear feet in length, measured end to end along a Lot or Tract's Frontage, exclusive of any gates or architectural features across or above driveways.~~

**Commented [SJ79]:** Recommended addition by staff due to the fact clarification on this matter is needed for proper enforcement. There have been issues in the past.

**Erection** – The acts of building, constructing, altering, reconstructing, moving a Structure upon, or any physical operations on the premises which are required for construction, including, but not necessarily limited to: -Excavation, Fill, drainage, material storage, hauling, and the like ~~shall be considered a part of erection.~~

9/16/19 – Wording and format revised to read more like a definition and less like a regulation. Staff suggests that this definition be further evaluated when Section 1605.05 is reviewed by the Commission. Moving dimensional standards to Section 1605.05 may make more sense.



## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 4: DEFINITIONS

**Essential Services** – The Erection, construction, Alteration, or maintenance by public utilities, ~~or other~~ governmental agencies, ~~or their designees~~ 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, and general welfare,~~ but not including Buildings.

**Event Facility** – ~~Any Building, Structure, or land that is primarily rented for a fee to hold banquets, ceremonies, meetings, parties, receptions, weddings and/or other similar types of gatherings.~~

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

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

- A) A topographic map as published by the Delaware County Auditor's DALIS office;
- B) The location of Primary Conservation Areas and all existing Rights-of-Way and easements;
- 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. An Agricultural Operation as further defined by ORC Section 901.80(A)(4), as may be amended.~~

**Farm Market** – ~~A Retail operation established on a Lot or Tract used to promote or support Agriculture, including Roadside Stands.~~

**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 or Accessory Wall, other than part of a Building, which encloses or partially encloses any premises, and is of sufficient strength and dimensions intended to fully or partially screen a property, and/or is intended to limit or prevent straying from within or intrusion from without. Live vegetation and Entry Features shall not be included in this definition.~~

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

**Commented [SJ80]:** 9/18/2020 – Edited per Trustee comments.

**Commented [SJ81]:** Definition added because this term appears in the definition of Nightclub.

NOTE 9/16/19 – The original drafted definition included a capacity restriction; however, the ZC felt it would be better to include this type of restriction, if desired, within the regulations themselves. Furthermore, building height and building size, and lot coverage restrictions will help to ensure that an extremely large facility is not constructed.

**Commented [SJ82]:** This would be very difficult, if not impossible, to prove/enforce. Zoning has no authority to enter premises without a warrant.

**Commented [SJ83]:** Definition revised at the recommendation of Peter Griggs.

**Commented [SJ84]:** Term deleted as it is no longer applicable or usable under current Ag statutes.

**Commented [SJ85]:** Term deleted as it is no longer applicable or usable under current Ag statutes per Peter Griggs

**Commented [SJ86]:** 9/16/19 – Revised per request of ZC to clean up sentence structure.



ARTICLE 4: DEFINITIONS

~~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;

Commented [S387]: NOTE (3/11/2020) – Definition re-located and significantly re-worded. See "Development Plan, Final".

**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 and more than once a year).

**Flood, 500 Year** – The temporary inundation of normally dry land areas by a flood that is likely to occur once every five hundred (500) years (i.e. that has a two-tenths of a percent (0.2%) chance of occurring each year, although the flood may occur in any year and more than once a 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 current Federal Emergency Management Agency (FEMA) Flood Boundary and Floodway Map(s) ~~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~~breezeways, and Porches.
- D) Automobile parking space in a Basement or Attached 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~~Lot Line or grade plane.

**Frontage** – The linear measurement of the border of a Lot that directly abuts one (1) or more public or private Rights-of-Way. In the case of a ~~landlocked~~Landlocked Lot, Frontage shall be measured along the ~~border of the Lot~~Lot Line closest and most parallel to a public or private Right-of-Way. Should ~~the aforementioned said~~ distance be equal to more than one (1) Right-of-Way, the Lot shall be treated as a Corner Lot. To determine which portions of a Lot will be determined the Front, Side, and Rear for the purposes of Setbacks, see the definition of Lot Line.

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

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

**Governmental Facilities** – Publicly owned or operated facilities, Buildings, Structures, Signs, or Uses, which deliver public services. Such facilities shall include Essential Services, Public Service Facilities, Public Utility Facilities, and Governmental Recreational Facilities and may or may not be

~~accessory, ancillary, incidental, and/or temporary in nature and may be operated by a third-party on behalf of a public agency.~~

**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 their~~ 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.~~  
**Hospital** – A licensed facility consisting of a Building or group of Buildings where sick and/or injured human patients are examined, and potentially admitted and lodged for one (1) or more nights, for surgery, treatment, and/or convalescence by a licensed medical professional. Residential Care Facilities and Substance Abuse Treatment Clinics, as defined in this Resolution, shall not be considered a Hospital.

~~**Hotel** – A private facility offering transient lodging accommodation(s) and/or Dwellings over a period of thirty (30) consecutive days or less to the general public for a fee. Such a Use may also provide additional, incidental services, such as Restaurants, Event Facilities, meeting rooms, Swimming Pools, and recreational facilities, but shall not contain any elements of a Sexually Oriented Business. This definition shall not include extended-stay hotels or residential hotels as defined by Ohio Revised Code 3731.01.~~

**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;
- 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-Structures~~ and materials which include, but are not limited to, concrete, asphalt, rooftop, ~~blacktop stone, and brick, grave,~~ crushed aggregate, wood, plastic, and/or other such materials. Hard surface alternatives

**Commented [SJ88]:** New term but utilizes a modified definition that previously appeared under Public Facility (which is being deleted). Term has been changed to match language provided by Peter Griggs.

**Commented [SJ89]:** 9/18/2020 – Edited per Trustee comments.

**Commented [SJ90]:** 9/16/19 – Since Condominium was moved to the front of the definition, this definition was moved further up in this Article to maintain alphabetical order.

**Commented [SJ91]:** Definition added because it appears in the drafted definition for Non-Therapeutic Massage Establishment.

**Commented [SJ92]:** This term was used in the Resolution but not defined.

**Commented [SJ93]:** 9/16/19 – Added out of an abundance of caution and for clarity.

**Commented [SJ94]:** 3/5/19 – Originally drafted definition revised for further clarification.

**Commented [SJ95]:** 9/18/2020 – Edited per Trustee comments.

**Commented [SJ96]:** 6/27/19 – Revised for clarity

**Commented [SJ97]:** 7/14/2020 – Included per the recommendation of DCRPC.

~~purposely engineered with porous surfaces and recognized as being permeable shall be excluded from this definition.~~

Commented [SJ98]: 9/18/2020 – Edited per Trustee comments.

**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-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, ~~trainedtrained~~, or sold for commercial purposes. ~~A Retail operation which offers one or more of the aforementioned services as an Accessory Use shall not be considered a Kennel.~~

**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

**ARTICLE 4: DEFINITIONS**

type entity, to which the individual owning said Building and/or Structure has limited rights to improve in accordance with applicable association covenants or other similar types of restrictions.

**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~~ Streets at their intersection, or two (2) parts of the same ~~street~~ 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~~ Lot Lines shall be equal to that of the minimum Side Yard required within the relevant ~~zoning~~ 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.~~

Commented [S399]: Moved to alphabetical order

~~CB) Double Frontage Lot: A lot having Frontage on two (2) non-intersecting streets or two (2) approximately perpendicular portions of the same street.~~

~~C) Flag Lot: A Lot, typically configured in the shape of a flag, which: has less than the minimum required Frontage on a Street, has access to a Street via a narrow strip of land, and has the largest portion of the Lot situated behind an adjoining lot(s) which front(s) on a Street. Triangular or pie-shaped Lots typically found at the terminus of a cul-de-sac shall not be considered a Flag Lot.~~

~~D) Interior Lot: A Lot, other than a Corner Lot, with only one (1) Frontage on a Street.~~

~~E) Landlocked Lot: A Lot which does not have direct, Contiguous Frontage on any Street or a Lot that is separatedis separated or removed from a Street by another Lot.~~

**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~~ Street Right-of-Way line or ~~falls approximately along the centerline of the Right-of-Waya proposed Street Right-of-Way.~~

1) On a Corner Lot, Lot Lines along both streets Streets shall be considered Front Lot Lines.

2) The Front Lot Line for any Lot within a plat that is Contiguous to an authorized Common Access Drive shall be the adjoining edge of said Common Access Drive.

3) On a Landlocked Lot not serviced by an authorized Common Access Drive, the Front Lot Line shall be the line closest and most parallel to the Right-of-Way said Lot ultimately accesses.

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)

## GENOA TOWNSHIP ZONING RESOLUTION

## 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.

**Massage Establishment, Therapeutic** – A facility which offers Massages by a licensed Massage therapist(s) and/or physical therapist(s) licensed in the State of Ohio, in exchange for compensation and solely for legitimate therapeutic or medicinal purposes. This definition shall include the office of a physician, surgeon, chiropractor, or osteopath, but shall not include any Sexually Oriented Business of any kind.

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

**Medical Clinic** – Any facility, not meeting the definition of Substance Abuse Clinic, where human patients are examined, treated, and/or may have out-patient surgeries or procedures performed by a licensed professional, such as a nurse, physician, chiropractor, dentist, or the like, but are not admitted or lodged therein overnight or for any extended period.

**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.

**Commented [SJ100]:** 9/18/2020 – Edited per Trustee comments.

**Commented [SJ101]:** Definition added in conjunction with the definition of Non-Therapeutic Massage Establishment.

**Commented [SJ102]:** Definition added because it appears in the drafted definition for Non-Therapeutic Massage Establishment.

**ARTICLE 4: DEFINITIONS**

**Multi-Family Building** – A Building, typically located on one Lot, consisting of a group of Dwellings and/or lodging accommodations exceeding thirty (30) consecutive days on typically one Lot containing. Said Building contains separate living-units for two (2) or more Families. Each unit shall be considered a Dwelling for the purposes of Density. This definition shall include extended-stay hotels and residential hotels as defined by Ohio Revised Code 3731.01.

**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.

**Nightclub** – Any non-residential place of assembly that primarily operates during evening or nighttime hours, serves alcoholic beverages, and provides space for dancing, live entertainment, games, or other similar types of social activities. This Use is typically characterized by low light levels and closely packed tables. Such an establishment may operate as a Restaurant during all or part of its hours of operation. Such facilities may also be occasionally, but not primarily, utilized as an Event Facility. This definition does not include any elements which would qualify in any way as a Sexually Oriented Business as defined in this Resolution.

**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, except for Fences, Accessory Walls, and retaining walls, 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.

**Commented [SJ103]:** 9/18/2020 – Edited per Trustee comments.

**Commented [SJ104]:** Definition added because it appears in the definition of Adult Cabaret.

9/16/19 – This term also appears in the definitions of Club and Restaurant and is listed as a permitted use in the PCD and PID.

**Commented [SJ105]:** 11/8/19 – This edit previously was located in the No Disturb Zone definition which was in error.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 4: DEFINITIONS

**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.

**Nudity or Semi-Nudity** – Complete or partial showing or exposure of Specified Anatomical Areas.

**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~~ Lot Line of another ~~so as to~~and causes ~~significant~~ harm or discomfort to the owner or resident of that property. -Excessive or noisy vehicular traffic, dust, glare, and smoke are examples of nuisances.

**ODOT** – The Ohio Department of Transportation.

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

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

**Open Space** – Land within a development that shall not be built upon and may be classified as either “improved common” or “natural” open space, or a combination of both. It does not include the areas of individual fee simple Lots conveyed to homeowners. -Open Space land may be owned by a homeowners’ association, the Township, a land ~~trust~~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:

**Commented [SJ106]:** Definition drafted by staff to strengthen our Sexually Oriented Business regulations, provide clarification for enforcement, and eliminate any potential loopholes.



## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 4: DEFINITIONS

- 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-all~~ 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-all~~ the occupants of the development, but which will not be provided, operated, or maintained at general public expense.

~~The approval of a Final Development Plan or any amendment to a Final Development Plan shall be considered an administrative action. The approval of a Variance for a Lot within a Planned Development shall be considered a quasi-judicial action.~~

**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.

~~**Portable Storage Unit** – A container typically placed on a lawn, driveway, or parking area, which is designed to temporarily hold chattels, supplies, building materials, and/or waste (including portable toilets, due to renovations, relocation, repairs, construction, or another type of temporary event or activity).~~

**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-non-residential buildings~~Buildings, ~~hospitals~~Hospitals, and ~~day-care~~

**Commented [SJ107]:** Clarification added at the recommendation of Peter Griggs; however, staff drafted this language.

**Commented [SJ108]:** Definition added due to the fact that rules for these items are being proposed in Article 17. Staff gets questions about such units regularly and believes zoning standards need to be in place to establish clear, enforceable regulations.



~~facilities~~Day Care Centers. -Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and ~~barns~~Barns.

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

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

**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 ~~and/or campgrounds~~ but exclude ~~private~~ Swimming Pools as regulated by Section 1709.01 and golf courses as regulated by Section 1710.

**Refacing** – Any ~~alteration~~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.

**Religious Establishment** – ~~Any Building, Structure, or Lot used primarily as a place of worship, religious teaching, religious ceremonies, or faith-based activities and may include related Uses such as, but not necessarily limited to: schools, Day Care Centers, auditoriums, theaters, performance halls, Dwellings for persons serving the establishment, and recreational facilities.~~

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

~~A) Foster Home: A private residence providing resident services and protective supervision for the care and/or rehabilitation of not more than eight (8) children, adolescents, or adults within a home environment, all under the regulation of the appropriate social service agency having authority under law to license the operation.~~

~~B) Family Care Home: A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for not more than eight (8) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All~~

Commented [SJ109]: 9/18/2020 – Edited per Trustee comments.

Commented [SJ110]: 9/18/2020 – Edited per Trustee comments.

Commented [SJ111]: The word church has been changed, at the recommendation of staff, to religious establishment throughout the document so as to avoid the perceived establishment or preference of any one religion or faith.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 4: DEFINITIONS

~~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. As described by the ORC:~~

~~Section 5123.19(A)(5)(a) – A home or facility, including an ICF/IID, in which an individual with mental retardation or development disability resides.~~

~~Section 5119.34(A)(9)(a) – A publicly or privately-operated home or facility that provides accommodations, supervision, personal care services, and community mental health services for one (1) or more unrelated adults with mental illness or severe mental disabilities or to one (1) or more unrelated children and adolescents with a serious emotional disturbance or who are in need of mental health services.~~

~~Section 5119.34(A)(9)(b) – Accommodations, supervision, and personal care services to any of the following:~~

~~(i) One (1) or two (2) unrelated persons with mental illness or persons with severe mental disabilities;~~

~~(ii) One (1) or two (2) unrelated adults who are receiving residential state supplement payments; or~~

~~(iii) Three (3) to sixteen (16) unrelated adults.~~

~~Section 5119.34(A)(9)(c) – Room and board for five or more unrelated adults with mental illness or severe mental disability who are referred by or are receiving community mental health services from a community mental health services provider, hospital, or practitioner.~~

~~Restaurant – Any permanently sited eating or drinking establishment which does not feature components otherwise specific to an Event Facility, Nightclub, or Sexually Oriented Business.~~

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

**Rezoning** – (see Zoning Map Amendment)

**Commented [JS112]:** Language provided by Peter Griggs. It has been slightly modified to better fit the resolution.

**Commented [SJ113]:** Language provided by Peter Griggs. It has been slightly modified to better fit the resolution.

**Commented [SJ114]:** Definition added because it is a common term and appears in the definition of Adult Cabaret.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 4: DEFINITIONS

**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~~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-non-residential~~ use ~~that~~whose services aid the personal needs of people. ~~Services may include the tangible or intangible items.~~

**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.

**Sexually Oriented Business** – ~~Any Building, Structure, facility, or establishment, or portion thereof, utilized for one or more of the following:~~

- A) ~~**Adult Arcade** – Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or, for any form of consideration, or electronically, electrically, virtually, or mechanically controlled Amusement Device, still or motion-picture machines, projectors, video, laser, or digital disc players, other image-producing devices, including any and all technological and/or virtual successors to the aforementioned, are maintained, not located within viewing booths, to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.~~

**ARTICLE 4: DEFINITIONS**

B) **Adult Bookstore** – Any Building, Structure, or facility having a substantial or significant portion of its stock and trade in prurient products, materials, goods, or media; or an Adult Establishment which, as one of its principal business purposes, offers for sale, display, rental, or other consideration, the following:

- 1) Books, magazines, novelties, goods, periodicals, printed matter, photographs, films, motion pictures, video cassettes, video reproductions, slides, CD-ROM discs, computer software, other similar type of media, any and all other technological and/or virtual successors to the above, or other visual representations which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- 2) Instruments, devices, or paraphernalia which are designed for use in connection with Specified Sexual Activities.
- 3) The use of viewing booths.

C) **Adult Cabaret** – A Nightclub, bar, Restaurant, or other such establishment which regularly features, one (1) or more of the following, in whole or in part:

- 1) Persons who appear in a state of Nudity or Semi-Nudity.
- 2) Live performances which are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- 3) Films, motion pictures, projections, video cassettes, slides, or other photographic reproductions or visual presentations of any other kind, including any and all technological and/or virtual successors of such, which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

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

- 1) Its dominant appeal is to prurient interest;
- 2) 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;
- 3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;
- 4) 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
- 5) 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.

E) **Adult Entertainment Business** – Any establishment involved in the sale of services, experiences, accommodations, or products characterized by the exposure or presentation of Specified Anatomical Areas, Specified Sexual Activities, or physical contact of persons, and which is characterized by salacious conduct to prurient interest for observation or participation in by patrons. Services or products include, but are not necessarily limited to: photography, dancing, reading, Massage, Escort, Dating, or Companion Services, and similar functions which utilize activities as specified above.

**F) Adult Establishment** – One or more of the following:

- 1) The opening or commencement of any Sexually Oriented Business as a new business.
- 2) The conversion of any existing business, sexually oriented or not, to any Sexually Oriented Business.
- 3) The addition of any Sexually Oriented Business to any other existing Sexually Oriented Business or to a non-Sexually Oriented Business.
- 4) The relocation of any Sexually Oriented Business.

**G) Adult Motion Picture Theater** – Any establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions or visual presentations of any kind, including any and all technological and/or virtual successors, are regularly shown which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

**H) Adult Novelty Store** – See 'Adult Book Store'.

**I) Adult Theater** – A theater, concert hall, auditorium, Event Facility, or similar commercial establishment which regularly features persons who appear in a state of Nudity or Semi-Nudity, or live performances which are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities.

**J) Adult Video Store** – See 'Adult Book Store'.

**K) Escort, Dating, or Companionship Agency** – A person or business association that furnishes, offers to furnish, or advertises to furnish escorts for a fee as part of its business.

**L) Massage Establishment, Non-Therapeutic** – A facility offering Massages by unlicensed massage therapists in exchange for compensation. This definition shall not be construed to include a Hospital, Residential Care Facility, or Medical Clinic or any barber shop or beauty salons in which Massages are administered only to the scalp, the face, the neck, or the shoulder.

**M) Nude Model Studio** – Any place where a person who appears in a state of Nudity or Semi-Nudity, or who displays Specified Anatomical Areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. This definition shall not include a proprietary school licensed by the State of Ohio or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a university, college, and/or junior college supported entirely or partly by taxation; or in a Structure:

- 1) That has no Sign(s) visible from the exterior of the Structure and no other advertising that indicates a nude or semi-nude person is available for viewing.
- 2) Where, to participate in a class, a student must enroll at least three (3) days in advance of the class.
- 3) Where no more than one (1) nude or semi-nude model is on the premises at any one time.

**N) Sexual Encounter Center** – Any business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration one or more of the following:

- 1) Physical contact of a sexual nature in the form of wrestling or tumbling and which may or may not feature Adult Entertainment.

Commented [SJ115]: 9/18/2020 – Edited per Trustee comments.

## ARTICLE 4: DEFINITIONS

~~2) Activities of a sexual nature between persons of any gender identification or orientation in which one (1) or more of the persons is in a state of Nudity or Semi-Nudity.~~

~~3) Virtual contact of a sexual nature which may or may not feature Adult Entertainment.~~

**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 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 to~~ direct 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.

**Commented [SJ116]:** Definitions drafted by staff to strengthen our Sexually Oriented Business regulations, provide clarification for enforcement, and eliminate any potential loopholes.

NOTE (1/16/20) – Text added to account for virtual technology as well as “any and all other technological and/or virtual successors” as it relates to media type and media delivery systems.

- 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, ~~inscribed~~, 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 inscribed~~, 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, mulch, 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.
- 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, a Fence, Accessory Wall, retaining wall, or 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.

**Commented [SJ117]:** NOTE (1/16/20) – Added for clarity and address a prior situation which brought to a light a potential problem with the current wording.

**ARTICLE 4: DEFINITIONS**

**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~~using 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 Dwelling** – 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
- C) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

**Speech, Commercial** – ~~In regards~~As it relates 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~~As it relates 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 a~~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, decks, sheds, Porches, Swimming Pools, ~~tennis and other recreation game courts,~~ antennae, Signs, built-in barbeques, outdoor fireplaces, permanently sited grills, solar panels, and permanent playground equipment, ~~and ornamental landscape fountains,~~ raised patios in excess of one (1) foot in height, Accessory Walls, and retention walls.

**Substance Abuse Treatment Clinic** – Any establishment licensed by: the State of Ohio, Delaware County General Health District, or any other legitimate governmental entity having such authority; to use drugs such as, but not necessarily limited to methadone, in the treatment, maintenance, or

~~detoxification of persons suffering from substance abuse. Such facilities which admit, or lodge individuals overnight or longer shall be considered a Hospital. This definition shall not include Residential Care Facilities.~~

**Commented [SJ118]:** Definition added because it is included in the drafted definition for Hospital.

**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~~period 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~~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.~~

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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.

**Commented [SJ119]:** 9/16/19 – Term deleted because it is not utilized in the Resolution nor do we anticipate needing to utilize it in the Resolution.

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 statutory Board of Trustees of Genoa Township, Delaware County, Ohio established and elected in accordance with the Ohio Revised Code.

**Tract** – Any Lot or group of Lots which are Contiguous or 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.

**ARTICLE 4: DEFINITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Zoning Commission** – The statutory Zoning Commission of Genoa Township, Delaware County, Ohio established in accordance with Ohio Revised Code 519.

**Zoning District** – A set of uniform regulations applicable to one or more areas of unincorporated land as depicted on the Zoning Map and which are distinguishable from one another by Uses and characteristics that are similar in nature, form, or function.

**Commented [S1120]:** NOTE (1/16/20) – Definition added for clarification and because it is a term commonly used within the Resolution. The term “Districts” will now re-direct here. Placing this definition in this location also organizes with related definitions.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 4: DEFINITIONS

**Zoning District, Non-Residential** – Any one of the following ~~zoning-Zoning districts~~ 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** – A type of Zoning District established to regulate Planned Developments.

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

**Zoning District, Straight** – A type of Zoning District established to regulate non-Planned Developments.

**Zoning Inspector** – The ~~Zoning-Inspector~~ statutory individual appointed by the Township Trustees that is charged with administering the Genoa Township Zoning Resolution or ~~his/her~~ their 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 Map Amendment** – The legal act of changing the Zoning District classification of one or more Lots. Said action shall be considered a legislative act and reflected on the Zoning Map.

**Zoning Permit** – A document issued by the Zoning Inspector certifying proposed construction ~~as-is~~ compliant with the Zoning Resolution ~~and/or any applicable Legal Approvals; also known as a zoning certificate.~~

**Commented [SJ121]:** Removing Office from the district name because it was not always used consistently or in the same format in the Resolution. Furthermore, its inclusion is unnecessary.

**Commented [SJ122]:** Removing Warehouse from the district name because it was not always used consistently or in the same format in the Resolution. Furthermore, its inclusion is unnecessary.

**Commented [SJ123]:** NOTE (1/21/20) – Definition revised to coincide with revision to Article 26.

**Commented [SJ124]:** NOTE (1/21/20) – Definition added to coincide with revision to Article 26.

**Commented [SJ125]:** NOTE (1/21/20) – Definition revised to coincide with revision to Article 26.

**Commented [SJ126]:** NOTE (1/21/20) – Definition added to coincide with revision to Article 26.

**Commented [SJ127]:** 9/18/2020 – Edited per Trustee comments.

**Commented [SJ128]:** NOTE (1/16/20) – Definition added because this is the term utilized in the ORC. The term re-zoning will redirect here.

## 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~~ Zoning Districts:

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

### Section 502: Official Zoning District Map

The ~~zoning~~ 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.

DRAFT

ZC 2020-03

SEPTEMBER 18, 2020

GENOA TOWNSHIP ZONING RESOLUTION

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

503.08 Where physical or cultural features existing on the ground are at ~~a variance~~ odds 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.

**Commented [SJ129]:** NOTE (1/21/20) – Revised to eliminate possible confusion with the term Variance.

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## ARTICLE 6: RURAL RESIDENTIAL DISTRICT (RR)

### Section 601: Intent and Purpose

There is hereby created within Genoa Township a Rural Residential District whose purpose is to ~~create a residential Zoning District that protects public health, safety, and general welfare, and~~ preserves and protects the surface and ground water quality, retains open space, preserves woodlands, wetlands and other environmentally sensitive areas, and permits low Density residential development that fits the natural landscape.

**Commented [SJ130]:** 9/18/2020 – Edited per Trustee comments

### Section 602: Permitted Principal Uses

602.01 Single-family Dwellings on lots of two (2) acres or greater exclusive of the land area in Common Access Drive easements.

602.02 ~~Planned Rural Residential Conservation Subdivisions, only as provided in Article 7~~Reserved.

**Commented [SJ131]:** Deletion of district is proposed in this amendment

602.03 Religious ~~land uses, churches and other places of worship~~Establishments as regulated by Section 1706.

~~602.04 Public Buildings and/or Uses which are supported in whole or part by taxes or by special public assessment. Such Uses include but are not limited to parks, playgrounds, libraries, schools, fire stations, community centers, water treatment, pumping and storage facilities, wastewater treatment and pumping facilities.~~

**Commented [SJ132]:** All of these uses fall under Governmental Facilities

602.0504 Forest and wildlife preserves.

602.0605 Projects specifically designed for watershed protection, conservation of soil or water or for flood control.

~~602.07 Foster homes provided such homes comply with all appropriate state and local agency licensing requirements.~~

~~602.08 Adult Family Homes, as provided for in Ohio Revised Code Section 3722 for the care of three (3) to five (5) unrelated adults.~~

**Commented [SJ133]:** These uses fall under Residential Care Facilities

602.0906 Child-Day Care Centers provided in home for six (6) or fewer children who are not members of the immediate resident Family provided the Day-CareUse is accessory to the Use of the Dwelling as the provider's residence and further provided that such Day-CareUse qualifies as a Type B family day care home as defined in Ohio Revised Code Section 5104.01.

~~602.07 Agriculture as regulated by Section 1714.~~

~~602.08 Agritourism as regulated by Section 1715.~~

~~602.09 Farm Markets as regulated by Section 1716.~~

**Commented [SJ134]:** This wording allows such uses in this district, even if they are not exempt, but requires they adhere to the cited sections. There is language in each of those sections stating non-exempted uses shall adhere to the requirements of the subject zoning district.

602.10 Public and private utilities as regulated by Section 102.06 and Article 22.

602.11 Governmental Facilities as regulated by Section 102.07.

602.12 Outdoor advertising and Signs as permitted and regulated by Section 102.09 and Article 18.

602.13 Residential Care Facilities for five (5) or fewer residents (excluding care-givers/caregivers) as regulated by Section 1704.

### Section 603: Permitted Accessory Uses

~~603.01 Bona fide Agricultural Accessory Structures including, but not limited to Barns, stables, sheds, tool rooms, shops, bins, tanks, silos, and Fences.~~

**Commented [SJ135]:** Deleted because this is covered under the Agriculture exemption in Article 1 and in 602.07-602.09 above.

603.0201 Accessory Buildings and Structures as regulated by Section 1609, including permanent Dwellings for full-time Farm labor employed on the premises.

603.02 Portable Storage Units as regulated by Section 1707.



## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 6: RURAL RESIDENTIAL DISTRICT (RR)

603.03 Accessory storage of recreational vehicles, boats, motor homes, equipment, ~~trailer~~trailers, and other vehicles other than passenger cars as regulated by Section 1906.

603.04 Private Swimming Pools as regulated by Section 1709.~~05~~ together with game courts for the use of occupants and their guests.

603.05 Fences, Accessory Walls, and Retaining Walls as regulated by ~~Section 2002~~Article 20.

~~603.06~~ Entry Features as regulated by Section 1605.

~~603.0607~~ Temporary Uses and Special Events as ~~specified in and~~ regulated by Section ~~1707~~1702.

~~603.0708~~ Utilities as regulated by ~~Article 22~~Aerial Antennas and Satellite Dish Antennas as regulated by Section 2203.

~~603.09~~ Wind turbines as regulated by Section 2205.

~~603.0810~~ The operation and use of Off-Road Motorized Vehicles as regulated by Section ~~1613~~1612.02.

~~603.09~~ The keeping of animals and/or fowl as pets or for domestic use:

A) ~~No animals, except household pets, shall be kept on any parcel of less than five (5) acres unless the Building housing said animals is at least fifty (50) feet from any Lot Line. Swine and goats may be kept on such tract only if the Building housing such swine or goats is located at least two hundred (200) feet from any Lot Line.~~

B) ~~This subsection shall apply only to those parcels where the total land holdings of the using party is five (5) acres or less and shall not be construed to apply to individual pens, pastures or fields of less than five (5) acres if part of a larger tract of land devoted to agricultural uses.~~

C) ~~Any parcel of land located within the Rural Residential District and containing less than five (5) acres shall contain no more than one (1) large animal for every two and one-half (2 ½) acres of land. Large animal is defined for the purposes of this Section as being any animal weighing more than one hundred fifty (150) pounds.~~

~~603.11~~ Home Occupations conducted by the resident of a permitted Dwelling as regulated by Section 1708.01.

~~603.12~~ Agriculture as regulated by Section 1714.

~~603.13~~ Agritourism as regulated by Section 1715.

~~603.14~~ Farm Markets as regulated by Section 1716.

~~603.15~~ Public and private utilities as regulated by Section 102.06 and Article 22.

~~603.16~~ Governmental Facilities as regulated by Section 102.07.

~~603.17~~ Outdoor advertising and Signs as permitted and regulated by Section 102.09 and Article 18.

~~603.18~~ Off-street parking and loading spaces as regulated by Article 19.

## Section 604: Conditional Uses

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

604.01 Swimming Pools not intended for private use as regulated by Section 1709 and golf courses as regulated by Section 1710.

604.02 Home Occupations conducted by the resident of a permitted Dwelling as regulated by Section 1708.02.

604.03 ~~Kindergarten~~ Day Care Centers ~~not meeting the provisions of Section 602.06~~ as regulated by Section 1703.

**Commented [SJ136]:** 1-15-20 Added for clarity.

**Commented [SJ137]:** Deleted because these items are largely regulated and protected by statute. The Township could elect to establish standards for properties not covered by the state's Ag exemption.

1-15-20 provisions re-located to Section 1714 so that they still may apply to non-exempt agricultural uses.

**Commented [SJ138]:** This wording allows such uses in this district, even if they are not exempt, but requires they adhere to the cited sections. There is language in each of those sections stating non-exempted uses shall adhere to the requirements of the subject zoning district.

**Commented [SJ139]:** 10/29/19 - Added to accommodate parking lots which may be required for certain uses within this district.

**Commented [SJ140]:** Term changed to provide consistency throughout the Resolution

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 6: RURAL RESIDENTIAL DISTRICT (RR)

604.04 ~~Public or p~~Private schools and colleges provided that said institution occupies not less than twenty (20) acres. ~~Instructional areas, whether improved with Buildings or not, shall provide adequate parking areas for faculty, staff~~staff, and students. ~~Such parking may not exist within the Right of Way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.~~

~~604.05 Family Care Homes as regulated by Section 1704.~~

~~604.05 Accessory Dwellings in accordance with Section 1713.~~

604.06 Parking lots or storage yards for boats and recreational vehicles provided such area is owned or controlled by neighborhood or community associations and use is limited to residents of the subdivision served.

~~604.07 Temporary Conditional Uses specified in and regulated by Section 1702.~~

604.0807 Kennels on lots of five (5) acres or more provided that any Building, outside an enclosed area, or outside run is a minimum of five hundred (500) feet from any existing Dwelling and a minimum of two hundred (200) feet from any Side or Rear Lot Line.

604.0908 Private landing fields for aircraft for use by the Owner of the property and ~~his/her~~their guests provided that no commercial activities take place on said premises and regulated by the following:

A) All landing strips shall be approved by the Ohio Department of Transportation, Division of Aviation and shall be situated ~~so as to~~ not create a Nuisance or hazard to residential Dwellings or other Structures within the vicinity.

B) Ultra-Light Vehicles or any aircraft shall be prohibited from taking off or landing within any District except at a landing strip approved above.

604.1009 Hospitals, sanitariums, Life Care Retirement Centers or homes for children, ~~not meeting the definition of a Residential Care Facility,~~ provided that the area of the ~~tract property~~ is adequate to provide Setbacks of the Districts and recreational areas prescribed by the Board of Zoning Appeals.

604.1110 Cemetery provided it meets the standards of Section 1705.

## Section 605: Prohibited Uses

605.01 All Uses not specifically authorized as a permitted or conditionally permitted Use by the express terms of this Section of the Zoning Resolution are hereby prohibited.

~~605.02 For the purposes of this Resolution, the operation of a Feed Lot for the feeding for sale of cattle, sheep or hogs shall be deemed commercial if the number of such animals is greater than five (5) head of cattle or ten (10) head of sheep or hogs per acre of farmland operated by the proprietor in Genoa Township. The feeding for sale of more than one thousand (1,000) chickens, five hundred (500) turkeys or two hundred fifty (250) of other species of poultry at any one time shall be deemed commercial. None of these commercial operations shall be permitted in the Rural Residential District.~~

605.0302 Outdoor Storage of inoperable, ~~unlicensed~~unlicensed, or unused motor vehicles for a period exceeding seven (7) days is prohibited. ~~Such vehicles, if stored on the premises, shall be enclosed within a Building so as not to be visible from any adjoining property or public road.~~

605.0403 Except for Permanently Sited Manufactured Homes as defined herein, or as ~~may be~~ specifically permitted by ~~Section 1707 and~~ Section 1702, no Mobile Home or mobile office shall be placed or occupied in this District.

605.0504 ~~Adult Entertainment and Adult Entertainment Facilities are prohibited~~Sexually Oriented Businesses.

**Commented [SJ141]:** Addressed under Residential Care Facilities

**Commented [SJ142]:** Staff is recommending this addition because the Zoning office frequently gets questions and requests for this use. This change clarifies that they are permitted, assigns approval authority to the BZA, and establishes conditions for them in Section 1713.

**Commented [SJ143]:** Material now covered under revised regulations in Section 1702 and permitted as an accessory use in Section 603.05 above.

**Commented [SJ144]:** 9/18/2020 – Edited per Trustee comments.

**Commented [SJ145]:** Regulations no longer permitted under current law per Peter Griggs

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 6: RURAL RESIDENTIAL DISTRICT (RR)

~~605.0605 Group homes as described by Ohio Revised Code, Sections 3722, 5119.22, 5123.19 and 2151.418; Residential Care Facilities for six (6) or more residents, excluding care givers.~~

605.06 Hotels.

605.07 Any commercial or business Use of a ~~parcel~~ Lot in this District shall be prohibited unless it complies with Section 1708, Home Occupations, of this code. This shall include but is not limited to parking of vehicles or equipment used in a business or the operation of a service type business where no work actually takes place on the site such as roofing, excavating or lawn maintenance, plumbing and other similar type operations.

605.08 Except as specifically permitted by Article 22, no telecommunications tower as defined in Ohio Revised Code Section, 519.211(B)(1) shall be allowed in this District.

**Section 606: Dimensional Requirements ~~for Lots~~**

606.01 Minimum ~~lot~~ Lot area: ~~no parcel of land in this District, whether in a conventional subdivision, or a lot split, exclusive of conservation subdivisions, shall be used for residential purposes which has an area of less than~~ Two (2) acres, ~~exclusive of the land area in Any portion of a Lot within a Common Access Drive easement(s) shall not count towards this requirement.~~

606.02 Minimum Lot Frontage: ~~except as hereinafter set forth, all lots or parcels shall have one hundred fifty (150) feet Frontage. One hundred fifty (150) feet, unless otherwise specified below.~~

~~Flag Lots or parcels having less than the above-listed minimum Frontage must have a Lot Width fifty (50) feet forward of the Building Line which is equal to that minimum Lot Frontage requirement. In no case shall the parcel have a Lot Width less than sixty (60) feet at the Right of Way line and the width of sixty (60) feet shall not be decreased at any point forward of the Building Line of the principal residence located on the premises.~~

A) Corner Lots: One hundred fifty (150) feet, total.

B) Lots with Frontage on Streets with extreme curvature, e.g., cul-de-sacs: Ninety-five (95) feet. No more than three (3) such Lots shall be permitted along the same curvature. Said Lots shall not be considered Flag Lots.

C) Flag Lots: Sixty (60) feet. Stacking Flag Lots in a manner that would result in the "pole" sections of two (2) or more Flag Lots being Contiguous to one another shall not be permitted.

D) Landlocked Lots: One hundred (150) feet.

606.03 Any parcel of land which at the Building Setback Line is separated or removed from the public road by more than one other parcel of land ~~Landlocked Lots~~ shall be accessed ~~only~~ by a Common Access Drive (CAD) as regulated by Section 1604. ~~This provision shall not be interpreted as a prohibition of Flag Lots or any other Lot design otherwise permitted in Section 606.02.~~

606.04 For Lots having Frontage on streets having extreme curvature, e.g., cul-de-sacs, the Lot shall have the minimum width as specified above at the Building Line, and a Lot Width of not less than ninety-five (95) feet at the Right of Way line. ~~Where streets have extreme curvature, no more than three (3) Lots with such reduced Lot Width at the Right of Way line shall be permitted.~~ Lot Width:

A) All Lots shall be at least sixty (60) feet wide between its required Frontage and the required Front Yard Setback.

B) All Lots shall be one hundred fifty (150) feet wide at the required Front Yard Setback.

606.05 Minimum Corner Lot Frontage: ~~one hundred fifty (150) feet Frontage~~ Reserved.

606.06 Minimum ~~front~~ Front yard ~~Yard Setback~~ depth: ~~seventy~~ Seventy-five (75) feet ~~measured from the edge of the contiguous Right of Way, unless otherwise specified below.~~

A) ~~If the Lot is along a street~~ Lots in a new subdivisions with platted ~~streets~~ Streets having a carrying capacity of less than 2,000 vehicles per day, defined by ADT (Average Daily Traffic) and

**Commented [SJ146]:** 3/5/19 - Added to address concerns about Airbnb type of uses

**Commented [SJ147]:** 6/27/19 – Unnecessary and inconsistent with other section names

**Commented [SJ148]:** 6/26/19 – Revised to make regulations easier to find, read, and understand. Revised wording is more straightforward, less wordy, and utilizes defined terms.

**Commented [SJ149]:** 6/26/19 – Provisions deleted due to the fact they are now addressed in 606.02 above.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 6: RURAL RESIDENTIAL DISTRICT (RR)

is served by public water and sewer, the minimum shall be permitted a minimum Front Yard Setback depth of fifty (50) feet from the edge of the contiguous Right-of-Way.

B) The Front Yard Setback depth of a Flag Lot, or a Lot with Frontage on a Street with extreme curvature, shall be fifty (50) feet, measured from the point in which said Lot reaches one hundred fifty (150) feet in width.

606.07 Minimum side-Side yard-Yard Setback width, each side: no Principal Building or Structure shall be located closer than twenty-fiveTwenty-five (25) feet to any Side Lot Line.

606.08 Minimum rear-Rear yard-Yard Setback depth: no principal Dwelling shall be located closer than fifty-Fifty (50) feet to the Rear Lot Line.

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

606.10 Lot Coverage: on no Lot or parcel in this zoning-Zoning District shall Buildings be constructed which cover more than ten percent (10%) of the lot area, and Impervious Surfaces (roofs and pavement) shall not exceed twenty-five percent (25%) of the lot Lot area.

606.11 Accessory Buildings: all All Accessory Buildings and Structures shall conform to the requirements of Section 1609.

#### Section 607: Residential Driveway Setback Requirements

607.01 All driveways or pavement shall have a Setback of no less than two (2) feet from the property lineLot Line.

607.02 All side load garages shall have a turning pad of no less than twenty-four (24) feet.

607.03 No driveway shall be located so it enters a public road within forty (40) feet of the intersection of the edge of the contiguousContiguous Right-of-Way of any two (2) public roads.

607.04 Driveways within this District shall not be subject to the restrictions of 1903.03.

#### Section 608: Minimum Floor Area Requirements

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

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

#### Section 609: District Standards

609.01 Trash, Junk, and litter shall be controlled and stored in containers. Dumpsters, and other similar types of large waste containers which are typically not moved by Manual means, and which are not considered to be a Portable Storage Unit, shall not be permitted in a required Front Yard and shall be enclosed and screened in accordance with Section 2003.

609.01 Trash, Junk, and litter shall be controlled and stored in containers. Dumpsters, and other similar types of large waste containers which are typically not moved by Manual means, and which are not

**Commented [SJ150]:** 6/26/19 – Revised to make regulations easier to find, read, and understand. Revised wording is more straightforward, less wordy, and utilizes defined terms.

**Commented [SJ151]:** 6/27/19 – Revised to remove section citation.

**Commented [SJ152]:** 6/27/19 – Unnecessary and possibly confusing since Impervious Surfaces is a defined term which encompasses more than this

**Commented [SJ153]:** 10/29/19 - Staff suggested deleting this provision, but the Zoning Commission wished to retain it at this time as they were not ready to contemplate any potential replacement language and were not comfortable with outright deleting it.

Staff recommended the change as it may be questionable whether these standards are actually related to public health or safety. Such regulations seem overly prescriptive for a straight district, somewhat infringe upon individual liberties, and are too rigid to address changes in the market. Staff is also concerned that fair housing advocates could claim these standards are discriminatory.

**Commented [SJ154]:** 6/27/19 - Removed "Non-Residential"

**Commented [SJ155]:** 6/27/19 - Added for clarity

**Commented [SJ156]:** 6/27/19 - Revised for clarity and to point to specific regulations

**Commented [SJ157]:** 6/27/19 - Removed "Non-Residential"

**Commented [SJ158]:** 6/27/19 - Added for clarity

DRAFT

ZC 2020-03

SEPTEMBER 18, 2020

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 6: RURAL RESIDENTIAL DISTRICT (RR)

considered to be a Portable Storage Unit, shall not be permitted in a required Front Yard and shall be enclosed and screened in accordance with Section 2003.

Commented [SJ159]: 6/27/19 – Revised for clarity and to point to specific regulations

**Section 610: Administration and Enforcement**

610.01 Applications for Rezoning to the Rural Residential District shall be administered in accordance with Article 26.

610.02 Applications for Zoning Permits and Certificates of Compliance shall be administered in accordance with Section 115 as well as all other applicable provisions of this Resolution.

610.03 Applications for Variances, Conditional Uses, and Administrative Appeals shall be administered in accordance with Article 3.

610.04 A Zoning Permit shall be required for any subdivision of property within the Rural Residential District which requires the signature of the Genoa Township Zoning Inspector.

610.05 Enforcement shall be conducted pursuant to Section 116 as well as all other applicable provisions of this Resolution.

Commented [SJ160]: NOTE (1/21/20) – New section added.

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ZC 2020-03

SEPTEMBER 18, 2020  
GENOA TOWNSHIP ZONING RESOLUTION  
**ARTICLE 6: RURAL RESIDENTIAL DISTRICT (RR)**

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Effective: ~~February 5, 2019~~TBD

Page 6-7 |



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

### **Section 701: Intent and Purpose**

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

### **Section 702: Overlay Area**

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

### **Section 703: Designing a Conservation Subdivision**

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

#### **703.01 — Five Step Sequential Design Process:**

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

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

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



**ARTICLE 7: ~~PLANNED RURAL RESIDENTIAL CONSERVATION DISTRICT~~RESERVED**

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

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

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

**ARTICLE 7: ~~PLANNED RURAL RESIDENTIAL CONSERVATION DISTRICT (PRRCD)~~ RESERVED**

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

**ARTICLE 7: ~~PLANNED RURAL RESIDENTIAL CONSERVATION DISTRICT~~RESERVED**

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

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 7: ~~PLANNED RURAL RESIDENTIAL CONSERVATION DISTRICT (PRRCD)~~ RESERVED**

A) The Zoning Commission may recommend approval of the application and Final Development Plan provided it determines that the application and Final Development Plan comply with the standards of this Article as well as all other applicable sections of the Genoa Township Zoning Resolution and preserve and protect the Primary Conservation Areas, and adequately provide useable Open Space in Secondary Conservation Areas.

B) If the Zoning Commission finds that the Final Development Plan does not meet the standards of this Article or any other applicable section of the Genoa Township Zoning Resolution or that the Divergences requested are not warranted, they shall deny the plan or the Divergences. This completes the Zoning Commission's actions, and they shall forward the application and Final Development Plan to the Township Trustees for their review.

C) Upon receipt of the application and Final Development Plan and the Zoning Commission's recommendations, the Township Trustees shall hold a properly advertised public hearing. Notice of the hearing shall be given to property owners within five hundred (500) feet of the subject tract by first class mail to the addresses of such owners as appearing on the Delaware County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any action taken on the application.

D) The Township Trustees can either uphold, modify, or overturn the recommendation of the Zoning Commission. A majority vote is required by the Township Trustees to uphold the Zoning Commission's recommendation. A majority decision of the Township Trustees is required to overturn or modify the Zoning Commission's recommendation.

~~704.07 Subdivision Plat. No Certificate of Zoning Compliance shall be issued for any Structure in any portion of a Planned Development for which a plat is required by the Delaware County Subdivision Regulations unless and until:~~

~~A) The final subdivision plat for that portion has been approved by the Delaware County Regional Planning Commission, Delaware County Commissioners and recorded; and~~

~~B) A full size and an 11"x 17" copy have been filed with the Zoning Inspector.~~

~~No modification of the provisions of the Final Development Plan, or part thereof, as finally approved shall be made unless the provisions of Section 705 are followed. The applicant shall submit the subdivision plat to the Zoning Inspector for review in order to assure the notes and agreed conditions on the Development Plan are not compromised by final engineering.~~

~~704.08 Certificate of Zoning Compliance. After the Final Development Plan is approved and any required final Subdivision Plat is recorded, the Zoning Inspector may issue a Certificate of Zoning Compliance upon payment of the required fees and submission of the detailed Landscaping plan for each platted Lot. The Certificate of Zoning Compliance for a Planned Development shall be for a period not to exceed three (3) years or that period approved in the Final Development Plan. If no construction has begun within three (3) years after approval is granted the Final Development Plan approval shall be void.~~

**Section 705: Development Plan Standards**

~~705.01 Permitted Uses: Single-family detached Dwellings; Attached two and three-unit dwellings; Open Space; recreation facilities accessory to the development.~~

~~705.02 Minimum tract size: Twenty-five (25) acres.~~

~~705.03 Open Space: At least fifty percent (50%) of the gross tract acreage shall be designated as permanent Common Open Space, not to be further subdivided. Open Space shall be owned, administered and maintained pursuant to Sections 913 and 914 of the Genoa Township Zoning Resolution. Dedication of land for public purposes approved with the development plan including trails, active recreation, spray irrigation fields, etc. may be encouraged by the Township Trustees. The decision whether to accept an applicant's offer to dedicate Open Space for public use shall be~~

**ARTICLE 7: ~~PLANNED RURAL RESIDENTIAL CONSERVATION DISTRICT~~RESERVED**

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

- ~~A) At least twenty-five percent (25%) of the minimum required Open Space shall be suitable for active recreation purposes, but no more than fifty percent (50%) shall be utilized for that purpose, in order to preserve a reasonable proportion of Natural Open Space on the site. The development plan shall specify the purposes for which Open Space areas are proposed. Any recreational facilities proposed to be constructed within Open Space areas shall be clearly shown on the development plan.~~
- ~~B) In calculating Open Space, the areas of fee simple Lots conveyed to homeowners shall not be included.~~
- ~~C) The required Open Space may be used for underground drainage fields for individual or community On-Site Sewage Disposal Systems, and for "spray fields" for spray irrigation purposes in a "land treatment" sewage disposal system as approved per the development plan.~~
- ~~D) Primary Conservation Areas plus storm water management detention/retention ponds, plus constructed wetlands acting as detention basins, plus sewage treatment ponds may count in their combined aggregate for up to fifty percent (50%) of the required Open Space.~~
- ~~E) Any area of Natural Open Space that is proposed to be disturbed during construction or otherwise not preserved in its natural state shall be shown on the development plan and shall be restored with vegetation that is compatible with the natural characteristics of the site. The method and timing of any restoration shall be set forth in the development plan.~~
- ~~F) There shall be an open space no-build setback of two hundred (200) feet measured from the centerline of a major thoroughfare or arterial street to any lot line(s) of the house lots created within the development.~~

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

~~Either:~~

~~A) Multiply the Net Developable Area (in acres) by either:~~

- ~~1) Six tenths (0.6) Dwelling Unit per net developable acre with On-Site Sewage Disposal Systems; or~~
- ~~2) Seventy-five hundredths (0.75) Dwelling Units per net developable acre with centralized sewer.~~

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

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

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

**ARTICLE 7: ~~PLANNED RURAL RESIDENTIAL CONSERVATION DISTRICT (PRRCD)~~ RESERVED**

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

**ARTICLE 7: ~~PLANNED RURAL RESIDENTIAL CONSERVATION DISTRICT~~RESERVED**

~~705.21 — Parking: Off-Street parking shall be provided at the time of construction of each principal Structure or Building, with adequate provisions for ingress and egress in accordance with the development plan. Off-Street parking shall comply with the provisions of Article 19 of the Genoa Township Zoning Resolution.~~

~~705.22 — Signs: All Signs shall be in accordance with Article 18 of the Genoa Township Zoning Resolution.~~

~~705.23 — Supplemental Conditions and Safeguards: The Zoning Commission may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed, landscaping, development, improvement and maintenance of Open Space (whether Improved Common Open Space or Natural Open Space), and any other pertinent development characteristics.~~

~~705.24 — Divergences: The Zoning Commission, as a part of development plan approval, may grant Divergences from any standard or requirement in this Section with the exception of Density and the percentage of required Open Space. An applicant requesting a Divergence shall specifically and separately list each requested Divergence and the justification therefore on the development plan submittals with a request that the proposed Divergence be approved "per plan".~~

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

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

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

~~707.01 — An extension of the time limit for the approved Final Development Plan may be granted by the Zoning Commission without public hearing provided the Zoning Commission finds that such extension is not in conflict with public interest.~~

~~707.02 — A request for minor changes to the Final Development Plan may be approved by the Zoning Commission without being subject to the same procedures as the original application. In approving such requests, the Zoning Commission may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this District.~~

~~707.03 — In the case of a request for a modification or amendment to the Final Development Plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial departures from the original application:~~

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

~~In approving such requests, the Zoning Commission may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this District.~~

**~~Section 708: Minimum Floor Area Requirements~~**

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

DRAFT

ZC 2020-03

SEPTEMBER 18, 2020

GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 7: ~~PLANNED RURAL RESIDENTIAL CONSERVATION DISTRICT (PRRCD)~~ RESERVED**

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



DRAFT

ZC 2020-03

SEPTEMBER 18, 2020

GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 7: ~~PLANNED RURAL RESIDENTIAL CONSERVATION DISTRICT~~ RESERVED**

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ZC 2020-03

SEPTEMBER 18, 2020

GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 7: ~~PLANNED RURAL RESIDENTIAL CONSERVATION DISTRICT (PRRCD)~~ RESERVED**

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**ARTICLE 8: SUBURBAN RESIDENTIAL DISTRICT (SR)****Section 801: Intent and Purpose**

The intent of the Suburban Residential District is to create a residential Zoning District that protects public health, safety, and general welfare, and recognizes the demand for Single-family residential Lots of medium Density located contiguous to urban areas. The District is to be applied to areas currently served or immediately planned to be served by central water, central sewer wastewater treatment plants operated by the Delaware County Sanitary Engineer, and by other Essential Services.

**Commented [SJ161]:** 9/18/2020 – Edited per Trustee comments.

**Section 802: Permitted Principal Uses**

802.01 Single-family detached Dwellings on Lots of twenty thousand (20,000) square feet or greater exclusive of the land area in Common Access Drive easements, except as provided for in Section 806.

802.02 Nonresidential Uses of a religious, cultural, educational, or recreational nature of character to the extent they are designed and intended to serve the residents of the neighborhood where the Use is located. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfare an Arterial or Collector Street so as to permit access without burdening residential Local streets Streets.

**Commented [SJ162]:** 10/29/19 – Addressed in separate item below. See 802.12.

~~802.03 Public Buildings and/or Uses which are supported in whole or part by taxes or by special public assessment. Such Uses include but are not limited to parks, playgrounds, libraries, schools, fire stations, community centers, water treatment, pumping and storage facilities, and wastewater treatment and pumping facilities.~~

**Commented [SJ163]:** 10/29/19 – Revised to match terms to definitions.

802.04 Forest and wildlife preserves.

802.05 Projects specifically designed for watershed protection, conservation of soil or water or for flood control.

802.05 Agriculture as regulated by Section 1714.

802.06 Agritourism as regulated by Section 1715.

802.07 Farm Markets as regulated by Section 1716.

802.08 Public and private utilities as regulated by Section 102.06 and Article 22.

802.09 Governmental Facilities as regulated by Section 102.07.

802.10 Outdoor advertising and Signs as regulated by Section 102.09 and Article 18.

802.11 Residential Care Facilities for five (5) or fewer residents (excluding care-givers) as regulated by Section 1704.

802.12 Religious Establishments as regulated by Section 1706.

**Commented [SJ164]:** This wording allows such uses in this district, even if they are not exempt, but requires they adhere to the cited sections. There is language in each of those sections stating non-exempted uses shall adhere to the requirements of the subject zoning district.

**Section 803: Permitted Accessory Uses**

803.01 Accessory Buildings and Structures as regulated by Section 1609.

803.02 Portable Storage Units as regulated by Section 1707 Accessory Signs as regulated by Article 18.

803.03 Accessory storage of recreational vehicles, boats, motor homes, equipment, trailer trailers, and other vehicles other than passenger cars as regulated by Section 1906.

803.04 Private Swimming Pools as regulated by Section 1709.05 together with game courts for the use of occupants and their guests.

803.05 Fences, Accessory Walls, and Retaining Walls, as regulated by Article 20.

803.06 Entry Features as regulated by Section 1605.

803.07 Temporary Uses and Special Events specified in and as regulated by Section 1707 1702.

**Commented [SJ165]:** 9/18/2020 – Edited per Trustee comments.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 8: SUBURBAN RESIDENTIAL DISTRICT (SR)

~~803.0708~~ ~~Satellite Dish Antennas and Aerial Antennas~~ and ~~Satellite Dish Antennas~~ as regulated by ~~Article 22~~ ~~Section 2203~~.

~~803.09~~ Wind turbines as regulated by ~~Section 2205~~.

~~803.08~~ The keeping of animals and/or fowl as pets or for domestic use.

~~A) No animals, except household pets, shall be kept on any parcel of less than five (5) acres unless the Building housing said animals is at least fifty (50) feet from any lot line. Swine and goats may be kept on such tract only if the Building housing such swine or goats is located at least two hundred (200) feet from any lot line.~~

~~B) This subsection shall apply only to those parcels where the total land holdings of the using party is five (5) acres or less and shall not be construed to apply in individual pens, pastures or fields of less than five (5) acres if part of a larger tract of land devoted to agricultural uses.~~

~~C) Any parcel of land located within the Suburban Residential District and containing less than five (5) acres shall contain no more than one (1) large animal for every two and one-half (2 1/2) acres of land. Large animal is defined for the purposes of this section as being any animal weighting more than one hundred fifty (150) pound.~~

~~803.010~~ Home Occupations conducted by the resident of a permitted Dwelling as regulated by ~~Section 1708.01~~.

~~803.11~~ Agriculture as regulated by ~~Section 1714~~.

~~803.12~~ Agritourism as regulated by ~~Section 1715~~.

~~803.13~~ Farm Markets as regulated by ~~Section 1716~~.

~~803.14~~ Public and private utilities as regulated by ~~Section 102.06~~ and ~~Article 22~~.

~~803.15~~ Governmental Facilities as regulated by ~~Section 102.07~~.

~~803.16~~ Outdoor advertising and Signs as regulated by ~~Section 102.09~~ and ~~Article 18~~.

~~803.17~~ Off-street parking and loading spaces as regulated by ~~Article 19~~.

## Section 804: Conditional Uses

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

~~804.01~~ Swimming Pools ~~not intended for private use~~ as regulated by ~~Section 1709~~ and golf courses as regulated by ~~Section 1710~~.

~~804.02~~ Home Occupations conducted by the resident of a permitted Dwelling as regulated by ~~Section 1708~~.

~~804.03~~ Accessory Dwellings in accordance with ~~Section 1713~~.

~~804.0304~~ ~~Kindergarten or child care facilities~~ ~~Day Care Centers~~ as regulated by ~~Section 1703~~.

~~804.0405~~ ~~Public or p~~Private schools and colleges provided that said institution occupies not less than twenty (20) acres. -Instructional areas, whether improved with Buildings or not, shall provide adequate parking areas for faculty, ~~staff~~ ~~staff~~, and students. -Such parking may not exist within the Right-of-Way of any road or highway. -A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.

~~804.05~~ ~~Family Care Homes and Group Care Homes as regulated by Section 1704~~.

~~804.06~~ Parking lots or storage yards for boats and recreational vehicles provided such area is owned or controlled by neighborhood or community associations and use is limited to residents of the

**Commented [SJ166]:** 1-15-20 Added for clarity.

**Commented [SJ167]:** Deleted because these items are largely regulated and protected by statute. The Township could elect to establish standards for properties not covered by the state's Ag exemption.

1-15-20 provisions re-located to Section 1714 so that they still may apply to non-exempt agricultural uses.

**Commented [SJ168]:** This wording allows such uses in this district, even if they are not exempt, but requires they adhere to the cited sections. There is language in each of those sections stating non-exempted uses shall adhere to the requirements of the subject zoning district.

**Commented [SJ169]:** 10/29/19 - Added to accommodate parking lots which may be required for certain uses within this district.

**Commented [SJ170]:** These fall under Residential Care Facilities regulations.

**ARTICLE 8: SUBURBAN RESIDENTIAL DISTRICT (SR)**

subdivision served, ~~804.07 Temporary Conditional Uses specified in and regulated by Section 1702.~~

**Section 805: Prohibited Uses**

- 805.01 All Uses not specifically authorized as a permitted or conditionally permitted Use by the express terms of this Section of the Zoning Resolution are hereby prohibited.
- 805.02 Outdoor Storage of inoperable, ~~unlicensed~~ ~~unlicensed~~, or unused motor vehicles for a period exceeding seven (7) days is prohibited. ~~Such vehicles, if stored on the premises, shall be enclosed within a Building so as not to be visible from any adjoining property or public road.~~
- 805.03 ~~Except as specifically permitted by Section 1707 and Section 1702, no Mobile Home or mobile office shall be placed or occupied in this District. Except for Permanently Sited Manufactured Homes as defined herein, or as may be specifically permitted by Section 1702, no Mobile Home or mobile office shall be placed or occupied in this District.~~
- 805.04 ~~Adult Entertainment and Adult Entertainment Facilities are prohibited Sexually Oriented Businesses.~~
- 805.05 ~~Homes for adjustment and institutions as herein defined under Residential Care Facilities are prohibited. Residential Care Facilities for six (6) or more residents, excluding care givers.~~

**805.06 Hotels.**

- 805.0607 Any commercial or business Use of a ~~parcel~~ Lot in this District shall be prohibited unless it complies with Section 1708, Home Occupations, of this code. This shall include but is not limited to parking of vehicles or equipment used in a business or the operation of a service type business where no work actually takes place on the site such as roofing, excavating or lawn maintenance, plumbing and other similar type operations.
- 805.0708 Except as specifically permitted by Article 22, no telecommunications tower as defined in Ohio Revised Code, Section 519.211(B)(1) shall be allowed in this District.

**Section 806: Dimensional Requirements**

- 806.01 Minimum lot-Lot area: ~~no parcel of land in this District, shall be used for residential purposes which has an area of less than twenty thousand (20,000) square feet, exclusive of the land area in Any portion of Lot within a Common Access Drive easement(s) shall not count towards this requirement.~~
- 806.02 Minimum Lot Frontage; ~~except as hereinafter set forth all Lots or parcels shall have eEighty-five (85) feet Frontage, unless otherwise specified below.~~

~~Flag lots or parcels having less than the above listed minimum Frontage must have a Lot Width fifty (50) feet forward of the Building Line which is equal to that minimum lot Frontage requirement. In no case shall the parcel have a Lot Width less than sixty (60) feet at the Right-of-Way line and the width of sixty (60) feet shall not be decreased at any point forward of the Building Line of the principal residence located on the premises.~~

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

A) Corner Lots: Eighty-five (85) feet, total.

B) Lots with Frontage on Streets with extreme curvature, e.g. cul-de-sacs: Sixty-five (65) feet. No more than three (3) such Lots shall be permitted along the same curvature. Said Lots shall not be considered Flag Lots.

**Commented [SJ171]:** Material now covered under revised regulations in Section 1702 and permitted as an accessory use in Section 803.06 above.

**Commented [SJ172]:** 3/5/19 - Added to address concerns about Airbnb type of uses.

**Commented [SJ173]:** Moved down to 806.04 to be consistent with RR formatting.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 8: SUBURBAN RESIDENTIAL DISTRICT (SR)

C) ~~Flag Lots: Sixty (60) feet. Stacking Flag Lots in a manner that would result in the "pole" of sections of two (2) or more Flag Lots being Contiguous to one another shall not be permitted.~~

D) ~~Landlocked Lots: Eighty-five (85) feet.~~

806.03 ~~Any parcel of land which at the Building Setback line is separated or removed from the public road by more than one other parcel of land~~Landlocked Lots shall be accessed ~~only~~ by a Common Access Drive (CAD) as regulated by Section 1604. ~~This provision shall not be interpreted as a prohibition of flag Lots or any other Lot design otherwise permitted in Section 806.02.~~

806.04 ~~Minimum Corner Lot Frontage: Eighty-five (85) feet Frontage~~Lot Width:

A) ~~All Lots shall be at least sixty (60) feet wide between its required Frontage and the required Front Yard Setback.~~

B) ~~All Lots shall be eighty-five (85) feet wide at the required Front Yard Setback.~~

806.05 ~~Minimum Front Yard Setback depth: Fifty (50) feet measured from the edge of the contiguous road Right-of-Way, unless otherwise specified below.~~

A) ~~The Front Yard Setback depth of a Flag Lot, or a Lot with Frontage on a Street with extreme curvature, shall be fifty (50) feet, measured from the point in which said Lot reaches eighty-five (85) feet in width.~~

806.06 ~~Minimum Side Yard Setback width, each side: -No Principal Building or Structure shall be located closer than twelve (12) feet to any Side Lot Line.~~

806.07 ~~Minimum Rear Yard Setback depth: -No Principal Building or Structure shall be located closer than fifty-Fifty (50) feet to the Rear Lot Line.~~

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

806.09 ~~Lot Coverage: -On no Lot or parcel in this zoning Zoning District shall Buildings be constructed which cover more than twenty percent (20%) of the Lot area and impervious Impervious surfaces Surfaces (roofs and pavement) shall not exceed thirty-five percent (35%) of the lot-Lot area.~~

806.10 ~~Accessory Buildings: All Accessory Buildings and Structures shall conform to the requirements of Section 1609.~~

**Commented [SJ174]:** Staff recommended addition for clarification.

**Commented [SJ175]:** 6/27/19 – Revised to make regulations easier to find, read, and understand. Revised wording is more straightforward, less wordy, and utilizes defined terms.

**Commented [SJ176]:** 6/27/19 – Revised to remove section citation.

**Commented [SJ177]:** 6/27/19 – Unnecessary and possibly confusing since Impervious Surfaces is a defined term which encompasses more than this

## Section 807: Residential Driveway Setback Requirements

807.01 All driveways or pavement shall have a Setback of no less than two (2) feet from the ~~property line~~Lot Line.

807.02 All side load garages shall have a turning pad of no less than twenty-four (24) feet.

807.03 No driveway shall be located so it enters a public road within forty (40) feet of the intersection of the edge of the ~~contiguous~~Contiguous Right-of-Way of any two (2) public roads.

807.04 ~~All driveways and parking areas shall be hard-surfaced with asphaltic concrete or Portland cement concrete pavement or permeable pavement.~~

## Section 808: Minimum Floor Area Requirements

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

Dwelling Type	Minimum Floor Area
One story	One thousand one hundred (1100) square feet of Floor Area above grade.

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 8: SUBURBAN RESIDENTIAL DISTRICT (SR)**

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

**Section 809: District Standards**

~~809.01 Trash, Junk, and litter shall be controlled and stored in containers. Dumpsters, and other similar types of large~~

809.01 Trash, Junk, and litter shall be controlled and stored in containers. Dumpsters, and other similar types of large waste containers which are not typically moved by Manual means, and which are not considered to be a Portable Storage Unit, shall not be permitted in a required Front Yard and shall be screened in accordance with Section 2003.

**Section 810: Administration and Enforcement**

810.01 Applications for Rezoning to the Suburban Residential District shall be administered in accordance with Article 26.

810.02 Applications for Zoning Permits and Certificates of Compliance shall be administered in accordance with Section 115 as well as all other applicable provisions of this Resolution.

810.03 Applications for Variances, Conditional Uses, and Administrative Appeals shall be administered in accordance with Article 3.

810.04 A Zoning Permit shall be required for any subdivision of property within the Suburban Residential District which requires the signature of the Genoa Township Zoning Inspector.

810.05 Enforcement shall be conducted pursuant to Section 116 as well as all other applicable provisions of this Resolution.

**Commented [SJ178]:** 10/29/19 - Staff suggested deleting this provision, but the Zoning Commission wished to retain it at this time as they were not ready to contemplate any potential replacement language and were not comfortable with outright deleting it.

Staff recommended the change as it may be questionable whether these standards are actually related to public health or safety. Such regulations seem overly prescriptive for a straight district, somewhat infringe upon individual liberties, and are too rigid to address changes in the market. Staff is also concerned that fair housing advocates could claim these standards are discriminatory.

**Commented [SJ179]:** 6/27/19 – Removed “Non-Residential”

**Commented [SJ180]:** 6/27/19 – Added for clarity

**Commented [SJ181]:** 6/27/19 – Revised for clarity and to point to specific regulations

**Commented [SJ182]:** 6/27/19 – Removed “Non-Residential”

**Commented [SJ183]:** 6/27/19 – Added for clarity

**Commented [SJ184]:** 6/27/19 – Revised for clarity and to point to specific regulations

**Commented [SJ185]:** NOTE (1/21/20) – New section added.





## 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 public health, safety, morals, 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.~~

Commented [SJ186]: 9/18/2020 – Edited per Trustee comments.

- 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, ~~treestrees~~, 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.~~

Commented [SJ187]: NOTE (1/21/20) – Text re-located to newly added Section 915, Administration and Enforcement

### Section 902: Contiguity of Land and Project Ownership

- 902.01 All land within a proposed Planned Development shall be ~~contiguous~~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~~Rezoning to PRD that collectively sum twenty-five (25) acres or more shall be considered for Planned Residential District zoning (PRD).

## GENOA TOWNSHIP ZONING RESOLUTION

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

903.02 The density of land use within a Planned Residential District shall not exceed 2.2 Dwellings per Net Developable Acre when Conservation Development Standards are used or 1.8 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 or Collector Street.
- 4) One hundred seventy (170) feet from the Right-of-Way line of any Arterial or Collector 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. Open Space Lots and other similar types of Lots not containing any Buildings shall not count towards the aforementioned standard.

- 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 vehicular access point shall not be required if all-of-all the Dwellings within a Planned Development contain residential sprinkler systems.

903.06 Reserved.

**Commented [SJ188]:** 3/5/19 – Added for clarification

**Commented [SJ189]:** 5/24/19 – Unnecessary word

**Commented [SJ190]:** 5/24/19 – Added for consistency

## 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~~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~~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.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

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

- a) The width of said easement shall be at least 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 ten (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 in the Final Development Plan shall be maintained. Dead and dying plants shall be replaced with a plant of a similar type no later than the subsequent planting season.

903.13 ~~Trash, Junk, and litter shall be controlled and stored in containers. Dumpsters, and other similar types of large waste containers which are typically not moved by Manual means, and which are not considered to be a Portable Storage Unit, shall not be permitted in a required Front Yard and shall be enclosed and screened in accordance with Section 2003.~~

Commented [SJ191]: 6/27/19 - Removed "Non-Residential"

Commented [SJ192]: 6/27/19 - Added for clarity

**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.

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

- 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~~~~educational~~, or recreational nature of character to the extent they are designed and intended to serve the residents of the Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located 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, safety services stations, community centers, water treatment, pumping and storage facilities, and wastewater treatment and pumping facilities.~~
- ~~FE) Forest and wildlife preserves.~~
- ~~GE) Projects specifically designed for watershed protection, conservation of soil or water or for flood control.~~
- ~~HG) Family care homes and group care homes as regulated by Section 1704. Religious Establishments as regulated by Section 1706.~~
- ~~I) Agriculture exempted from zoning by the Ohio Revised Code per Section 1714.~~
- ~~J) Agritourism exempted from zoning by the Ohio Revised Code per Section 1715.~~
- ~~J) Farm Markets exempted from zoning by the Ohio Revised Code and as regulated by Section 1716.~~
- ~~K) Public and private utilities as regulated by Section 102.06 and Article 22.~~
- ~~L) Governmental Facilities as regulated by Section 102.07.~~
- ~~M) Outdoor advertising and Signs as regulated by Section 102.09 and Article 18.~~
- ~~N) Residential Care Facilities for five (5) or fewer residents (excluding care givers/caregivers) as regulated by Section 1704.~~
- ~~O) Open Space, Common Open Space, and Improved Common Open Space.~~

## 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 Buildings.
- E) Nonresidential Uses of a ~~religious~~, cultural, ~~educational~~~~educational~~, or recreational nature of 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, safety services stations, community centers, water treatment, pumping and storage facilities, and wastewater treatment and pumping facilities.~~
- ~~GE) Forest and wildlife preserves.~~

**Commented [SJ193]:** Being added to every zoning district per the recommendation of Peter Griggs.

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

~~HG)~~ Projects specifically designed for watershed protection, conservation of soil or water or flood control.

~~IH) Family Care Homes and Group Care Homes as regulated by Section 1704~~ Religious Establishments as regulated by Section 1706.

~~I) Agriculture exempted from zoning by the Ohio Revised Code per Section 1714.~~

~~J) Agritourism exempted from zoning by the Ohio Revised Code per Section 1715.~~

~~K) Farm Markets exempted from zoning by the Ohio Revised Code per Section 1716.~~

~~L) Public and private utilities as regulated by Section 102.06 and Article 22.~~

~~M) Governmental Facilities as regulated by Section 102.07.~~

~~N) Outdoor advertising and Signs as regulated by Section 102.09 and Article 18.~~

~~O) Residential Care Facilities for five (5) or fewer residents (excluding care-givers/caregivers) as regulated by Section 1704.~~

~~P) Open Space, Common Open Space, and Improved Common Open Space.~~

**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.~~

~~905.02 Portable Storage Units as regulated by Section 1707.~~

905.03 Fences, Accessory Walls, 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 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 Aerial Antennas and Satellite Dish Antennas as regulated by Section 2203.~~

~~905.13 Wind turbines as regulated by Section 2205.~~

~~905.14~~ Temporary Uses and Special Events as specified in and regulated by Section 1702.

~~905.15 Agriculture exempted from zoning by the Ohio Revised Code per Section 1714.~~

Commented [SJ194]: 1-15-20 Added for clarity

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

905.16 Agritourism exempted from zoning by the Ohio Revised Code per Section 1715.

905.17 Farm Markets exempted from zoning by the Ohio Revised Code per Section 1716.

905.18 Public and private utilities as regulated by Section 102.06 and Article 22.

905.19 Governmental Facilities as regulated by Section 102.07.

905.20 Outdoor advertising and Signs as regulated by Section 102.09 and Article 18.

**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~~ ~~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 may be specifically permitted by Section ~~1707-1702, 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~~ Sexually Oriented Businesses.

906.05 ~~Homes for adjustment and institutions as herein defined under Residential Care Facilities are prohibited.~~ Residential Care Facilities for six (6) or more residents, excluding care givers.

906.06 Hotels.

~~906.0607~~ 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.~~0708~~ Any commercial or business use of a ~~parcel-Lot~~ 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~~ Service Business where no work actually takes place on the site such as roofing, excavating or lawn maintenance, plumbing and other similar type operations.

906.09 Agriculture, Agritourism, and Farm Markets not otherwise exempted from zoning by the Ohio Revised Code, unless incorporated into an approved Planned Development as either a permitted Use and/or designated Open Space. Such Use and/or designation, where expressly authorized, shall be intended solely for the operation, use, and enjoyment of residents within said Planned Development and subject to Sections 1714, 1715, and 1716, respectively.

**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~~ Lot 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~~ 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.

**Commented [S3195]:** 3/5/19 - Added to address concerns about Airbnb type of uses.



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

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~~ Yard Setback requirements:

- 1) Front, ~~side~~Side, and ~~rear-Rear yards-Yard Setbacks~~ 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~~Side, and ~~rear-Rear yards-Yard Setbacks~~ 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.

**Commented [SJ196]:** 10/29/19 - This will need to be deleted regardless of what happens with this edit due to the fact the PRD now permits multi-family dwellings. Leaving this provision would make construction of said units very difficult to achieve and could be seen as an attempt to bar affordable housing from the community.

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

- 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~~ **Yard Setback** requirements:
- 1) Residential, excluding Multi-Family Dwellings, none.
  - 2) Other permitted Principal Uses, including Multi-Family Dwellings, shall have ~~front~~ **Front**, ~~side~~ **Side**, and ~~rear~~ **Rear yards** ~~Yard Setbacks each of which is at least~~ fifty (50) feet ~~each~~.
  - 3) Yard **Setback** requirements for architectural projections, Accessory Buildings, and Accessory Structures shall be as established in Article 16.
- CD)** Building Height limits: Unless otherwise permitted by this Resolution, no Building shall exceed thirty-five (35) feet in height.
- DE)** 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 shall be, open to all residents of the Planned Development and may be, but is not required to be, open to the 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 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 the 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~~ **size**, and character of Common Open Space shall be suitable for the Planned Development in relation to the location, ~~number~~ **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.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

- 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~~size, and character of Common Open Space shall be suitable for the Planned Development in relation to the location, ~~number~~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 area~~ 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~~shape, and topography of the ~~tract~~property.
- 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~~

Commented [SJ197]: The Zoning Commission does not have this authority.

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

improvements that are permitted in the off-site Common Open Space must be appropriate to the Uses which are authorized for the off-site Common Open Space and must conserve and enhance the amenities of the off-site Common Open Space with regard to its topography and unimproved condition.

- 912.05 The minimum size of the proposed off-site Common Open Space shall be the greater of fifteen percent (15%) of the gross acreage of the Planned Development or five (5) acres.
- 912.06 Off-site Common Open Space shall only be considered upon request of the applicant and upon a determination that Common Open Space within the development is insufficient, inappropriate and impractical for the proposed Uses and purposes and that the off-site Common Open Space is reasonably accessible to all residents and users of the Planned Development. In all cases, the benefits of a proposed off-site Common Open Space shall outweigh the benefits of providing 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, ~~shapeshape~~, and topography of the ~~tract~~property;
  - B) The intended Use of the ~~tract~~property and the existing and proposed amenities, improvements and facilities;
  - C) The access to and location of the ~~tract~~property in relation to the Planned Development;
  - D) The method and degree of integration of the ~~tract~~property with the Planned Development;
  - E) The character of the Zoning District in which the ~~tract~~property 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-Lot~~ 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; 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. ~~Dedication shall take the form of a fee simple ownership to the Township.~~
- 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:

**Commented [SJ198]:** Zoning has no authority to dictate who owns property.

**Commented [SJ199]:** This is not what is practiced.

## GENOA TOWNSHIP ZONING RESOLUTION

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

- 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~~always 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~~by 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

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

C) A maintenance agreement is reached between the developer, ~~association~~association, and the Township Trustees.

913.06 Transfer of Easements to a Private Conservation Organization. ~~With formal expressed permission of the Township Trustees, an~~An owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:

- A) The organization ~~is acceptable to the Township Trustees, and~~ is a bona fide conservation organization with perpetual existence;
- B) The conveyance contains appropriate provisions for the proper reverter or retransfer ~~in the event that should the~~ 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.

**Commented [SJ200]:** Zoning does not have the authority to dictate who owns a property.

## 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~~declare the property a Nuisance in accordance with Section 1611 of this Resolution and Ohio Revised Code Sections 505.86 and/or 505.87.

~~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.~~

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

~~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 Administration and Enforcement**

~~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/her consultant for impromptu comments from the Zoning Commission. No binding decisions or votes are made at the on-site walkabout. Based upon such comments, a formal development plan can be prepared for public hearing. The On-Site Walkabout is a public meeting pursuant to Ohio Sunshine Law and must be properly noticed.~~

~~915.01 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 general 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.~~

~~915.02 Applications and requests pertinent to the Planned Residential District, including: Zoning Map Amendments, Preliminary Development Plans, Final Development Plans, Final Development Plan amendments, Divergences, modifications/alterations, subdivisions, Zoning Permits, and Certificates of Compliance, shall be administered in accordance with Article 27 of this Resolution.~~

~~915.03 Enforcement shall be conducted pursuant to Section 2713.~~

**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;~~

**Commented [SJ201]:** Text is being deleted because Nuisance declaration procedures are outlined in the ORC which will be cited here and in Section 1611.

**Commented [SJ202]:** NOTE 1/21/20 – Moved to Article 27

**Commented [SJ203]:** 9/18/2020 – Edited per Trustee comments.

**Commented [SJ204]:** NOTE (1/21/20) – New section added.

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

~~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 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, the plan shall include in 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;



## GENOA TOWNSHIP ZONING RESOLUTION

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

- ~~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~~

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

~~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.~~
- ~~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~~

## GENOA TOWNSHIP ZONING RESOLUTION

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

~~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	Regulation
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~~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.~~

GENOA TOWNSHIP ZONING RESOLUTION

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

**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.~~
- ~~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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ZC 2020-03

SEPTEMBER 18, 2020

GENOA TOWNSHIP ZONING RESOLUTION

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

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ZC 2020-03

SEPTEMBER 18, 2020

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**ARTICLE 10: RESERVED**

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GENOA TOWNSHIP ZONING RESOLUTION  
ARTICLE 10: ~~RESERVED~~RESERVED

ZC 2020-03

SEPTEMBER 18, 2020

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ZC 2020-03

SEPTEMBER 18, 2020

GENOA TOWNSHIP ZONING RESOLUTION

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

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**ARTICLE 11: COMMUNITY BUSINESS DISTRICT (CB)****Section 1101: Intent and Purpose**

The intent of the Community Business District is to ~~create a non-residential Zoning District that provides within Genoa Township~~ areas for business and service establishments which are pleasant, safe, and convenient to the neighborhood ~~while still protecting public health, safety, and general welfare~~. The District is to be applied to areas currently served by central sewer wastewater treatment plants operated by the Delaware County Sanitary Engineer and by central water and other Essential Services.

**Commented [SJ205]:** 9/18/2020 – Edited per Trustee comments.

**Section 1102: Permitted Principal Uses**

1102.01 Office facilities for the providing of personal service such as insurance agencies, insurance brokers, real estate offices, architects, engineers, law offices, offices of physicians, surgeons, dentists, chiropractors, or podiatrists or other allied medical, dental or optical fields.

1102.02 Offices of credit agencies, banks, savings and loan associations, personal credit institutions or loan offices. These businesses may be drive through businesses provided any speakers are located at least one hundred (100) feet from any residential District boundary.

1102.03 Offices of veterinarians provided that the practice of said veterinarians is limited to small domestic animals, that no animals are boarded on the premises except for the confinement of small animals under emergency treatment in facilities within the office, and that no outside runs or exercise areas are provided.

**Commented [SJ206]:** 10/29/19 – Staff had recommended revisions to condense this portion of the document; however, the Zoning Commission opted to not proceed with said revisions at this time. As such, they are no longer shown in the document.

1102.04 Bake goods shop, retail only.

1102.05 Barber and beauty shop.

1102.06 Candy and ice cream stores.

1102.07 Drug stores.

1102.08 Pick-up stations for dry cleaning and laundry.

1102.09 Self-serve dry cleaning and laundromats.

1102.10 Grocery and delicatessen stores.

1102.11 Shoe repair.

1102.12 Florists.

1102.13 Hardware.

1102.14 Health studios.

1102.15 Photo studios.

1102.16 Radio and television sales and service.

1102.17 Sporting goods.

1102.18 ~~Variety-Retail and/or variety~~ stores.

1102.19 Watch, clock, and jewelry sales and service.

~~1102.20 Eating establishments without drive-through/in/up service or live entertainment.~~

~~1102.21 Indoor recreational, athletic, and/or fitness facilities.~~

1102.2022 Small business activities which are not listed as a prohibited or Conditional Use herein and which fulfill all the requirements of this Section.

~~1102.23 Clubs.~~

~~1102.24 Religious Establishments as regulated by Section 1706.~~

**Commented [SJ207]:** 9/18/2020 – Edited to be consistent with Trustee comments.

**Commented [SJ208]:** Being added to every zoning district per the recommendation of Peter Griggs.

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 11: COMMUNITY BUSINESS DISTRICT (CB)**~~1102.25 Agriculture as regulated by Section 1714.~~~~1102.26 Agritourism as regulated by Section 1715.~~~~1102.27 Farm Markets as regulated by Section 1716.~~~~1102.28 Public and private utilities as regulated by Section 102.06 and Article 22.~~~~1102.29 Governmental Facilities as regulated by Section 102.07.~~~~1102.30 Outdoor advertising and Signs as regulated by Section 102.09 and Article 18.~~**Section 1103: Permitted Accessory Uses**~~1103.01 Accessory Uses, Buildings, or other Buildings and/or Structures customarily incidental to any of the foregoing permitted Uses as regulated by Section 1609.~~~~1102.02 Portable storage units as regulated by Section 1707.~~~~1103.0203 Off-Street parking and loading spaces as regulated by Article 19.~~~~1103.0304 Signs as regulated by Article 18. Offices, Retail operations, and or Service Businesses incidental and ancillary to the principal Use.~~~~1103.05 Fences, Accessory Walls, and Retaining Walls as regulated by Article 20.~~~~1103.06 Aerial Antennas and Satellite Dish Antennas as regulated by Section 2203.~~~~1103.07 Public and private utilities as regulated by Section 102.06 and Article 22.~~~~1103.08 Temporary Uses and Special Events as regulated by Section 1702.~~~~1103.09 Agriculture as regulated by Section 1714.~~~~1103.10 Agritourism as regulated by Section 1715.~~~~1103.11 Farm Markets as regulated by Section 1716.~~~~1103.12 Public and private utilities, including telecommunication towers, as regulated by Section 102.06 and Article 22.~~~~1103.13 Governmental Facilities as regulated by Section 102.07.~~~~1103.14 Outdoor advertising and Signs as regulated by Section 102.09 and Article 18.~~~~1103.15 Manufacturing, processing, packaging, repair, or treatment of goods so long as said activity is incidental or accessory to the performance of services or the sale of goods to the public on the premises.~~**Section 1104: Conditional Uses**

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

1104.01 Veterinary or animal hospitals provided that any Building, outside enclosed area, or outside run is a minimum of five hundred (500) feet from any existing Dwelling, ~~or residential Residential District or Planned Residential District.~~

~~1104.02 Temporary Uses specified in and regulated by Section 1707.~~~~1104.0302 Equipment rental and lease (but not including automobiles, trucks, and trailers).~~~~1104.04 Automobile service stations as regulated by Section 1304.~~~~1104.05 Indoor recreation facilities.~~~~1104.0603 Small engine service and repair.~~

**Commented [SJ209]:** This wording allows such uses in this district, even if they are not exempt, but requires they adhere to the cited sections. There is language in each of those sections stating non-exempted uses shall adhere to the requirements of the subject zoning district.

**Commented [SJ210]:** This wording allows such uses in this district, even if they are not exempt, but requires they adhere to the cited sections. There is language in each of those sections stating non-exempted uses shall adhere to the requirements of the subject zoning district.

**Commented [SJ211]:** 1-15-20 Added for clarity

**Commented [SJ212]:** 6/27/19 – Re-located from 1105.03

**Commented [SJ213]:** Deleted as it is redundant to the revised regulations in Section 1702 and 1103.04 above.

**Commented [SJ214]:** Deleted to incentivize use of the planned districts

**Commented [SJ215]:** Now a permitted use

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 11: COMMUNITY BUSINESS DISTRICT (CB)

1104.0704 Eating establishments ~~with drive-through/in/up facilities but~~ without live entertainment. ~~These businesses may have drive through facilities provided any speakers. Speakers are shall be~~ located at least two hundred (200) feet from any ~~residential-Residential or Planned Residential~~ District boundary. This distance may be reduced to one hundred (100) feet if the speaker is located on the side of the Building opposite the residential boundary.

~~1104.05 Day Centers as regulated by Section 1703.~~

Section 1105: ~~Required Operational Standards~~

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

1105.01 ~~The business activity~~Activities, excluding parking, shall primarily be conducted wholly within a completely enclosed Building or other appropriate structural element(s) ~~appropriate for business use unless otherwise permitted herein.~~

1105.02 ~~All business shall be of retail or service character~~Reserved.

1105.03 ~~No manufacturing, processing, packaging, repair or treatment of goods shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises~~Reserved.

1105.04 All premises shall be furnished with all weathered hard surface walks of a material such as bituminous or Portland cement, concrete, wood, tile, ~~terrazzo~~terrazzo, or similar material, and, except for parking areas, the grounds shall be planted and landscaped.

1105.05 Where the property lines separate a business District from a ~~residential-Residential or Planned Residential~~ District, a visual and mechanical barrier, a minimum of five and one-half (5 ½) feet in height, shall be provided along the common Lot Line, as regulated by Article 20.

1105.06 No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.

1105.07 The emission of smoke or other air pollutants and dust borne by wind shall be kept to a minimum by appropriate Landscaping, paving, or other acceptable means.

1105.08 There will be no emission of odors or odor causing substances that can be detected without the use of instruments at or beyond the Lot Lines.

1105.09 There will be no vibrations that can be detected without the use of instruments at or beyond the Lot Lines.

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

## Section 1106: Prohibited Uses

1106.01 All Uses not specifically authorized as a permitted or conditionally permitted Use by the express terms of this Section of the Zoning Resolution are hereby ~~prohibited~~.

1106.02 The Outdoor Storage of inoperable, unlicensed, or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicle, if stored on the premises, shall be enclosed within a Building so as not to be visible from any adjoining property or public road.

1106.03 No trailer of any type, no boats, no motor ~~homes~~homes, and no equipment of any type shall be parked in front of the Front Building Line of any Lot within this District. If a Structure is located on the ~~tract of land~~property or ~~lot~~Lot the Building Line shall be considered to be the front wall of the Structure, even if said Structure is located behind the minimum Building Line established by this code or the restrictions on the plat or deed.

**Commented [SJ216]:** 9/18/2020 – Edited to be consistent with Trustee comments and to reflect this use already exists in this district.

**Commented [SJ217]:** 6/27/19 – Revised title to reflect purpose of section. "Required" is also a given and doesn't need to be stated.

**Commented [SJ218]:** Revised because staff believes this is an unrealistic, absolute standard and there are numerous uses which have been authorized to have outdoor activities over the years.

**Commented [SJ219]:** 6/27/19 – Unnecessary and redundant. Uses are regulated in 1103, 1104, and 1106.

**Commented [SJ220]:** 6/27/19 – Re-located to 1103.14 with revised wording.

**Commented [SJ221]:** Unnecessary

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 11: COMMUNITY BUSINESS DISTRICT (CB)**

1106.04 Except as may be specifically permitted by Section 1707-1702, no Mobile Home or mobile home office Structure shall be placed or occupied in this District.

1106.05 ~~Adult Entertainment and Adult Entertainment Facilities are prohibited~~Sexually Oriented Businesses.

1106.06 ~~Homes for adjustment and institutions as herein defined under Residential Care Facilities are prohibited.~~Residential Care Facilities regardless of the number of residents.

1106.07 Eating establishments with live entertainment.

**Section 1107: Dimensional Requirements**

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

1107.01 Minimum ~~lot~~Lot area: ~~Twenty thousand (20,000) square feet.~~ Any portion of a Lot within a Common Access Driveway easement(s) shall not count towards this requirement.

1107.02 Minimum ~~lot~~Lot Frontage: ~~Except as hereinafter set forth all Lots or parcels shall have one hundred (100) feet Frontage, unless otherwise specified below. Lots or parcels having less than the above listed minimum Frontage must have a Lot Width fifty (50) feet forward of the Building Line which is equal to the minimum lot Frontage requirement. In no case shall the parcel have a Lot Width less than eighty-five (85) feet at the Right of Way line and the width of eighty-five (85) feet shall not be decreased at any point forward of the Building Line of the Principal Building located on the premises;~~

A) Corner Lots: One hundred (100) feet on one (1) Street.

B) Flag Lots: Eighty-five (85) feet. Stacking Flag Lots in a manner that would result in the "pole" sections of two (2) or more Flag Lots being Contiguous to one another shall not be permitted.

C) Landlocked Lots: One hundred (100) feet.

1107.03 Minimum Corner Lot Frontage: ~~One hundred (100) feet on one (1) street; Landlocked Lots shall be accessed by a Common Access Drive (CAD) as regulated by Section 1604. This provision shall not be interpreted as a prohibition of Flag Lots or any other Lot design otherwise permitted in Section 1107.02.~~

1107.04 Lot Width:

A) All Lots shall be at least eighty-five (85) feet wide between its required Frontage and the required Front Yard Setback.

B) All Lots shall be one hundred (100) feet wide at the required Front Yard Setback.

1107.0405 Minimum front ~~Front~~yard ~~Yard~~Setback depth: ~~No Building shall be located closer than one hundred (100) feet to any street Right-of-Way or one hundred fifty (150) feet to the centerline of a major collector or arterial street; Unless otherwise specified, One hundred thirty (130) feet from an Arterial or Collector Street. One hundred (100) feet from all other Streets.~~

A) The Front Yard Setback depth of a Flag Lot shall be fifty (50) feet, measured from the point in which said Lot reaches one hundred (100) feet in width.

1107.0506 Minimum ~~side~~Side ~~yard~~Yard ~~Setback~~width, each side: ~~No Principal Building or Structure shall be located closer than twenty (20) feet to any Side Lot Line.~~

1107.0607 Minimum rear ~~Rear~~yard ~~Yard~~Setback depth: ~~No Principal Building or Structure shall be located closer than thirty-five (35) feet to the Rear Lot Line.~~

1107.0708 No Building shall be located closer than one hundred (100) feet from a ~~residential~~Residential or Planned Residential District boundary line;

**Commented [SJ222]:** 6/27/19 – Added to mirror other straight district language. CADs are typically not seen in commercial subdivisions, but this will account for them, if one is proposed.

**Commented [SJ223]:** 6/27/19 – Reduced since we no longer measure setbacks from the road centerline

**Commented [SJ224]:** 6/27/19 – Revised to make regulations easier to find, read, and understand. Revised wording is more straightforward, less wordy, and utilizes defined terms.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 11: COMMUNITY BUSINESS DISTRICT (CB)

1107.0809 Building Height limits: ~~Unless otherwise permitted by this Resolution, No no~~ Building in this District shall exceed ~~thirty-fivethirty-five~~ (35) feet in height ~~measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the Structure.~~ No Aerial Antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest ~~property line~~ Lot Line less ten (10) feet of said ~~tract~~ Tract; and.

Commented [SJ225]: 6/27/19 – Revised to remove section citation.

1107.0910 Lot Coverage: On no ~~lot-Lot or parcel~~ in this ~~zoning~~ Zoning District shall ~~Buildings-Structures~~ be constructed which cover more than thirty five percent (35%) of the ~~lot-Lot~~ area.

Commented [SJ226]: 6/27/19 – Revised for clarity.

### Section 1108: ~~General Development Requirements~~ Design Standards

Commented [SJ227]: 6/27/19 – Re-named so as not to be confused with Article 16

1108.01 The maximum square feet of Floor Area for individual retail and service establishments shall be determined by the ratio of: Building area in square feet = lot size in acres x 10,000.

1108.02 Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the applicant showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces, and service areas. ~~Parking areas shall be adequately lighted and setback from Side and Rear Property Lot Lines a minimum of six (6) feet unless contiguous~~ Contiguous to property zoned for single-family residences, in which case the Setback shall be twenty (20) feet.

1108.03 ~~Provision for storm drainage shall be adequate to protect the public and owners of surrounding lands. Storm Water Management – all developments shall have a storm water management plan approved by the Delaware County Engineer's Office, if required.~~

1108.04 Trash, ~~Junk~~, and litter shall be controlled and stored in containers ~~systems which are located and enclosed in a manner to screen them from view. Dumpsters, and other similar types of large waste containers which are typically not moved by Manual means, and which are not considered to be a Portable Storage Unit, shall not be permitted in a required Front Yard and shall be enclosed and screened in accordance with Section 2003.~~

Commented [SJ228]: 9/18/2020 – Edited per Trustee comments.

1108.05 All service and delivery shall be at the rear of the Structures; provided, however, that under hardship conditions provisions may be made for service and delivery at the side of the Structures.

1108.06 Outdoor Storage and display of merchandise on pedestrian areas is prohibited unless a five (5) foot wide strip is left for pedestrian traffic.

~~1108.07 For Conditional Uses the Township Board of Appeals may request additional information from the applicants and may attach conditions for approval as are deemed necessary to meet the objectives of this Resolution.~~

Commented [SJ229]: Deleted because this is covered in Article 3

1108.0807 Parking areas shall be no closer to main Structures than ten (10) feet.

1108.0908 Pavement areas adjacent to a ~~residential~~ Residential or Planned Residential District shall be screened. Such screening shall have a minimum height of five and one-half (5½) feet and a maximum height of eight (8) feet.

1108.1009 The following regulations shall be adhered to when vending machines and display racks are used:

- A) All vending machines, except ice machines, newspaper vending machines, and telephone booths shall be located inside the Building.
- B) Ice machines may be located on an exterior wall, provided less than one-half (1/2) of the machine extends beyond the surface of the wall.
- C) All other uses of outside display racks and of outside vending machines, and the display of merchandise outside are prohibited.



DRAFT

ZC 2020-03

SEPTEMBER 18, 2020

GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 11: COMMUNITY BUSINESS DISTRICT (CB)**

**Section 1109: Administration and Enforcement**

1109.01 Applications for Rezoning to the Community Business District shall be administered in accordance with Article 26.

1109.02 Applications for Zoning Permits and Certificates of Compliance shall be administered in accordance with Section 115 as well as all other applicable provisions of this Resolution.

1109.03 Applications for Variances, Conditional Uses, and Administrative Appeals shall be administered in accordance with Article 3.

1109.04 A Zoning Permit shall be required for any subdivision of property within the Community Business District which requires the signature of the Genoa Township Zoning Inspector.

1109.05 Enforcement shall be conducted pursuant to Section 116 as well as all other applicable provisions of this Resolution.

Commented [SJ230]: NOTE (1/21/20) – New section added.

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## ARTICLE 12: PLANNED COMMERCIAL ~~AND OFFICE~~ DISTRICT (PCD)

### Section 1201: Intent and Purpose

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

1201.01 It is the policy of the Township to permit the creation of Planned Development Districts to:

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

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

~~1201.03 Pursuant to Ohio Revised Code Section 519.021(A), this District may be permitted upon application and approval of specific and detailed Final Development Plans and all shall require amendments to the official Zoning Map. Approval for Planned Development rezoning applications may be granted pursuant to ORC 519.12 only when the plan for the project complies with these regulations and promotes the general public health, safety, morals and welfare and encourages the efficient use of land and resources, promotes greater efficiency in providing public and utility services and encourages innovation in the planning and building of the development.~~

### Section 1202: Contiguity of Land and Project Ownership

1202.01 All land within a proposed Planned Development shall be ~~contiguous~~Contiguous and shall not be divided into parts by any state or federal limited access highway or by any railroad Right-of-Way.

1202.02 The Planned Development area shall be under contract for purchase by a single entity or owned by a single entity at the time of application. ~~For the purposes of this subsection a single entity includes the following: a husband and wife~~married couple; corporation; partnership; or two or more property owners who have entered into a general development plan for a Planned Development.

### Section 1203: General Requirements

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

Commented [SJ231]: 9/18/2020 – Edited per Trustee comments.

Commented [SJ232]: NOTE (1/21/20) – Text re-located to newly added Section 1209, Administration and Enforcement

## GENOA TOWNSHIP ZONING RESOLUTION

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

1203.02 ~~Commercial and/or office Buildings and shopping center establishments~~ Developments within this District shall be planned as groups having common parking area and common ingress and egress points ~~in order to~~ to reduce the number of potential accident locations at intersections with ~~thoroughfares~~ Thoroughfares.

A) Planned Commercial ~~Office~~ Districts having less than twenty (20) acres in area shall have direct access to at least one (1) ~~arterial street~~ Arterial Street.

B) Planned Commercial ~~Office~~ Districts of twenty (20) or more acres in area shall have direct access to one (1) ~~arterial~~ Arterial street and one (1) ~~collector~~ Collector street and/or two (2) access points on an ~~arterial street~~ Arterial Street.

1203.03 ~~There shall be created a minimum green strip of seventy-five (75) feet planted with grass and landscaped with the purpose of providing a year-round combination of shrubs and trees between a residential use area and a Commercial Office development~~ Where the Lot Lines separate a Planned Commercial District from a Residential or Planned Residential District:

A) ~~There shall be created, at a minimum, an undeveloped green strip of seventy-five (75) feet planted with grass and/or landscaped with the purpose of providing a year-round combination of shrubs and trees; and~~

B) ~~A visual and mechanical barrier, in accordance with Section 2003, shall be provided seventy-five (75) or more feet from said Lot Lines.~~

1203.04 ~~All parking and loading areas shall conform to the requirements of Article 19 and this Article~~ Reserved.

1203.05 ~~All Signs shall conform to the requirements of Article 18~~ Reserved.

1203.06 Total land occupancy by all Buildings and ~~impervious~~ Impervious surfaces Surfaces on a Lot or Tract in ~~a Commercial Office Planned Development~~ this District shall not exceed seventy-five percent (75%) of the area of the ~~tract said Lot or Tract~~ provided, however, that underground parking structures, the highest portions of which are not more than thirty (30) inches above the level of the centerline of the nearest adjacent ~~street~~ Street, shall not be included in computations of land occupancy by Buildings.

1203.07 Maximum Gross Floor Area. -No ~~Structure~~ Building shall exceed 65,000 square feet in gross Floor Area on a single Lot or Tract. -A ~~commonly~~ Commonly controlled Controlled business Business operation Operation shall not exceed usage of 65,000 square feet of gross Floor Area within one or more ~~structures~~ Buildings on a single Lot or Tract.

1203.08 Storm Water Management - all ~~site plans~~ Planned Developments must shall have a storm water management plan, approved by the Delaware County Engineer's Office, ~~if required with the improvements constructed before a Zoning Permit will be issued for construction of Buildings.~~

1203.09 Parking and Loading Areas

A) ~~The overnight parking of automobiles and other vehicles on private or public streets within a Planned Development is prohibited~~ 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 twenty-five (25) feet from the edge of the ~~contiguous~~ Contiguous street Street Right-of-Way in a Planned Commercial ~~Office~~ District, unless the parking lot is ~~contiguous~~ Contiguous to a ~~residential~~ Residential or Planned Residential District, in which case seventy-five (75) feet shall be the closest distance of the parking lot to the edge of the ~~contiguous~~ Contiguous street Street Right-of-Way.

~~D) Parking spaces and loading areas shall be provided in accordance with Article 19.~~

**Commented [SJ233]:** Addressed in Section 1206

**Commented [SJ234]:** Addressed in Section 1205 and 1206

**Commented [SJ235]:** Deleted because this requirement does not reflect the actual process. Furthermore, the County will regulate any stormwater or drainage concerns during construction.

**Commented [SJ236]:** Deleted due to the fact that this matter cannot be regulated via zoning.

**Commented [SJ237]:** Unnecessary, addressed in Section 1205

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

- 1203.10 Streets – All ~~streets~~ Streets, including private ~~streets~~ Streets, shall conform to specifications as set forth in the Delaware County Subdivision Regulations. Public road improvements in Planned Developments shall require the following:
- A) All ~~street~~ Street drainage shall be enclosed;
  - B) Curbs and gutters shall be installed; and
  - C) All ~~streets~~ Streets shall have a minimum pavement width of twenty-two (22) feet.
- 1203.11 Walkways – All walkways shall be constructed of a suitable, dust free, hard surface material.
- 1203.12 Trees
- A) The clearing of land shall be kept to a minimum to help preserve the existing natural conditions.
  - B) No land shall be cleared of trees more than fifteen (15) feet from the foundation of a proposed Building. –An exception to this requirement shall be granted in the case of those trees that should be removed due to malformation, disease, safety hazards, or to the general benefit of surrounding trees. –The foregoing shall be considered as a guideline for preservation of the natural environment.
  - C) No trees shall be cleared further than five (5) feet from curbs of a parking lot. The foregoing shall be considered as a guideline for preservation of the natural environment.
- 1203.13 Landscaping – All areas shall be landscaped. –The developer shall submit a conceptual landscaping plan to be reviewed as part of the development plan. –Each Lot shall be seeded or sodded in accordance with the approved development plan before a Certificate of Zoning Compliance is issued.

**Section 1204: Required Conditions for Businesses**

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

- 1204.01 ~~The business activity~~ Activities, excluding parking, shall ~~primarily~~ be conducted ~~wholly~~ within a completely enclosed Building or other appropriate structural element(s) unless otherwise permitted herein.
- 1204.02 ~~All businesses shall be of retail or service character.~~ Reserved.
- 1204.03 ~~No manufacturing, processing, packaging, repair or treatment of goods shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.~~ Reserved.
- 1204.04 All premises shall be furnished with all weathered hard surface walks of a material such as bituminous or Portland cement, concrete, wood, tile, ~~terrazzo~~ terrazzo, or similar material, and, except for parking areas, the grounds shall be planted and landscaped.
- 1204.05 Where the ~~property lines~~ Lot Lines separate a ~~business~~ this District from a ~~residential~~ Residential or Planned Residential District, a visual and mechanical barrier, a minimum of five and one-half (5 ½) feet in height, shall be provided along the common Lot Line.
- 1204.06 No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. –Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.
- 1204.07 The emission of smoke or other air pollutants and dust borne by wind shall be kept to a minimum by appropriate Landscaping, paving, or other acceptable means.

**Commented [SJ238]:** Revised because staff believes this is an unrealistic, absolute standard and there are numerous uses which have been authorized to have outdoor activities over the years.

**Commented [SJ239]:** Unnecessary text. Sections 1205 – 1207 regulate which uses are and are not appropriate.

**Commented [SJ240]:** Re-located to Section 1206, "Accessory Uses" and simplified.

## GENOA TOWNSHIP ZONING RESOLUTION

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

1204.08 There will be no emission of odors or odor causing substances which can be detected without the use of instruments at or beyond the Lot Lines.

1204.09 There will be no vibrations which can be detected without the use of instruments at or beyond the Lot Lines.

1204.10 A ~~certificate of occupancy~~ Zoning Permit shall be obtained before any ~~business-use~~ Use is initiated, changed, or altered in accordance with Section 115.0302.

1204.11 Trash, Junk, and litter shall be controlled and stored in containers. Dumpsters, and other similar types of large waste containers which are typically not moved by Manual means, and which are not considered to be a Portable Storage Unit, shall not be permitted in a required Front Yard and shall be enclosed and screened in accordance with Section 2003.

**Commented [SJ241]:** 9/18/2020 – Edited per Trustee comments.

**Section 1205: Permitted Principal Uses**

1205.01 General office, ~~retail-Retail~~, or ~~service Service businesses~~ Businesses, included but not limited to:

- A) Office facilities for the providing of personal service such as, but not necessarily limited to: insurance agencies, insurance brokers, real estate offices, architects, engineers, law offices, offices of physicians, surgeons, dentists, chiropractors, or podiatrists or other allied medical, dental or optical fields.
- B) Offices of credit agencies, banks, savings and loan associations, personal credit institutions or loan offices. ~~These businesses may be drive through businesses, provided any speakers are located at least one hundred (100) feet from any residential-Residential or Planned Residential District boundary.~~
- C) ~~Eating establishments~~ Restaurants and Nightclubs. These businesses may have drive-through facilities provided any speakers are located at least two hundred (200) feet from any ~~residential-Residential or Planned Residential~~ District boundary. ~~This distance may be reduced to one hundred (100) feet if the speaker is located on the side of the Building opposite the residential boundary.~~

1205.02 Medical research facilities, indoor recreational, athletic, and/or fitness facilities.

**Commented [SJ242]:** Redundant, Research and development laboratories is the same thing

1205.03 Research and development laboratories.

1205.04 Medical Clinics.

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

1205.05 Automobile service stations in accordance with the following:

**Commented [SJ243]:** This use already exists within this District.

A) The selling and dispensing of petroleum fuel primarily to passenger vehicles;

B) Accessory Uses as the sale and installation of lubricants, tires, batteries, accessories and supplies, incidental washing and polishing, tune-ups and brake repair;

C) No outdoor dismantling, wrecking or storage of automotive vehicles, parts, or accessories shall be permitted; and

D) No Outdoor Storage or rental of trucks, trailers, or passenger vehicles shall be permitted.

**Commented [SJ244]:** Same standards that already exist in Section 1304 for this use; repeated here because this is a different zoning district.

1205.06 Hotels.

1205.07 Event Facilities.

1205.08 Veterinary or animal hospitals provided that any Building, outside enclosed area, or outside run is a minimum of five hundred (500) feet from any existing Dwelling.

**Commented [SJ245]:** This use already exists within this District.

1205.09 Clubs.

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

1205.10 Day Care Centers as regulated by Section 1703.

1205.11 Religious Establishments as regulated by Section 1706.

1205.12 Agriculture exempted from zoning by the Ohio Revised Code per Section 1714.

1205.13 Agritourism exempted from zoning by the Ohio Revised Code per Section 1715.

1205.14 Farm Markets exempted from zoning by the Ohio Revised Code per Section 1716.

1205.15 Public and private utilities as regulated by Section 102.06 and Article 22.

1205.16 Governmental Facilities as regulated by Section 102.07.

1205.17 Outdoor advertising and Signs as regulated by Section 102.09 and Article 18.

1205.18 Greenspace and landscape buffers.

**Section 1206: Permitted Accessory Uses**

1206.01 Accessory Buildings ~~and/or Structures~~ as regulated by Section 1609.

1206.02 Portable Storage Units as regulated by Section 1707.

1206.0203 Off-Street parking and loading spaces as regulated by Article 19 ~~and Section 1903~~.

1206.0304 Signs as regulated by Article 18. Offices, Retail operations, and or Service Businesses incidental and ancillary to the principal Use.

1206.05 Fences, Accessory Walls, and Retaining Walls as regulated by Article 20.

1206.06 Aerial Antennas and Satellite Dish Antennas as regulated by Section 2203.

1206.07 Temporary Uses and Special Events as regulated by Section 1702.

1206.08 Incidental manufacturing, processing, packaging, repair, or treatment of goods.

1206.09 Agriculture exempted from zoning by the Ohio Revised Code per Section 1714.

1206.10 Agritourism exempted from zoning by the Ohio Revised Code per Section 1715.

1206.11 Farm Markets exempted from zoning by the Ohio Revised Code per Section 1716.

1206.12 Public and private utilities, ~~including telecommunication towers~~, as regulated by Section 102.06 and Article 22.

1206.13 Governmental Facilities as regulated by Section 102.07.

1206.14 Outdoor advertising and Signs as regulated by Section 102.09 and Article 18.

**Section 1207: Prohibited Uses**

1207.01 All Uses not specifically authorized as a permitted or conditionally permitted Use by the express terms of this Section of the Zoning Resolution are hereby prohibited.

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

1207.03 Except as ~~may be~~ specifically permitted by Section ~~1707-1702~~, no Mobile Home or mobile home office Structure shall be placed or occupied in this District.

1207.04 ~~Adult Entertainment and Adult Entertainment Facilities are prohibited Sexually Oriented Businesses.~~

1207.05 ~~Homes for adjustment and institutions as herein defined under Residential Care Facilities are prohibited. Residential Care Facilities regardless of the number of residents.~~

**Commented [SJ246]:** Being added to every zoning district per the recommendation of Peter Griggs.

**Commented [SJ247]:** 1-15-20 Added for clarity

## GENOA TOWNSHIP ZONING RESOLUTION

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

1207.06 Agriculture, Agritourism, and Farm Markets not otherwise exempted from zoning by the Ohio Revised Code.

**Section 1208: Dimensional Requirements**

1208.01 Minimum ~~yard~~-Yard requirements: ~~front~~Front, ~~side~~Side, and ~~rear~~-Rear yards-Yards shall be designed so that no Building is closer than fifty (50) feet to any other Building. -No Buildings shall be located closer than one hundred (100) feet to any District boundary line or one hundred (100) feet from a street Right-of-Way.

**1208.02 Building Height limits: Unless otherwise permitted in Section 1616, no Building in this District shall exceed thirty-five (35) feet in height. No Aerial Antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line less ten (10) feet of said Tract.**~~Section 1209: Application Procedure~~

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

~~1209.01~~ Application - The owner or owners of Lots and lands within the township may request that the Zoning Map be amended to include such tracts in the Planned Development District in accordance with the provisions of this resolution. ~~Ten (10) copies of the application for the proposed amendment shall be submitted to the Zoning Inspector and shall contain at a minimum the following information:~~

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

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

- J) ~~\_\_\_\_\_~~ A landscape plan;
  - K) ~~\_\_\_\_\_~~ A plan for any signage;
  - L) ~~\_\_\_\_\_~~ A Vicinity Map at a scale approved by the Zoning Commission showing property lines, streets, Structures within five hundred (500) feet of the property's boundary, existing and proposed zoning, and such other items as the Zoning Commission may require;
  - M) ~~\_\_\_\_\_~~ A site review conducted by Delaware County Regional Planning Commission and their comments;
  - N) ~~\_\_\_\_\_~~ A traffic study, unless waived by the Zoning Commission;
  - O) ~~\_\_\_\_\_~~ A list of all property owners, as appearing on the county auditor's current tax list within five hundred (500) feet of, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and others that may have a substantial interest in the case. For each of the property owners the applicant shall provide two sets of pre-addressed, stamped letter-size envelopes with postage sufficient to send a notice via first-class mail;
  - P) ~~\_\_\_\_\_~~ A fee as established by the Township Trustees;
- ~~1209.02~~ Development Plan — Ten (10) copies of the development plan shall be submitted with the application which plan shall include in the text and map form:
- A) ~~\_\_\_\_\_~~ The proposed size and location of the Planned Commercial Office (PCD);
  - B) ~~\_\_\_\_\_~~ The general development character of the tract including the limitations or controls to be placed on residential and related Uses, with probable Lot sizes, minimum setback requirements and other development features including Landscaping; ~~C) \_\_\_\_\_ Architectural design criteria for all Structures and criteria for proposed Signs with proposed control procedures;~~
  - D) ~~\_\_\_\_\_~~ The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness;
  - E) ~~\_\_\_\_\_~~ The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise;
  - F) ~~\_\_\_\_\_~~ A traffic study examining the impact of the development on the existing infrastructure, modifications required to handle the increased traffic and the mechanism proposed to complete the necessary improvements; ~~G) \_\_\_\_\_ The relationship of the proposed development to existing and probable Uses of surrounding areas during the development timetable;~~
  - H) ~~\_\_\_\_\_~~ Location of schools, parks, and other facility sites, if any;
  - I) ~~\_\_\_\_\_~~ The proposed time schedule for development of the site including streets, Buildings, utilities, and other facilities;
  - J) ~~\_\_\_\_\_~~ If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases; and
  - K) ~~\_\_\_\_\_~~ The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan;
  - L) ~~\_\_\_\_\_~~ Specific statements of Divergence shall be requested "per plan"; if any deviation from this Resolution or existing county regulations or standards are desired, an applicant making such a request shall specifically and separately list each requested Divergence and submit written development text justifying each deviation from any requirements of this Resolution and demonstrating how each Divergence will advance public interests and the General Purposes of this Zoning Resolution, by promoting one or more of the following purposes:
- 1) ~~\_\_\_\_\_~~ The conservation and protection of the natural resources, scenic areas, wildlife habitat and the historical and unique natural features of the land;



## GENOA TOWNSHIP ZONING RESOLUTION

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

- ~~2) The health, safety, morals, and general welfare of the present and future inhabitants of Genoa Township;~~
- ~~3) The quality of life within Genoa Township through the protection of the total environment, the prevention of nuisances and hazards, and the provision of adequate light, air, and convenient access to property;~~
- ~~4) The assurance of the compatibility of land uses which are either adjacent or in proximity to each other;~~
- ~~5) The orderly development of all lands within the Township to its appropriate use; and~~
- ~~6) The most appropriate use of land to facilitate and provide adequate public and private improvements.~~

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

~~1209.03 Administrative Review All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector or designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved.~~

**Section 1209: Administration and Enforcement**

1209.01 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 general 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.

1209.02 Applications and requests pertinent to the Planned Commercial District, including: Zoning Map Amendments, Preliminary Development Plans, Final Development Plans, Final Development Plan amendments, Divergences, modifications/alterations, subdivisions, Zoning Permits, and Certificates of Compliance, shall be administered in accordance with Article 27.

1209.03 Enforcement shall be conducted pursuant to Section 2713.

**Section 1210: Action by Zoning Commission**

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

**Section 1211: Final Development Plan General Requirements**

The Final Development Plan submitted shall support the following requirements:

- ~~1211.01 The physical character of the site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site from probability of flooding, erosion, subsidence, or slipping of the soil or other dangers, annoyances, or inconveniences.~~
- ~~1211.02 Any Divergence from the Zoning Resolution requirements is warranted per plan by the design and amenities incorporated in the development plan and each requested Divergence shall specifically and separately be listed in the Final Development Text in accordance with Section 1213.~~

**Commented [SJ248]:** 9/18/2020 – Edited per Trustee comments.

**Commented [SJ249]:** NOTE (1/21/20) – New section added.

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

- ~~1211.03—Land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in Use.~~
- ~~1211.04—The proposed change to a Planned Development District is in conformance with the standards, objectives, and policies of the Genoa Township Comprehensive Plan.~~
- ~~1211.05—The site must have direct access to a major street without creating traffic on minor residential streets outside the District.~~
- ~~1211.06—Existing and proposed utility services are adequate for the proposed development.~~
- ~~1211.07—Each phase of the proposed development, as it is proposed to be completed contains the required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and suitable environment.~~
- ~~1211.08—The proposed Planned Development including all proposed parking spaces, and landscape areas and utilities can be substantially developed, and all construction for public benefit has been approved by the Delaware County Engineer, within three (3) years of the establishment of the Planned Development District unless a different time schedule is set forth in the approved development plan.~~
- ~~1211.09—The developer either possesses or has access to sufficient funds for the initiation and completion of the project as described in the Final Development Plan.~~

**Section 1212: Action by the Township Trustees**

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

**Section 1213: Divergence Review and Conflicts with Other Sections**

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

- ~~1213.01—The Genoa Township Zoning Commission and the Township Trustees may consider Divergences requested at the time of the filing of a development plan application, which is determined in compliance with all other general development standards listed in the zoning district where the proposed development will be occurring. The applicant shall provide written development text in accordance with Sections 1209.02 (L).~~
- ~~1213.02—Divergences may be granted “per plan” during a public hearing conducted by either the Genoa Township Zoning Commission, or the Township Trustees conducting a formal review of a development plan. The Township has discretion to determine whether requested Divergences are warranted based on the applicant’s particular case. When acting on a requested Divergence, the Zoning Commission and Township Trustees may approve a Divergence, provided they determine that the benefits, improved arrangement and the design of the proposed development justify the deviation from any requirements of this Resolution and that the proposed Divergence is consistent with the purpose and intent of this Resolution.~~

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 12: PLANNED COMMERCIAL ~~AND OFFICE~~ DISTRICT (PCD)****~~Section 1214: Subdivision Plat and Subdivision Regulations~~**

~~1214.01~~ The uniqueness of each proposal for a Planned Development may require that there be modification from the specifications established in the Subdivision Regulations of Delaware County, Ohio. Modifications may be incorporated into the plan by the developer only after the review of the Delaware County Regional Planning Commission and the County Engineer for consideration by the Zoning Commission and the Township Trustees.

~~1214.02~~ No Certificate of Zoning Compliance shall be issued for any Structure in any portion of a Planned Development for which a plat is required by the Delaware County Subdivision Regulations unless and until:

- A) The final subdivision plat for that portion has been approved by the Delaware County Regional Planning Commission, Delaware County Commissioners and recorded; and
- B) A full-size and an 11" x 17" copy have been filed with the Zoning Inspector.

~~— No modification of the provisions of the Final Development Plan, or part thereof, as finally approved and recorded shall be made unless the provisions of Section 1216 are followed.~~

**~~Section 1215: Certificate of Zoning Compliance~~**

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

**~~Section 1216: Extension or Modification of Final Development Plan~~**

~~1216.01~~ An extension of the time limit for the approved Final Development Plan may be granted by the Township Trustees without public hearing provided the Township Trustees find that such extension is not in conflict with public interest.

~~1216.02~~ A request for minor changes to the Final Development Plan may be approved by the Zoning Commission without being subject to the same procedures as the original application. A resolution to accept changes, which may include additional conditions, shall be required ~~1216.03~~ In the case of a request for a modification or amendment to the Final Development Plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial departures from the original application:

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

**~~Section 1217: Enforcement~~**

~~1217.01~~ The Zoning Inspector shall review, at least once every six (6) months, all Zoning Permits issued and all construction that has taken place within the development area.

DRAFT

ZC 2020-03

SEPTEMBER 18, 2020

GENOA TOWNSHIP ZONING RESOLUTION

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

~~1217.02—If the Zoning Inspector shall find that the ratio of construction of residential units, non-residential Structures, Open Space and/or recreational facilities substantially differs from the approved phasing program, he shall follow the procedures of Section 116.02 in order to suspend further construction until compliance is achieved.~~

~~1217.03—If the Zoning Inspector shall find that the developer of a Planned Development has failed to meet the approved development schedule, he shall forward this information to the Township Trustees.~~

DRAFT

ZC 2020-03

SEPTEMBER 18, 2020

GENOA TOWNSHIP ZONING RESOLUTION

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

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**ARTICLE 13: PLANNED INDUSTRIAL ~~AND WAREHOUSE~~ DISTRICT (PID)****Section 1301: Intent and Purpose**

The purpose of the Planned Industrial ~~Warehouse~~ District is to encourage the coordination and integration of industrial uses designed as separate elements into one specific site layout while protecting public health, safety, morals, and general welfare. ~~The entire design is intended to utilize industrial uses which are compatible in terms of activity, parking needs, traffic accessibility, sign systems and space requirements into an industrial park setting. Planned Industrial Warehouse Districts are limited to areas served by central sewer wastewater treatment plants operated by the Delaware County Sanitary Engineer and to areas served by a Central Water System and by an adequate transportation network.~~

Commented [SJ250]: 9/18/2020 – Edited per Trustee comments.

1301.01 It is the policy of the Township to permit the creation of Planned Development Districts to:

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

1301.02 This Section establishes standards for the Planned Industrial ~~and Warehouse~~ District in areas served by central sanitary sewers and Central Water Systems, or developments utilizing other sewage treatment options approved in the development plan. ~~1301.03 Pursuant to Ohio Revised Code Section 519.021(C), this District will encompass, include and overlay all lands contained within the Light Industrial District (LI) and may be permitted upon application and approval of specific and detailed Final Development Plans. The LI District and the zoning regulations thereunder shall continue to apply to all property within the PID unless the Township Trustees approve an application of an owner of property within the LI District to subject the owner's property to the provisions of the PID. Such an application shall be made in accordance with the provisions herein of the Genoa Township Zoning Resolution and shall include a development plan in compliance with the provisions of said Section. Upon receiving such an application, the Township Trustees shall determine whether the application and development plan comply with the provisions herein. If the Township Trustees determine that the application and development plan comply and approves the application, the Township Trustees shall cause the Zoning Map to be changed so that the LI District no longer applies to such property, with the property being thenceforth located in the PID and subject to the regulations thereunder. The approval of the application and development plan and the removal of the prior LI District from the Zoning Map is a ministerial act and shall not be considered to be an amendment to the Genoa Township Zoning Resolution.~~

Commented [SJ251]: NOTE (1/21/20) – Text re-located to newly added Section 1309, Administration and Enforcement

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

- 1302.01 All land within a proposed Planned Development shall be ~~contiguous~~Contiguous and shall not be divided into parts by any state or federal limited access highway or by any railroad Right-of-Way.
- 1302.02 The Planned Development area shall be under contract for purchase by a single entity or owned by a single entity at the time of application. ~~For the purposes of this subsection a single entity includes the following: a husband and wife~~married couple; corporation; partnership; or two or

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

more property owners who have entered into a general development plan for a Planned Development.

**Section 1303: General Requirements**

- 1303.01 The provisions of this Article shall apply to all lands zoned in the Planned Industrial-Warehouse District. Only parcels at least ten (10) acres in size or adjacent to other parcels zoned PID or under application for rezoning-Rezoning to PID that collectively sum ten (10) acres or more shall be considered for the PID.
- 1303.02 ~~Industrial and/or Warehouse~~All Buildings and ~~establishments~~Structures shall be planned as groups having common parking area and common ingress and egress points ~~in order to~~to reduce the number of potential accident locations at intersections with thoroughfares.
- A) Planned Industrial ~~Warehouse~~Districts less than twenty (20) acres in area shall have direct access to one (1) ~~arterial~~Arterial streetStreet.
- B) Planned Industrial ~~Warehouse~~Districts of twenty (20) or more acres in area shall have direct access to one (1) ~~arterial~~Arterial streetStreet and to one (1) ~~collector~~Collector streetStreet and/or two (2) access points on an ~~arterial~~Arterial streetStreet.
- 1303.03 ~~There shall be created a minimum green strip of seventy-five (75) feet planted with grass and landscaped with the purpose of providing a year round combination of shrubs and trees between a residential use area and the Industrial Warehouse development~~Where the Lot Lines separate a Planned Industrial District from a Residential or Planned Residential District:
- A) ~~There shall be created, at a minimum, an undeveloped green strip of seventy-five (75) feet planted with grass and/or landscaped with the purpose of providing a year-round combination of shrubs and trees; and~~
- B) ~~A visual and mechanical barrier, in accordance with Section 2003, shall be provided seventy-five (75) or more feet from said Lot Lines.~~
- 1303.04 ~~All parking and loading areas shall conform to the requirements of Article 16 and 19~~Reserved.
- 1303.05 ~~All Signs shall conform to the requirements of Article 18~~Reserved.
- 1303.06 Total land occupancy by all Buildings and ~~impervious~~Impervious surfacesSurfaces ~~in an Industrial Warehouse Planned Development on a single Lot or Tract in this District~~ shall not exceed seventy-five percent (75%) of the area of ~~the said Lot or tract~~Tract.
- 1303.07 Maximum Gross Floor Area. -No ~~Structure~~Building shall exceed 65,000 square feet in gross Floor Area. -A ~~commonly~~Commonly controlled ~~Controlled business~~Business operationOperation shall not exceed usage of 65,000 square feet of gross Floor Area within one or more ~~structures~~Buildings or a single Lot or Tract.
- 1303.08 Storm Water Management – all ~~site plans~~Planned Developments ~~must~~shall have a storm water management plan, approved by the Delaware County Engineer's Office, ~~if required with the improvements constructed before a Zoning Permit will be issued for construction of Buildings.~~
- 1303.09 Parking and Loading Areas
- A) ~~The overnight parking of automobiles and other vehicles on private or public streets within a Planned Development is prohibited~~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 twenty-five (25) feet from the edge of the ~~contiguous~~Contiguous street Right-of-Way in a Planned Industrial-Warehouse District, unless the parking lot is ~~contiguous~~Contiguous to a ~~residential~~Residential or Planned Residential

Commented [SJ252]: Addressed in Section 1305

Commented [SJ253]: Addressed in Sections 1304 and 1305

Commented [SJ254]: Text deleted because it is unnecessary.

Commented [SJ255]: Deleted because this requirement does not reflect the actual process. Furthermore, the County will regulate any stormwater or drainage concerns during construction.

Commented [SJ256]: Deleted due to the fact that this matter cannot be regulated via zoning.

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

District, in which case seventy-five (75) feet shall be the closest distance of the parking lot to the edge of the ~~contiguous~~Contiguous street Right-of-Way.

D) Parking spaces and loading areas shall be provided in accordance with Article 19.

1303.10 Streets – All ~~streets~~Streets including private streets shall conform to specifications as set forth in the Delaware County Subdivision Regulations. Public road improvements in Planned Developments shall require the following:

A) All ~~street~~Street drainage shall be enclosed;

B) Curbs and gutters shall be installed; and

C) All ~~streets~~Streets shall have a minimum pavement width of twenty-two (22) feet.

1303.11 Walkways – All walkways shall be constructed of a suitable, dust free, hard surface material.

1303.12 Trees

A) The clearing of land shall be kept to a minimum to help preserve the existing natural conditions.

B) No land shall be cleared of trees more than fifteen (15) feet from the foundation of a proposed Building. –An exception to this requirement shall be granted in the case of those trees that should be removed due to malformation, disease, safety hazards, or to the general benefit of surrounding trees. –The foregoing shall be considered as a guideline for preservation of the natural environment.

C) No trees shall be cleared further than five (5) feet from curbs of a parking lot. The foregoing shall be considered as a guideline for preservation of the natural environment.

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

**Section 1304: Permitted Principal Uses**

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

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

A) The manufacturing or assembling of medical, dental, ~~optical~~optical, and similar precision instruments; musical instruments, novelties, toys, rubber products; orthopedic or medical appliances; watches and clocks;

B) Machine shops and tools and die shops;

C) Manufacturing, ~~assembling~~assembling, or repairing of electrical and electronic products, components and equipment;

D) Compounding, ~~processing~~processing, and packaging of meat, dairy and food products, exclusive of slaughtering;

E) Compounding, processing, and packaging of chemical products, but not including any materials which decompose by detonation;



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

- F) Automobile service stations as regulated by the following:
- 1) The selling and dispensing of petroleum fuel primarily to passenger vehicles;
  - 2) Accessory Uses as the sale and installation of lubricants, tires, batteries, accessories and supplies, incidental washing and polishing, tune-ups and brake repair;
  - 3) No outdoor dismantling, wrecking or storage of automotive vehicles, parts, or accessories shall be permitted; and
  - 4) No Outdoor Storage or rental of trucks, trailers, or passenger vehicles shall be permitted;
- G) Awning company;
- H) Bakeries, wholesale;
- I) Beverage distributors manufacturing, bottling plants;
- J) Carpenter and cabinet shops;
- K) Carpet and rug cleaning plants;
- L) Commercial radio and television transmitting stations, antenna towers and other electronic equipment requiring outdoor towers;
- M) Restaurants with or without ~~drive in and/or drive through~~drive-through/in/up services;
- N) Electric supply company;
- O) Equipment rental, ~~sales~~sales, and service, including automobiles, trucks and trailers;
- P) Fence company;
- Q) Glass distributors;
- R) Labor union meeting halls;
- S) Laundries, dry cleaning plants and linen supply;
- T) Mail order houses;
- U) Monument sales and finishing;
- V) Offices;
- W) Printing, publishing, binding and typesetting plants;
- X) Research and ~~engineering development~~ laboratories or facilities;
- Y) Sign painting and manufacturing;
- Z) Sales establishments for building materials and lumber yards; and/or
- AA) Warehouses or storage in bulk for: clothing, cotton, drugs, dry goods, feed, food, fuel, furniture, hardware, ice, machinery, metals, paint, paint materials, pipe, rubber, shop supplies, soil stabilizer, tobacco, wool, and the like.

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

1304.04 ~~Temporary Uses specified in and regulated by Section 1707, except 1707.04~~ Indoor recreational, athletic, and/or fitness facilities.

1304.05 Hotels.

1304.06 Retail.

1304.07 Service Businesses.

**Commented [SJ257]:** Deleted because these items would not be a principal use.

**Commented [SJ258]:** 10/29/19 – Staff's original draft included a number of new uses being permitted in the PID; however, the Zoning Commission opted to not pursue the drafted edit at this time. As such, they have been removed from the document.

**ARTICLE 13: PLANNED INDUSTRIAL AND WAREHOUSE DISTRICT (PID)**1304.08 Day Care Centers as regulated by Section 1703.1304.09 Religious Establishments as regulated by Section 1706.1304.10 Agriculture exempted from zoning by the Ohio Revised Code per Section 1714.1304.11 Agritourism exempted from zoning by the Ohio Revised Code per Section 1715.1304.12 Farm Markets exempted from zoning by the Ohio Revised Code per Section 1716.1304.13 Public and private utilities as regulated by Section 102.06 and Article 22.1304.14 Governmental Facilities as regulated by Section 102.07.1304.15 Outdoor advertising and Signs as regulated by Section 102.09 and Article 18.1304.16 Greenspace and landscape buffers.**Section 1305: Permitted Accessory Uses**1305.01 Accessory Uses, Buildings, or other Buildings and Structures customarily incidental to any aforesaid permitted Uses as regulated by Section 1609.1305.02 Portable Storage Units as regulated by Section 1707.1305.0203 Off Street parking and loading spaces as regulated by Section 19.1305.0304 Signs as regulated by Article 18. Offices, Retail operations, and or Service Businesses incidental and ancillary to the principal Use.1305.05 Fences, Accessory Walls, and Retaining Walls as regulated by Article 20.1305.06 Aerial Antennas and Satellite Dish Antennas as regulated by Section 2203.1305.07 Temporary Uses and Special Events as regulated by Section 1702.1305.08 Agriculture exempted from zoning by the Ohio Revised Code per Section 1714.1305.09 Agritourism exempted from zoning by the Ohio Revised Code per Section 1715.1305.10 Farm Markets exempted from zoning by the Ohio Revised Code per Section 1716.1305.11 Public and private utilities, including telecommunication towers, as regulated by Section 102.06 and Article 22.1305.12 Governmental Facilities as regulated by Section 102.07.1305.13 Outdoor advertising and Signs as regulated by Section 102.09 and Article 18.**Section 1306: Required Standards**

No Certificate of Zoning Compliance shall be issued in a Planned Industrial Warehouse District until the applicant shall have certified to the Zoning Commission that: No Use shall be approved in a Planned Industrial District until the applicant certifies as part of the Final Development Plan that:

1306.01 The industrial activity will Activities, excluding parking, shall primarily be conducted wholly within a completely enclosed Building or other appropriate structural element(s), except for automobile service stations; drive-in restaurants; equipment rental, sales and service, including automobiles, trucks and trailers unless otherwise permitted herein.1306.02 Noise from any operation conducted on the premises, either continuous or intermittent, shall not disturb any neighboring residential uses.1306.03 No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.**Commented [SJ259]:** 9/18/2020 – Edited per Trustee comments.**Commented [SJ260]:** Being added to every zoning district per the recommendation of Peter Griggs.**Commented [SJ261]:** 1-15-20 Added for clarity**Commented [SJ262]:** Revised because staff believes this is an unrealistic, absolute standard and there are numerous uses which have been authorized to have outdoor activities over the years.

## GENOA TOWNSHIP ZONING RESOLUTION

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

- 1306.04 The emission of smoke or other air pollutants and dust borne by the wind shall be kept to a minimum by appropriate Landscaping, paving, or other acceptable means.
- 1306.05 There will be no emission of odors or odor causing substances which can be detected without the use of instruments at or beyond the Lot Lines.
- 1306.06 There will be no vibrations that can be detected without the use of instruments at or beyond the Lot Lines.
- 1306.07 Where the property lines separate ~~a Planned Industrial~~this District from a ~~residentially-used property, or portion thereof, Residential or Planned Residential District~~, a visual and mechanical barrier, a minimum of five and one-half (5 ½) feet in height and a maximum of eight (8) feet in height, shall be provided along the common Lot Line as regulated by Article 20.
- 1306.08 Exterior lighting shall be ~~shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public street~~installed in accordance with Article 21.
- 1306.09 No Building or Structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- 1306.10 No raw materials shall be processed into any kind of the following basic products: metals of any kind, glass, plastic, textiles, ~~leather~~leather, or paper.
- 1306.11 All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or Portland cement concrete, wood, tile, terrazzo, or similar material, and except for parking areas, the grounds shall be planted and landscaped.
- 1306.12 The storage, ~~utilization~~utilization, and manufacture of solid, ~~liquid~~liquid, and gaseous chemicals and other materials shall be permitted subject to the following conditions:
- A) The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted; but only if said materials or products are stored, utilized or manufactured within completely enclosed Buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
  - B) All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosions, as well as with adequate ~~fire fighting~~firefighting and suppression equipment and devices standard to the industry involved.
  - C) The storage, utilization or manufacture of pyrophoric and explosive powders and dusts, and of materials and products that decompose by detonation is prohibited.
  - D) The manufacture of flammable liquids or materials that produce flammable or explosive vapors or gases is prohibited.
  - E) The storage and utilization of flammable liquids or materials that produce flammable or explosive vapors or gases shall be permitted on any Lot in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshal for the Manufacture, Storage, Handling, Sale and Transportation of Flammable and Combustible Liquids."
- 1306.13 The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in strict conformance with:
- A) The applicable regulations of any federal, state and/or other regulatory agency; and
  - B) The applicable regulations of any instrumentality of the State of Ohio. ~~Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.~~

**Commented [SJ263]:** 6/5/19 – Re-directing individuals to Article 21 will ensure consistency across the districts and will avoid unnecessary repeating of regulations in each Article. Furthermore, this standard is somewhat subjective as it does not provide a quantifiable measurable to enforce.

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

~~1306.14~~ Trash, Junk, and litter shall be controlled and stored in containers. Dumpsters, and other similar types of large waste containers which are typically not moved by Manual means, and which are not considered to be a Portable Storage Unit, shall not be permitted in a required Front Yard and shall be enclosed and screened in accordance with Section 2003.

Commented [SJ264]: 9/18/2020 – Edited per Trustee comments.

**Section 1307: Prohibited Uses**

1307.01 All Uses not specifically authorized as a permitted or conditionally permitted Use by the express terms of this Section of the Zoning Resolution are hereby prohibited.

1307.02 The Outdoor Storage of inoperable, unlicensed, or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicle, if stored on the premises, shall be enclosed within a Building so as not to be visible from any adjoining property or public road.

1307.03 No trailer of any type, no boats, no motor homes, and no equipment of any type shall be parked in front of the Front Building Line of any Lot within this District. If a Structure is located on the tract of land or Lot the Building Line shall be considered to be the front wall of the Structure, even if said Structure is located behind the minimum Building Line established by this code or the restrictions on the plat or deed.

1307.04 Except as may be specifically permitted by Section 1707.1702, no Mobile Home or mobile home office Structure shall be placed or occupied in this District.

~~1307.05 Adult Entertainment and Adult Entertainment Facilities are prohibited. Sexually Oriented Businesses.~~

Commented [SJ265]: 9/18/2020 – Edited per Trustee comments.

1307.06 Homes for adjustment and institutions as herein defined under Residential Care Facilities are prohibited. Residential Care Facilities regardless of the number of residents.

~~1307.07 Agriculture, Agritourism, and Farm Markets not otherwise exempted from zoning by the Ohio Revised Code.~~

**Section 1308: Dimensional Requirements**

1308.01 Minimum yard requirements: front, side, and rear yards shall be designed so that no Building is closer than fifty (50) feet to any other Building. No Buildings shall be located closer than one hundred (100) feet to any District boundary line or one hundred (100) feet from the edge of the contiguous street Right-of-Way.

~~1308.02 Floor space requirements: none.~~

Commented [SJ266]: Unnecessary text if there is no regulation

1308.02 Building Height limits: Unless otherwise permitted in Section 1616, no Building in this District shall exceed thirty-five (35) feet in height. No Aerial Antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest Lot Line less ten (10) feet of said Tract.

**Section 1309: Application Procedure**

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

~~1309.01 Application—The owner or owners of Lots and lands within the township may request that the Zoning Map be amended to include such tracts in the Planned Development District in accordance with the provisions of this resolution. Ten (10) copies of the application for the proposed amendment shall be submitted to the Zoning Inspector and shall contain at a minimum the following information:~~

~~A) Name, address, and telephone number of applicant;~~

~~B) Date;~~

~~C) Legal description of the property;~~

## GENOA TOWNSHIP ZONING RESOLUTION

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

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

~~1309.02 Development Plan — Ten (10) copies of the development plan shall be submitted with the application which plan shall include in the text and map form:~~

- ~~A) The proposed size and location of the Planned Industrial Warehouse District (PID);~~
- ~~B) The general development character of the tract including the limitations or controls to be placed on residential and related Uses, with probable Lot sizes, minimum setback requirements and other development features including Landscaping;~~

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

- ~~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 this Resolution or existing county regulations or standards are desired, an applicant making such a request shall specifically and separately list each requested Divergence and submit written development text justifying each deviation from any requirements of this Resolution and demonstrating how each Divergence will advance public interests and the General Purposes of this Zoning Resolution, by promoting one or more of the following purposes:~~
- ~~1) The conservation and protection of the natural resources, scenic areas, wildlife habitat and the historical and unique natural features of the land;~~
  - ~~2) The health, safety, morals, and general welfare of the present and future inhabitants of Genoa Township;~~
  - ~~3) The quality of life within Genoa Township through the protection of the total environment, the prevention of nuisances and hazards, and the provision of adequate light, air, and convenient access to property;~~
  - ~~4) The assurance of the compatibility of land uses which are either adjacent or in proximity to each other;~~
  - ~~5) The orderly development of all lands within the Township to its appropriate use; and~~
  - ~~6) The most appropriate use of land to facilitate and provide adequate public and private improvements.~~
- ~~Unless a deviation from development standards is specifically approved as a Divergence, the same shall be complied with.~~

~~1309.03 Administrative Review—All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, or designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved.~~

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 13: PLANNED INDUSTRIAL ~~AND WAREHOUSE~~ DISTRICT (PID)****Section 1309: Administration and Enforcement**

1309.01 Pursuant to Ohio Revised Code Section 519.021(C), this District will encompass, include, and overlay all lands contained within the Light Industrial District (LI) and may be permitted upon application and approval of specific and detailed Final Development Plans. The LI District and the zoning regulations thereunder shall continue to apply to all property within the PID unless the Township Trustees approve an application of an owner of property within the LI District to subject the owner's property to the provisions of the PID. Such an application shall be made in accordance with the provisions herein of the Genoa Township Zoning Resolution and shall include a development plan in compliance with the provisions of said Section. Upon receiving such an application, the Township Trustees shall determine whether the application and development plan comply with the provisions herein. If the Township Trustees determine that the application and development plan comply and approves the application, the Township Trustees shall cause the Zoning Map to be changed so that the LI District no longer applies to such property, with the property being thenceforth located in the PID and subject to the regulations thereunder. The approval of the application and development plan and the removal of the prior LI District from the Zoning Map is a ministerial act and shall not be considered an amendment to the Genoa Township Zoning Resolution.

1309.02 Applications and requests pertinent to the Planned Industrial District, including: Zoning Map Amendments, Preliminary Development Plans, Final Development Plans, Final Development Plan amendments, Divergences, subdivisions, Zoning Permits, and Certificates of Compliance, shall be administered in accordance with Article 27.

1309.03 Enforcement shall be conducted pursuant to Section 2713.

**Commented [SJ267]:** NOTE (1/21/20) – Newly added section.

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

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**Section 1310: Action by Zoning Commission**

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

**Section 1311: Final Development Plan General Requirements**

The Final Development Plan submitted shall support the following requirements:

- 1311.01 The physical character of the site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site from probability of flooding, erosion, subsidence, or slipping of the soil or other dangers, annoyances, or inconveniences.
- 1311.02 Any Divergence from the Zoning Resolution requirements is warranted per plan by the design and amenities incorporated in the development plan and each requested Divergence shall specifically and separately be listed in the Final Development Text in accordance with Section 1313.
- 1311.03 Land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in Use.
- 1311.04 The proposed change to a Planned Development District is in conformance with the standards, objectives, and policies of the Genoa Township Comprehensive Plan.
- 1311.05 The site must have direct access to a major street without creating traffic on minor residential streets outside the District.
- 1311.06 Existing and proposed utility services are adequate for the proposed development.
- 1311.07 Each phase of the proposed development, as it is proposed to be completed contains the required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and suitable environment.
- 1311.08 The proposed Planned Development including all proposed parking spaces, and landscape areas and utilities can be substantially developed, and all construction for public benefit has been approved by the Delaware County Engineer, within three (3) years of the establishment of the Planned Development District unless a different time schedule is set forth in the approved development plan.
- 1311.09 The developer either possesses or has access to sufficient funds for the initiation and completion of the project as described in the Final Development Plan.

**Section 1312: Action by the Township Trustees**

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

**Section 1313: Divergence Review and Conflicts with Other Sections**

Because of the special characteristics of Planned Developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the



## GENOA TOWNSHIP ZONING RESOLUTION

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

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

~~1313.01 The Genoa Township Zoning Commission and the Township Trustees may consider Divergences requested at the time of the filing of a development plan application, which is determined in compliance with all other general development standards listed in the zoning district where the proposed development will be occurring. The applicant shall provide written development text in accordance with Sections 1309.02 (L).~~

~~1313.02 Divergences may be granted "per plan" during a public hearing conducted by either the Genoa Township Zoning Commission, or the Township Trustees conducting a formal review of a development plan. The Township has discretion to determine whether requested Divergences are warranted based on the applicant's particular case. When acting on a requested Divergence, the Zoning Commission and Township Trustees may approve a Divergence, provided they determine that the benefits, improved arrangement and the design of the proposed development justify the deviation from any requirements of this Resolution and that the proposed Divergence is consistent with the purpose and intent of this Resolution.~~

**Section 1314: Subdivision Plat and Subdivision Regulations**

~~1314.01 The uniqueness of each proposal for a Planned Development may require that there be modification from the specifications established in the Subdivision Regulations of Delaware County, Ohio. Modifications may be incorporated into the plan by the developer only after the review of the Delaware County Regional Planning Commission and the County Engineer for consideration by the Zoning Commission and the Township Trustees.~~

~~1314.02 No Certificate of Zoning Compliance shall be issued for any Structure in any portion of a Planned Development for which a plat is required by the Delaware County Subdivision Regulations unless and until:~~

- ~~A) The final subdivision plat for that portion has been approved by the Delaware County Regional Planning Commission, Delaware County Commissioners and recorded; and~~
- ~~B) A full size and an 11"x 17" copy have been filed with the Zoning Inspector.~~

~~\_\_\_\_\_ No modification of the provisions of the Final Development Plan, or part thereof, as finally approved and recorded shall be made unless the provisions of Section 1316 are followed.~~

**Section 1315: Certificate of Zoning Compliance**

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

**Section 1316: Extension or Modification of Final Development Plan**

~~1316.01 An extension of the time limit for the approved Final Development Plan may be granted by the Township Trustees without public hearing provided the Township Trustees find that such extension is not in conflict with public interest.~~

~~1316.02 A request for minor changes to the Final Development Plan may be approved by the Zoning Commission without being subject to the same procedures as the original application. A resolution~~

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

to accept changes, which may include additional conditions, shall be required ~~1316.03~~ — In the case of a request for a modification or amendment to the Final Development Plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial departures from the original application:

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

**~~Section 1317: Enforcement~~**

- ~~1317.01~~ The Zoning Inspector shall review, at least once every six (6) months, all Zoning Permits issued and all construction that has taken place within the development area.
- ~~1317.02~~ If the Zoning Inspector shall find that the ratio of construction of residential units, non-residential Structures, Open Space and/or recreational facilities substantially differs from the approved phasing program, he shall follow the procedures of Section ~~116.02~~ in order to suspend further construction until compliance is achieved.
- ~~1317.03~~ If the Zoning Inspector shall find that the developer of a Planned Development has failed to meet the approved development schedule, he shall forward this information to the Township Trustees.

DRAFT

ZC 2020-03

SEPTEMBER 18, 2020

GENOA TOWNSHIP ZONING RESOLUTION

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

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

### Section 1401: Intent and Purpose

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

1401.01 It is the policy of the Township to permit the creation of Planned Development Districts to:

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

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

~~1401.03 Pursuant to Ohio Revised Code Section 519.021(A), this District may be permitted upon application and approval of specific and detailed Final Development Plans and all shall require amendments to the official Zoning Map. Approval for Planned Development rezoning applications may be granted pursuant to ORC 519.12 only when the plan for the project complies with these regulations and promotes the general public health, safety, morals and welfare and encourages the efficient use of land and resources, promotes greater efficiency in providing public and utility services and encourages innovation in the planning and building of the development.~~

### Section 1402: Contiguity of Land and Project Ownership

1402.01 All land within a proposed Planned Development shall be ~~contiguous~~Contiguous and shall not be divided into parts by any state or federal limited access highway or by any railroad Right-of-Way.

1402.02 The Planned Development area shall be under contract for purchase by a single entity or owned by a single entity at the time of application. ~~For the purposes of this subsection a single entity includes the following: a husband and wife~~married couple; corporation; partnership; or two or more property owners who have entered into a general development plan for a Planned Development. ~~1403.01 Village, Township, County, State, and Federal Government Buildings for administrative functions and use by the general public.~~

### Section 1403: Permitted Principal Uses

1403.0201 Art galleries, libraries, museums, memorials, monuments, and other ~~public such~~ facilities.

Commented [SJ268]: 9/18/2020 – Edited per Trustee comments.

Commented [SJ269]: NOTE (1/21/20) – Text re-located to newly added Section 1409, Administration and Enforcement

Commented [SJ270]: These fall under Governmental Facilities.

Commented [SJ271]: Revised to permit private entities who may wish to establish these facilities.

## GENOA TOWNSHIP ZONING RESOLUTION

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

1403.0302 ~~Primary and secondary public, p~~Private, or parochial schools; ~~Nursery schools~~ and other similar types of educational facilities.

1403.0403 General ~~and or~~ special ~~hospitals~~ Hospitals and ~~Medical clinics~~ Clinics, convalescent centers, institutions for the care of children or senior citizens, that are not considered a Residential Care Facility.

1403.0504 Senior citizen retirement, residential and congregate care centers, that are not considered a Residential Care Facility.

1403.0605 ~~Churches and places of worship~~ Religious Establishments as regulated by Section 1706.

1403.0706 ~~Government Recreational Facilities such as parks, recreation fields and playgrounds, lakes, nature preserves, cemeteries, and similar Open Space facilities, and Clubs.~~

1403.0807 Private Recreational Facilities as regulated by the following:

- A) Minimum lot area for an ~~indoor~~ private recreational facility shall be no less than five (5) acres.
- B) Setbacks:
  - 1) Front: 100 feet for structures and 75 feet for parking;
  - 2) Rear: 75 feet; and
  - 3) Side: 75 feet.
- C) Driveways and parking areas shall be at least fifty (50) feet from any adjacent parcels where residences are a permitted Use.
- D) Where a landscaped screen is not already required adjacent to another ~~parcel~~ Lot, one (1) deciduous tree shall be provided for every forty (40) feet of parking lot boundary and loading/unloading area, plus a three (3) foot average height continuous planting, hedge, Fence, Accessory Wall, or earth mound. The same parking lot perimeter screening shall also be provided adjacent to the public Right-of-Way. At least one (1) tree per five thousand (5,000) square feet of parking area shall be provided within the parking lot.
- E) Lighting ~~No exterior lighting shall be positioned so as to extend glare on adjacent property or public Right-of-Way shall be installed in accordance with the provisions of Article 21.~~
- F) Limitation on Use - All activities shall be conducted entirely within an enclosed Building.
- G) Parking - All such Uses shall provide the total number of spaces required of the specific combination of recreation facilities provided, based on the following:
  - 1) Auditoriums, arenas, stadiums, and gymnasiums: One (1) space for every four (4) seats capacity;
  - 2) Recreation centers: One (1) space for every two hundred fifty (250) square feet of floor space except those designed for use exclusively by senior citizens, or youth under age sixteen (16), in which case there shall be one (1) space for every seven hundred fifty (750) square feet;
  - 3) Skating rinks: One (1) space per three hundred (300) square feet of gross Floor Area;
  - 4) Swimming Pools: one (1) space for every seventy-five (75) square feet of water surface;
  - 5) Tennis, ~~racquetball~~ racquetball, and handball courts: Four (4) spaces for each playing court; and
  - 6) All recreational Use shall provide, in addition to the above standards, one (1) space for every two (2) employees on the largest work shift.

**Commented [SJ272]:** 9/18/2020 – Edited to be consistent with comments of the Trustees.

**Commented [SJ273]:** 6/5/19 – Re-directing individuals to Article 21 will ensure consistency across the districts and will avoid unnecessary repeating of regulations in each Article. Furthermore, this standard is somewhat subjective as it does not provide a quantifiable measurable to enforce.

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

H) Accesses and Traffic Impact - Access shall be from an ~~arterial~~ ~~Arterial street~~ ~~Street, or a commercial collector~~ ~~Collector or Street~~ or shall be provided in a manner that does not cause heavy traffic on residential ~~streets~~ ~~Streets~~.

~~1403.08 Agriculture exempted from zoning by the Ohio Revised Code per Section 1714.~~

~~1403.09 Agritourism exempted from zoning by the Ohio Revised Code per Section 1715.~~

~~1403.10 Farm Markets exempted from zoning by the Ohio Revised Code per Section 1716.~~

~~1403.11 Public and private utilities as regulated by Section 102.06 and Article 22.~~

~~1403.12 Governmental Facilities as regulated by Section 102.07.~~

~~1403.13 Outdoor advertising and Signs as regulated by Section 102.09 and Article 22.~~

~~1403.14 Day Care Centers as regulated by Section 1703.~~

~~1403.15 Residential Care Facilities for six (6) or more residents (excluding care-givers/caregivers) as regulated by Section 1704.~~

~~1403.16 Greenspace and landscape buffers.~~

**Section 1404: Permitted Accessory Uses**

~~1404.01 Accessory Uses, Accessory Buildings, or other Accessory Buildings and Structures as defined herein customarily incidental to any previously stated permitted Use, including smaller Structures such as pump stations further regulated by Section 1609.~~

~~1404.02 Portable Storage Units as regulated by Section 1707.~~

~~1404.0203 Bulletin Boards and Signs as regulated by Article 18. Off-street parking and loading areas as regulated by Article 19.~~

~~1404.0304 Residences for custodians or guards.~~

~~1404.0405 Internal food service operated to accommodate the permitted Principal Use without any external advertising or signage. Offices, Retail operations, and or Service Businesses incidental and ancillary to the principal Use.~~

~~1404.06 Fences, Accessory Walls, and Retaining Walls as regulated by Article 20.~~

~~1404.07 Aerial Antennas and Satellite Dish Antennas as regulated by Section 2203.~~

~~1404.08 Temporary Uses and Special Events as regulated by Section 1702.~~

~~1404.09 Agriculture exempted from zoning by the Ohio Revised Code per Section 1714.~~

~~1404.10 Agritourism exempted from zoning by the Ohio Revised Code per Section 1715.~~

~~1404.11 Farm Markets exempted from zoning by the Ohio Revised Code per Section 1716.~~

~~1404.12 Public and private utilities, including telecommunication towers, as regulated by Section 102.06 and Article 22.~~

~~1404.13 Governmental Facilities as regulated by Section 102.07.~~

~~1404.14 Outdoor advertising and Signs as regulated by Section 102.09 and Article 18.~~

**Section 1405: Conditional Uses – None Reserved****Section 1406: General Requirements**

~~No Certificate of Zoning Compliance shall be issued in a Planned Community Facilities District until the applicant shall have certified in their development plan that: No Use shall be approved in a Planned Community Facilities District until the applicant certifies as part of the Final Development Plan that:~~

Commented [SJ274]: 1-15-20 Added for clarity

## GENOA TOWNSHIP ZONING RESOLUTION

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

- 1406.01 The proposed Buildings or Use shall be located on a major ~~arterial-Arterial~~ or ~~collector-Collector~~ street so as to generate a minimum of traffic on local streets. ~~Elementary schools and playgrounds or parks intended for neighborhood use may, however, be located on local streets.~~
- 1406.02 The proposed Buildings or Use shall be located ~~properly~~ in accordance with this Article.
- 1406.03 The location, design, and operation of the Community Facility shall not impose undue adverse impacts on surrounding residents.
- 1406.04 One or more Buildings or permitted Uses may be placed on a Lot, however the maximum square feet of first Floor Area for all Buildings on a site shall be determined by the ratio of: Maximum first floor Building area in square feet = lot size in acres x 7,500 sq. ft.
- 1406.05 If multiple Buildings are constructed on a site there shall be a minimum of twenty (20) feet separating them.
- 1406.06 ~~The maximum height for any Structure in this District with a 6/12 roof pitch or greater shall not exceed thirty-five (35) feet, with less than a 6/12 roof pitch, thirty (30) feet-Reserved.~~
- 1406.07 Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the applicant showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces, and service areas. All parking and loading areas shall conform to the requirements of Article 19.
- A) Planned Community Facilities Districts less than twenty (20) or more acres in area shall have direct access to one (1) ~~arterial-Arterial street-Street~~.
- B) Planned Community Facilities Districts of twenty (20) or more acres in area shall have direct access to one (1) ~~arterial-Arterial street-Street~~ and to one (1) ~~collector-Collector street-Street~~ and/or two (2) access points on an ~~arterial-Arterial~~ street.
- 1406.08 Parking areas shall be adequately lighted. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any adjoining property or upon any public street.
- 1406.09 Applicant shall submit a letter from the Genoa Township Fire Chief certifying that all applicable fire codes have been met and that the equipment of the Genoa Township Fire Department as well as that of those departments which provide mutual aid to the township are able to maneuver throughout the site.
- 1406.10 All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or Portland cement concrete, wood, tile, terrazzo, or similar material, and except for parking areas, the grounds shall be planted and landscaped.
- 1406.11 ~~All Signs shall conform to the requirements of Article 18-Reserved.~~
- 1406.12 At least forty percent (40%) of the gross acreage shall be reserved as Open Space, as defined herein. ~~In computing the amount of Open Space, entrance features, road Rights-of-Way of all types, paved vehicular areas including parking areas and driveways shall be excluded.~~
- 1406.13 Storm Water Management – all ~~site-plansPlanned Developments must-shall~~ have a storm water management plan, approved by the Delaware County Engineer's Office, ~~if required-with the improvements constructed before a Zoning Permit will be issued-for construction of Buildings.~~
- 1406.14 Parking and Loading Areas
- A) ~~The overnight parking of automobiles and other vehicles on private or public streets within a Planned Development is prohibited-Reserved.~~
- B) All automobile parking lots shall be screened from adjoining streets and adjoining residential properties in accordance with Article 20.
- ~~C) Parking spaces and loading areas shall be provided in accordance with Article 19.~~

**Commented [SJ275]:** 7/14/2020 – Building height standards are now found elsewhere in Section 1408.02.

**Commented [SJ276]:** Addressed in Sections 1403 and 1404.

**Commented [SJ277]:** Deleted because this requirement does not reflect the actual process. Furthermore, the County will regulate any stormwater or drainage concerns during construction.

**Commented [SJ278]:** Addressed in Section 1404

## GENOA TOWNSHIP ZONING RESOLUTION

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

1406.15 Streets – All ~~streets~~ Streets including private ~~streets~~ Streets shall conform to specifications as set forth in the Delaware County Subdivision Regulations. Public road improvements in Planned Developments shall require the following:

- A) All ~~street~~ Street drainage shall be enclosed;
- B) Curbs and gutters shall be installed; and
- C) All ~~streets~~ Streets shall have a minimum pavement width of twenty-two (22) feet.

1406.16 Walkways –All walkways shall be constructed of a suitable, dust free, hard surface material. Mulch or other similar surfaces may be permitted for walking trails in areas the Zoning Commission feels are appropriate.

1406.17 Trees

- A) The clearing of land shall be kept to a minimum to help preserve the existing natural conditions.
- B) No land shall be cleared of trees more than fifteen (15) feet from the foundation of a proposed Building. –An exception to this requirement shall be granted in the case of those trees that should be removed due to malformation, disease, safety hazards, or to the general benefit of surrounding trees. –The foregoing shall be considered as a guideline for preservation of the natural environment.
- C) No trees shall be cleared further than five (5) feet from curbs of a parking lot. The foregoing shall be considered as a guideline for preservation of the natural environment.

1406.18 Landscaping – All nonresidential Use areas shall be landscaped. –The developer shall submit a conceptual landscaping plan to be reviewed as part of the development plan. –All areas shall be seeded or sodded in accordance with the approved development plan before a Certificate of Zoning Compliance is issued.

~~1406.19 Failure of property owners or users to comply with any of the Required Conditions will be considered a zoning violation appropriate for prosecution under the terms of this Resolution. Trash, Junk, and litter shall be controlled and stored in containers. Dumpsters, and other similar types of large waste containers which are typically not moved by Manual means, and which are not considered to be a Portable Storage Unit, shall not be permitted in a required Front Yard and shall be enclosed and screened in accordance with Section 2003.~~

**Section 1407: Prohibited Uses**

1407.01 All Uses not specifically authorized as a permitted or conditionally permitted Use by the express terms of this Section of the Zoning Resolution are hereby prohibited.

1407.02 Outdoor Storage of inoperable, ~~unlicensed~~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.

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

1407.04 ~~Adult Entertainment and Adult Entertainment Facilities are prohibited~~Sexually Oriented Businesses.

~~1407.05 Residential Care Facilities for five (5) or fewer residents, excluding care givers.~~

~~1407.06 Agriculture, Agritourism, and Farm Markets not otherwise exempted from zoning by the Ohio Revised Code.~~

Commented [SJ279]: Unnecessary

Commented [SJ280]: 9/18/2020 – Edited per Trustee comments.



## GENOA TOWNSHIP ZONING RESOLUTION

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

## Section 1408: Dimensional Requirements

1408.01 Minimum Setbacks and side and rear yard requirements will be according to the following table; shall be the highest Setback required by Zoning Districts on either side or directly across the street. Minimum Setbacks shall be as identified in the table below. Should the Lot or Tract be Contiguous to a Lot or Lots within multiple Zoning Districts, the most restrictive Setback applicable to the Yard in question shall apply.

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

Commented [SJ281]: 1-15-2020 Table and all contents being retained, just re-formatted to make it easier to read

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

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

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

1408.02 Building Height limits: Unless otherwise permitted in Section 1616, no Building in this District shall exceed thirty-five (35) feet in height. No Aerial Antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest Lot Line less ten (10) feet of said Tract.

**Section 1409: Administration and Enforcement**

1409.01 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 general 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.

1409.02 Applications and requests pertinent to the Planned Community Facilities District, including: Zoning Map Amendments, Preliminary Development Plans, Final Development Plans, Final Development Plan amendments, Divergences, subdivisions, Zoning Permits, and Certificates of Compliance, shall be administered in accordance with Article 27.

1409.03 Enforcement shall be conducted pursuant to Section 2713.

**Section 1410: Action by Zoning Commission**

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

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

The Final Development Plan submitted shall support the following requirements:

1411.01 The physical character of the site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site from probability of flooding, erosion, subsidence, or slipping of the soil or other dangers, annoyances, or inconveniences.

1411.02 Any Divergence from the Zoning Resolution requirements is warranted per plan by the design and amenities incorporated in the development plan and each requested Divergence shall specifically and separately be listed in the Final Development Text in accordance with Section 1413.

1411.03 Land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in Use.

1411.04 The proposed change to a Planned Development District is in conformance with the standards, objectives, and policies of the Genoa Township Comprehensive Plan.

1411.05 The site must have direct access to a major street without creating traffic on minor residential streets outside the District.

1411.06 Existing and proposed utility services are adequate for the proposed development.

1411.07 Each phase of the proposed development, as it is proposed to be completed contains the required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and suitable environment.

1411.08 The proposed Planned Development including all proposed parking spaces, and landscape areas and utilities can be substantially developed, and all construction for public benefit has been approved by the Delaware County Engineer, within three (3) years of the establishment of the

**Commented [SJ282]:** 9/18/2020 – Edited per Trustee comments.

**Commented [SJ283]:** NOTE (1/21/20) – Newly added section

## GENOA TOWNSHIP ZONING RESOLUTION

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

~~Planned Development District unless a different time schedule is set forth in the approved development plan.~~

~~1411.09—The developer either possesses or has access to sufficient funds for the initiation and completion of the project as described in the Final Development Plan.~~

**~~Section 1412: Action by the Township Trustees~~**

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

**~~Section 1413: Divergence Review and Conflicts with Other Sections~~**

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

~~1413.01—The Genoa Township Zoning Commission and the Township Trustees may consider Divergences requested at the time of the filing of a development plan application, which is determined in compliance with all other general development standards listed in the zoning district where the proposed development will be occurring. The applicant shall provide written development text in accordance with Sections 1409.02 (L).~~

~~1413.02—Divergences may be granted “per plan” during a public hearing conducted by either the Genoa Township Zoning Commission, or the Township Trustees conducting a formal review of a development plan. The Township has discretion to determine whether requested Divergences are warranted based on the applicant’s particular case. When acting on a requested Divergence, the Zoning Commission and Township Trustees may approve a Divergence, provided they determine that the benefits, improved arrangement and the design of the proposed development justify the deviation from any requirements of this Resolution and that the proposed Divergence is consistent with the purpose and intent of this Resolution.~~

**~~Section 1414: Subdivision Plat and Subdivision Regulations~~**

~~1414.01—The uniqueness of each proposal for a Planned Development may require that there be modification from the specifications established in the Subdivision Regulations of Delaware County, Ohio. Modifications may be incorporated into the plan by the developer only after the review of the Delaware County Regional Planning Commission and the County Engineer for consideration by the Zoning Commission and the Township Trustees.~~

~~1414.02—No Certificate of Zoning Compliance shall be issued for any Structure in any portion of a Planned Development for which a plat is required by the Delaware County Subdivision Regulations unless and until:~~

~~A) The final subdivision plat for that portion has been approved by the Delaware County Regional Planning Commission, Delaware County Commissioners and recorded.~~

~~B) A full size and an 11" x 17" copy have been filed with the Zoning Inspector.~~

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

~~No modification of the provisions of the Final Development Plan, or part thereof, as finally approved and recorded shall be made unless the provisions of Section 1416 are followed.~~

**Section 1415: Certificate of Zoning Compliance**

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

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

~~1416.01 An extension of the time limit for the approved Final Development Plan may be granted by the Township Trustees without public hearing provided the Township Trustees find that such extension is not in conflict with public interest.~~

~~1416.02 A request for minor changes to the Final Development Plan may be approved by the Zoning Commission without being subject to the same procedures as the original application. A resolution to accept changes, which may include additional conditions, shall be required. 1416.03 In the case of a request for a modification or amendment to the Final Development Plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial departures from the original application:~~

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

**Section 1417: Enforcement**

~~1417.01 The Zoning Inspector shall review, at least once every six (6) months, all Zoning Permits issued and all construction that has taken place within the development area.~~

~~1417.02 If the Zoning Inspector shall find that the ratio of construction of residential units, non-residential Structures, Open Space and/or recreational facilities substantially differs from the approved phasing program, he shall follow the procedures of Section 116.02 in order to suspend further construction until compliance is achieved.~~

~~1417.03 If the Zoning Inspector shall find that the developer of a Planned Development has failed to meet the approved development schedule, he shall forward this information to the Township Trustees.~~



**ARTICLE 15: LIGHT INDUSTRIAL DISTRICT (LI)****Section 1501: Intent and Purpose**

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

**Commented [SJ284]:** 9/18/2020 – Edited per Trustee comments.

**Section 1502: Permitted Principal Uses**

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

**Commented [SJ285]:** Revised so that drive-in/thru restaurants must utilize PID

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 15: LIGHT INDUSTRIAL DISTRICT (LI)

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

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

1502.04 Religious Establishments as regulated by Section 1706.

1502.05 Agriculture as regulated by Section 1714.

1502.06 Agritourism as regulated by Section 1715.

1502.07 Farm Markets as regulated by Section 1716.

1502.08 Public and private utilities as regulated by Section 102.06 and Article 22.

1502.09 Governmental Facilities as regulated by Section 102.07.

1502.10 Outdoor advertising and Signs as regulated by Section 102.09 and Article 18.

**Section 1503: Permitted Accessory Uses**

1503.01 Accessory ~~Uses, Buildings or other and Structures customarily incidental to any aforesaid permitted Use~~ Structures as further regulated by Section 1609.

1503.02 Portable Storage Units as regulated by Section 1707.

~~1503.0203~~ Off-Street parking and loading spaces as regulated by Section 19.

~~1503.0304~~ Signs as regulated by Article 18. Offices, Retail operations, and or Service Businesses incidental and ancillary to the principal Use.

1503.05 Fences, Accessory Walls, and Retaining Walls as regulated by Article 20.

1503.06 Aerial antennas and Satellite Dish Antennas as regulated by Section 2203.

1503.07 Temporary Uses and Special Events as regulated by Section 1702.

1503.08 Agriculture as regulated by Section 1714.

1503.09 Agritourism as regulated by Section 1715.

1503.10 Farm Markets as regulated by Section 1716.

**Commented [SJ286]:** Being added to every zoning district per the recommendation of Peter Griggs.

**Commented [SJ287]:** This wording allows such uses in this district, even if they are not exempt, but requires they adhere to the cited sections. There is language in each of those sections stating non-exempted uses shall adhere to the requirements of the subject zoning district.

**Commented [SJ288]:** This wording allows such uses in this district, even if they are not exempt, but requires they adhere to the cited sections. There is language in each of those sections stating non-exempted uses shall adhere to the requirements of the subject zoning district.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 15: LIGHT INDUSTRIAL DISTRICT (LI)

~~1503.11 Public and private utilities, including telecommunication towers, as regulated by Section 102.06 and Article 22.~~

~~1503.12 Governmental Facilities as regulated by Section 102.07.~~

~~1503.13 Outdoor advertising and Signs as regulated by Section 102.09 and Article 18.~~

**Section 1504: Conditional Uses**

~~1504.01~~ The following Uses shall be permitted only in accordance with this Section, the requirements of Article 3, the supplemental regulations specified in Article 17, and the regulations specified in Article 18.

~~1504.01.02 Temporary Uses specified in and regulated by Section 1707Sexually Oriented Businesses as regulated by Section 1712.~~

~~1504.03 Substance Abuse Treatment Clinics as regulated by Section 1717.~~

~~1504.04 Surface mining activities in accordance with Ohio Revised Code 519.141 and 1514.~~

**Section 1505: Required Operational Standards**

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

1505.01 ~~The industrial activity will~~Activities, excluding parking, shall primarily be conducted wholly within a completely enclosed Building or other appropriate structural element(s), ~~except for automobile service stations; drive-in restaurants; equipment rental, sales and service, including automobiles, trucks and trailersunless otherwise permitted herein;~~

1505.02 ~~All parking and loading areas shall conform to the requirements of Article 16 and 19Reserved.~~

1505.03 ~~All signs shall conform to the requirements of Article 18Reserved.~~

1505.04 Total land occupancy by all Buildings and impervious ~~Impervious surfaces~~Surfaces on a single Lot in ~~an Industrial Warehouse Planned Development~~this District shall not exceed seventy-five percent (75%) of ~~the area of the tract~~said Lot.

1505.05 Maximum Gross Floor Area. -No ~~Structure-Building~~ shall exceed 65,000 square feet in gross Floor Area ~~on a single Lot or Tract.~~ A ~~commonly~~Commonly controlled ~~Controlled business~~Business operation ~~Operation~~shall not exceed usage of 65,000 square feet of gross Floor Area within one or more ~~structures~~Buildings on a single Lot or Tract.

1505.06 Noise from any operation conducted on the premises either continuous or intermittent, shall not disturb any neighboring residential uses.

1505.07 No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. ~~Where such emissions could be produced as a result of accident or equipment malfunction, Adequateadequate safeguards considered suitable for safe operation in the industry involved shall be taken.~~

1505.08 The emission of smoke or other air pollutants and dust borne by the wind shall be kept to a minimum by appropriate Landscaping, paving or other acceptable means.

1505.09 There will be no emission of odors or odor causing substances which can be detected without the use of instruments at or beyond the Lot Lines.

1505.10 There will be no vibrations that can be detected without the use of instruments at or beyond the Lot Lines.

1505.11 Where the ~~property lines~~Lot Lines separate a Light Industrial District from a ~~residentially-used property or portion thereof~~Residential or Planned Residential District, ~~there shall be created:~~

**Commented [SJ289]:** 1-15-20 Added for clarity

**Commented [SJ290]:** Addressed under Section 1503 above.

**Commented [SJ291]:** Added so the Zoning Resolution permits this use somewhere. ORC citations are per Peter Griggs.

**Commented [SJ292]:** 6/27/19 – Revised title to reflect purpose of section. “Required” is also a given and doesn’t need to be stated.

**Commented [SJ293]:** Revised because staff believes this is an unrealistic, absolute standard and there are numerous uses which have been authorized to have outdoor activities over the years.

**Commented [SJ294]:** Already addressed in Section 1503

**Commented [SJ295]:** Already addressed in 1502 and 1503.



- ~~A) An undeveloped green strip of seventy-five (75) feet or greater in width, planted with grass and/or landscaped with the purpose of providing a year-round combination of shrubs and trees; and~~
- ~~B) a-A visual and mechanical barrier, a minimum of five and one-half (5 ½) feet in height and a maximum of eight (8) feet in height in accordance with Section 2003, shall be provided along the common Lot Line as regulated by Article 20seventy-five (75) or more feet from said Lot Lines.~~
- 1505.12 ~~There shall be created a minimum green strip of seventy-five (75)-feet planted with grass and landscaped with the purpose of providing a year-round combination of shrubs and trees between a residential use area and the Industrial Warehouse developmentReserved.~~
- 1505.13 Exterior lighting shall be ~~shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public streetinstalled in accordance with Article 21.~~
- 1505.14 No Building or Structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- 1505.15 ~~No raw materials shall be processed into any kind of the following basic products; metals of any kind, glass, plastic, textiles, leather or paperReserved.~~
- 1505.16 All premises shall be furnished with all-weather hard surface walks of ~~a~~-materials such as bituminous or Portland cement concrete, wood, tile, terrazzo, or similar material, and except for parking areas, the grounds shall be planted and landscaped.
- 1505.17 The storage, utilization and manufacture of solid, liquid, and gaseous chemicals and other materials shall be permitted subject to the following conditions:
- A) The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted; but only if said materials or products are stored, utilized, or manufactured within completely enclosed Buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
  - B) All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective device-s against hazards of fire and explosions, as well as with adequate fire-fighting and suppression equipment and devices standard to the industry involved.
  - C) The storage, utilization, or manufacture of pyrophoric and explosive powders and dusts, and of materials and products that decompose by detonation is prohibited.
  - D) The manufacture of flammable liquids or materials that produce flammable or explosive vapors or gases is prohibited.
  - E) The storage and utilization of flammable liquids or materials that produce flammable or explosive vapors or gases shall be permitted on any Lot in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshal for the Manufacture, Storage, Handling, Sale, and Transportation of Flammable and Combustible Liquids".
- 1505.18 The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in strict conformance with;
- A) The applicable regulations of any federal, state and/or other regulatory agency; and
  - B) The applicable regulations of any instrumentality of the State of Ohio. ~~Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.~~

**Commented [SJ296]:** Re-located under Section 1505.11 and re-worded

**Commented [SJ297]:** 6/5/19 – Re-directing individuals to Article 21 will ensure consistency across the districts and will avoid unnecessary repeating of regulations in each Article. Furthermore, this standard is somewhat subjective as it does not provide a quantifiable measurable to enforce.

**Commented [SJ298]:** Moved to 1506 because this is a use issue.

**Commented [SJ299]:** Unnecessary

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 15: LIGHT INDUSTRIAL DISTRICT (LI)

1505.19 Storm Water Management – all ~~site plans~~ ~~developments~~ ~~must~~ ~~shall~~ 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 if applicable.~~

**Commented [SJ300]:** Deleted because this requirement does not reflect the actual process. Furthermore, the County will regulate any stormwater or drainage concerns during construction.

1505.20 Parking and Loading Areas

A) All automobile parking lots shall be screened from adjoining streets and adjoining residential properties in accordance with Article 20.

B) No parking lot shall be closer than twenty-five (25) feet from the edge of the ~~contiguous~~ ~~Contiguous~~ street Right-of-Way ~~in a Planned Industrial Warehouse District, unless the parking lot is contiguous~~ ~~Contiguous~~ to a ~~residential~~ ~~Residential~~ or ~~Planned Residential~~ District, in which case seventy-five (75) feet shall be the closest distance of the parking lot to the edge of the ~~contiguous~~ ~~Contiguous~~ street Right-of-Way.

~~C) Parking spaces and loading areas shall be provided in accordance with Article 19.~~

**Commented [SJ301]:** Already addressed in Section 1503

1505.21 Streets – All streets, including private streets shall conform to specifications as set forth in the Delaware County Subdivision Regulations.

1505.22 Walkways – All walkways shall be constructed of a suitable, dust free, hard surface material.

1505.23 Trees

A) The clearing of land shall be kept to a minimum to help preserve the existing natural conditions.

B) No land shall be cleared of trees more than fifteen (15) feet from the foundation of a proposed Building. –An exception to this requirement shall be granted in the case of those trees that should be removed due to malformation, disease, safety hazards, or to the general benefit of surrounding trees. –The foregoing shall be considered as a guideline for preservation of the natural environment.

C) No trees shall be cleared further than five (5) feet from curbs of a parking lot. –The foregoing shall be considered as a guideline for preservation of the natural environment.

1505.24 Landscaping – All yards, front, side, and rear shall be landscaped. –All areas where buildings, parking or walkways are not present shall be seeded or sodded with grass before a Certificate of Zoning Compliance is issued. ~~Failure to comply with any of the Required Standards by property owners or users shall be considered a zoning violation appropriate for prosecution under the terms of this Resolution.~~

**Commented [SJ302]:** Unnecessary

### Section 1506: Prohibited Uses

1506.01 All Uses not specifically authorized as a permitted or conditionally permitted Use by the express terms of this Section of the Zoning Resolution are hereby prohibited.

1506.02 The Outdoor Storage of Inoperable, ~~unlicensed~~ ~~unlicensed~~, or unused motor vehicles for a period exceeding seven (7) days is prohibited. –Said vehicle, if stored on the premises, shall be enclosed within a Building so as not to be visible from any adjoining property or public road.

1506.03 No trailer of any type, no boats, no motor ~~homes~~ ~~homes~~, and no equipment of any type shall be parked in front of the Front Building Line of any Lot within this District. –If a Structure is located on the ~~tract of land~~ ~~property~~ or lot the Building Line shall be considered to be the front wall of the Structure, even if said Structure is located behind the minimum Building Line established by this code or the restrictions on the plat or deed.

1506.04 Except as ~~may be~~ specifically permitted by Section ~~1707~~ ~~1702~~, no Mobile Home or mobile home office Structure shall be placed or occupied in this District.

1506.05 ~~Adult Entertainment and Adult Entertainment Facilities are prohibited~~ ~~Reserved~~.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 15: LIGHT INDUSTRIAL DISTRICT (LI)

1506.06 ~~Homes for adjustment and institutions as herein defined under Residential Care Facilities are prohibited.~~ Residential Care Facilities regardless of the number of residents.

1506.07 ~~Processing of raw materials into the following basic products; metals of any kind, glass, plastic, textiles, leather, or paper.~~

**Section 1507: Dimensional Requirements**

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

1507.01 Minimum ~~lot~~ Lot area: ~~Two (2) acres; Any portion of a Lot within a Common Access Driveway easement(s) shall not count towards this requirement.~~

1507.02 Minimum ~~lot~~ Lot Frontage: ~~Except as hereinafter set forth, all Lots or parcels shall have tTwo hundred (200) feet Frontage, which shall not be decreased at any point forward of the Building Line of the Principal Building located on the premises; unless otherwise specified below.~~

A) ~~Corner Lots: One hundred (100) feet on one (1) Street, two hundred (200) feet, total.~~

B) ~~Flag Lots: Eighty-five (85) feet. Stacking Flag Lots in a manner that would result in the "pole" sections of two (2) or more Flag Lots being Contiguous to one another shall not be permitted.~~

C) ~~Landlocked Lots: Two hundred (200) feet.~~

1507.03 Minimum ~~Corner Lot Frontage: One hundred (100) feet on each street; Landlocked Lots shall be accessed by a Common Access Drive (CAD) as regulated by Section 1604. This provision shall not be interpreted as a prohibition of Flag Lots or any other Lot design otherwise permitted in Section 1507.02.~~

1507.04 Lot Width:

A) ~~All Lots shall be at least eighty-five (85) feet wide between its required Frontage and the required Front Yard Setback.~~

B) ~~All Lots shall be one hundred (100) feet wide at the required Front Yard Setback.~~

1507.0405 Minimum ~~front~~ Front yard Yard Setback depth: ~~No Building shall be located closer than oOne hundred and fifty (150) feet to any street Right of Way; unless otherwise specified below.~~

A) ~~The Front Yard Setback depth of a Flag Lot shall be fifty (50) feet, measured from the point in which said Lot reaches two hundred (200) feet in width.~~

1507.0506 Minimum ~~side~~ Side yard Yard Setback width, each side: ~~No Principal Building or Structure shall be located closer than tTwenty-five (25) feet to any Side Lot Line;.~~

1507.0607 Minimum ~~rear~~ Rear yard Yard Setback depth: ~~No Principal Building or Structure shall be located closer than fFifty (50) feet to the Rear Lot Line;.~~

1507.0708 No Building, ~~including Accessory Buildings,~~ shall be located closer than one hundred (100) feet from a ~~residential~~ Residential or Planned Residential District boundary line;.

1507.0809 Building Height limits: ~~Unless otherwise permitted within this Resolution, No no Building in this district District shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the Structure. No Aerial Antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property lineLot Line less ten (10) feet of said tractTract; and~~

1507.0910 Lot Coverage: ~~On no lot Lot or parcel in this zoning Zoning District shall Buildings Structures be constructed which cover more than thirty-five percent (35%) of the lot Lot area.~~

**Commented [SJ303]:** 6/27/19 – Added to mirror other straight district language. CADs are typically not seen in commercial subdivisions, but this will account for them, if one is proposed.

**Commented [SJ304]:** 6/27/19 – Revised to make regulations easier to find, read, and understand. Revised wording is more straightforward, less wordy, and utilizes defined terms.

**Commented [SJ305]:** 6/27/19 – Revised to remove section citation.

**Commented [SJ306]:** 6/27/19 – Revised for clarity

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

**Section 1508: Design Standards**

1508.01 Trash, Junk, and litter shall be controlled and stored in containers. Dumpsters, and other similar types of large waste containers which are typically not moved by Manual means, and which are not considered to be a Portable Storage Unit, shall not be permitted in a required Front Yard and shall be enclosed and screened in accordance with Section 2003.

**Commented [SJ307]:** 9/18/2020 – Edited per Trustee comments.

**Section 1509: Administration and Enforcement**

1509.01 Applications for Rezoning to the Light Industrial District shall be administered in accordance with Article 26.

1509.02 Applications for Zoning Permits and Certificates of Compliance shall be administered in accordance with Section 115 as well as all other applicable provisions of this Resolution.

1509.03 Applications for Variances, Conditional Uses, and Administrative Appeals shall be administered in accordance with Article 3.

1509.04 A Zoning Permit shall be required for any subdivision of property within the Light Industrial District which requires the signature of the Genoa Township Zoning Inspector.

1509.05 Enforcement shall be conducted pursuant to Section 116 as well as all other applicable provisions of this Resolution.

**Commented [SJ308]:** NOTE (1/21/20) – New section added.



**ARTICLE 16: GENERAL DEVELOPMENT STANDARDS****Section 1601: Intent and Purpose**

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

**Section 1602: Street Frontage Required**

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

**Section 1603: ~~Corner Lots Reserved On a Corner Lot the Principal Building and all Accessory Structures shall be required to have the same Setback distance from all equal to that of the minimum Side Yard required within the relevant zoning district. There shall be no required Rear Yard on a corner lot.~~**

**Section 1604: Common Access Drives**

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

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

All private access drives and necessary or related appurtenant Structures shall conform to the following requirements ~~and may be subject to approval by the Genoa Township Fire Department:~~

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

**1605.05 Entry Features.**

- A) The maximum height permitted for an Entry Feature, excluding architectural features or gates spanning over a driveway, ~~shall be eight (8) feet.~~
- B) ~~Entry Features erected approximately parallel to a Lot's linear Right-of-Way Frontage shall comprise no more than fifty percent (50%) of the length of said Frontage. Said measurement shall exclude any architectural features or gates spanning over a driveway.~~

**Section 1606: Principal Buildings per Lot**

No more than one ~~(1)~~ Principal Building or Structure may be constructed upon any one Lot for the purposes of this Resolution ~~unless approved as part of a Planned Development. The construction of more than one Principal Building or Structure upon any one Lot shall require a Variance from the Board of Zoning Appeals.~~

**Commented [S3309]:** Staff recommends this edit for clarification. It would help prevent enforcement problems we've had in the past.

**Commented [S3310]:** Unnecessary

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 16: GENERAL DEVELOPMENT STANDARDS

No Divergence shall be required to place more than one (1) Principal Building or Structure in a Planned Development.

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

1607.01 No Lot, ~~yard~~Yard, court, parking area, or other space shall be reduced in area or dimension thus making said area or dimension less than the minimum required by this Resolution without a Variance or Divergence. If said area or dimension is already less than the minimum required by this ~~Resolution~~Resolution, it shall ~~not be further reduced~~be considered to be non-conforming and subject to Article 25.

1607.02 No part of a ~~yard~~Yard, court, parking area, or other space provided for any Building or Structure for the purpose of complying with the provisions of this Zoning Resolution shall be included as part of a ~~yard~~Yard, court, parking area or other space required under this Zoning Resolution for another Building or Structure unless otherwise specified herein.

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

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

1608.01 Sills, pilasters, cornices, eaves, gutters, and other similar architectural features, may project into any required yard Setback, ~~No Build Zone, or No Disturb Zone~~ a maximum of twenty-four (24) inches. However, nothing may project into any No-Build or No-Disturb Zone.

1608.02 ~~Unroofed Porches, decks, and steps, elevated patios, awnings, balconies, and other similar types of incidental Structures which are attached to a Principal Building may extend from the Dwelling into the required front-Front and rear-Rear yard-Yard a maximum of ten (10) feet. Open Structures such as roofed Porches, patios, canopies, balconies, and carports, shall be considered parts of the Building to which Attached and shall not project into any required yard.~~

1608.03 No Structure, unless otherwise specified herein, may project into a required ~~side-Side yard Yard~~except in the case of a single Nonconforming Lot of record, which is of insufficient width to meet the side yard requirements of this Resolution. The Board of Zoning Appeals may grant a minimum specified Variance to permit the construction of a single-family residence in such a case.

1608.04 Window wells.

A) Egress window wells may extend into a required side yard provided that the well is covered with a hard surface and the well is no closer than six (6) feet to any adjoining ~~property line~~Lot Line.

B) Window wells which do not provide egress and are two (2) feet or less in depth may extend to the Lot Line.

**Section 1609: Accessory Structures**

1609.01 All Accessory Buildings shall be in conformity with the following provisions:

A) No Accessory Building shall be erected within any required Front Yard Setback of the Principal Building.

B) ~~No Accessory Building shall be located within fifteen (15) feet of any Side or Rear Lot Line or when the required Side Lot Line for the Principal Building on that property is less than fifteen (15) feet the Accessory Building may be located at that reduced setback.~~Side and Rear Yard Setbacks for Accessory Buildings shall be ten (10) feet. When the required Side Yard Setback is less than ten (10) feet, the Accessory Building may be located at that reduced Setback.

C) The maximum number of permitted Accessory Buildings per ~~parcel-Lot~~ shall be one (1) plus one (1) for each full acre of ~~parcel-Lot~~ size, but in no case shall exceed five (5) Accessory Buildings on a ~~parcel-Lot~~.

**Commented [SJ311]:** Staff recommends this change because this can be somewhat difficult to practically enforce. Furthermore, a 24-inch projection is not significant and would not substantially change the character of an NBZ/NDZ.

**Commented [SJ312]:** 6/27/19 – Added for clarity.

**Commented [SJ313]:** Deleted to simplify regulations

**Commented [SJ314]:** Unnecessary

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**Commented [SJ315]:** Setbacks reduced to be consistent with existing swimming pool setback requirements.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 16: GENERAL DEVELOPMENT STANDARDS

D) The maximum height shall not exceed twenty-two (22) feet on a ~~parcel~~ Lot under three (3) acres in size. On parcels three (3) acres or larger, the maximum height shall not exceed thirty-five (35) feet.

E) ~~The maximum size of Accessory Building(s) shall not exceed the maximum permitted building coverage within the zoning district. Accessory Buildings shall be subject to any applicable Building and/or Lot Coverage restrictions within this Resolution.~~

F) No Accessory Building within any district shall ~~be used for human occupancy except as a contain an Accessory Dwelling unless such Use is permitted as a Conditional Use if specified within a district~~ District. Accessory Dwellings, where permitted, shall comply with Section 1713.

1609.02 All Accessory Structures, ~~not otherwise regulated~~, shall be in conformity with the following provisions, except those specifically listed in Section 109 provisions, unless otherwise stated within this Resolution:

A) ~~No Accessory Structure shall exceed twelve (12) feet in height or be located in an easement, Front Yard or in a required Setback for an Accessory Building, according to Section 1609.04, unless specifically permitted. No Accessory Structure shall be erected within any required Front Yard Setback.~~

B) ~~A mechanical Structure, such as a generator, air conditioning unit or similar structure is permitted in a Rear or Side Yard, if the unit is at least fifteen (15) feet from any adjoining property. Side and Rear Yard Setbacks for Accessory Structures shall be ten (10) feet. When the required Side Lot or Rear Lot Line for the Principal Building on that property is less than ten (10) feet, the Accessory Structure may be located at that reduced Setback.~~

~~C1) A propane tank is permitted in a Side or Rear setback if it is at least six (6) feet from any adjoining property and entirely screened from view from adjoining properties so long as it is placed in accordance with the minimum setback requirements set forth in the National Fire Protection Association's Liquefied Petroleum Gas Code (NFPA 58), as may be amended, and thus shall not require a Zoning Permit.~~

~~2) Mechanical structures, such as air conditioners and generators, shall be exempt from any Side or Rear Yard requirements and thus shall not require a Zoning Permit.~~

~~DC) An outdoor fireplace, pit or permanently sited grill is permitted in a required Rear Yard provided it is no closer than fifteen (15) feet from any property line. No Accessory Structure shall exceed twelve (12) feet in height.~~

~~ED) Solar panels shall be constructed so as to not protrude more than two (2) feet above the roofline of a building on which they are mounted, not to exceed the maximum building height.~~

~~E) Accessory Structures shall be subject to any applicable Lot Coverage restrictions within this Resolution.~~

~~F) Fences, Accessory Walls, and retaining walls shall be regulated by Article 20.~~

~~G) Entry Features shall be regulated by Section 1605.~~

~~H) Outdoor advertising and Signs shall be regulated by Article 18.~~

### Section 1610: Outdoor Storage and Waste Disposal

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

1610.01 Highly flammable or explosive liquids, solids, or gases shall not be stored in bulk above or below ground in any ~~residential~~ Residential or Planned Residential District.

1610.02 The storage of hazardous or toxic materials shall not be permitted without documented approval by the Ohio Environmental Protection Agency.

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Commented [SJ316]: 1. Mechanical structures are not Accessory Structures, by definition and thus do not require zoning permits.

2. It is probably that there are many such units, especially AC units, which are not compliant with this standard.

Such items are better regulated by deed restrictions or HOA/COA covenants.

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## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 16: GENERAL DEVELOPMENT STANDARDS**

1610.03 Materials or wastes which might cause fumes or dust, which constitute a fire hazard, or which may be edible or attractive to rodents or insects shall be stored outdoors only in closed containers constructed of impervious material.

1610.04 No materials or wastes shall be deposited upon a Lot in such form or manner that they may be transferred off the Lot by wind, flood, or natural causes or forces.

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

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

~~1611.01 Any Building or Structure declared unfit for human habitation in any Zoning District by the Board of Health, or any Building or Structure in the township declared insecure, unsafe, or structurally defective by the Township Fire Department, the County Building Department or other authority responsible under Chapter 3781 of the Ohio Revised Code for the enforcement of building regulations, shall be removed or repaired to a safe and structurally sound condition. Enforcement shall be accomplished through the procedures outlined in Section 505.86 of the Ohio Revised Code.~~

**Commented [SJ317]:** Re-located from Section 1612

~~1611.0102 The following shall be prohibited and subsequently considered a Nuisance. Enforcement shall be accomplished through the procedures outlined in Section 505.87 of the Ohio Revised Code, where applicable, and/or via Section 116 of this Resolution:~~

~~A) The storage or accumulation of trash, garbage, refuse and other debris (including, without limitation, discarded household goods, discarded commercial products, discarded building materials, discarded industrial by-products, discarded brush and other vegetation and other similar materials), shall be a Nuisance per se and shall be prohibited excepting trash, garbage, Garbage, refuse, and debris that is completely enclosed within an appropriate container and placed at an assigned location for regularly scheduled pick-up shall not be considered a violation of this standard. In all cases, there shall be full compliance with all applicable zoning District standards.~~

**Commented [SJ318]:** Unnecessary

~~1611.02 — B) The storage or accumulation of Junk, Junk Vehicles, vehicle parts and other similar debris, shall be a Nuisance per se and shall be prohibited excepting the Outdoor Storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days shall not be considered a violation of this standard provided such vehicles are completely enclosed within a Building so as not to be visible from any adjoining property or public road. In all cases there shall be full compliance with applicable zoning District standards.~~

**Commented [SJ319]:** Unnecessary

~~C) Overgrown or unmaintained weeds, grasses, and/or vegetation which are/is noxious, pose(s) a threat to public health, safety, or general welfare, or constitute(s) a significant annoyance and/or inconvenience to the general public.~~

**Commented [SJ320]:** 9/18/2020 – Edited per Trustee comments.

~~1611.03 — Noise or vibration which, at the property line of the property on which such noise or vibration is produced, exceeds the level that is normally perceptible from other activities in the area shall be prohibited.~~

~~1611.04 — Direct or reflected glare that adversely affects neighboring areas or interferes with safety on any public street, road or highway shall be prohibited.~~

**Commented [SJ321]:** Moved to Section 1612 as this would enforced via a violation, not nuisance proceedings.

~~1611.05 — All construction and maintenance within Genoa Township shall be accomplished in a manner consistent with maintenance of good surface drainage~~

~~A) Modifications to property shall not create adverse impacts on off-site drainage.~~

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 16: GENERAL DEVELOPMENT STANDARDS

~~B) Every reasonable effort shall be made to ensure that proper drainage on the subject property and adjacent or servant properties is maintained or improved.~~

~~C) In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.~~

~~D) All buildings over two hundred (200) square feet in Floor Area shall contain gutters and downspouts adequate to handle all rainwater discharged from the roof of the building.~~

~~E) Downspouts and pumps shall be either connected to a storm water outlet or discharged to a location that will not create surface water runoff.~~

~~1611.06 Storage of firewood, mulch and other similar products or materials in a Planned Residential District must not be in the Front Yard or within ten (10) feet of an adjoining property and such materials shall not be stored outdoors for more than six (6) months. Storage of such materials shall be orderly or entirely screened from view from other properties.~~

~~1611.07 Maintenance of buildings shall ensure boarded doors or windows are painted consistent with the color of the building.~~

**Commented [SJ322]:** Moved to its own Section as enforcement would likely not follow nuisance proceedings

**Commented [SJ323]:** PRD specific regulations do not belong in the General Standards. Furthermore, this is the type of issue that HOA's are better suited to regulate if they so desire.

**Commented [SJ324]:** This would be a regulation better suited for a property maintenance code or HOA bylaws. Furthermore, Ohio banned use of plywood to board up windows on property deemed vacant or abandoned in 2016.

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

~~Any Building or Structure declared unfit for human habitation in any zoning District by the Board of Health or any Building or Structure in the township declared insecure, unsafe, or structurally defective by the Township Fire Department, the County Building Department or other authority responsible under Chapter 3781 of the Ohio Revised Code for the enforcement of building regulations shall be removed or repaired to a safe and structurally sound condition. The enforcement shall be accomplished through the procedures outlined in Section 505.86 of the Ohio Revised Code.~~  
~~1612.01 The occupation or Use of any Lot, Building, or Structure in any District shall be in violation of this Resolution if one or more of the following conditions is found to exist at any time:~~

~~A) Noise or vibration which, at the Lot Line of the Lot on which such noise or vibration is produced, exceeds a level that is normally perceptible from other activities in the area, significantly out of character for the area, and/or poses a direct and immediate threat to public health, safety, or general welfare.~~

~~B) Direct or reflected glare exists that is in violation of Article 21.~~

**Commented [SJ325]:** 9/18/2020 – Edited per Trustee comments.

~~1612.02 The operation of Off-Road Motorized Vehicles including but not limited to all-terrain vehicles, snowmobiles, and motor bikes, are a Nuisance per se when operated in such a manner that causes excessive noise, loss of protective vegetation, damage to property or loss of wildlife habitat. Accordingly, to protect the health and safety of Genoa Township residents such vehicles shall be operated only in conformance with the following standards:~~

~~A) No Off-Road Motorized Vehicle shall not be operated in any public park, wildlife preserves, or forest preserve unless a designated trail is provided and marked as such.~~

~~B) Erosion shall be physically controlled and detained on-site in accordance with the standards and regulations of Delaware County.~~

**Commented [SJ326]:** Re-worded to remove the term “adversely effecting” due to the fact that standard is difficult to enforce and would likely be deemed ambiguous and/or subjective.

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

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

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 16: GENERAL DEVELOPMENT STANDARDS

~~1613.01 No Off Road Motorized Vehicle shall be operated on private property without the consent of the owner.~~

~~1613.02 No Off Road Motorized Vehicle shall be operated in any public park, wildlife preserves, or forest preserve unless a designated trail is provided and marked as such.~~

~~1613.03 Erosion shall be physically controlled and detained on-site.~~

**Section 1614: Water Impoundments**

~~1614.01 All water impoundments, such as ponds, or ponds or lakes or swimming pool, shall be constructed and developed so that no such said impoundment(s) is/are located set back between a principal structure and the edge of the contiguous road Right of Way line within any District at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line. This standard shall not apply to stormwater basins, decorative ponds, lakes, or water features located within designated Open Space areas of Planned Developments.~~

**Section 1615: Utilities Sight Distance**

~~1615.01 Planned Developments shall have an adequate source of potable water. All water lines constructed within a Planned Development shall be the financial responsibility of the owner or developer.~~

~~1615.02 No construction of Buildings within any segment of a Planned Development shall be commenced until after the extension of sanitary sewage lines or approved sanitary treatment facilities required with alternative sewage disposal systems have been completed.~~

~~1615.03 The following utility equipment shall be provided, constructed and installed underground within a Planned Development: gas lines, sanitary and storm sewer lines, water lines, electrical lines, telephone lines, and cable television lines.~~

~~1615.04 All utility systems shall be located and designed in such a manner and method as to preserve the natural features of the land such as streams, rock outcropping, topsoil, trees and shrubs and the same shall be incorporated into and with the Landscaping of said lands.~~

~~1615.05 Easements across Lots or centered on Rear or Side Lot Lines shall be provided for utilities where necessary and shall be of adequate width to facilitate the proposed usage.~~

~~1615.01 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 public Streets. In determining if any sight impediment exists, the Zoning Inspector, or their designee, 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.~~

**Section 1616: Height Requirements, Exceptions, Modifications, and Interpretations of Height Regulations**

~~1616.01 No Principal Building shall exceed thirty-five (35) feet in height, as defined herein. Height limits stipulated elsewhere in this Zoning Resolution shall not apply to:~~

~~A) Spires, belfries, cupolas, domes, bulkheads, elevator penthouses, or parapet walls extending not more than four (4) feet above the limiting height of the Building.~~

~~B) 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 1617: Dangerous Wild Animals**

~~1617.01 No person within any District shall own, harbor, keep, breed, sell, or import any dangerous wild animal, as defined and regulated by ORC 935.01(C), as may be amended, and the Ohio Department of Agriculture, unless otherwise exempted by said law or agency.~~

**Commented [SJ327]:** Test re-located to Section 1612.02. This section originally was going to contain revised language pertaining to drainage regulations. However, drainage regulations were removed for the following reasons:

1.County Engineering, the County Soil and Water Conservation District, and County Code Compliance already review and manage drainage and stormwater in the Township using their own regulations which are more thorough. Remedies for certain situations are also provided via methods set forth in the ORC (i.e. drainage petitions).

2. The Township does not have a certified civil engineer on staff who is qualified to conduct proper drainage inspections.

3.An additional agreement, outside the purview of zoning, with the Soil and Water District, which may or may not be an additional cost for the Township, would likely have to be entered into for them to conduct inspections on the Township's behalf.

4.Many drainage complaints are often property maintenance concerns involving two, private parties. The Zoning Resolution does not serve as a property maintenance code since the documents are intended to serve different purposes. Furthermore, the Zoning Resolution is not intended to be used to mediate disputes between private parties.

**Commented [SJ328]:** Deleted because Article 17 already prohibits pools in required front yards.

**Commented [SJ329]:** Revised because the requirement, as currently written, did not make sense for large, deep lots that have homes set back a considerable distance from the road.

**Commented [SJ330]:** Deleted because utilities are regulated by agencies other than the Township. Zoning has no authority to trump these agencies. Creating standards within the Zoning Resolution could also potentially conflict with the standards of the regulating authority. Furthermore, zoning permits are not required for utility installation.

**Commented [SJ331]:** 9/18/2020 – Edited per Trustee comments.

**Commented [SJ332]:** Re-located from Article 20 and re-worded so as not to exceed zoning's authority in this matter.

**Commented [SJ333]:** Re-located Section 109 to this section as the standards in that section fit better under General Development Standards. Some of the text has been slightly altered to remove references to buildings and structures that are Ag exempt.

**Commented [SJ334]:** This provision, as it originally appeared in Article 1, only applied to churches. Staff could not determine what the public interest of limiting this exception was.

DRAFT

ZC 2020-03

SEPTEMBER 18, 2020  
GENOA TOWNSHIP ZONING RESOLUTION  
**ARTICLE 16: GENERAL DEVELOPMENT STANDARDS**

DRAFT

ZC 2020-03

SEPTEMBER 18, 2020

GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 16: GENERAL DEVELOPMENT STANDARDS**

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## ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

### Section 1701: Intent and Purpose

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

### Section 1702: Temporary ~~Conditional or Accessory~~ Uses and Special Events

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

~~1702.01 — Carnivals, circuses, tent meetings, bazaars, political rallies, festivals, art shows, or other similar public events may be conditionally permitted upon church, school or other similar sites within any District. Prior to the issuance of a temporary Conditional Use Permit the written consent of at least fifty one percent (51%) of the owners of all residentially used property within one thousand (1000) feet of the property lines of the Temporary Use site must be obtained. Written consent of the various property owners shall be filed by the applicant at least ninety (90) days prior to the scheduled event.~~

~~1702.02 — The temporary placement of a Mobile Home upon a Lot which already contains a residential Structure may be permitted where the Board of Zoning Appeals finds that special circumstances or conditions such as fires, windstorms, or other similar events which are fully described in the findings of the Board, have existed so that the use of a temporary residential Structure is necessary in order to prevent exceptional hardship to the applicant, provided that such a Temporary Structure does not represent a hazard to the safety, health, or welfare of the community.~~

~~1702.03 — An applicant for a temporary Conditional Use Permit must produce a written statement from the Delaware County Health Department approving the water supply and wastewater disposal system of the temporary Mobile Home location. Such permit may be initially issued for nine (9) months, renewable for up to an additional three (3) months for all permits, not exceeding a total of twelve (12) months Temporary Use Purpose. Because of the special characteristics and needs of Temporary Uses, special standards to properly locate and control the activities of Temporary Uses are necessary to secure the public health, safety, and general welfare of the community. An application for a Temporary Use permit shall be filed at least sixty (60) days prior to the commencement of the proposed Temporary Use. No Temporary Use shall commence until a Temporary Use permit has been issued by the Township Zoning Inspector or their designee.~~

~~1702.01 Temporary Use Permit. Each application for a Temporary Use permit shall contain a graphic of the property to be utilized, a description of the proposed use, and a site plan in triplicate, drawn to scale, which illustrates the following:~~

- ~~A) The actual dimensions of the Lot, including easements.~~
- ~~B) The exact size, location, and height of all existing and proposed Buildings and Structures, whether principal or accessory, on the Lot.~~
- ~~C) The existing and intended Use of all parts of the land and Buildings and Structures, whether principal or accessory, and all details of the event, including location of activities that will be conducted as part of the event.~~
- ~~D) Existing zoning on the lot in question and on all adjacent Lots.~~
- ~~E) Existing and/or proposed parking spaces, including Off Street Parking, traffic flow, access drives, Building and parking Setbacks, sanitary facilities, refuse control, security, traffic control, noise, and lighting.~~
- ~~F) Existing and proposed Signs, location, and size detail.~~

**Commented [SJ335]:** This line, in particular, was cited as not being legal by Peter Griggs. The ORC does not allow Townships to delegate its state-given zoning approval authority to the public or any other agency.

**Commented [SJ336]:** 9/18/2020 – Edited per Trustee comments.

**Commented [SJ337]:** 9/18/2020 – Edited per Trustee comments.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

G) Such other information as may be required by the Zoning Inspector regarding the Temporary Use, Lot, and neighboring Lots as may be necessary to determine and provide for the enforcement of this Zoning Resolution.

1702.02 Fees. When making an application for a Temporary Use permit, the application fees shall be paid in accordance with the Schedule of Fees as may from time to time, be adopted by the Genoa Township Board of Trustees.

1702.03 Issuance of Permits. Temporary Use permits shall be issued, or refusal thereof given, within thirty (30) days of the completed application and fee. Written notice of such refusal and reason thereof shall be given to the applicant.

1702.04 Prohibited Temporary Uses. Temporary Retail sales (conducted on parking lots, vacant Lots, or along roadsides by transient vendors) shall be prohibited unless conducted pursuant to a valid permit issued by the Township under Ohio Revised Code Section 505.94.

1702.05 Permitted Temporary Uses.

A) Temporary Real Estate Offices. Temporary real estate sales office, including model homes, may be permitted within any District for any new subdivision, provided sales activities are limited to that subdivision only and such office is not used as a Dwelling. Unless otherwise provided for as part of a planned District, Signs shall comply with Article 18. Any Temporary Use permit issued for a temporary real estate office conducted out of a trailer under this section is valid for one (1) year and must be renewed annually. Such office use shall cease upon completion of the sales of Lots within the subdivision. Rental or resales of Lots/and or units in the subdivision shall not be conducted from the temporary office.

1) Parking: All model homes shall provide Off-Street paved Parking Spaces for the public. Such Off-Street paved parking shall be located Contiguous to the model home. The parking lot shall be removed upon expiration of model home permit. The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) of the required parking spaces.

2) Screening and Trash Receptacles: Landscape drawings shall be required and shall show adequate Landscaping and screening from adjoining residential Lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.

B) Temporary Contractor's Offices. Temporary Buildings, including construction trailers (both licensed and unlicensed), for uses incidental to construction work on the property may be erected in any of the Zoning Districts herein established; however, such temporary Building or trailer shall be removed within sixty (60) days following the completion or abandonment of the construction work. Abandonment shall be presumed if no substantial work toward completion has occurred within ninety (90) consecutive days. Temporary Buildings, Accessory Buildings, construction trailers, Barns, tents, recreational vehicles, campers, etc. are not to be used as temporary or permanent Dwellings.

C) Temporary Public Events. Temporary public events sponsored by a public or non-profit organization may be permitted within any Non-Residential Zoning District or upon a Religious Establishment, school or other similar sites primarily utilized for congregating or gathering within a Residential Zoning District. The applicant shall, prior to applying for a Temporary Use permit, engage in consultations with staff from applicable governmental agencies, including the Genoa Township Zoning Inspector, Genoa Township Fire Department, Genoa Township Police Department, Delaware County Code Compliance, Delaware County General Health District, Delaware County Engineer, and any other such agency or department to discuss and review the potential impacts of the event on the community. No statement or action by Township or County Officials during these consultations shall be construed to be a waiver of any legal obligation of the applicant or of any procedure or formal approval required by Township, County

**Commented [S1338]:** Requirement moved here from Section 1707.01.C & D, respectively.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

or State statutes or rules. When planning such an event, the applicant shall take into consideration the potential impacts to surrounding properties. In order to address the impact of the event on the public health, safety and general welfare of the community, temporary public events shall meet the following requirements:

- 1) Adequate Off-Street Parking, including on-site and off-site (if applicable) shall be provided. A parking plan shall be provided delineating proposed parking areas. Parking shall be provided to accommodate the number of anticipated guests on any given day of an event.
- 2) All temporary Buildings and Structures associated with the event shall meet all applicable current building and fire codes, including but not limited to fire, building, mechanical, electrical, and plumbing Codes. Inspections and approvals shall be obtained from Delaware County Code Compliance and the Genoa Township Fire Department.
- 3) Adequate traffic control shall be provided. A traffic control plan shall be approved by the Genoa Township Police Department, Genoa Township Fire Department, and the Delaware County Engineer.
- 4) Adequate sanitary facilities and refuse control shall be provided. The sanitary and refuse plan shall delineate the number and location of such facilities and provisions for the removal of such. Sanitary facilities shall accommodate the number of anticipated guests on any given day of an event. Trash removal time restrictions shall be discussed during the pre-application consultation with the Township and be included as part of the application.
- 5) Adequate lighting, including security lighting, shall be provided. A lighting plan shall be provided delineating the location of all current and proposed lighting. All lighting shall be directed inward and away from any abutting Residential Zoning District and/or Dwellings. Except for security lighting, all lighting shall be turned off no later than one (1) hour after the event closes.
- 6) Adequate security, fire and emergency medical services shall be provided. A security plan shall be provided and approved by the Genoa Township Fire Department and the Genoa Township Police Department. Security shall be provided twenty-four (24) hours a day during both operational and non-operational hours of the event.
- 7) Operational hours of an event shall be limited to 9:00 a.m. to 11:00 p.m. Monday through Friday, 9:00 a.m. to midnight on Saturdays, 10:00 a.m. to 6:00 p.m. on Sundays.
- 8) Adequate noise control shall be provided. A noise control plan shall be provided showing the location of all amplification and noise generating devices. All amplification and noise generating devices shall be placed inward and away from any abutting Zoning District and/or Dwellings. Prior to applying for a Temporary Use permit, an applicant may obtain an exemption from the Genoa Township Board of Trustees from the provisions of any applicable noise control resolutions. Otherwise, all events shall comply with the provisions of said resolutions.
- 9) A signage plan shall be provided. All Signs shall conform to the standards and provisions of Article 18.
- 10) An applicant shall be required to obtain any business license or any other permit which may be required by any other federal, state, or local statute, rule, or regulation.
- 11) Temporary public events shall be limited to not more than four (4) consecutive operational days and no more than one (1) such event may be conducted in any one (1) calendar year by the same organization or any related business, entity or affiliate organized for the same or similar purpose.
- 12) The event organizer must have a policy or policies of general liability insurance in the State of Ohio providing coverage for personal injury and property damage. This shall be in the amount, not less than \$1,000,000 for each person or occurrence and \$2,000,000 in

Commented [SJ339]: 9/18/2020 – Edited per Trustee comments.



## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

~~aggregate for personal injuries or death or property damage suffered by any person or persons arising out of the temporary event. A certificate of insurance shall be included as part of the application.~~

~~1702.06 Temporary Uses permitted in this Section do not include outdoor, stand-alone music concerts or organized events for music concert only but do include music concerts in conjunction with the temporary public event. Government sponsored and approved events, school related activities, including sporting events, are exempt from the provisions of this Section. In addition, small temporary sales/fundraising events conducted by schools or Religious Establishments entirely at the school or Religious Establishment location are exempt from the provisions of this Section. Such small temporary sales/fundraising events include, but are not limited to bake sales, flower sales, bazaars, fish fries, spaghetti dinners, car washes, and the like. Small temporary sales/fundraising events that include live or amplified music or any temporary Structures, or other types of unrelated activities shall be required to obtain a Temporary Use permit in accordance with this Section.~~

~~1702.07 Private garage sales and/or yard sales occurring on an infrequent basis, and for non-commercial purposes, shall be permitted on a residential property without a Zoning Permit so long as they do not constitute a Home Occupation or Retail and so long as they do not pose a threat to public health, safety, or general welfare. Private garage sales and/or yard sales on residential properties exceeding the limited provisions of this standard shall otherwise be prohibited.~~

~~1702.08 Agritourism and Farm Markets shall further be regulated by Sections 1715 and 1716, respectively.~~

**Section 1703: ~~Kindergartens~~Day Care Centers**

~~Kindergarten Day Care Center facilities, may be where permitted, in specified Districts provided the following conditions are met shall adhere to the following standards:~~

~~1703.01 The Building occupied by the Use is shall be compatible with neighborhood Structures in dimension, size, and architecture.~~

~~1703.02 There shall be an outdoor play area of eighty-five (85) square feet or more per child.~~

~~1703.03 Such play area shall be enclosed with a chain link Fence or its equivalent in strength and protective character to a height of five (5) feet to control accessibility of children to adjoining hazardous conditions such as streets, ponds, etc., or adjacent yards.~~

~~1703.04 A drop-off area is provided so that children do not have to walk through the parking lot to enter the facility.~~

~~1703.05 Parking spaces are provided as specified in Section 1904.~~

~~1703.06 Exterior lighting conforms with the provisions of Article 21.~~

**Section 1704: Residential Care Facilities**

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

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

~~1704.02 Foster Homes for children or adults who for various reasons cannot reside with their natural family may be permitted within any residential Dwelling provided such homes possess a valid, appropriate license.~~

~~1704.03 Family Care Homes may be permitted as a Conditional Use within an adequately sized unattached residential Dwelling within any residential District provided that:~~

**Commented [SJ340]:** Language provided by Peter Griggs. It has been slightly modified to better fit the resolution.

**Commented [SJ341]:** 9/18/2020 – Edited per Trustee comments.

**Commented [SJ342]:** 6/5/19 – Re-directing individuals to Article 21 will ensure consistency across the districts and will avoid unnecessary repeating of regulations in each Article. Furthermore, this standard is somewhat subjective as it does not provide a quantifiable measurable to enforce.

**ARTICLE 17: SPECIAL AND MISCELLANEOUS USES**

- ~~A) The home shall possess a valid license from appropriate state and/or local agencies.~~
- ~~B) The home shall be required to meet the District regulations applicable to single-family residences within the District in which such home is located.~~
- ~~C) The home shall provide adequate off-street parking for each resident and/or resident supervisor who is permitted to own or operate an automobile.~~
- ~~D) The Zoning Permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.~~

~~1704.04 Group Care Homes may be conditionally permitted within an adequately-sized unattached residential Dwelling within designated residential Districts subject to the following criteria:~~

- ~~A) No Group Care Home may be permitted unless the agency supervising such a facility satisfies the Board of Zoning Appeals that the home complies with all state and/or local licensing requirements.~~
- ~~B) The home shall not be located closer than twenty thousand (20,000) feet to another Family Care Home or Group Care Home. Variances of more than ten percent (10%) of this requirement may not be considered.~~
- ~~C) The home shall be reasonably accessible, by reason of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.~~
- ~~D) Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable Floor Area for each occupant.~~
- ~~E) The operator or agency applying for a Conditional Use Permit to operate such a facility shall provide the Board of Zoning Appeals with a plan that documents the following:
  - ~~1) The need for the home in relation to the specific clientele served;~~
  - ~~2) A description of program objectives and the nature of other community-based residential social service facilities operated by such operator or agency; and~~
  - ~~3) A list of the licensing agencies' standards and the sponsoring agency's standards for the operation of the desired facility.~~~~
- ~~F) The home shall provide adequate Off-Street parking area for each resident supervisor and/or resident who is permitted to own or operate an automobile.~~
- ~~G) The proposed use of the site as a group care home shall be compatible with the present character of the neighborhood, considering noise, traffic, lights, exterior Alterations of the Structure, or other potentially offensive characteristics.~~
- ~~H) The Conditional Use Permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.~~

~~1704.05 Suitable space shall be provided for indoor and/or outdoor recreational activities for the clientele served, based upon generally accepted recreational standards or those specified by the licensing authority.~~

~~1704.06 No exterior Alterations of the Structure shall be made which depart from the residential character of the Building. All new Structures proposed shall be of compatible residential design with the surrounding neighborhood, to the degree possible.~~

~~1704.07 All exterior lighting shall be in accordance with Article 21.~~

~~1704.08 In its review of each proposed facility, the Board of Zoning Appeals shall make specific findings of fact relative to the following criteria. Specifically, the Board shall determine that the proposed facility:~~

**ARTICLE 17: SPECIAL AND MISCELLANEOUS USES**

- ~~A) Is in fact a Residential Care Facility and, if required, is licensed by the appropriate authority to provide such service within the State of Ohio (and the respective jurisdiction);~~
- ~~B) Is in fact a needed facility in the location proposed, based upon evidence acceptable to the Board of Zoning Appeals;~~
- ~~C) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned Uses of the general vicinity and that such Use will not change the essential character of the same area. In this regard, it does not contribute to a concentration of such facilities in the respective area;~~
- ~~D) Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion or traffic generation which would be incompatible with the neighborhood environment;~~
- ~~E) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed Use shall be able to provide adequately any such services;~~
- ~~F) Will not involve Uses, activities and conditions of operation that will be detrimental to any persons, property, or the general welfare;~~
- ~~G) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and~~
- ~~H) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.~~

~~1704.09 The Board of Zoning Appeals may issue a Conditional Use Permit for a period of one (1) year. At the completion of the one (1) year period, the Residential Care Facility operation shall be reviewed by the Board of Zoning Appeals. The Board of Zoning Appeals may extend the Conditional Use or deny the Conditional Use.~~

~~1704.01 Purpose. This section is intended, in part, to ensure compliance of related provisions of the Genoa Township Zoning Resolution with the Fair Housing Act Amendments of 1988, effective March 12, 1989, which extend equal housing opportunities to the handicapped, as well as place some minimal regulations upon Residential Care Facilities in accordance with ORC Chapter 5119. For purposes of this Zoning Resolution, a Residential Care Facility of five (5) or fewer unrelated residents (excluding care-givers/caregivers) shall be regulated as a Single-family detached Dwelling. A Residential Care Facility of six (6) or more residents (excluding care-givers/caregivers) shall be regulated as a form of rooming or boarding house in the Planned Community Facilities (PCF) Zoning Districts.~~

~~1704.02 Location of Residential Care Facilities. A Residential Care Facility of five (5) or fewer residents (excluding care-givers/caregivers) shall be permitted in any District that permits single-family detached Dwellings.~~

~~A) A Residential Care Facility of six (6) or more residents (excluding care-givers/caregivers) shall be permitted in the Planned Community Facilities (PCF) Zoning Districts.~~

~~B) Pursuant to ORC 5119.341(B), residential facilities of six (6) or more residents (excluding care-givers/caregivers) are prohibited in all Zoning Districts not specifically listed in Section 1704.02.A above.~~

~~C) Residential Care Facilities shall obtain a Zoning Permit prior to commencing the use of a property as a Residential Care Facility.~~

~~1704.03 Concentration of Residential Care Facilities.~~

**Commented [SJ343]:** Deleted because this text is not current with state standards. Peter Griggs has provided us defensible language which reflects current state standards.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

- A) In order to promote the benefits of residential surroundings for the residents of Residential Care Facilities and to further the goal of deinstitutionalization of persons whose disabilities or status limit their ability to live independently and to foster their integration into the mainstream of society, no Residential Care Facility housing six (6) or more residents (excluding care-givers) shall be located within 1,320 feet of any other such Residential Care Facility.
- B) Genoa Township may, in accordance with the procedures and provisions of this Zoning Resolution, issue a Conditional Use Permit, or grant a Divergence, for a Residential Care Facility to locate within 1,320 feet of another Residential Care Facility upon a finding that:
- 1) The residents of said facility will benefit from normal residential surroundings;
  - 2) The placement within 1,320 feet of another Residential Care Facility does not hinder the goal of deinstitutionalization;
  - 3) The placement of the Residential Care Facility furthers the goal of integrating the residents into the mainstream of society;
  - 4) A hardship exists in that suitable housing is unavailable elsewhere in the community that meets the 1,320-foot spacing requirement;
  - 5) The architectural design and site layout of the proposed facility and the location, nature and height of any walls, screens and fences shall be compatible with adjoining land uses and the character of the neighborhood; and
  - 6) The proposed facility shall fully comply with all yard, parking and sign regulations and shall comply with all health, fire and safety regulations and building standards.

**Section 1705: Cemeteries**

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

- 1705.01 The site proposed for a Cemetery shall ~~not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to an Thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of facility proposed~~ Arterial or Collector Street.
- 1705.02 Any new Cemetery shall be located on a site containing ~~not less than~~ twenty (20) ~~or more~~ acres.
- 1705.03 Internment shall not be within three hundred (300) feet of a Dwelling, ~~unless the owner of such Dwelling gives his consent, or unless the entire tract area of land appropriated is a necessary addition to or enlargement of a Cemetery already in use, as further provided in Ohio Revised Code, Section 1721.03.~~
- 1705.04 A mausoleum shall not be within three hundred (300) feet of any ~~property line~~ Lot Line.
- 1705.05 A crematory or other Structure shall not be within one thousand (1,000) feet of any ~~property line~~ Lot Line.
- 1705.06 Every Cemetery company or association shall cause a plat of its grounds and of the ~~Lots~~ lots laid out by it to be made and recorded or filed in the offices of the ~~Delaware county County recorder Recorder~~ in accordance with Ohio Revised Code, Section 1721.09.
- 1705.07 All required yards shall be landscaped and maintained in good order. -A plan for perpetual care of the grounds shall be required.

**Section 1706: Churches Religious Establishments**

The following standards shall apply to ~~the development and construction of churches any Religious Establishment and their Accessory Uses within Genoa Township, including any Accessory Buildings, Structures, or Uses:~~

**Commented [SJ344]:** Language provided by Peter Griggs. It has been slightly modified to better fit the resolution.

**Commented [SJ345]:** Deleted because the Township cannot delegate its state-given zoning approval authority

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

~~1706.01 The minimum lot area shall be three (3) acres and the minimum Lot Width shall be three hundred (300) feet.~~

1706.0201 The lot area shall be adequate to accommodate the required Off-Street Parking Space requirements of the church in accordance with Article 19. ~~In no event shall parking be permitted on adjacent streets or within a street Right-of-Way.~~

~~1706.03 The church Building shall be set back from any adjacent residential property line a distance equal to or greater than the height of the Structure exclusive of the steeple or spire or the Setbacks determined according to Section 1706, whichever is larger.~~

~~1706.04 The church lot shall be accessible to a major arterial street in a manner that does not require the passage of traffic through local residential streets.~~

1706.0502 Accessory living quarters ~~Dwellings~~ may ~~shall be provided permitted~~ on the church ~~same lot Lot or Tract~~ ~~as but shall require a~~ Conditional Use ~~approval and shall be~~ subject to location, Density, and additional lot area requirements approved by the Board of Zoning Appeals, except in a Planned ~~Community Facilities Zoning~~ Districts where such facilities are permitted without Conditional Use approval.

1706.0603 Accessory recreational ~~uses~~ ~~Uses may shall be provided permitted~~ on the church ~~lots same Lot or Tract as about shall require~~ Conditional Use ~~subject to~~ approval ~~by the Board of Zoning Appeals,~~ except in a Planned ~~Community Facilities Zoning~~ Districts where such facilities are permitted without Conditional Use approval, provided that other applicable standards contained in Section 1711 and in other sections of the Resolution are met.

~~1706.07 Minimum Setbacks and side and rear yard requirements will be according to the following table; shall be the highest Setback required by Zoning Districts on either side or directly across the street.~~

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

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

Note B: Setback equals one-fourth (1/4) of the sum of the height of the Structure plus the length of the wall most nearly parallel to the Rear Lot Line. In no case shall the Setback be less than fifty (50) feet. ~~1706.08094~~ Lighting - All lighting shall ~~be in compliance comply~~ with Article 21.

1706.091005 Temporary Outdoor advertising and Signs - All signage shall comply with Article 18.

~~1706.10 Required Parking Plan - All parking shall comply with Article 19.~~

1706.1106 Accessory private school Buildings associated with a church ~~Religious Establishment may shall be located permitted on a church the same lot Lot or Tract~~ subject to a Conditional Use approval being granted by the Board of Zoning Appeals, except in a Planned ~~Community Facilities Zoning~~ Districts where such schools are permitted without Conditional Use approval, provided that said ~~institution Building(s)~~ occupies not less than twenty (20) acres and ~~provides~~ adequate parking areas for faculty, staff, and students in accordance with Article 19. -A site plan

**Commented [SJ346]:** Peter Griggs's assessment of the Resolution in 2017 indicated that treating religious establishments more harshly than other places of assembly uses was not advised due to the provisions of the Federal law known as the Religious Land Use and Institutionalized Persons Act (commonly known as RLUIPA). The rationale is similar to the Reed v. Gilbert signs case (non-commercial speech gets more favorable treatment under the law). Staff recommends removing any provisions specific to religious establishments which are more restrictive than what is required for non-religious places of assembly (schools, meeting halls, etc.). If this section is kept, staff recommends at least exempting religious establishments locating within existing facilities from this restriction.

**Commented [SJ347]:** Deleted because Zoning does not have authority over street parking.

**Commented [SJ348]:** See note attached to 1706.01 above.

**Commented [SJ349]:** See note attached to 1706.01 above.

**Commented [SJ350]:** Unnecessary text. Parking is already covered in existing 1706.02.

**ARTICLE 17: SPECIAL AND MISCELLANEOUS USES**

shall be prepared and submitted for consideration and shall provide screening adjacent to ~~residential~~ Residential or Planned Residential Zoning Districts or areas ~~Uses~~.

**Section 1707: Temporary Uses** ~~Portable Storage Units~~

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

~~1707.01 Model Homes, the same being defined as residential-type Structures used as sales offices by a builder/developer and to display the builder/developer's product. The same may be furnished within, since its purpose is to display features (such as exterior siding treatments, roofing materials, interior trim, moldings, floor coverings, etc.) in the environment of a completed home, and may be staffed by the builder/developer's sales force. Model homes shall be subject to the following restrictions:~~

~~A) Hours of operation: All model homes shall close by 9:00 p.m. during the Spring, Summer and Fall seasons, and by 8:00 p.m. during the winter season. No model home shall be open on Sunday before 12:00 noon.~~

~~B) Lighting: All exterior lighting must be "down lighting," so that absolutely no light shall be cast onto adjoining residential properties. All Off-Street Parking Spaces must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home, except that which is in character with those found on surrounding homes.~~

~~C) Parking: All model homes shall provide Off-Street, paved Parking Spaces for the public. Such Off-Street paved parking shall be located contiguous to the model home. The parking lot shall be removed upon expiration of model home permit. The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) of the required parking spaces.~~

~~D) Screening and Trash Receptacles: Landscape drawings shall be required and shall show adequate Landscaping and screening from adjoining residential Lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.~~

~~E) Termination of Use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision shall be permitted for one (1) year, and may be granted for six-month extensions, but shall terminate when building permits reach ninety percent (90%) of the lots therein.~~

~~F) Signs: All model home signage shall comply with Article 18.~~

~~1707.02 Temporary offices including mobile offices for contractors and equipment sheds incidental to construction projects may be permitted within any District. The permit shall not be valid for more than one (1) year but may be renewed for six-month extensions if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Zoning Permit whichever occurs sooner.~~

~~1707.03 The seasonal sale of agricultural produce grown on the premises may be permitted within any District when in compliance with Section 519.21 of the Ohio Revised Code. Such sales shall not extend for more than five (5) months in any calendar year and all Structures or Roadside Stands shall be removed at the conclusion of the seasonal sale. All such structures must be set back from the roadway pavement a minimum of thirty-five (35) feet and the site shall contain~~

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

~~adequate Off-Street Parking Spaces so as not to create a traffic hazard and to provide for safe ingress and egress.~~

~~1707.04 — Garage Sales may be permitted within any District in which Dwellings are permitted in accordance with the following standards:~~

~~A) — No person shall sell or offer for sale at a Garage Sale any merchandise that has been purchased, consigned, or otherwise acquired for purposes of resale. The offering of new merchandise for sale shall be prima facie evidence that such merchandise was acquired by the resident for purpose of resale. The provisions of this paragraph shall not apply to corporations not for profit, churches, temples, schools, fraternities, sororities, associations, Clubs or lodges. Such organizations may conduct sales of personal property donated to them on real estate owned or occupied by such organizations.~~

~~B) — Only one such sale may be conducted on any parcel of real estate in any six (6) month period, which sale shall be limited to not more than three (3) consecutive days or two (2) consecutive weekends of two (2) days each. No sale may extend later than sunset.~~

~~C) — No Sign except advertising a Garage Sale may be displayed at any place except on the premises on which the sale is held. Only one (1) such Sign may be displayed. A maximum of three (3) directional Signs may be placed off the premises to direct the public to the sale. The display of such advertising and directional Signs shall be limited to the dates and hours during which the sale is held. Such Signs shall not be larger than four (4) square feet in display area, shall not be illuminated or animated, shall not be placed in a Right-of-Way of any public street or road, and shall not interfere or obstruct visibility when entering or leaving property.~~

~~D) — Except as provided above, the provisions of this Section shall not apply to a sale of property publicized solely by classified newspaper advertising, which describes or identifies the specific property offered for sale and does not designate the date, hours, or location of the sale other than by stating name, address or telephone number of the seller.~~

Commented [SJ351]: Now regulated under 1702

~~1707.01 Portable Storage Units may be permitted as a Temporary Use in any Zoning District only in conjunction with, and not to exceed the times listed for, the following activities:~~

~~A) Temporary Use for construction sites as accessory to and in association with an on-going construction project for an unoccupied Building or Structure at such site for a period of up to one hundred twenty (120) total days in any three hundred sixty-five (365) consecutive day period or upon the completion of the project, whichever occurs first.~~

~~B) Temporary Use, including open top dumpsters, when the occupant of the property on which the Portable Storage Unit is located is relocating, for a period not to exceed seven (7) consecutive days or for a period of fourteen (14) total days in any one hundred eighty (180) consecutive day period.~~

~~C) Temporary Use to facilitate temporary activities not described in Sections 1707.01.A or 1707.01.B. above, for a period not to exceed seven (7) consecutive days or for a period of fourteen (14) total days in any one hundred eighty (180) consecutive day period.~~

~~1707.02 Portable Storage Units shall be subject to the following requirements:~~

~~A) A Portable Storage Unit shall not exceed one hundred sixty-nine (169) square feet in size and eight (8) feet in height.~~

~~B) Not more than one (1) Portable Storage Unit shall be permitted on any property at any time.~~

~~C) No Portable Storage Unit shall be located in a public Right-of-Way.~~

~~D) Portable Storage Units shall be located no closer to an adjacent property than the greater of ten (10) feet or the required minimum Side or Rear Yard setback for Accessory Buildings in the District in which the unit is located, unless placed upon an existing driveway in which case there shall be no required Side or Rear Yard Setback.~~



## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

- ~~E) Portable Storage Units shall only be used for the storage of personal property and for no other purpose whatsoever.~~
- ~~F) The placement of Portable Storage Units shall be in such manner as not to create a public Nuisance.~~
- ~~G) A Portable Storage Unit is not permitted as a permanent Accessory Structure for storage, or Dwelling, regardless of the proposed location on a property.~~
- ~~H) A Temporary Use permit shall be obtained prior to the placement of a Portable Storage Unit on a property. For the activities listed in Sections 1707.01.A and 1707.01.B, above, no more than two (2) Temporary Use permits may be issued for the same property during any three hundred sixty-five (365) consecutive day period.~~

**Section 1708: Home Occupations**

1708.01 The following standards shall govern Home Occupations as a permitted Use within Genoa Township.

- A) The owner of the premises must reside in the Dwelling Unit used for the Home Occupation.
- B) No person or persons, other than the owners of the premises shall operate a Home Occupation.
- C) Not more than one worker exclusive of the owners shall be employed in a Home Occupation at any one time.
- D) All Home Occupations shall be conducted entirely within the Dwelling Unit, and the use of the Dwelling Unit for the Home Occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- E) Not more than twenty percent (20%) or four hundred (400) square feet of the gross Floor Area, whichever is less, of any Dwelling Unit shall be used for a Home Occupation.
- F) Home Occupations shall not be permitted in any Accessory Building within any District.
- G) There shall be no change in the outside appearance of the Building or premises, or other visible evidence of the conduct of such Home Occupation other than one Sign, not exceeding two (2) square feet in area, non- illuminated, and mounted flat against the wall of the Building in which the Home Occupation is located.
- H) There shall be no sale on the premises of commodities other than those produced as the result of the Home Occupation.
- I) No traffic shall be generated by such Home Occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such Home Occupation shall meet the Off-street parking requirements as specified in this Resolution and shall not be located in a required front yard.
- J) Equipment or processes shall not be used in such Home Occupations which create noise, vibrations, glare, fumes, odors, or electrical interference detectable off the Lot. -No equipment or process shall be used which creates visual, ~~audible~~audible, or electrical interference in any radio or television receiver or computer terminal off the premises or causes fluctuations in voltage off the premises.
- K) There shall be no increased burden placed upon existing public services provided to the residence ~~as a result of~~because of a Home Occupation.

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

- A) There shall be no more than two (2) non-residential employees or volunteers to be engaged in the proposed Use;

**Commented [SJ352]:** Language provided by Peter Griggs. It has been slightly modified to better fit the resolution.



## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

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

## Section 1709: Swimming Pools

1709.01 Private accessory Swimming Pools for Single-Family Dwellings may be permitted in any District, provided the following provisions are met:

- A) The pool shall be intended solely for the enjoyment of the occupants and guests of the Principal Use of the property on which it is located.
- B) The edge(s) of the Swimming Pool, exclusive of any adjacent pavement or decking, shall not be located closer than ten (10) feet to any Lot Line and may not encroach upon any required Front Yard or any required on-site wastewater leaching areas.
- C) Swimming Pool(s) shall be completely and securely walled and/or fenced to prevent uncontrolled access from any Street and/or adjacent property. Any such wall and/or Fence shall not be less than four (4) feet in height, shall comply with Section 2002.03, and shall be in good condition with a gate and lock.
- D) Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any other property or any public Street.

~~1709.0102~~ 1709.0102 Swimming Pools, except for a pool for the occupants of a single-family Dwelling, shall comply with the following conditions and requirements:

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

~~1709.02~~ ~~C)~~ Loud speakers, juke boxes, public address systems and electric amplifiers shall be permitted only if the use of the same is solely for the occupants of the Building, and only if the equipment is installed within the Building and does not create a Nuisance and disturb the peace of other persons or properties ~~in this or any other District.~~

~~1709.03~~ ~~D)~~ Exterior lighting shall be ~~shaded wherever necessary to avoid casting direct light upon any other property or upon any public street~~ installed in accordance with Article 21.

Commented [SJ353]: 9/18/2020 – Edited per Trustee comments.

Commented [SJ354]: 6/5/19 – Re-directing individuals to Article 21 will ensure consistency across the districts and will avoid unnecessary repeating of regulations in each Article. Furthermore, this standard is somewhat subjective as it does not provide a quantifiable measurable to enforce.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

~~1709.04~~ — ~~E)~~ Off-street parking shall be provided in accordance with Article 19.

~~1709.05~~ Private accessory Swimming Pools for single-family Dwellings may be permitted in any District, provided the following provisions are met:

~~A) The pool is intended solely for the enjoyment of the occupants and guests of the Principal Use of the property on which it is located;~~

~~B) It may not be located closer than ten (10) feet to any property line and may not encroach upon any required Front Yard, Side Yard, or any required on-site wastewater leaching areas;~~

~~C) The Swimming Pool shall be walled or fenced in order to prevent uncontrolled access by children from any street or adjacent property. Any such Fence shall not be less than four (4) feet in height and maintained in good condition with a gate and lock; and~~

~~D) Exterior lighting shall be shaded wherever necessary in order to avoid casting direct light upon any other property or any public street;~~

## Section 1710: Golf Courses

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

1710.01 The hours of operation of the golf course shall be limited from dawn to dusk to prevent undue disturbance to neighboring uses.

1710.02 All maintenance equipment shall be stored in sheds or other Structures and away from view.

1710.03 No hole or green shall be located within two hundred (200) feet of an existing residential Structure unless otherwise approved as part of the development plan within a Planned Development District.

1710.04 The Board of Zoning Appeals may require fencing, Accessory Walls, Landscaping, earth mounds or other measures where it is determined that buffering or screening is necessary to manage land use conflicts and/or protect the public safety unless otherwise approved as part of the development plan within a Planned Development District.

1710.05 Parking area requirements shall conform to Article 19.

1710.06 The minimum Floor Area requirements for the clubhouse or management Structure shall be five thousand (5000) square feet.

1710.07 Any golf courses hereinafter constructed within designated areas of Genoa Township shall occupy not less than one hundred fifty (150) acres.

~~1710.08 Exterior lighting shall conform with the provisions of Article 21.~~

## Section 1711: Private Recreational Facilities – Outdoor

1711.01 Minimum lot area for a private recreational facility shall be no less than six (6) acres.

1711.02 Setbacks:

A) Front: 100 feet for structures and 75 feet for parking;

B) Rear: 75 feet;

C) Side: 75 feet;

D) All Structures and playing fields for outdoor recreation shall be located at least two hundred (200) feet and drives and parking areas shall be at least fifty (50) feet from any adjacent parcels where residences are a permitted Use; and

E) Where a landscaped screen is not already required adjacent to another ~~parcel~~ Lot, one (1) deciduous tree shall be provided for every forty (40) feet of parking lot boundary and

**Commented [S3355]:** Moved to beginning of section. Private residential swimming pools are far more common than other types. Residents were reading Sections 1709.01 - .04 and not realizing those standards didn't apply to them.

**Commented [S3356]:** Deleted because some are allowed via Conditional Use, which automatically go to the BZA, and some are permitted as Accessory Uses which would not go in front of the BZA.

**Commented [S3357]:** 6/5/19 – Re-directing individuals to Article 21 will ensure consistency across the districts and will avoid unnecessary repeating of regulations in each Article. Furthermore, this standard is somewhat subjective as it does not provide a quantifiable measurable to enforce.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

loading/unloading area, plus a three (3) foot average height continuous planting, hedge, Fence, Accessory Wall, or earth mound. ~~The same parking lot perimeter screening shall also be provided adjacent to the public Right-of-Way. At least one (1) tree per five thousand (5,000) square feet of parking area shall be provided within the parking lot.~~

1711.03 All outdoor playing fields, courts and other similar outdoor recreation facilities must be secured at night to prevent unauthorized access. ~~While no lighting will be permitted on any such outdoor recreation facility, security lights may be approved for any permanent facilities at the site. Exterior lighting shall conform with the provisions of Article 21.~~

1711.04 The maximum Density allowed on any ~~parcel~~ Lot shall not exceed one (1) field for every five (5) acres.

1711.05 A minimum of thirty-five (35) parking spaces shall be provided for every field at the site. ~~All parking areas shall be constructed in accordance with Article 19 of this Resolution.~~

1711.06 A minimum eight (8) foot high landscaped screen or combination mound and plant material with a ninety percent (90%) year-round opacity shall be provided on any side of the site adjacent to parcels where Dwellings are a permitted Use. ~~If a mound is used it shall be constructed with no more than a 4 to 1 slope. Mounds shall not be constructed to restrict the natural flow of surface water to or from the site.~~

1711.07 Permanent toilet facilities, connected to a sanitary sewer or other approved on-site disposal system, must be provided with the following minimum number of fixtures:

Women - 5 toilets and 2 lavatories (minimum); and

Men - 1 toilet, 2 urinals and 2 lavatories (minimum).

Additional fixtures must be added at the rate of three (3) for every two (2) fields over four (4) fields per site.

1711.08 Accesses and Traffic Impact

Access shall be from an ~~arterial street or commercial collector or~~ Arterial or Collector Street or shall be provided in a manner that does not cause heavy traffic on residential streets.

Section 1712: ~~Horse Care~~ Sexually Oriented Businesses

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

~~1712.01 The Zoning Inspector may place a limit on the number of stock after consultation with the Delaware County Soil and Water Conservation District and the Delaware County Health Department. The limit shall be based upon the ratio of total acreage to the grazing requirements of horses, the method of feeding, and upon the method and frequency of waste disposal. As a general guide one horse for every two and one-half (2 ½) acres may be permitted.~~

~~1712.02 The owner or operator shall construct and maintain adequate fencing to contain the stock within the premises.~~

~~1712.03 The owner or operator shall utilize every reasonable means to minimize the number of insects, rodents or other vermin which may naturally be propagated as a result of operating the facility.~~

~~1712.04 Animal wastes shall be handled in such a manner as to eliminate or minimize the detection of offensive odors by surrounding property owners.~~

~~1712.05 The areas around Buildings and in horse grooming and exercise areas shall be graded so that water does not stand in pools. The owner or operator shall employ every reasonable means of reducing the encroachment of dust upon surrounding properties.~~

**Commented [SJ358]:** 6/5/19 – Re-directing individuals to Article 21 will ensure consistency across the districts and will avoid unnecessary repeating of regulations in each Article. Furthermore, this standard is somewhat subjective as it does not provide a quantifiable measurable to enforce.

**Commented [SJ359]:** This section is being deleted and re-purposed because Horse Care is largely exempt from zoning under State law

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 17: SPECIAL AND MISCELLANEOUS USES**

~~1712.06 The location of all Structures shall be subject to approval by the Zoning Inspector and shall adhere to the required front, rear and side yard Setbacks of the zoning District. Buildings or stables shall be located a minimum of five hundred (500) feet from any existing Dwelling and a minimum of two hundred (200) feet from any Side or Rear Lot Line.~~ 1712.01 Sexually Oriented Businesses are permitted only in the Districts expressly specified within this Zoning Resolution and shall be subject to the following restrictions:

~~A) Sexually Oriented Businesses shall not be permitted within one-thousand (1,000) feet, as measured from the closest Lot Line of each Use, unless otherwise specified, of:~~

- ~~1) Religious Establishments~~
- ~~2) Day Care Centers:~~
- ~~3) Public or private schools consisting of grades twelve (12) or lower;~~
- ~~4) Libraries;~~
- ~~5) Parks or playgrounds;~~
- ~~6) Cemeteries;~~
- ~~7) Any Dwelling within a Residential or Planned Residential Zoning District; or~~
- ~~8) Another Sexually Oriented Business.~~

~~B) Only one (1) Sexually Oriented Business is permitted in a single Structure. No co-location of Sexually Oriented Businesses shall be permitted within one (1) Structure.~~

~~C) Illicit material shall not be displayed publicly.~~

~~D) No Sexually Oriented Business shall be open for business prior to 10:00 a.m. or later than 11:00 p.m.~~

~~E) Viewing booths shall not be used in conjunction with any "touching business" that results in the touching of clients by employees or employees by clients.~~

~~F) Sexually Oriented Businesses that sell both mainstream media and Illicit material shall do so in accordance with the following:~~

- ~~1) Illicit material shall be physically and visually separated from mainstream media and shall not be displayed publicly.~~
- ~~2) Separation of Illicit material shall be by a solid opaque-walled enclosure at least eight (8) feet high or reaching to the ceiling.~~
- ~~3) Inventory marketed to and predominantly consumed by minors shall not be displayed within fifteen (15) feet of the entrance to the Illicit material section.~~
- ~~4) Access to the Illicit material section shall be controlled by electronic or other means to provide assurance that a person under eighteen (18) years of age will not obtain access, and the general public will not accidentally enter this section.~~
- ~~5) The Illicit material section shall provide Signs at its entrance warning that persons under the age of eighteen (18) are not permitted inside.~~
- ~~6) No Adult Arcades are permitted in Sexually Oriented Businesses selling mainstream media.~~
- ~~7) There shall be no more than one (1) designated area for Illicit material per store.~~
- ~~8) There shall be no exterior Signs that advertise Illicit material or media.~~

~~G) Prohibited Sexually Oriented Businesses. "Touching Businesses" such as Non-Therapeutic Massage Establishments, lap dancing, and Nude Model Studios that involve employee-client touching are not permitted in Genoa Township.~~

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

**Section 1713: ~~Exotic Animals~~ Accessory Dwellings**

~~1713.01~~ The following restriction applies to all districts.

~~1713.02~~ No person shall own, harbor, keep, breed, sell or import any exotic animals or reptiles. The term "exotic animal or reptiles" shall mean wild animals/reptiles not indigenous to Ohio.

~~1713.03~~ Exemptions to Section 1713.01 and special provisions include:

A) Exotic animals purchased or adopted and housed on the subject property prior to the adoption of this Zoning Resolution, provided a bill of sale or notarized statement which verifies the sale date is provided and that the exotic animal(s) is confined in a house, Building, or other enclosure in such a way that human contact, other than with the owner(s), cannot occur;

B) Wild animals held for exhibit or use by research institutions and other government agencies having legal authority to possess wild animals, publicly supported zoos, circuses, or extensions thereof; and

C) Any animal, which is commonly sold by a bona fide commercial pet shop.

~~1713.01~~ Accessory Dwellings shall only be permitted in Zoning Districts in which they have been expressly authorized within this Resolution. Conditional Use approval shall be required unless otherwise specified.

~~1713.02~~ Accessory Dwellings shall only be established on Lots that are one (1) acre or greater in size.

~~1713.03~~ The number of Accessory Buildings containing an Accessory Dwelling shall be limited to one (1) per Lot.

~~1713.04~~ Only one (1) Accessory Dwelling shall be permitted within an Accessory Building.

~~1713.05~~ An Accessory Dwelling may comprise up to one-hundred percent (100%) of an Accessory Building.

~~1713.06~~ The Floor Area of an Accessory Dwelling shall not exceed the Floor Area of the principal Dwelling it is accessory to.

~~1713.07~~ Accessory Buildings containing an Accessory Dwelling shall comply with all provisions established in Section 1609 as well as all other standards applicable to the Zoning District in which it is located. In instances of conflict, the provisions within this Section shall prevail.

**Section 1714: Agriculture**

~~1714.01~~ In accordance with ORC 519.21, Agriculture shall not be prohibited on Lots greater than five (5) acres. The use of any land for agricultural purposes or the construction or use of Buildings or Structures incidental to the agricultural Use of the land on which such Buildings or Structures are located shall not be prohibited on lots greater than five (5) acres and no Zoning Permit shall be required for any such Building, Structure, Use, or Sign.

Notwithstanding the foregoing, in any platted subdivision approved under Sections 711.05, 711.09 or 711.10 of the ORC, or in any area consisting of fifteen (15) or more Lots approved under Section 711.13.1 of the ORC that are Contiguous to one another, or some of which are Contiguous to one another and adjacent to one side of a dedicated public Road, and the balance of which are Contiguous to one another and adjacent to the opposite side of the same dedicated public Road, agricultural Uses and Structures are subject to the terms and conditions of this Resolution in the following manner:

A) Agricultural Uses, except for well-maintained gardens for a resident's personal enjoyment and/or consumption, are prohibited on Lots of one (1) acre or less unless such Use(s) is/are otherwise made to be compliant with the standards set forth in Section 1714.02.

**Commented [SJ360]:** Ohio significantly changed its dangerous animals laws after a major incident in the eastern part of the state several years back rendering this text out of date. Updated text speaking to this issue has been added as Section 1617.

**Commented [SJ361]:**

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

B) Buildings or Structures incidental to the use of land for agricultural purposes on Lots greater than one (1) acre but not greater than five (5) acres must conform to all Setback, size, and height requirements that apply in the underlying Zoning District.

A)C) Dairying and animal and poultry husbandry on Lots greater than one (1) acre but less than five (5) acres when at least thirty-five percent (35%) of the Lots in the subdivision are developed with at least one (1) Building, Structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the ORC are subject to the provisions of this Zoning Resolution. After thirty-five percent (35%) of the Lots are so developed, lawfully existing dairying and animal and poultry husbandry shall be considered Nonconforming Use of land, and Buildings or Structures pursuant to Section 519.19 of the ORC are thereafter prohibited.

1714.02 Agriculture on a Lot that is one (1) acre in size or less and/or which is not exempted from zoning by the Ohio Revised Code shall still comply all applicable provisions within Section 1714, any other standards or prohibitions within this Resolution, and the following:

A) Buildings housing animals and/or fowl as pets or for domestic use, excluding swine and goats, shall be set back fifty (50) or more feet from any Lot Line. Buildings housing swine and goats as pets or for domestic use shall be set back at least 200 feet from any Lot Line. These restrictions shall not be construed to apply to individual pens, pastures, or fields of less than five (5) acres if part of a larger portion of land devoted to such Use.

B) No animal being kept for agricultural purposes and weighing more than 150 pounds shall be permitted.

C) Agritourism and Farm Markets shall comply with all provisions of the Zoning District in which it is located, including, but not necessarily limited to: Setbacks, Lot Coverage, dimensional requirements, Signs, district standards, Floor Area requirements, access, parking, landscaping, and lighting, as well as Article 16, General Standards and Sections 1715 and 1716, respectively.

1714.03 When in conflict, the provisions of Section 1617, Dangerous Wild Animals, shall supersede Section 1714.02.

## Section 1715: Agritourism

1715.01 Pursuant to ORC Section 519.21(C)(4), Agritourism is permitted in any Zoning District but is subject to the following regulations. Agritourism regulations do not apply to Farm Markets where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. Though no Zoning Permit is required for such Use or any associated improvements, certain standards are necessary to protect the public health, safety, and general welfare. As such, the following shall apply:

A) All Buildings and Structures utilized primarily for Agritourism shall adhere to the minimum front, side, and rear Yard requirements established for the Zoning District in which it is located.

B) All Buildings and Structures utilized primarily for Agritourism shall not exceed thirty-five (35) feet in height.

C) All Buildings and Structures utilized primarily for Agritourism shall not exceed the maximum Lot Coverage requirements established for the Zoning District in which it is located. Should no maximum Lot Coverage requirement be established, the maximum size permitted for said Building or Structure shall be one thousand four hundred (1,400) square feet.

**Commented [SJ362]:** Language revised or added to conform with the ORC. Suggested language from Peter Griggs has been slightly modified to better fit the resolution.

**Commented [SJ363]:** 1-15-20 Revised so as not to lose regulations that currently exist within articles 6 and 8 as they pertain to non-exempt agricultural uses.

**Commented [SJ364]:** NOTE (1/16/20) – Added for clarity.

**Commented [SJ365]:** NOTE (1/16/20) - Added for clarity.

**Commented [JS366]:** Language revised or added to conform with the ORC. Suggested language from Peter Griggs has been slightly modified to better fit the resolution.

**Commented [JS367]:** Recommended by DCRPC via Peggy Hall at OSU Agricultural Law Center.

**Commented [SJ368]:** 9/18/2020 – Edited per Trustee comments.

**Commented [JS369]:** Explaining why the following standards exist is required by statute.

**Commented [JS370]:** Statute allows for the establishment of setback requirements. Staff recommends utilizing the setback requirements of the zoning district in which the improvement is located.

**Commented [JS371]:** Slightly modified DCRPC language.

**Commented [JS372]:** Statute allows for the establishment of building size restrictions. 1,400 SF is the minimum building size requirement for a 2-story home in most residential districts.

D) All Buildings and Structures utilized primarily for Agritourism shall conform to all applicable regulations established by the Delaware County Code Compliance Office.

E) All parking demands created by this use shall be met off the Street.

**Commented [JS373]:** Slightly modified DCRPC language.

F) Parking areas shall adhere to the following Setback requirements:

1) Fifty (50) feet from any Lot zoned for residential Use.

2) Fifteen (15) feet from any Lot zoned for non-residential Use.

**Commented [JS374]:** Statute allows for townships to regulate the size of the parking area but cannot dictate improvements, drainage, etc.

G) Safe and adequate ingress and egress must always be provided and maintained.

A)H) Waste materials, solid or liquid, shall not be created on or imported onto the premises at a level that creates a burden on adjoining property. Permanent or temporary sanitary waste disposal shall be provided as regulated by the Delaware General Health District or Sanitary Engineer.

**Commented [JS375]:** Slightly modified DCRPC language.

1715.02 Agritourism which is not exempted by the Ohio Revised Code shall still comply with all applicable provisions within Section 1715 as well as any other standards or prohibitions within this Resolution.

#### **Section 1716: Farm Markets**

1716.01 Farm Markets that derive at least fifty percent (50%) of their gross income from produce raised on Farms owned or operated by the Farm Market operator in a normal crop year are permitted in any Zoning District, subject to the following regulations:

A) Temporary and seasonal Buildings, tents, trailers and other Structures associated with a seasonal and temporary Farm Market shall be placed outside of the road Right-of-Way and located at least twenty-five (25) feet from the edge of any road pavement so as to safely allow for adequate ingress and egress and for customer Off Street Parking. Seasonal and temporary Farm Markets may use marked grassed areas reasonably cleared and limited in size for parking. In no case shall any portion of any road pavement be used for or considered customer parking to serve a Farm Market. If a culvert is required to obtain access to a seasonal and temporary Farm Market, the Farm Market operator shall obtain a driveway permit from the appropriate governmental agency. Temporary and seasonal Farm Markets are Farm Markets that are open to the public and operate for no more than a total of ninety (90) calendar days in a calendar year. Any temporary and seasonal Buildings, tents, trailers and other Structures associated with a Farm Market remaining for more than ninety (90) days in a calendar year shall be considered Structures associated with a permanent Farm Market and shall comply with the provisions of Subsection 1716.03.B below.

B) All Buildings and Structures associated with a permanent Farm Market shall meet the applicable Setback requirements for the underlying Zoning District. Parking for permanent Farm Markets shall be graveled or paved. Operators of a permanent Farm Market shall obtain a driveway permit from the appropriate governmental agency. Off Street Parking shall be provided at a ratio of one (1) space for each one hundred (100) square feet of Farm Market. Permanent Farm Markets are Farm Markets that are open to the public and operate for more than ninety (90) calendar days in a calendar year.

DRAFT

ZC 2020-03

SEPTEMBER 18, 2020

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

A)C) Farm Market Signs shall comply with all the applicable provisions within Article 18 of this Zoning Resolution.

1716.02 Farm Markets which are not exempted by the Ohio Revised Code shall still comply with all applicable provisions within Section 1716 as well as any other standards or prohibitions within this Resolution.

**Section 1717: Substance Abuse Treatment Clinics**

1717.01 Substance Abuse Treatment Clinics are permitted only in the Districts expressly specified within this Zoning Resolution and shall be subject to the following restrictions:

A) Substance Abuse Treatment Clinics shall not be permitted within one-thousand (1,000) feet, as measured from the closest Lot Line of each Use, unless otherwise specified, of:

- 1) Religious Establishments;
- 2) Day Care Centers;
- 3) Public or private schools consisting of grades twelve (12) or lower;
- 4) Libraries;
- 5) Parks or playgrounds;
- 6) Cemeteries;
- 7) Any Dwelling within a Residential or Planned Residential Zoning District; or
- 8) Another Substance Abuse Treatment Clinic.

B) Only one (1) Substance Abuse Treatment Clinic is permitted in a single Structure. No co-location of Substance Abuse Treatment Clinics shall be permitted within one (1) Structure.

**Commented [SJ376]:** Language provided by Peter Griggs. It has been slightly modified to better fit the resolution.

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**ARTICLE 18: SIGN STANDARDS****Section 1801: Intent and Purpose**

- 1801.01 Signs obstruct views, may distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. In addition to causing distractions and obstructions that may contribute to traffic and pedestrian accidents, Signs are as much subject to control as noise, odors, debris and like characteristics of a use that, if not controlled and regulated, may become a Nuisance to adjacent properties or the community in general.
- 1801.02 The intent and purpose of this Article is to regulate the size, color, illumination, movement, materials, location, height and condition of all Signs for exterior observation and to balance the protection of public health, safety, ~~and general welfare, and morals~~ of Genoa Township with the need to adequately identify, communicate, and advertise via Signs, by:
- A) preserving the noncommercial character of residential neighborhoods;
  - B) providing reasonable, yet appropriate, conditions for identifying businesses and services rendered in commercial districts;
  - C) reducing traffic and pedestrian hazards by restricting Signs, including Signs with lights and/or motion, which may exceed the viewers' capacity to receive information or which increase the probability of accidents created by distracting attention or obstructing vision;
  - D) promoting expeditious and safe navigation and wayfinding for pedestrian and vehicular traffic through legible and appropriate Signs;
  - E) preserving order, attractiveness, and cleanliness; maintaining open spaces, avoiding the appearance of clutter, and preventing Nuisances and invitations to vandalism;
  - F) requiring Signs be constructed and maintained in a structurally sound and attractive condition;
  - G) maintaining property values and ensuring compatibility with surrounding landscape and architecture including, but not limited to, areas of historical significance;
  - H) encouraging aesthetic quality in the design, location, and size of all Signs; and
  - I) protecting and encouraging a more attractive economic, business, and overall physical appearance of the community.
- 1801.03 This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article which can be given effect without the invalid provision.
- 1801.04 Genoa Township does not have jurisdiction to regulate Signs on property of the United States Government, the State of Ohio, Delaware County, or those Signs erected pursuant to, and in furtherance of, a governmental function thereof.

**Section 1802: General Provisions and Safety Requirements**

- 1802.01 Scope and Applicability.
- A) The requirements of this Article apply to all Signs, Sign Structures, Awnings, and other types of Sign devices located with Genoa Township, as defined within this Resolution, except as may be exempted or otherwise specified.
  - B) All Government Signs are hereby exempted from the restrictions of this Article and need not comply with any restriction contained hereinafter. The inclusion of "government" in describing some Signs does not intend to subject any of the aforementioned entities to regulation but, instead, is intended to help clarify the type of Sign that falls within the immunities of government from regulation.

Commented [SJ377]: 9/18/2020 – Edited per Trustee comments.

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## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 18: SIGN STANDARDS**

1802.02 No Zoning Permit shall be issued for an existing or proposed Sign requiring such permit pursuant to this Zoning Resolution unless said Sign is found to be consistent with the requirements of this Resolution as well as with any Legal Approval applicable to said Sign.

- A) Content of the message displayed on the Sign, whether it be Commercial Speech or Non-Commercial Speech, shall not be reviewed or considered in determining whether to approve or deny a Zoning Permit for a Sign, unless said speech is found to be Illicit.
- B) Any conflicting or more restrictive Sign provision located within any Legal Approval granted prior to adoption of this Article shall supersede this Article unless said provision is found to be illegal or content-based, in which case this Article shall prevail.
- C) Modifications or ~~alterations~~ **Alterations** to a Sign with pre-existing Legal Approval may require new or amended Legal Approval as established within, and in accordance with, this Zoning Resolution.

1802.03 Measurement.

- A) With regards to any existing or proposed Sign, the Zoning Inspector shall be authorized to determine each of the following:
  - 1) The type of Sign (including the type of Temporary Sign) within the definitions contained within this Resolution; or
  - 2) Whether a Sign Structure has a communicative element to it and is therefore part of the Sign Area; or
  - 3) The Height, Width, or other measurable characteristics of a Sign or component thereof; and
  - 4) Whether a Sign is Abandoned or Deteriorated as defined herein.
- B) For Signs with Internal Illumination, the entire lighted surface shall be considered part of the Sign Area.
- C) For spherical Sign Structures or portion(s) thereof, the sphere shall be dissected by an imaginary line through the center of the sphere and the surface area of the half sphere shall be counted as the Sign Face. The Zoning Inspector shall have discretion to use similar methods.
- D) For cubical Sign Structures or portion(s) thereof, the area of all display faces (all faces not parallel to the ground) shall be included in determining the Sign Area. The Zoning Inspector shall have discretion to use similar methods.
- E) The Zoning Inspector shall have discretion to use a similar method of calculation identified in Sections 1803.02.C and 1803.02.D for Sign Structures that are not flat but have non-cubical or non-spherical shapes.
- F) Where a Sign has two (2) or more display faces, the area of all faces of the Sign shall be included in determining the Sign Area unless:
  - 1) Two (2) display faces join back-to-back, parallel to each other, and are not more than twenty-four (24) inches apart; or
  - 2) Such faces meet and form a V-angle of less than forty-five (45) degrees.

1802.04 Prior to occupancy, each Building within Genoa Township shall be identified with street address numbers in Arabic numeral form.

- A) Residential Buildings shall be identified with reflective address numbers, not less than three (3) inches in height, posted on both sides of the mailbox for that Building. Address numbers may also be posted on the principal residential Structure. For residences located on a Common Access Drive, address numbers shall be located at the split of the drive ~~and also~~ **and** at the street. Common Wall Single-Family Attached Units and Residential Buildings whose mailboxes are located on the opposite side of the street shall place the address on the fronts of the

Building facing the street to show unit numbers contained within that Building. These addresses shall also be required on the mailbox(es).

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

1802.05 All Signs erected or located within Genoa Township shall be in conformance with the following requirements unless otherwise exempted and/or regulated by this Resolution:

- A) Sign Structures, and any Sign affixed to a Sign Structure, shall not be erected within, nor project into, any public Right-of-Way unless otherwise specified within this Article or authorized by the entity owning said Right-of-Way. Written proof of such authorization shall be required at the time of permit application.
- B) Signs shall not be erected on, or project over, any public property unless otherwise authorized by the public entity owning said property. Written proof of such authorization shall be required at the time of permit application.
- C) Signs shall not prevent free ingress to or free egress from any door, window, or fire escape.
- D) Signs shall not obstruct free and clear visibility at any intersection.
- E) Signs shall not be located or designed ~~so-as-to~~ interfere with, obstruct the view of any authorized traffic control Sign, signal, or device.
- F) No Sign shall be designed ~~so-as-to~~ mimic, or cause a reasonable person to confuse said Sign, with, a Government Sign or any public safety, warning, or notice Sign or device.
- G) Illumination.
- 1) External Illumination. External Illumination of a Sign shall be permitted by a white, steady, stationary light of reasonable intensity directed solely at the Sign and/or otherwise prevented from beaming directly onto adjacent properties or Right-of-Ways. Light fixtures shall be screened from view by site grading or evergreen shrubs. No exposed light sources are permitted.
  - 2) Internal Illumination. Internal Illumination of a Sign shall be permitted by white interior light of reasonable intensity with primary and secondary images lit or silhouetted on an opaque background. No additional background lighting or illuminated borders shall be permitted. This standard shall not apply to Electronic Message Center (EMC) Signs or Changeable Copy signs, where permitted.
  - 3) The level of illumination emitted or reflected from a Sign shall not be of intensity sufficient to constitute a demonstrable hazard to vehicular or pedestrian traffic on any Right-of-Way, Lot, easement, or parking lot from which the Sign may be viewed.
  - 3) No Sign shall make use of rotating, fluctuating, blinking, flashing, or intermittent lights. All lighting, indirect or internal, shall consist of constant illumination which is uniform in intensity.
  - 4) All lighting shall be properly directed and shielded ~~so-as-to~~ not create a Nuisance to surrounding properties or Right-of-Ways because of glare.
  - 5) Illumination of Signs via band or strip lighting shall be prohibited.
  - 6) Illumination shall not exceed one (1) Foot-candle at any Lot Line located immediately adjacent to a Planned Residential or Residential Zoning District.

- 7) No Sign within a Planned Residential or Residential Zoning District, or within one-hundred and fifty (150) feet of a Residential Zoning District, shall be illuminated between the hours of 12:00 a.m. midnight and 6:00 a.m.
- H) Signs shall not be posted, Attached, or otherwise applied to; trees, vegetation, rocks, traffic control Signs, bus shelters, utility poles, benches, street lights, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting Structure, unless otherwise permitted by this Resolution.
- I) Signs shall not be erected or located upon any property or Building without the consent of the owner(s) or an authorized representative. Written proof of such authorization shall be required at the time of application for Signs requiring a Zoning Permit.
- J) All Signs shall be placed so that at least six (6) feet of sidewalk, walkway, bikeway, pathway, or trail width clearance is provided and maintained at all times to allow for safe and convenient movement of pedestrians and bicyclists. No Signs shall be placed within a sidewalk, walkway, bikeway, pathway, or trail improvement less than six (6) feet wide.
- K) The maximum permitted Sign Height of a Sign shall be eight (8) feet unless otherwise regulated or exempted by this Article.
- L) No Sign shall extend or project above or beyond the roof line of a Building, Awning, Canopy, or Marquee.
- M) The minimum vertical clearance for all Building Mounted Signs shall be ten (10) feet, measured from the bottom of the Sign Structure to the finished grade immediately below the Sign. Such Signs erected over an area inaccessible to pedestrians or vehicles shall have no minimum vertical clearance requirement.
- N) The maximum projection distance from a Building for any Building Mounted Sign shall be four (4) feet.
- O) Signs shall not contain movement, the appearance of optical illusion or movement, or varying light intensity.

1802.06 All Signs shall be designed, constructed, and maintained in accordance with the following standards:

- A) Any and all applicable building, electrical, or other such third-party permits shall be obtained from Delaware County or any other public agency having authority prior to erection of a Sign.
- B) All Signs shall be maintained in good structural condition and in compliance with this Resolution as well as ~~any and all~~ applicable building codes, electrical codes, or other such codes, standards, or resolutions adopted by a legitimate public entity.
- C) All Signs shall be maintained in good physical condition with no chipped, peeling, or fading faces or structures and no loose or missing material or lettering. Metal surfaces shall be maintained free of rust. All Signs shall be maintained free of Deterioration, decomposition, and/or decay.
- D) Maintenance of Signs and associated landscaping shall be assumed to be the responsibility of the owner of the property or Building where the Sign is located unless a legally executed easement, covenant, maintenance agreement, contract or other such document stating otherwise is provided to the township as evidence proving otherwise.

1802.07 The standards, restrictions, provisions, or requirements of any legitimate and recognized public government entity, agency, law, act, or order, having jurisdiction, such as, but not limited to, the Americans with Disabilities Act (ADA), shall supersede any conflicting standards, restrictions, provisions, or requirements within this Zoning Resolution. Approval of a Zoning Permit for a Sign by Genoa Township shall not constitute verification of compliance with the Americans with Disabilities

Act (ADA) or any other standard, restriction, provision, or requirement of any non-Township entity, agency, law, act, or order.

1802.08 Refacing or repainting of any existing Sign, whether it be a legal Nonconforming Sign or erected under an approved Zoning Permit, shall be permitted without obtaining a Zoning Permit so long as said Sign has no open or pending zoning violations and is one-hundred (100%) consistent with the existing Sign that is being replaced in regards to; Sign Area, Sign Structure, Sign Height, type, location, spacing, number, dimensions, Setbacks, vertical clearance, projection distance, illumination, and brightness. Such Signs will still be required to comply with all other applicable provisions or standards of this Zoning Resolution. The Zoning Inspector shall have discretion to determine ~~whether or not whether~~ the refacing or repainting of a Sign complies with the spirit and intent of this sub-section.

1802.09 Any Refacing of a Sign that requires the modification, alteration, or expansion of ~~the aforementioned said Sign~~ shall not be eligible for Zoning Permit exemption and shall be required to comply with all applicable standards of this Resolution. Such a Sign must be brought into compliance with all provisions of this Resolution within thirty (30) days.

#### Section 1803: Authorized Signs for All Zoning Districts

1803.01 The following Signs are authorized in every ~~zoning~~ Zoning District without a Zoning Permit, unless otherwise restricted or prohibited by the Table of Permitted Sign Types by Zoning District:

- A) Government Signs in accordance with Section 1802.01.B of this Article.
- B) Any Sign required to be posted by the Federal government, the State of Ohio, Delaware County, Genoa Township, or sub-entity thereof.
- C) Traffic control devices on private or public property erected and maintained to comply with the Manual on Uniform Traffic Control Devices (MUTCD) adopted by the Federal Highway Administration (FHA).
- D) Any non-Temporary Sign permitted by the Table of Permitted Sign Types by Zoning District whose Sign Area equals eight (8) square feet or less and whose Sign Height measures four (4) feet or less. ~~Any Sign with a Sign Area of two (2) square feet or less which is also two (2) feet or less in height, regardless of type, shall also be permitted unless said type is outright prohibited in Section 1808.~~
- E) Any Sign permitted by the Table of Permitted Sign Types by Zoning District whose Sign Area is sixty (60) square feet or less in size, is set back one-hundred (100) feet or more from any Lot ~~Line, and Line and~~ is not intended to be visible from any immediately adjacent Right-of-Way.
- F) Address Signs subject to the size and location restrictions contained in this Article.
- G) Awning Signs.
- H) Billboard Signs
  - 1) Minimum Acreage required: One (1) acre.
  - 2) Maximum Number permitted: One (1) per Lot or Tract.
    - a) No Billboard Sign shall be located within two-thousand six-hundred and forty (2,640) feet in any direction of any other existing or proposed Billboard Sign.
    - b) No Billboard Sign shall be permitted on any Lot or Tract which already contains a Sign.
    - c) No other Sign shall be permitted on any Lot or Tract containing a Billboard Sign.
  - 3) Maximum Sign Area permitted:
    - a) Non-Residential Zoning Districts: Three-hundred (300) square feet.
    - b) Planned Residential and Residential Zoning Districts: Sixty-four (64) square feet.

**Commented [S3378]:** NOTE (1/16/20) – Added to avoid the unintentional prohibition of small, inconsequential signs.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 18: SIGN STANDARDS

- c) No Billboard Sign shall have more than two (2) sides or surfaces and the display area of any one (1) side or surface shall not exceed one-half of the total display area permitted.
  - d) The length of a Billboard Sign shall not ~~be in excess of~~exceed four (4) times the height of the Sign Area.
- 4) Maximum Sign Height permitted:
  - a) Non-Residential Zoning Districts: Thirty-five (35) feet.
  - b) Planned Residential and Residential Zoning Districts: Fifteen (15) feet.
- 5) Minimum Setbacks:
  - a) Seventy-five (75) feet from any right-of-way or Lot Line adjacent, in part or in whole, to a Non-Residential Zoning District.
  - b) One-hundred (100) feet from Lot Lines which are immediately adjacent, in part or in whole, to a Planned Residential or Residential Zoning District.
  - c) One-thousand (1,000) feet from any Residential Dwelling.
- 6) Illumination permitted: External Illumination in accordance with Section 1802.05.G. No direct ray of light shall extend above or beyond the face of the Sign.
- 7) No Billboard, or portion thereof, shall consist of an Electronic Message Center (EMC) Sign or an Animation or Video Display Sign.
- I) Bulletin Boards of twelve (12) square feet or less.
- J) Flags. Sign Height restrictions within this Article shall not apply to Flags. Flags may encroach into a public Right-of-Way so long as:
  - 1) The Flag's supporting Structure does not encroach into the public Right-of-Way pursuant to Section 1802.05.A; and
  - 2) The minimum vertical clearance of the bottom of the Flag over the public Right-of-Way is at least ten (10) feet.
- K) Human Signs.
- L) Integral Ground Signs.
- M) Landscape Signs.
- N) Light Pole Signs.
- O) Monuments, sculptures, and other similar forms of public or private artwork.
- P) Sidewalk Signs;
  - 1) Any such Sign shall not exceed ten (10) square feet in area per side.
  - 2) Any such Sign shall not exceed four (4) feet in total height, including the Sign Structure.
  - 3) Location:
    - a) Any such Signs shall only be placed within two (2) feet of a sidewalk, walkway, bikeway, trail, or other similar non-motorized pedestrian way.
    - b) Any such Signs shall be located no closer than two (2) feet to any public or private street Right-of-Way.
- Q) Temporary Signs.
  - 1) Temporary Signs, Large.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 18: SIGN STANDARDS

- a) Such Signs shall not require a ~~Zoning permit-Permit~~ so long as they are erected for no more than seventy-two (72) consecutive hours in a thirty (30) day period.
  - b) Such Signs shall still be required to comply with the standards established in Section 1803.01.Q3) below.
- 2) Temporary Signs, Small.
- a) The maximum number permitted on a Lot shall be as follows:
    - i) Non-Residential Zoning Districts: One (1) per Lot plus one (1) per every two-hundred (200) feet of Lot Frontage on a public or private street.
    - ii) Planned Residential and Residential Zoning Districts: One (1) per Tract plus one (1) per every one-hundred and fifty (150) feet of frontage on a public or private street.
    - iii) Small Temporary Signs located seventy-five (75) feet or more away from a Right-of-Way, regardless of ~~zoning-Zoning district~~District, shall not count towards the aforementioned maximums.
  - b) Such Sign shall have no minimum spacing requirements.
  - c) Such Sign shall be placed no closer than two (2) feet to any ~~property-line~~Lot Line or street Right-of-Way.
  - d) Such Signs shall be permitted to be erected without a Zoning Permit for no more than ninety (90) consecutive days. Small Temporary Signs erected for more than ninety (90) consecutive days shall require a ~~Zoning permit-Permit~~ and shall be subject to the restrictions set forth under Section 1803.01.Q3) below.
- 3) All Temporary Signs which are not exempt from permit, as identified above, shall adhere to the following:
- a) Maximum number permitted: One (1) per ~~each Lot~~ ~~or each Limited Common Element Area, which must be situated on said Lot or Limited Common Element Area, or and one (1) per~~ Tract.
    - i) Small Temporary Signs not requiring a ~~Zoning permit-Permit~~ pursuant to Section 1803.01.Q shall not count towards this requirement.
    - ii) Temporary Signs that are erected in lieu of a permitted Sign that is being repaired or replaced shall not count towards this requirement so long as said Sign is erected in the exact same location and is equal to or smaller than the Sign it is temporarily replacing.
    - iii) ~~The number of Signs on any single given Lot, Limited Common Element Area, or Tract shall not count toward the permitted maximum on any other Lot, Limited Common Element Area, or Tract.~~
    - iv) ~~The number of Signs permitted, in whole or in part, on any Lot, Limited Common Element Area, or Tract shall not be transferrable to any other Lot, Limited Common Element Area, or Tract.~~
  - b) Maximum Sign Area permitted per Lot, Limited Common Element Area, or Tract:
    - i) Non-Residential Zoning Districts: Sixty (60) square feet.
    - ii) Planned Residential and Residential Zoning Districts: Thirty (30) square feet.
    - iii) Temporary Signs erected in lieu of a permitted Sign that is being repaired or replaced, for a period less than ninety (90) consecutive days, shall be permitted to be as large as the Sign it is temporarily replacing so long as it is erected in the exact same location as the Sign being repaired or replaced.

**Commented [SJ379]:** 2/28/2019 – Revision made to prevent misapplication of the code. The intent was to allow 1 such sign on each lot (or limited common element area which has been added to address condos) and 1 per tract. The current text made it sound like you could do one or the other but not both. Having a sign for the tract should not preclude a individual lot from having a sign and vice-versa. It is likely the HOA/COA regulations will further restrict these items in their neighborhoods.

**Commented [SJ380]:** 2/28/19 – Added for clarification.

**Commented [SJ381]:** 2/28/19 – Added for clarification.



iv) ~~Permitted square footage on any single given Lot, Limited Common Element Area, or Tract shall not count towards the permitted maximum on any other Lot, Limited Common Element Area, or Tract.~~

Commented [SJ382]: 2/28/19 - Added for clarification.

v) ~~Permitted square footage, or portions thereof, shall not be transferrable to any other Lot, Limited Common Element Area, or Tract.~~

Commented [SJ383]: 2/28/19 – Added for clarification

- c) Maximum Sign Height permitted: Six (6) feet.
- d) Minimum Setbacks: Ten (10) feet from any Right-of-Way or Lot Line.
- e) Illumination permitted: External Illumination in accordance with Section 1802.05.G.
- f) Zoning Permits for such Signs erected longer than ninety (90) consecutive days shall be renewed by the applicant of record for the Sign, or ~~his/her~~their designee, once a year. For the purposes of this provision, a year shall be measured from the date the original Zoning Permit was issued.

Commented [SJ384]: 9/18/2020 – Edited per Trustee comments.

- R) Vehicle Signs and other Signs and/or graphics which are printed, wrapped, painted or otherwise permanently or semi-permanently adhered or incidental to machinery, computers, pumps, and/or other similar pieces of equipment.
- S) Window Signs located on the interior side of said window.
- T) Any Sign located inside a Building or a Structure.
- U) Signs specifically related to the practice of Agriculture, Agritourism, or the operation of a ~~Farm Market~~Farm Market pursuant to ORC 512.21, as may be amended.
- V) Any existing Sign, whether it be a legal Nonconforming Use or erected under an approved Zoning Permit, that has no open or pending zoning violations may be replaced with a new Sign, regardless of content, without having to obtain a new Zoning Permit so long as the new Sign is one-hundred percent (100%) consistent with the existing Sign that is being replaced in regards to type, location, spacing, number, Sign Area, dimensions, Sign Height, setbacks, vertical clearance, projection distance, illumination, and brightness. Such Signs will still be required to comply with all other applicable provisions or standards of this Zoning Resolution. Any replacement Sign which requires the modification, ~~alteration~~Alteration, or expansion of the structure(s) or components supporting the Sign shall not be eligible for Zoning Permit exemption and shall be required to obtain a Zoning Permit and comply with all applicable standards of this Zoning Resolution. The Zoning Inspector shall have discretion to determine ~~whether or not~~whether the replacement of a Sign complies with the spirit and intent of this subsection.

1803.02 Any Sign permitted by the Table of Permitted Sign Types by Zoning District but not specifically identified as being exempt from obtaining a Zoning Permit in Section 1803.01 above, shall require a Zoning Permit be obtained prior to installation unless otherwise specified herein.

#### Section 1804: Non-Residential Zoning District Regulations

- 1804.01 The following restrictions shall apply to all Lots and Tracts within a Non-Residential Zoning District.
- 1804.02 Explanation and Rationale. The purpose of these Non-Residential Zoning District Regulations is to allow for commercial character of non-residential neighborhoods in accordance with Section 1801 of this Article. As such, the regulation of Sign types, sizes, colors, illumination, movements, materials, location, height, and other non-content related matters related to Signs on Lots or Tracts located within Non-Residential Zoning Districts will be different than those established for Signs located on Lots within Planned Residential or Residential or Zoning Districts.
- 1804.03 Authorized Signs and Prohibited Signs. Signs within Non-Residential Zoning Districts shall be authorized or prohibited in accordance with the Table of Permitted Sign Types by Zoning District and Sections 1802 and 1808 of this Article.

1804.04 Base Restrictions on Signage. The amount of signage permitted shall be determined by the amount of Frontage of each Lot or Tract.

Frontage	Max. # of Signs	Sign Structure			Max. Message Area	Max. Chngbl. Copy/EMC Area <sup>2</sup>
		Total Permitted Size (sq. ft.)	Max. Height	Max. Width		
≤ 99.99 feet	One (1) Building Mounted One (1) Freestanding <sup>1</sup>	n/a	Eight (8) feet	n/a	Building Mounted = One-quarter (0.25) of a square foot per one (1) linear foot of Lot or Tract frontage (cumulative)  Freestanding = Twenty-five (25) square feet per side	Fifty percent (50%) of the Max Message Area or fifty (50) square feet, whichever is smaller
100 – 299.99 feet	Two (2) Building Mounted One (1) Freestanding <sup>1</sup>					
≥ 300	Two (2) Building Mounted, Two (2) Freestanding <sup>1</sup>					

<sup>1</sup> See Section 1803.01.H for Billboard Sign regulations.

<sup>2</sup> See Section 1804.10 for Electronic Message Center (EMC) Sign regulations.

1804.05 Adjustments to Base Restrictions. The Base Restrictions on Signage permitted in Section 1804.04 hereinabove may be adjusted based upon the following (where any calculation results in a partial number, the calculation's result shall be rounded to the nearest usable unit, with any calculation of 0.500 or lower being rounded down, and any calculation of 0.501 or higher being rounded up):

- A) Lot or Tract Size. Lots or Tracts of the following sizes shall be entitled to increase any or all Base Restrictions of Signage stated in Section 1804.04 as defined below:

LOT OR TRACT SIZE	PERCENTAGE
≤ 1.99 acres	No Bonus
2 – 9.99 acres	Five percent (5%)
≥ 10 acres	Ten percent (10%)

- B) Width of Right-of-Way. Any or all Base Restrictions of Signage stated in Section 1804.04 may be increased based upon the width of the Right-of-Way that abuts the Lot or Tract. For purposes

of this subsection, the width shall be measured at the narrowest point directly adjacent to the Lot or Tract.

WIDTH	PERCENTAGE
≤ 74.99 feet	No Bonus
75 – 99.99 feet	Five percent (5%)
≥ 100 feet	Ten percent (10%)

- C) ~~C)~~ Speed Limit on Roadway. Any or all Base Restrictions of Signage stated in Section 1804.04 may be increased based upon the speed limit upon the Right-of-Way that abuts the Lot or Tract. The speed limit shall be measured at the slowest permitted speed directly adjacent to the Lot or Tract.

SPEED LIMIT	PERCENTAGE
≤ 34.99 MPH	No Bonus
35 – 44.99 MPH	Five percent (5%)
45 – 54.99 MPH	Ten percent (10%)
55+ MPH	Fifteen percent (15%)

- D) Height of Building. Any or all Base Restrictions on Signage stated in Section 1804.04 may be increased based upon the height of the largest Building which is visible from the public Right-of-Way on the Lot or Tract.

HEIGHT	PERCENTAGE
≤ 19.99 feet	No Bonus
20 – 34.99 feet	Five percent (5%)
≥ 35 feet	Ten percent (10%)

- E) Square footage of Building on Property. Any or all maximum signage requirements stated in Section 1804.04 may be increased based upon the Floor Area of all permitted Primary Structures on the Lot or Tract.

TOTAL SQUARE FOOTAGE	PERCENTAGE
≤ 9,999 square feet	No Bonus
10,000 – 64,999 square feet	Five percent (5%)
≥ 65,000 square feet	Ten percent (10%)

- F) Square footage on a façade. Any or all maximum signage requirements stated in Section 1804.04 may be increased based upon the total square footage of the façade of the largest Building which faces the public Right-of-Way on the Lot or Tract.

TOTAL SQUARE FOOTAGE	PERCENTAGE
≤ 1,999 square feet	No Bonus
2,000 – 5,000 square feet	Five percent (5%)
≥ 5,000 square feet	Ten percent (10%)

**1804.06 Maximum Sign Restrictions Regardless of Adjustment.**

- A) All applicable Signs shall comply with the following restrictions, which may not be adjusted according to the Adjustments to Base Restrictions in Section 1804.05.

Frontage	Max. # of Signs	Sign Structure			Max. Message Area	Max. Chngbl. Copy/EMC Area <sup>2</sup>
		Total Permitted Size (sq. ft.)	Max. Height	Max. Width		
≤ 99.99 feet	Two (2) Building Mounted, Two (2) Freestanding <sup>1</sup>	n/a	Ten (10) feet	n/a	Building Mounted = One-third (0.33) of a square feet per linear foot of Lot or Tract frontage (cumulative)  Freestanding = Thirty-five (35) square feet per side	Sixty percent (60%) of the Max Message Area or sixty (60) square feet, whichever is smaller
100 – 299.99 feet	Three (3) Building Mounted, Two (2) Freestanding <sup>1</sup>					
≥ 300	Three (3) Building Mounted, Three (3) Freestanding <sup>1</sup>					

<sup>1</sup> See Section 1803.01.H for Billboard Sign regulations.  
<sup>2</sup>See Section 1804.10 for Electronic Message Center (EMC) Sign regulations.

1804.07 Setbacks. All Signs shall be set back a minimum of ten (10) feet from the Right-of-Way unless otherwise permitted by this Resolution.

1804.08 Illumination of Signs shall be as specified in Section 1802.05.G.

1804.09 Temporary Signs shall be permitted in accordance with Section 1803.01.Q.

**1804.10 Electronic Message Center (EMC) Signs**

- A) Such Signs shall not be permitted on any property that contains an existing or proposed Changeable Copy Sign unless the latter Sign is being completely removed in favor of the former.
- B) Such Signs shall be incorporated into a Ground Monument or Wall Sign.

- C) Maximum number permitted: One (1) per Lot.
- D) All images, messages, and graphics displayed shall be static. Animation and Video Displays are prohibited as is the use of streaming or full-motion video.
- E) Each individual message or display shall be displayed a minimum of fifteen (15) consecutive seconds.
- F) The transition from one static display to another shall be instantaneous without any effects including, but not necessarily limited to the following transition types; fading, flashing, spinning, revolving, scrolling, slot machine, splice, mesh, radar, kaleidoscope, spin, swipe, or any other such transition.
- G) The entire Sign display shall be solid black or blank for a minimum period of three (3) seconds between each message.
- H) The images and message displayed shall be complete in themselves without continuation in content to the next image or message or to any other Sign.
- I) Displays shall be equipped with a means to immediately discontinue the display in the case of malfunction.
- J) Such Signs shall not contain movement, the appearance or optical illusion of movement, or varying light intensity.
- K) Brightness.
  - 1) Any such Sign shall have a mechanism which automatically adjusts the illuminative brightness of the display.
  - 2) No Sign shall be brighter than five-thousand (5,000) Nits between sunrise and sunset.
  - 3) No Sign shall be brighter than two-hundred and fifty (250) Nits between sunset and sunrise.
  - 4) The intensity of the Sign light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety, or ~~general~~ welfare.
  - 5) The brightness of a Sign may not interfere with nearby traffic control devices, regardless of ~~whether or not~~ whether the Sign in question was in place prior to said device.
  - 6) Brightness shall be measured in accordance with industry standards.

Commented [SJ385]: 9/18/2020 – Edited per Trustee comments.

#### Section 1805: Planned Residential Zoning District Regulations

- 1805.01 The following restrictions shall apply to all Tracts within a Planned Residential Zoning District. Individual Lots within a Planned Residential Zoning District shall be subject to the regulations set forth in Section 1806, Residential Zoning District Regulations.
- 1805.02 Explanation and Rationale. The purpose of these Planned Residential Zoning District Regulations is to preserve the non-commercial character of planned residential neighborhoods in accordance with Section 1801 of this Article and to allow for and promote the development of neighborhoods with a cohesive and consistent aesthetic. As such, the regulation Sign types, sizes, colors, illumination, movements, materials, location, height, and other non-content related matters related to Signs on Lots located within Planned Residential Zoning Districts will be different than those established for Signs located on Lots within Residential or Non-Residential Zoning Districts.
- 1805.03 Authorized Signs and Prohibited Signs. Signs within Planned Residential Zoning Districts shall be authorized or prohibited in accordance with the Table of Permitted Sign Types by Zoning District and Sections 1802 and 1808 of this Article.

## 1805.04 Base Restrictions on Signage.

Frontage	Max. # of Signs	Sign Structure			Max. Message Area	Max. Chngbl. Copy/EMC Area
		Total Permitted Size (sq. ft.)	Max. Height	Max. Width		
Any	One (1) Building Mounted Sign per Tract  One (1) Freestanding Sign per direct public vehicular access point onto an Arterial or Collector Street plus one (1) per Tract <sup>1</sup>	n/a	Six (6) feet	n/a	Building Mounted = Twenty (20) square feet (cumulative)  Freestanding = Twenty (20) square feet per side	Not permitted

<sup>1</sup> See Section 1803.01.H for Billboard Sign regulations.

1805.05 Adjustments to Base Restrictions. The Base Restrictions on Signage permitted in Section 1805.04 hereinabove may be adjusted based upon the following (where any calculation results in a partial number, the calculation's result shall be rounded to the nearest usable unit, with any calculation of 0.500 or lower being rounded down, and any calculation of 0.501 or higher being rounded up):

- A) Tract Size. Tracts of the following sizes shall be entitled to increase any or all Base Restrictions of Signage stated in Section 1805.04 as defined below:

TRACT SIZE	PERCENTAGE
≤ 24.99 acres	No Bonus
25 – 49.99 acres	Five percent (5%)
50 – 74.99 acres	Ten percent (10%)
≥ 75 acres	Fifteen percent (15%)

- B) Width of Right-of-Way. Any or all Base Restrictions of Signage stated in Section 1805.04 may be increased based upon the width of the Right-of-Way that abuts the Tract. For purposes of this subsection, the width shall be measured at the narrowest point directly adjacent to the Tract.

WIDTH	PERCENTAGE
≤ 74.99 feet	No Bonus
75 – 99.99 feet	Five percent (5%)
≥ 100 feet	Ten percent (10%)

- C) Speed Limit on Roadway. Any or all Base Restrictions of Signage stated in Section 1805.04 may be increased based upon the speed limit upon the Right-of-Way that abuts the Tract. The speed limit shall be measured at the slowest permitted speed directly adjacent to the Tract.

SPEED LIMIT	PERCENTAGE
≤ 34.99 MPH	No Bonus
35 – 44.99 MPH	Five percent (5%)
45 – 54.99 MPH	Ten percent (10%)
55+ MPH	Fifteen percent (15%)

1805.06 Maximum Sign Restrictions Regardless of Adjustment.

- A) All applicable Signs shall comply with the following restrictions, which may not be adjusted according to the Adjustments to Base Restrictions in Section 1805.05.

Frontage	Max. # of Signs	Sign Structure			Max. Message Area	Max. Chngbl. Copy/EMC Area
		Total Permitted Size (sq. ft.)	Max. Height	Max. Width		
Any	Two (2) Building Mounted Signs per Tract  Two (2) Freestanding Sign per direct public vehicular access point onto an Arterial or Collector Street plus two (2) per Tract <sup>1</sup>	n/a	Eight (8) feet	n/a	Building Mounted = Twenty-six (26) square feet (cumulative)  Freestanding = Twenty-six (26) square feet per side	Not permitted

<sup>1</sup> See Section 1803.01.H for Billboard Sign regulations.

1805.07 Setbacks. All Signs shall be set back a minimum of ten (10) feet from the Right-of-Way unless otherwise permitted by this Resolution.

1805.08 Illumination of Signs shall be as specified in Section 1802.05.G.

1805.09 Temporary Signs shall be permitted in accordance with Section 1803.01.Q.

**Section 1806: Residential Zoning District Regulations**

1806.01 The following restrictions shall apply to all Lots within a Residential Zoning District.

1806.02 Explanation and Rationale. The purpose of these Residential Zoning District Regulations is to preserve the non-commercial character of residential neighborhoods in accordance with Section

**ARTICLE 18: SIGN STANDARDS**

1801 of this Article. As such, the regulation of Sign types, sizes, colors, illumination, movements, materials, location, height, and other non-content related matters related to Signs on Lots located within Residential Zoning Districts will be different than those established for Signs located on Lots or Tracts within the Non-Residential or Planned Residential Zoning Districts.

- 1806.03 Authorized Signs and Prohibited Signs. Signs within Residential Zoning Districts shall be authorized or prohibited in accordance with the Table of Permitted Sign Types by Zoning District and Sections 1802 and 1808 of this Article.

- 1806.04 Base Restrictions on Signage. The signage permitted shall be determined by the amount of Frontage of each Lot.

Frontage	Max. # of signs	Sign Structure			Max. Message Area	Max. Chngbl. Copy/EMC Area
		Total Permitted Size (sq. ft.)	Max. Height	Max. Width		
≤ 149.99 feet	One (1) Building Mounted, One (1) Freestanding <sup>1</sup>	n/a	Four (4) feet	n/a	Sixteen (16) square feet (cumulative)	Not permitted
≥ 150 feet	One (1) Building Mounted, Two (2) Freestanding <sup>1</sup>					

<sup>1</sup>See Section 1803.01.H for Billboard Sign regulations.

- 1806.05 Adjustments to Base Restrictions. The Base Restrictions on Signage permitted in Section 1806.04 hereinabove may be adjusted based upon the following (where any calculation results in a partial number, the calculation's result shall be rounded to the nearest usable unit, with any calculation of 0.500 or lower being rounded down, and any calculation of 0.501 or higher being rounded up):

- A) Lot Size. Lots of the following sizes shall be entitled to increase any or all Base Restrictions of Signage stated in Section 1806.04 as defined below:

LOT SIZE	PERCENTAGE
≤ 0.49 acres	No Bonus
0.5 – 2.49 acres	Five percent (5%)
2.5 – 4.99 acres	Ten percent (10%)
≥ 5 acres	Fifteen percent (15%)

- B) Width of Right-of-Way. Any or all Base Restrictions of Signage stated in Section 1806.04 may be increased based upon the width of the Right-of-Way that abuts the Lot. For purposes of this subsection, the width shall be measured at the narrowest point directly adjacent to the Lot.

WIDTH	PERCENTAGE
≤ 74.99 feet	No Bonus
75 – 99.99 feet	Five percent (5%)
≥ 100 feet	Ten percent (10%)



- C) Speed Limit on Roadway. Any or all Base Restrictions of Signage stated in Section 1806.04 may be increased based upon the speed limit upon the Right-of-Way that abuts the Lot. The speed limit shall be measured at the slowest permitted speed directly adjacent to the Lot.

SPEED LIMIT	PERCENTAGE
≤ 34.99 MPH	No Bonus
35 – 44.99 MPH	Five percent (5%)
45 – 54.99 MPH	Ten percent (10%)
55+ MPH	Fifteen percent (15%)

- D) Height of Building. Any or all Base Restrictions on Signage stated in Section 1806.04 may be increased based upon the height of the largest Building which is visible from the public Right-of-Way on the Lot.

HEIGHT	PERCENTAGE
≤ 19.99 feet	No Bonus
20 – 34.99 feet	Five percent (5%)
≥ 35 feet	Ten percent (10%)

- E) Square footage of Building on Property. Any or all maximum signage requirements stated in Section 1806.04 may be increased based upon the Floor Area of the Primary Structures on the Lot.

TOTAL SQUARE FOOTAGE	PERCENTAGE
≤ 1,099 square feet	No Bonus
1,011 – 2,499 square feet	Five percent (5%)
≥ 2,500 square feet	Ten percent (10%)

1806.06 Maximum Sign Restrictions Regardless of Adjustment.

- A) All applicable Signs shall comply with the following restrictions, which may not be adjusted according to the Adjustments to Base Restrictions in Section 1806.05.

Frontage	Max. # of Signs	Sign Structure			Max. Message Area	Max. Chngbl. Copy/EMC Area
		Total Permitted Size (sq. ft.)	Max. Height	Max. Width		
≤ 149.99 feet	Two (2) Building Mounted, Two (2) Freestanding	n/a	Six (6) feet	n/a	Twenty-four (24) square feet (cumulative)	Not permitted
≥ 150 feet	Three (3) Building Mounted, Four (4) Freestanding					

<sup>1</sup> See Section 1803.01.H for Billboard Sign regulations.

1806.07 Setbacks. All Signs shall be set back a minimum of ten (10) feet from the Right-of-Way unless otherwise permitted by this Resolution.

1806.08 Illumination of Signs shall be as specified in Section 1802.05.G.

1806.09 Temporary Signs shall be permitted in accordance with Section 1803.01.Q.

#### Section 1807: Nonconforming Signs

- 1807.01 The continuance of an existing Sign that does not meet the regulations and requirements of this Resolution shall be deemed a Nonconforming Sign that shall terminate upon becoming an Abandoned Sign.
- 1807.02 A Sign that is deemed a Nonconforming Sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this section.
- 1807.03 A Sign that is deemed a Nonconforming Sign shall be maintained or repaired in accordance with the following provisions:
- A) The size and structural shape shall not be changed or altered.
  - B) In case damage occurs to the Sign to the extent of fifty percent (50%) or more of either the Structure or the replacement value of the Sign, said Sign shall be brought into one hundred percent (100%) compliance with this Zoning Resolution. Where damage to the Sign is less than fifty percent (50%) of the Structure or its replacement value, the Sign shall be repaired within sixty (60) days. If the Sign is not repaired, it shall be removed in accordance with Section 1809.

#### Section 1808: Prohibited Signs

- 1808.01 The following Signs are prohibited within the Township:
- A) All Signs not expressly authorized or exempted from regulation in accordance with this Resolution, including those identified as being prohibited on the Table of Permitted Sign Types by Zoning District.
  - B) Any Sign which has been constructed or installed without obtaining all required permits or is otherwise in violation of the provisions of this Resolution.
  - C) Abandoned Signs.
  - D) Non-Government Signs erected on public property without consent of the owner of said property.
  - E) Any Sign containing content that is considered Illicit unless said content is a permissible expression under the First Amendment of the United States Constitution and therefore not subject to regulation by Genoa Township.
  - F) Animation or Video Displays on any Sign requiring a Zoning Permit or that is intended to be viewed from the Right-of-Way.
  - G) Window Signs located on the exterior side of said window and larger than eight (8) square feet in size unless otherwise exempted or expressly permitted within this Resolution; and
  - H) Temporary Signs exceeding sixty (60) square feet in total Sign Area, unless otherwise expressly permitted by this Resolution.

#### Section 1809: Removal of Signs

- 1809.01 All Signs erected within Genoa Township under this Zoning Resolution are subject to inspection, whether a Zoning Permit is required or not.
- 1809.02 The Zoning Inspector, or his/her/their designee, may revoke a Zoning Permit for the following reasons:
- A) Information provided in the Zoning Permit application is found to be materially false or misleading;
  - B) The Sign as installed does not conform to its Legal Approval;

Commented [SJ386]: 9/18/2020 – Edited per Trustee comments.

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 18: SIGN STANDARDS**

- C) The Sign is in violation of this Resolution or any other applicable laws or codes adopted by a legitimate government agency having jurisdiction;
- D) The Sign has not been maintained in accordance with the provisions of this Article;
- E) The Sign has been determined to be objectionable, noxious, or dangerous pursuant to Section 1611;
- F) The Sign has been determined to be insecure, unsafe, or structurally defective pursuant to Section 1612;
- G) The Sign is prohibited by Section 1808.

1809.03 Unattended Signs on public property, including, but not necessarily limited to, parks and Rights-of-Way shall be considered Abandoned Signs and may be disposed or destroyed without notice. Such disposal or destruction is not subject to appeal.

1809.04 Signs found to be in violation of this Article shall be subject to the provisions of Section 116 of this Resolution.

1809.05 Abandoned Signs shall be removed, replaced, or repaired within thirty (30) days of notification by the Zoning Inspector or ~~his/her~~their designee.

**Section 1810: Substitution**

1810.01 Signs containing Non-Commercial Speech are permitted anywhere that Signs containing Commercial Speech are permitted, subject to the same regulations applicable to any such Sign.

Commented [SJ387]: 9/18/2020 – Edited per Trustee comments.

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ZC 2020-03

SEPTEMBER 18, 2020  
GENOA TOWNSHIP ZONING RESOLUTION  
ARTICLE 18: SIGN STANDARDS

### Table of Permitted Sign Types by Zoning District

Y = Permitted by Right, Zoning Permit(s) may or may not be required, additional restrictions may apply

N = Prohibited

<u>Sign Type</u>	<u>Residential Zoning Districts</u>	<u>Planned Residential Zoning Districts</u>	<u>Non-Residential Zoning Districts</u>
<b>Building Mounted</b>			
Blade	N	N	Y
Bulletin Board	N	Y	Y
Canopy	N	N	Y
Channel Letter	Y	Y	Y
Integral, Building	<del>NY</del>	<del>NY</del>	Y
Marquee	N	N	Y
Original Art Display	Y	Y	Y
Roof	N	N	N

**Commented [SJ388]:** NOTE (1/16/20) – Revised to address an unintended prohibition of small wall signs in these districts.

Roof Integral	N	N	Y
Suspended	Y	Y	Y
Wall	<del>NY</del>	<del>NY</del>	Y
Window	Y	Y	Y
<b>Freestanding</b>			
Feather Banner	N	N	N
Ground Mounted	Y	Y	Y
Kiosk	N	N	Y
Pole or Pylon	Y	Y	Y
Post and Panel	Y	Y	Y
Sidewalk	Y	Y	Y

**Commented [SJ389]:** NOTE (1/16/20) – Revised to address an unintended prohibition of small wall signs in these districts.

<u>Sign Type</u>	<u>Residential Zoning Districts</u>	<u>Planned Residential Zoning Districts</u>	<u>Non-Residential Zoning Districts</u>
<b>Miscellaneous</b>			
Billboard	N <sup>1</sup>	N <sup>1</sup>	Y
Changeable Copy, Manual	N	N	Y <sup>2</sup>
Changeable Copy, Mechanical	N	N	N
Electronic Message Center (EMC)	N	N	Y <sup>3</sup>
Flag	Y	Y	Y
Flashing	N	N	N
Government	Y	Y	Y
Human	N	N	Y
Inflatable	N	N	N

DRAFT

ZC 2020-03

SEPTEMBER 18, 2020  
GENOA TOWNSHIP ZONING RESOLUTION  
**ARTICLE 18: SIGN STANDARDS**

Integral, Ground	Y	Y	Y
Landscape	Y	Y	Y
Light Box	N	N	N
Light Pole	N	N	Y
Projection	N	N	N
Temporary (Large or Small) <sup>4</sup>	Y	Y	Y
Trailer	N	N	N
Vehicle	Y	Y	Y
Windblown Device	N	N	N

<sup>1</sup> In Planned Residential and Residential Zoning Districts, Billboard Signs shall only be permitted on Lots or Tracts utilized for Agriculture, pursuant to ORC 519.20. See Section 1803.01.H for further regulations.

<sup>2</sup> Manual Changeable Copy Signs shall not be permitted on an existing or proposed Electronic Message Center Sign and shall only be permitted when incorporated into a Ground Mounted or Wall Sign.

<sup>3</sup>See Section 1804.10 for specific regulations.

<sup>4</sup>See Section 1803.01.Q for specific regulations.

7



**ARTICLE 19: PARKING STANDARDS****Section 1901: Intent and Purpose**

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

**Section 1902: Required Parking Plan**

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

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

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

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

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

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

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

1903.03 ~~Unless otherwise permitted within this Resolution, All~~all required parking spaces including driveways and other circulation ~~areas, except for single-family Dwellings in the Rural Residential District and other specified Uses;~~ shall be hard-surfaced with asphaltic concrete, ~~or~~ Portland cement concrete pavement, ~~or permeable pavement.~~

1903.04 All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained ~~so as to~~dispose of surface water that might accumulate within or upon such ~~area,~~area and shall be designed to prevent the excess drainage of surface water onto adjacent properties or walkways and damage to public streets in accordance with Delaware County and/or National Flood Insurance Program (NFIP) standards.

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

1903.06 Screening shall be required as provided in Article 20.



## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 19: PARKING STANDARDS**

- 1903.07 No motor vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or associated with any Off-Street parking area.
- 1903.08 Display or sales of any merchandise within any parking area shall be permitted only in accordance with Section 1702 and 1707.
- 1903.09 All parts of open Off-Street parking areas which are unusable, either for parking or for traffic, shall be landscaped with plantings of grass, flowers, shrubs, and/or trees, which shall be continuously maintained.
- 1903.10 Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street.
- 1903.11 All parking spaces shall be marked with paint lines or curb stones and maintained in a clearly visible condition.
- 1903.12 The owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.
- 1903.13 Any parking area that is intended to be used during non-daylight hours shall be properly illuminated as to avoid accidents. -Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.
- 1903.14 Entrances, exits, and intended circulation patterns of parking areas shall be clearly marked.

**Section 1904: Parking Space Requirements**

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

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

- 1904.12 Residential Care Facilities - one (1) for every employee and one (1) for every resident who is permitted to operate a motor vehicle;
- 1904.13 ~~Child-Care-Centers-or-kindergartens~~Day Care Centers - one (1) for every four hundred (400) square feet of Floor Area and one (1) for every employee, but not less than six (6) for the Building;
- 1904.14 In Planned Residential Zoning Districts at least two (2) Off-Street Parking Spaces located within a fully enclosed Garage shall be provided for each Dwelling Unit with two (2) or more Bedrooms;
- 1904.15 Laundromats - one (1) for every washing or ~~dry-cleaning~~dry-cleaning machine;
- 1904.16 Libraries, museums, and art galleries - one (1) for every three hundred (300) square feet of Floor Area;
- 1904.17 Medical and dental offices - three (3) for every examination or treatment room and one (1) for each employee;
- 1904.18 Offices, public or professional administration, or service building - one (1) for every two hundred (200) square feet of Floor Area;
- 1904.19 Restaurants - one (1) for every three (3) persons capacity and one (1) for each employee;
- 1904.20 Retail stores - one (1) for every one hundred fifty (150) square feet of Floor Area and one (1) for every two (2) employees;
- 1904.21 Hospitals, convalescent ~~home~~home, or similar institution - one (1) for every three (3) beds;
- 1904.22 Theater or auditorium, sports arena, ~~stadium~~stadium, or gymnasium - one (1) for every five (5) seats or bench seating spaces;
- 1904.23 Mortuary or funeral home - one (1) for every fifty (50) square feet of floor space in parlors or individual funeral service rooms; and
- 1904.24 Manufacturing, industrial, warehouse or similar establishment - one (1) for every two (2) employees plus space to accommodate all trucks, trailers and other vehicles used in connection therewith.
- 1904.25 All other non-residential Uses: Three (3) parking spaces per one-thousand (1,000) square feet of Floor Area.

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

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

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

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 19: PARKING STANDARDS**

- 1905.05 All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the drainage of surface water onto adjacent properties or walkways and damage to public streets.
- 1905.06 Screening shall be required as provided in Article 20.
- 1905.07 Any loading area that is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.
- 1905.08 No loading ramp, dock, door, or space, nor any portion thereof, shall be located closer than fifty (50) feet from any Lot zoned for residential Use.
- 1905.09 For Uses ~~in excess of~~ exceeding ten thousand (10,000) square feet of gross Floor Area one (1) additional off-street loading space shall be required for each additional twenty thousand (20,000) square feet of gross Floor Area or fraction thereof.

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

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

## ARTICLE 20: LANDSCAPING STANDARDS

### Section 2001: Intent and Purpose

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

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

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

Each property owner shall determine exact locations of property lines ~~Lot 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. Fences and Accessory Walls on Corner Lots shall not interfere with sight distance as further regulated in Section 1617.~~

**Commented [SJ390]:** Moved to Article 16, General Standards

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~~ The maximum permitted height for a Fence or Accessory Wall located twenty (20) or more feet away from any Street Right-of-Way line shall be eight (8) feet, unless approved by the Board of Zoning Appeals and The maximum permitted height for a Fence or Accessory Wall located less than twenty (20) feet from a Street Right-of-Way line shall be thirty-six (36) inches, unless specified below. ~~no Fence or Accessory Wall shall exceed thirty (30) inches in height between the street Right-of-Way line and the Building Setback Line.~~

A) Fences and Accessory Walls located within designated Open Space areas of Planned Developments shall not be subject to the thirty-six (36) inch height restriction but shall be subject to the eight (8) foot height restriction.

B) Fences and Accessory Walls exceeding thirty-six (36) inches in height shall be permitted if they are required by Section 1709.01 and placed ten (10) feet or less from the edge of Swimming Pool. This exception shall only apply to the portion(s) of the Fence or Accessory Wall meeting said parameters. The maximum eight (8) foot height restriction established herein shall remain applicable.

2002.04 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.

2002.05 Fences and Accessory Walls shall be kept in proper repair and maintained so as not to create conditions which endanger the health, ~~comfort~~ comfort, and safety of the public.

2002.0406 On Lots of less than one (1) acre, electrified Fences that follow the ~~property line or parcel boundary~~ Lot Line shall be prohibited ~~unless otherwise exempted under Sections 102.03, 102.04, or 102.05.~~ Electrical-Electrified Fences shall only be permitted on Lots of less than one (1) acre if they are located within the required ~~lot~~ Lot Setback.

**Commented [SJ391]:** Staff is proposing this revision due to the fact that this standard seems excessive and is a commonly questioned by residents. The proposed standard provides for a standard setback requirement for fences on all properties and is more reasonable.

**Commented [SJ392]:** This regulation has been broken out into its own sub-section so it is not buried with the standards.

**Commented [SJ393]:** This regulation has been broken out into its own sub-section so it is not buried with the standards.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 20: LANDSCAPING STANDARDS

2002.0507 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.

2002.0608 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.

2002.0709 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.

2003.06 The Board of Zoning Appeals may require a screening plan in approving a Conditional Use.

**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~~ Lot 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 Cork Tree  
Armstrong Red Maple  
Bowhall Red Maple  
Cleveland Norway Maple  
Crimean Linden  
Crimson King Norway Maple  
Fassens Black Norway Maple  
Hardy Ruber Tree  
Japanese Scholar Tree  
Kwanzan Japanese Cherry  
Littleleaf Linden  
Norway Maple  
Red Maple  
Ruby Red Horsechestnut  
Shademaster Honeylocust  
Skyline Honeylocust  
Sunburst Honeylocust  
Schwedler 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 five and one-half (5 ½) 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.

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

2101.01 Lighting that is well-designed, correctly installed, and appropriately utilized promotes safety, increases security, and assists wayfinding, by enhancing visibility of Lots, Buildings, Structures, Streets, parking lots, sidewalks, bikeways, Open Spaces, landscape features, and the like. In the same vein, proper lighting can also greatly improve aesthetics, beautify neighborhoods, and add value to a community. Lighting which is poorly designed, incorrectly installed, and/or inappropriately utilized is, at best, a Nuisance, and, at worst, a hazard. The intent and purpose of this Article is to reasonably regulate lighting in a manner which protects public, health, safety, and general welfare, by:

- A) establishing standards for brightness, spread, and intensity of light;
- B) creating dimensional restrictions for poles and supports;
- C) providing restrictions related to the orientation of fixtures;
- D) preserving order, attractiveness, and cleanliness; maintaining Open Spaces, avoiding the appearance of clutter, and preventing Nuisances and invitations to vandalism;
- E) maintaining property values and ensuring compatibility with surrounding landscape and architecture including, but not limited to, areas of historical significance;
- F) protecting and encouraging a more attractive economic, business, and overall physical appearance of the community; and
- G) protecting the environment from light pollution which not only can be visually disruptive, but can have a negative impact and detrimental effect on vegetation and wildlife.

2101.02 All exterior parking lots, non-residential driveways, Streets, pedestrian-oriented amenities, and loading areas shall be illuminated in a contextually sensible manner to provide safe movement on site, where necessary.

2101.03 The following regulations within this Article are applicable to the ~~districts~~ Districts within which they are specified unless otherwise stipulated, supplemented, and/or modified by the regulations within a specified ~~zoning~~ Zoning district.

**Section 2102: General Provisions and Design Standards**

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

2102.01 Parking lot lighting:

- A) Parking lot lights shall be designed so that the source of illumination is concealed within the housing of the light fixture.
- B) All parking lot light fixtures shall be equipped with lenses that are flat and installed parallel to the ground.
- C) Lighting shall not be provided via floodlight, spotlight, or any fixture that does not direct light downward.
- D) Parking lot light dispersal from a Lot within a Non-Residential Zoning District shall not exceed one (1) Footcandle at any Lot Line that is Contiguous with a Lot or Tract within a Residential or Planned Residential Zoning District.
- E) Parking lot lights located within fifty (50) feet of any Lot Line Contiguous to a Residential or Planned Residential District shall be designed to not direct any light towards said Lot Line. This shall be achieved by:

**Commented [SJ394]:** 1-15-20 Removed the word "sufficiently" before "illuminated" and after "illuminated" added, "in a contextually sensible manner in order".

The phrase, "where appropriate and necessary," was also added at the end of the subject sentence.

These revisions were done to address concerns over the ambiguity of the word "sufficiently" and to make it clear that lighting is not required absolutely everywhere, only where it is needed, sensible, appropriate, and logical.



- 1) Shields affixed to the source of illumination: and/or
  - 2) Directing LEDs away from said Lot Line; and/or
  - 3) Other innovative forms of control which achieve this requirement.
- F) Parking lot lights may be attached to poles, Buildings, or other Structures, but shall still comply with the provisions herein.
- G) Parking lot lights shall not exceed a maximum height of twenty-five (25) feet. The measurement shall be taken from the finished grade established not closer than fifteen (15) feet to the pole.
- H) The correlated color temperature (CCT) of any LED fixture shall not exceed 3,000° Kelvin.

2102.02 Pedestrian-oriented lighting not located in parking lots:

- A) Pedestrian-oriented lights on poles shall be designed so that the source of illumination is housed within the housing of the light fixture.
- B) Pedestrian-oriented lighting shall not be via floodlight or spotlight.
- C) Pedestrian-oriented lighting may be achieved by exposed light bulb strings or similar types of fixtures. Such fixtures are intended for lighting of pedestrian-oriented areas and may be placed on Buildings or Structures.
- D) Illumination shall only be permitted via LED.
- E) Pedestrian-oriented lighting shall not exceed a maximum height of fifteen (15) feet measured from the adjacent grade.
- F) Pedestrian-oriented lighting installed integral within sidewalks or other similar types of paved areas shall be installed flush with said surface.
- G) The correlated color temperature (CCT) of any LED fixture shall not exceed 3,000° Kelvin.

2102.03 Building-mounted lighting, including canopies:

- A) Building-mounted lights shall be designed so that the source of illumination is concealed within the housing of the light fixture.
- B) All building-mounted fixtures shall be equipped with lenses that are flat and installed parallel to the ground.
- C) Lighting shall not be provided via floodlight, spotlight, or any fixture that does not direct light downward. Lighting required by applicable building or fire codes shall be exempt from this standard.
- D) Light dispersal from a Lot within a Non-Residential Zoning District shall not exceed one (1) Footcandle at any Lot Line that is Contiguous with a Lot or Tract within a Residential or Planned Residential Zoning District.
- E) The correlated color temperature (CCT) of any LED fixture shall not exceed 3,000° Kelvin.

2102.04 Architectural lighting intended to highlight architectural features:

- A) Architectural lighting shall not allow the source of light to be directly viewed from any Lot Line's standard line of sight.
- B) Architectural lighting shall be permitted to have colors or shades that change but shall not be permitted to flash, change, and/or pulse in a rapid manner.

2102.05 Streetlighting:

- A) Streetlights shall be designed so that the source of illumination is a top-down diode concealed within the housing of the light fixture.

**Commented [SJ395]:** 1-15-20 Added for clarity, a translucent shield over a light bulb, which is common, would still be permitted. A fixture without any such cover and an exposed bulb would not.

**Commented [SJ396]:** 1-15-20 Added for clarity since the source of light can sometimes be viewed from more extreme angles.

~~B) Fixtures shall be equipped with lenses that are flat and installed parallel to the ground.~~

~~C) Streetlights installed integral within sidewalks or other similar types of paved areas shall be installed flush with said surface.~~

~~D) The correlated color temperature (CCT) of any LED fixture shall not exceed 3,000° Kelvin.~~

~~E) The maximum wattage output shall be 75-watts which shall be achieved by utilizing a wattage selector.~~

~~2102.01—Use of fully shielded cut-off fixtures;~~

~~2102.02—Directing light fixtures downward rather than upward;~~

~~2102.03—Shielding the light in such a way that the light emitting portion of the fixture cannot be seen at a reasonable distance;~~

~~2102.04—All outdoor light pole fixtures shall not exceed a maximum height of twenty-five (25) feet measured from the finished grade established not closer than fifteen (15) feet to the pole; and/or~~

~~2102.0506~~ In addition to the provisions of this Article, all outdoor light fixtures shall be installed in conformity with all other applicable provisions of this Resolution.

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SEPTEMBER 18, 2020  
GENOA TOWNSHIP ZONING RESOLUTION  
**ARTICLE 21: LIGHTING STANDARDS**



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

~~Except in the case of a telecommunications tower as defined in Ohio Revised Code Section 519.211(B)(1), nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, Alteration, maintenance, removal, use or enlargement of any Building or Structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business. All Structures, however, shall conform to yard, height, and setback requirements of this Resolution and other applicable laws and regulations. Telecommunications towers shall be regulated pursuant to the provisions of Section 2203 of this Resolution. In order to protect health, safety, and welfare, all applicable utilities shall conform to the standards and provisions within this Article unless otherwise exempted, protected, and/or otherwise regulated by Section 102 of this Zoning Resolution.~~

**Section 2202: General Standards**

~~2202.01 Planned Developments shall have an adequate source of potable water. All water lines constructed within a Planned Development shall be the financial responsibility of the owner or developer.~~

~~2202.02 No construction of Buildings within any segment of a Planned Development shall be commenced until after the extension of sanitary sewage lines or approved sanitary treatment facilities required with alternative sewage disposal systems have been completed.~~

~~2202.03 The following utility equipment shall be provided, constructed, and installed underground within a Planned Development: gas lines, sanitary and storm sewer lines, water lines, electrical lines, telephone lines, and cable television lines.~~

~~2202.04 All utility systems shall be located and designed in such a manner and method as to preserve the natural features of the land such as streams, rock outcropping, topsoil, trees and shrubs and the same shall be incorporated into and with the Landscaping of said lands.~~

~~2202.05 Easements across Lots or centered on Rear or Side Lot Lines shall be provided for utilities where necessary and shall be of adequate width to facilitate the proposed usage.~~

**Section 2202203: Aerial Antennas and Satellite Dish Antennas**

~~2203.01 The purpose of this section is to minimize the adverse visual effects of antenna and satellite devices through design and Landscaping standards. It protects properties that are adjacent and within the general vicinity from the potential damage of antenna failure and falling ice and debris. Telecommunication towers as defined in Ohio Revised Code, Section 519.211 shall be regulated pursuant to the provisions of Section 2203-2204 of this Resolution.~~

~~2203.02 Dish-type signal-receiving satellites up to ten (10) feet in diameter; Antennas and Aerial Antennas; antennas Aerial Antennas used for personal or "ham" radios; citizen band (CB) radios, portable, hand-held and vehicular transmissions; industrial, scientific, and medical equipment operating at frequencies designated for that purpose by the FCC; a source of non-ionizing electromagnetic radiation with an effective radiated power of seven (7) watts or less; telecommunications devices that only receive an RF signal; a sole source emitter with an average output of one (1) kilowatt or less if used for amateur purposes; and marketed consumer products such as microwave ovens and remote control toys may be located in any District provided they meet the following requirements not otherwise regulated as a Telecommunication Tower in Section 2204, shall comply with the following requirements:~~

~~A) All antennas which are thirty-six (36) inches or less in height or completely within a Building or Structure shall not require a Zoning Permit prior to installation in any Zoning District. The measurement of an antenna's height shall include any mounting to which it is affixed.~~

~~B) All antennas exceeding thirty-six (36) inches in height, or not otherwise exempt, shall require a Zoning Permit prior to installation in any Zoning District and shall comply with the following:~~

**Commented [SJ397]:** Language provided by Peter Griggs. It has been slightly modified to better fit the resolution.

**Commented [SJ398]:** Re-located from Section 1615.

**Commented [SJ399]:** 1-15-20 Shortened for the sake of brevity and to make sure it's all encompassing. An exhaustive list which is missing a specific item is often assumed to have meant to have omitted said item.

**Commented [SJ400]:** 1-15-20 – New distinction between heights.

~~2202.01-1) No antenna installation shall be constructed in any front or side yard. All installations shall only be constructed permitted to:~~

- ~~a) the rear of the residence or main Structure, unless a tower would be Attached to the principal Structure, in which case it may be located to the sidea Primary Structure; or;~~
- ~~b) attached to the side or top of a Primary Structure.~~

~~2202.02-2) No antenna installation requiring a Zoning Permit shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line less ten percent (10%) of the height of the antenna, unless the design of the antenna foundation and guying system have been designed by, and the plans and computations imprinted with the seal of, a Professional Engineer registered to practice in the State of Ohio, and these plans and computations are placed on file with the Zoning Inspector.~~

~~2202.03-3) In no instance shall an antenna installation be erected within a required minimum Setback.~~  
~~2202.04 Ground-mounted Satellite Dishes shall be governed by the following additional requirements:~~

- ~~A) All Satellite Dish Antenna installations shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.~~
- ~~B) All Satellite Dish Antenna installations shall employ materials and colors that blend with the surroundings.~~

~~2202.05 Roof-mounted Satellite Dish Antennas may be permitted provided:~~

- ~~A) The applicant demonstrates that a ground-mounted installation would obstruct the antenna's reception window and that such obstructions involve factors beyond the control of the applicant.~~
- ~~B) The application for a Zoning Permit includes certification by a registered engineer that the proposed installation conforms to the structural requirements of the Ohio Building Code.~~

~~2203.03 Satellite Dish Antenna. Installation of Satellite Dish Antennas not otherwise regulated as a Telecommunication Tower in Section 2204 shall comply with the following:~~

- ~~A) No Zoning Permit for installation of a disk or dish shall be required for dish measuring 39.37" (one (1) meter) in diameter or less. A Zoning Permit shall be required for any dishes greater than 39.37" (one (1) meter) in diameter.~~
- ~~B) No installation shall be made forward of the Front Building Line of the Primary Structure.~~
- ~~C) No installation shall be placed closer than twenty (20) feet to any Lot Line.~~
- ~~D) No disk or dish having a diameter of greater than 39.37" (one (1) meter) shall be located on the roof of any residential Structure or Accessory Building on a Lot within a Residential or Planned Residential Zoning District.~~
- ~~E) The top of the disk or dish shall stand no more than twelve (12) feet above ground level or a finished grade elevation.~~
- ~~F) No disk or dish having a diameter of greater than 39.37" (one (1) meter) shall be installed on the roof or other mounting more than six (6) feet above ground level or finished grade elevation in a Non-Residential Zoning District unless the mounting of the same is designed to withstand a wind force of eighty-five (85) miles per hour and a certificate is furnished to the Zoning Inspector, signed by a licensed and qualified engineer, that the installation conforms with said restriction.~~
- ~~G) No disk or dish shall be permitted which exceeds twelve (12) feet in diameter unless the same is specifically approved as part of a Planned Development.~~

**Commented [SJ401]:** 1-15-20 Re-organized structure to flow smoother. Also revised language for clarity and remove unnecessary words.

**Commented [SJ402]:** 1-15-20 – Regulations obtained from Zoning Resolution administered by Delaware County for Marlboro, Radnor, and Thompson Townships. Text and formatting has been slightly adjusted to better fit this Resolution.

~~2203.04~~ Should any provisions within this section conflict with ORC 5502.031, the Federal Communications Act of 1996, Federal Communications Commission regulations, or any other similar rules or regulations, said laws and/or agencies shall control.

**Section ~~2203~~2204: Telecommunications Towers**

~~The purpose of this Section is to regulate telecommunications towers as defined in Ohio Revised Code Section 519.211(B)(1) which are proposed to be located in the unincorporated area of Genoa Township in an area zoned for residential Use. If there is a conflict or difference between the provisions of this Section and other provisions of this Zoning Resolution, the provisions of this Section shall prevail.~~

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

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

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

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



- ~~A) The person proposing to construct a telecommunications tower in an area zoned for residential Use shall provide documentation that notice has been provided in accordance with Section 519.211 of the Ohio Revised Code. If a timely notice from any person entitled to object under Ohio Revised Code Section 519.211(B) is made, then the applicant shall comply with the remaining criteria set forth in this Section.~~
- ~~B) The applicant shall document the nature and location of all existing and approved towers within range of the proposed equipment and certify to the Township Board of Zoning Appeals support documentation that one or more of the following conditions exist:~~
- ~~1) Planned equipment would exceed the structural capacity of existing and approved towers.~~
  - ~~2) Existing towers and other tall structures do not have space on which a new antenna could function in parity with similar equipment in the area.~~
  - ~~3) The fees and/or costs for shared use are unreasonable.~~
- ~~C) New telecommunications towers shall be located on a site of sufficient size so as to contain on-site all ice-fall or debris from tower failure and preserve the privacy of abutting properties, particularly if those properties are in zoning Districts permitting Single Family Dwellings. The following Setback requirements must be met:~~
- ~~1) The base of telecommunications towers shall be set back from all abutting property not less than fifty percent (50%) of the height of the tower and not less than one hundred percent (100%) of the height of the tower from any Dwelling Unit.~~
  - ~~2) Guy wire anchors shall be set back from all abutting property not less than fifty (50) feet.~~
  - ~~3) Accessory Buildings shall be set back from all abutting property not less than the required Rear Yard Setback for the zoning District in which the telecommunications tower is located.~~
- ~~D) The construction of telecommunications towers shall meet the standards of the Genoa Township Zoning Code and the following design standards and shall be certified by an engineer registered to practice in Ohio:~~
- ~~1) Telecommunications towers of two hundred (200) feet or less in height, more than ten thousand (10,000) feet from a feeder airport, and/or more than twenty thousand (20,000) feet from a major airport shall have a galvanized finish or be painted silver in color.~~
  - ~~2) Telecommunication towers of more than two hundred (200) feet in height, less than ten thousand (10,000) feet from a feeder airport, and/or less than twenty thousand (20,000) feet from a major airport shall comply with FAA and ODOT painting and lighting standards for such Structures.~~
  - ~~3) All telecommunications towers shall be designed to collapse downward and inward in the event of failure instead of over and outward so as to ensure the safety of adjacent Structures and properties.~~
- ~~E) All telecommunications towers and related Structures located in areas zoned for residential Use shall be landscaped with continuous six (6) foot high planting, hedge, Fence or Accessory Wall. Earth mounding of three (3) feet in height may be used to achieve the overall buffer height of six (6) feet. Natural vegetation shall have a minimum opaqueness of seventy-five percent (75%) during full foliage when viewed from two (2) to five (5) feet above the ground. Full opaqueness shall be achieved not more than three (3) years from time of planting.~~

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 22: UTILITIES

- ~~1) All towers located in areas zoned for residential Use and one hundred (100) feet or more in height are also subject to additional landscaping requirements imposed by the Board of Zoning Appeals.~~
- ~~2) Telecommunication tower bases and all Accessory Structures or the entire perimeter of the site shall be enclosed by fencing of such type as to prevent illegitimate access. Such Fences shall not be less than six (6) feet in height and shall be screened with Landscaping as required in paragraph (E) above.~~

~~2204.01 Public utilities or other functionally equivalent providers may site a telecommunications tower as a permitted Use in Non-Residential Zoning Districts. Local zoning authority shall not extend to the regulation of maintenance or use of such a tower or to any change or Alteration that would not substantially increase the tower's height. Local zoning authority over proposed telecommunications towers shall apply only to a tower, only upon provision of a notice of objection to that particular tower. No blanket zoning authority exists over telecommunication towers in Residential or Planned Residential Districts unless and until a written objection has been timely filed.~~

~~2204.02 Telecommunication towers may be regulated in areas zoned for residential Use, those areas being classified by this Resolution as Residential and Planned Residential Zoning Districts, upon receipt of an objection pursuant to ORC 519.211(B)(2). The provisions of this Resolution concerning telecommunication towers are not intended to replace or modify ORC 519.211, but instead are intended to incorporate ORC 519.211 and its terms into this Resolution. Any notice of an objection shall comply with the provisions of ORC 519.211(B)(3). Upon timely receipt by the Genoa Township Board of Trustees of an objection to a proposed telecommunication tower, the Board of Trustees shall proceed as provided in ORC 519.211(B)(4)(a). Telecommunication towers shall be permitted as a Use exempt from any local zoning authority in residential zoned areas if no objections are timely filed as provided in ORC 519.211(B)(4)(b). If objections are timely filed consistent with ORC 519.211(B) for a proposed telecommunications tower in a District zoned for residential Use then the telecommunications may only be permitted as a Conditional Use by the Board of Zoning Appeals, provided that all of the following conditions of this Section are met. An application for Conditional Use shall be filed with the Board of Zoning Appeals.~~

~~A) Conditional Use Application Requirements. In addition to the requirements of Section 302, the application shall include:~~

- ~~1) A preliminary development plan must be submitted at the time the application for the Conditional Use Permit is submitted. The preliminary development plan shall contain the following:~~
  - ~~a) The location of all the applicant's existing facilities both within the Township and within one (1) mile of the proposed site.~~
  - ~~b) The general location of planned future facilities, if known.~~
  - ~~c) For each location shown on the plan, there shall be listed:~~
    - ~~i) The type and size of tower at each location;~~
    - ~~ii) The type of equipment located or proposed on each tower;~~
    - ~~iii) The space available on the tower for additional equipment;~~
    - ~~iv) The ground network, if any, served by the tower; and~~
    - ~~v) A site plan showing the Lot on which any existing or proposed tower, antenna or equipment is located.~~
  - ~~d) A site plan for the facility which is being applied for shall also be submitted containing:~~

**Commented [SJ403]:** Deleted because this text is no longer current with Ohio law. Peter Griggs has provided us new text that is current.

- i) The location, type and size of existing and proposed towers, antennas and equipment located at the site;
- ii) The location of existing and proposed buildings and structures, access easements and parking areas;
- iii) Detailed drawings of the screening plan and related design standards; and
- e) A written certification from a professional engineer registered in accordance with the laws of the State of Ohio certifying the following:
  - i) That the tower's design is structurally sound and in compliance with all applicable federal, state, and local building laws including, without limitation, the Ohio Basic Building Code and the National Electric Code;
  - ii) That the tower complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIE); and
  - iii) That the tower will, to the extent possible, accommodate co-location of additional wireless communication antennas for future use, with a statement as to the number of antennas capable of being accommodated and the ultimate height needed for the stated co-location capacity; or, alternatively, an explanation as to the reasons why the tower will not be constructed to accommodate co-location.

B) General Requirements for Telecommunication Towers.

- 1) The applicant or tower provider shall demonstrate that the telecommunications tower must be located where it is proposed to service the applicant's service area and that there are no alternative sites reasonably available in any area. This shall include an explanation and accompanying documentation as to why a tower on this proposed site is technically necessary; a description of the suitability of the use of existing towers, other structures or technology not requiring the use of the proposed new tower; and a demonstration that a technically suitable location is not reasonably available on an existing tower, building or structure. If another tower is technically suitable, the applicant must show that a request to co-locate was made and that such request was rejected.
- 2) All towers shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the state or federal government with the authority to regulate such towers. If the applicable standards and regulations are changed, then the owners/operators of the towers shall, if required by the applicable governmental authority, bring such towers into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the applicable governmental authority.
- 3) The owner/operator shall remove a tower within one hundred eighty (180) days after the tower's use is discontinued.
- 4) The owner/operator shall annually file a declaration with the Zoning Inspector which certifies that the radio frequency transmission and/or reception equipment attached to the tower is in use and is operational.
- 5) The owner/operator shall provide documentation that notice has been provided in accordance with Section 519.211 of the Ohio Revised Code.

C) Development Standards for all Telecommunication Towers.

**ARTICLE 22: UTILITIES**

- 1) No telecommunications tower shall be permitted to be located in any platted subdivision approved under Sections 711.05, 711.09 or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are Contiguous to one another, or some of which are Contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are Contiguous to one another and adjacent to the opposite side of the same dedicated public road, when at least thirty-five percent (35%) of the lots within such subdivision or area are developed with at least one (1) dwelling unit.
- 2) The maximum height of a tower shall not exceed 150 feet.
- 3) The tower shall not be placed closer than 150 feet from any existing residential Dwelling unit.
- 4) The minimum lot size for which a tower is to be placed shall be two (2) acres.
- 5) The tower shall be located no closer to a Street Right-of-Way than fifteen (15) feet behind the established Building Setback line.
- 6) A tower shall be set back from any adjoining Lot Line a distance which is equal to the height of the tower as measured from its base.
- 7) Security fencing shall be provided to prevent uncontrolled access to the tower site. The tower shall be screened by an eight (8) foot high Fence or barrier. A continuous evergreen hedge, trees or similar landscape materials of a size, type, area, and design deemed appropriate by the Board of Zoning Appeals shall be placed outside of and along the Fence or barrier. Any solid Fence or barrier shall contain no advertising but may contain one small identification Sign not to exceed three (3) square feet in size. The storage of any equipment must be contained inside the screened area.
- 8) The Lot on which the tower is to be located shall meet the minimum Frontage requirements of the Zoning District in which it is located.
- 9) Any screening shall be maintained in good condition. The applicant is responsible for ensuring that the area on which the tower is to be located is kept free of weeds and trash. The outside storage of vehicles or equipment must be contained within the screened area.
- 10) The tower and related screening shall be designed to be aesthetically and architecturally compatible with the surrounding environment. The tower may be painted in non-contrasting gray or similar color minimizing its visibility and shall not contain, or be illuminated by, artificial lights, beacons or strobes, unless otherwise required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC). All surfaces shall be maintained in good condition, absent of flaking or peeling paint, and rust. Unless otherwise approved by the Board of Zoning Appeals, the tower shall be of a non-corrosive monopole design.
- 11) No advertising is permitted anywhere on the telecommunications tower facility except for one identification sign not to exceed one square foot in size.
- 12) The tower shall be fully automated and unattended daily and shall be visited only for periodic and necessary maintenance. Also, all utility service to the tower shall be underground in accordance with applicable federal, state, and local codes.
- 13) Where the tower is located on a property which is not owned by the tower operator, the applicant shall present documentation that the owner of the property has approved the application and that vehicular access is provided to the property. Reasonable access and circulation shall be provided to the tower.

14) The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna facilities to the extent possible, until said tower has reached full antenna capacity. Antenna towers are not permitted to be built to a height which exceeds the applicant's service need as substantiated by the testimony and certification of the applicant's engineer. If the tower must be extended in the future to accommodate co-location, the initial tower foundation must be designed to accommodate this extension capability. This ultimate height shall be specified on the drawings submitted with the application. Unless otherwise approved, the tower height shall not be extended until co-locators are installed.

15) A tower may be attached to a residential or nonresidential Building or Structure that is a permitted Use and Structure in the District, provided that the tower's height does not exceed twenty (20) feet above the existing Building or Structure to which the tower is attached; and further provided that all requirements except those found in Items C.2, C.7, and C.9 herein are met. All roof-mounted towers shall be screened from view to the extent possible. The outside storage of vehicles or equipment, if not located inside the Building or Structure on which the tower is located, shall be screened by a minimum eight (8) foot high solid masonry or concrete wall and, outside of and along the wall, a continuous evergreen hedge, trees or similar landscape materials of a size and type deemed appropriate by the Board of Zoning Appeals. The screening shall be maintained in good condition. Any solid wall shall contain no advertising but may contain one small identification Sign not to exceed one (1) square foot in size. The applicant is responsible for ensuring that the tower area is kept free of Junk, trash, and weeds.

D) Exception to Conditional Use Permit. Telecommunications towers meeting the following conditions shall not be required to obtain a Conditional Use Permit but shall be deemed to be permitted Uses requiring a Certificate of Zoning Compliance.

1) Should the owner/operator of a telecommunications tower desire to site a tower on property that falls under their direct ownership and with the consent of the Genoa Township Board of Trustees, then a Certificate of Zoning Compliance may be obtained in lieu of a Conditional Use Permit, provided that the requirements founding the following provisions are met: A.1.e.i and ii; B.2, 3, and 4; and C.5, 7, 10, 11, 13, and 14; herein.

2) Should the owner/operator of a telecommunications tower desire to co-locate a tower on another existing telecommunications tower or on another utility Structure (i.e., water tower) and such co-location will result in a substantial change in the height of the tower, then a Certificate of Zoning Compliance may be obtained in lieu of a Conditional Use Permit, provided that the requirements found in the following provisions are met: A.1.e.i and ii; B.2, 3, and 4; and C.5, 7, 10, 11, 12, and 13; herein. A substantial change in height shall mean the addition of more than forty (40) feet to the existing tower or Structure.

5)3) Should the owner/operator of a telecommunications tower desire to site a tower using a no-impact design (specifically meaning that the tower will be completely invisible to the casual observer by incorporating the tower within an existing Structure such as inside a steeple), then a Certificate of Zoning Compliance may be obtained in lieu of a Conditional Use Permit, provided that the requirements found in the following provisions are met: A.1.e.i and ii; B.2, 3, and 4; and C.10, 11, 12, and 13; herein.

#### **Section ~~22042205~~: Wind Turbines**

~~22042205~~.01 Wind Projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. -Small Wind Projects less than 5MW and used solely for Agriculture will be

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 22: UTILITIES

exempt from these zoning regulations as an Agricultural Use in accordance with ORC 519.21. -Any proposed construction, erection, or siting of a Small Wind Project less than 5MW, including the wind turbine generator or Anemometer or any parts thereof shall be a Permitted Use in all ~~Township Zoning Districts if the following conditions are met (both as Permitted and Conditional Use)~~ Residential and Planned Residential Zoning Districts. The following conditions shall be met for both by-right and Conditional Use Zoning Permits:

- A) The maximum height of any turbine shall be 125 feet. -For purposes of this Resolution, maximum height shall be considered the total height of the turbine system, including the tower, and the maximum vertical height of the turbine's blades. -Maximum height shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.
- B) Setbacks: -Any turbine erected on a ~~parcel of land~~ Lot shall be setback 1.1 times the height of the tower, or established "Clear Fall Zone", from all road Right-of-Way lines and neighboring property lines. -A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located and would not strike any structures including the primary dwelling, and any inhabited Structures.
- C) Maintenance: -Wind turbines must be maintained in good working order. -The owner shall within thirty (30) days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. -An unused wind turbine or Small Wind Project may stand no longer than twelve (12) months following abandonment. -All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. -Wind turbines that become inoperable for more than twelve (12) months must be removed by the owner within thirty (30) days of issuance of zoning violation. -Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.
- D) ~~Decibel Levels: -Decibel levels shall not exceed thirty (30) dB at any adjoining property line. -Decibel levels shall not exceed those provided by the manufacturer as requested in Section 2205.02. All units collectively shall operate at not more than five (5) decibels above the established ambient decibel levels at Lot Lines. This information shall be included in the engineering report described in Section 2205.02. This information shall be obtained from the manufacturer of the turbine, and all decibel readings, if necessary, shall be taken from the nearest neighboring Lot Lines. Those turbines that do not meet this requirement will be issued a zoning violation, in accordance with Section 116, and shall be required to shut down immediately until the required decibel levels are met.~~
- E) Wiring and electrical apparatuses: -All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state and federal codes, including the County Building Regulations and Residential Building Code of Ohio.
- F) Warning Signs: -Appropriate warning signs to address voltage shall be posted.
- G) Building Permits: -All Small Wind Projects and parts thereof shall obtain all applicable building permits from the State of Ohio and Delaware County Code Compliance.

~~2204~~2205.02 Permits: -A permit shall be required before construction can commence on an individual wind turbine project. -As part of the permit process, the applicant shall inquire with the Delaware County Code Compliance Office as to ~~whether or not~~ whether additional height restrictions are applicable due to the unit's location in relation to any local airports. -Applicant shall then provide:

- A) The location of all public and private airports in relation to the location of the wind turbine.
- B) The total height and size of the unit.

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

- C) If applicable, the total size and depth of the unit's foundation structure, as well as soil and bedrock data.
- D) A list and/or depiction of all safety measures that will be on the unit, including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring and anchors.
- E) Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
- F) The maximum Decibel level of the particular unit. -This information shall be obtained from the manufacturer of the turbine unit.
- G) Hazardous materials containment and disposal plan.
- H) A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public Right-of-Ways and neighboring property lines.
- I) Evidence of established setbacks of 1.1 times the height of the turbine and "Clear Fall Zone:". The manufacturer's recommendation must also be included.
- J) A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

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SEPTEMBER 18, 2020  
GENOA TOWNSHIP ZONING RESOLUTION  
**ARTICLE 22: UTILITIES**

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ZC 2020-03

SEPTEMBER 18, 2020

23

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

ZC 2020-03

SEPTEMBER 18, 2020

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SEPTEMBER 18, 2020

24

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**ARTICLE 24: RESERVED**

ZC 2020-03

SEPTEMBER 18, 2020

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**ARTICLE 25: NON-CONFORMITIES****Section 2501: Intent and Purpose**

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

**Section 2502: Nonconforming Lots**

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

**Section 2503: Nonconforming Uses of Land**

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

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

**Section 2504: Nonconforming Structures**

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

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

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 25: NON-CONFORMITIES**

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

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

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

**Section 2506: Substitutions of Nonconforming Uses**

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

**Section 2507: Certificates for Nonconforming Uses**

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

Commented [S3408]: 9/18/2020 – Edited per Trustee comments.

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

2601.01 Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may, by resolution after receipt of recommendations from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and District boundaries or classification of property.

2601.02 This article shall only apply to:

A) Amendments to the text within this Resolution; and

B) Amendments to the Zoning Map that seek to re-zone property (Rezoning) to a Straight Zoning District.

2601.03 This article shall not apply to Legal Approvals, including Zoning Map Amendments, pertaining to Planned Zoning Districts. Said approvals shall be subject to the provisions of Article 27.

**Section 2602: General Requirements**

2602.01 All submissions shall be delivered to the Zoning Inspector or their designee for administrative review, public advertisement, and distribution.

2602.02 The Zoning Commission and/or Township Trustees may adopt a pre-determined and publicly available zoning application and meeting schedule to be administered by the Zoning Inspector or their designee in order to establish predictable dates for all parties and the public at large.

2602.03 The Chair of the Zoning Commission or the Chair of the Township Trustees may each reject a submission to their respective entity if the submission is found to be missing required components further detailed herein; otherwise known as being administratively incomplete. Should the Chair reject a submission due to administrative incompleteness; written notification, via certified letter or e-mail, shall be sent to the applicant of record within five (5) days of receipt of the original submission. The decision to reject a submission may be overruled by a majority vote of the remaining members of the applicable entity. Such deliberation shall only be held upon request of the applicant of the submission that was rejected and shall take place in a public meeting.

2602.04 The Chair of the Zoning Commission or the Chair of the Township Trustees each reserve the right to determine that an application to their respective entity will be heard during a special meeting as opposed to a regularly scheduled meeting so long as said meeting is scheduled and advertised in accordance with any applicable provisions of this Zoning Resolution and ORC 519.12.

2602.05 The Chair of the Zoning Commission or the Chair of the Township Trustees shall each determine the Planned Development public hearing agendas for their respective entities in accordance with any established bylaws for their group. Each application shall be scheduled in the order in which they are received; however, each Chair reserves the right to, at their discretion, revise said order.

2602.06 If an excessive number of applications are received for any given meeting, as determined by the Chair of the entity hearing the application, said Chair reserves the right to postpone the hearing of an application for their respective entity so long as the postponed meeting is scheduled and advertised in accordance with any applicable provisions of this Zoning Resolution and ORC 519.12.

2602.07 Due process rights guaranteed to an applicant by this Zoning Resolution, ORC 519.12, and/or any other applicable law or provision may be waived by the applicant via written consent delivered to the Zoning Inspector, or their designee.

A) Applicants may request a continuance of their application to a date, time, and place certain at any point during the Township's review process. Such a request shall be submitted in writing at any time or made verbally during the public hearing for said application. Applications continued to a date, time, and place certain do not have to be re-advertised in the newspaper as

**Commented [SJ409]:** NOTE (1/21/20) – Article significantly revised to reflect the addition of Article 27.

**Commented [SJ410]:** NOTE (1/21/20) – Definition added to Article 4.

**Commented [SJ411]:** NOTE (1/21/20) – Definition added to Article 4.

**Commented [SJ412]:** 9/18/2020 – Edited per Trustee comments.



otherwise specified herein. Similarly, notices do not have to be re-mailed to neighboring property owners as otherwise specified herein.

B) Applicants may request a tabling of their application to an uncertain date, time, and/or place at any time during the Township's review process. Such a request shall be submitted in writing at any time or made verbally during the public hearing for said application. Applications which are tabled to an uncertain date, time, and/or place shall be re-advertised in the newspaper in accordance with the applicable provisions herein. Similarly, new notices shall also be mailed to neighboring property owners in accordance with the applicable provisions herein.

1) In order to un-table an application, a request to do so must be made by the applicant and delivered to the Zoning Inspector.

2) A fee in accordance with an adopted fee schedule may be charged to un-table an application.

3) The hearing for an un-tabled application may be scheduled in accordance with a pre-determined zoning application and meeting schedule as detailed in Section 2701.03.

C) Applicants wishing to withdraw their application shall submit their request in writing to the Zoning Inspector. Upon receipt, the Zoning Inspector or their designee shall inform the Zoning Commission and/or Township Trustees that the application has been withdrawn. Refunding of fees shall only be permitted in accordance with a separate schedule of fees adopted by the Township Trustees.

#### **Section 26022603: Initiation of Amendments**

Amendments to this Resolution, Zoning District Map, and Final Development Plans specified in Section 2601.02 may be initiated in one of the following ways:

26022603.01 By adoption of a motion by the Zoning Commission.

26022603.02 By adoption of a resolution by the Township Trustees.

26022603.03 By the filing of an application by at least one (1) owner of property or ~~his~~their designee within the area proposed to be changed or affected by said amendment.

#### **Section 26032604: Application Submission Requirements for Text Amendments**

2603.01—Ten (10) copies of the application for amendment shall be submitted to the Zoning Commission via the Township Zoning Secretary and contain at a minimum the following information:

A) Name, address, and telephone number of applicant;

B) Date;

C) Legal description of the property;

D) Present Use;

E) Present zoning District;

F) Proposed Use;

G) Proposed zoning District;

H) A Vicinity Map at a scale approved by the Zoning Commission showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Commission may require;

I) Proposed amendment to the text;

J) A list of all property owners with mailing addresses, as appearing on the county auditors current tax list within five hundred (500) feet of, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and others that may have a substantial interest in the case; and

**Commented [SJ413]:** 9/18/2020 – Edited per Trustee comments.

K) A fee as established by the Township Trustees;

~~2603.02 For each of the property owners in 2603.01 (J) the applicant shall provide pre addressed legal size envelopes (4 1/8" x 9 1/2") with postage sufficient to send a notice via first class mail. One set of envelopes will be provided along with the application. An additional set of envelopes will be required for all applications being heard by the Genoa Township Board of Trustees.~~  
~~2604.01 Application –A fully completed, signed, and dated application which shall include, at minimum, the following information:~~

- ~~A) The affected and/or proposed section(s) of the Zoning Resolution;~~
- ~~B) The name(s), address(es), and contact information of the applicant(s) of record;~~
- ~~C) The name(s), address(es), and contact information of any engineers, architect(s), attorneys, and/or consultants of record, if any.~~
- ~~D) If the proposed amendment comprises of a Zoning Map Amendment, the submission shall also include all applicable materials specified in Section 2605.01.~~
- ~~E) Any additional information which may be requested on the official application form.~~

~~2604.02 Documentation:~~

- ~~A) A single document containing all proposed text revisions.~~
  - ~~1) Said revisions shall be clearly identified and visually distinguishable;~~
  - ~~2) Said revisions shall be written and considered verbatim and shall not be approximated, abbreviated, paraphrased, and/or implied; and~~
  - ~~3) The document shall: provide a glossary identifying how each type of revision is visually represented, be dated, have its pages numbered, contain all correct and pertinent article/section numbers, and formatted consistently with the existing Zoning Resolution.~~
- ~~B) Notes explaining and/or justifying the proposed revisions, but not intended to be adopted as part of the proposed amendment, may be incorporated within the document, or submitted via a separate memorandum of explanation. Any notes incorporated within the document shall be easily distinguishable from the proposed revisions.~~
- ~~C) If the proposed amendment comprises of a Zoning Map Amendment, the submission shall also include all applicable materials specified in Section 2605.02.~~

~~2604.03 Any additional materials which may be required by the Delaware County Regional Planning Commission for their statutorily required review.~~

~~2604.04 Any other applicable documentation, studies, plans, and/or exhibits necessary to demonstrate compliance, concepts, and/or address concerns related to the request.~~

~~2604.05 One (1) optical disc, Universal Serial Bus (USB) flash drive, or other similar type of readable storage device, containing the materials listed in Sections 2604.01 – 2604.04 in Portable Document Format (.PDF) and/or another similar type of widely-utilized, non-proprietary digital format approved by the Zoning Inspector or their designee. A new digital copy will be required with each submitted revision.~~

~~2604.06 A fee(s) as may be established by the Township Trustees in a fee schedule.~~

~~2604.07 A response to comments letter shall be provided with each submitted revision to identify and explain all the revisions made to the submission, and to identify how any comments or concerns raised by staff, the Zoning Commission, the Board of Trustees, other agencies, and/or the general public have been addressed.~~

~~2604.08 Number of Copies:~~

- A) Ten (10) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Zoning Commission for review, unless otherwise noted.
- B) Six (6) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Board of Trustees for their consideration, unless otherwise noted.
- C) The Zoning Inspector, or their designee, is authorized to revise the number of required copies as necessary for administrative purposes.

**Section 2605: Submission Requirements for Map Amendments – Straight Zoning Districts**

2605.01 Application – A fully completed, signed, and dated application which shall include, at minimum, the following information:

- A) The address(es) and parcel identification number(s) of the affected Lot(s);
- B) The name(s), address(es), and contact information of the property owner(s) of record, as listed on the tax list of the Delaware County Auditor at the time of submission;
- C) The name(s), address(es), and contact information of the applicant(s) of record, if different than that of the property owner;
- D) The name(s), address(es), and contact information of any engineers, architect(s), attorneys, and/or consultants of record, if any.
- E) Exact, total acreage of the Lot(s);
- F) The present Use(s) of the subject Lot(s);
- G) The present Zoning District(s) comprising the subject Lot(s);
- H) Proposed Zoning District(s) for the subject Lot(s);
- I) Any additional information which may be requested on the official application form.

2605.02 Documentation:

- A) A legal description of the Lot(s);
- B) A complete list of all parcel identification numbers;
- C) A Vicinity Map, on a sheet of paper no larger than 11" x 17", illustrating the size and location of the proposed Rezoning, existing Lot Lines, acreage, parcel identification numbers, existing streets, existing Structures and Signs on or within five hundred (500) feet of the property's boundary, existing Zoning District classifications and boundaries, and other such items;
- D) If the applicant is not the current property owner of record, a letter from the property owner(s) authorizing the applicant to submit the subject application on their behalf and/or proof that the applicant has a legal interest in the property in the form of an executed sales agreement, option, transfer, or other similar type of legal instrument.
- E) A list of all property owners within five hundred (500) feet of, Contiguous to, and directly across the street from the Lot(s), and others that may have a legitimate, legal interest in the case, as they appear on the tax list of the Delaware County Auditor at the time of submission.
  - 1) The applicant shall provide one (1) set of pre-addressed, stamped business-size envelopes with postage sufficient to send a notice via first class mail for each property owner listed.
  - 2) A second set of envelopes shall be provided for the Township Trustees hearing once the Zoning Commission has voted on their recommendation.

2605.03 Any additional materials which may be required by the Delaware County Regional Planning Commission for their statutorily required review.

~~2605.04 Any other applicable documentation, studies, plans, and/or exhibits necessary to demonstrate compliance, concepts, and/or address concerns related to the request.~~

~~2605.05 One (1) optical disc, Universal Serial Bus (USB) flash drive, or other similar type of readable storage device, containing the materials listed in Sections 2605.01 – 2605.04 in Portable Document Format (.PDF) and/or another similar type of widely-utilized, non-proprietary digital format approved by the Zoning Inspector or their designee. A new digital copy will be required with each submitted revision.~~

~~2605.06 A fee(s) as may be established by the Township Trustees in a fee schedule.~~

~~2605.07 A response to comments letter shall be provided with each submitted revision to identify and explain all the revisions made to the submission, and to identify how any comments or concerns raised by staff, the Zoning Commission, the Board of Trustees, other agencies, and/or the general public have been addressed.~~

~~2605.08 Number of Copies:~~

~~A) Ten (10) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Zoning Commission for review, unless otherwise noted.~~

~~B) Six (6) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Board of Trustees for their consideration, unless otherwise noted.~~

~~C) The Zoning Inspector, or their designee, is authorized to revise the number of required copies as necessary for administrative purposes.~~

#### **Section ~~2604~~2606: Procedure for Amendments**

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

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

~~2604.03 Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Commission shall give notice, by registered mail to the Director of the Ohio Department of Transportation. The Zoning Commission may proceed as required by law; however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of the Ohio Department of Transportation.~~

~~———— If the Director of the Ohio Department of Transportation notifies the Township Trustees that he shall proceed to acquire any land needed, then the Township Trustees shall refuse to approve the zoning amendment. If the Director of the Ohio Department of Transportation notifies the Township Trustees that acquisition at this time is not in the public interest or upon expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Township Trustees shall proceed as required by law.~~

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 26: AMENDMENTS

- ~~2604.04—The Zoning Commission shall schedule a public hearing after the adoption of their motion, a transmittal of a resolution from the Township Trustees, or the filing of an application for zoning amendment. Said hearing shall not be less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.~~
- ~~2604.05—Before the required public hearing, notice shall be given by the Zoning Commission by at least one (1) publication in a newspaper of general circulation within the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for further determination.~~
- ~~2604.06—If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail using pre-addressed, letter size envelopes provided by the applicant at least twenty (20) days before the date of the public hearing to all owners of property within five hundred (500) feet of, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate any such amendment. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for further determination.~~
- ~~2604.07—Within thirty (30) days after the required public hearing, the Zoning Commission shall forward with reasons for such recommendation to the Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted.~~
- ~~2604.08—Upon receipt of the recommendation from the Zoning Commission, the Township Trustees shall schedule a public hearing. The date of said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.~~
- ~~2604.09—Notice of the required public hearing shall be given by the Township Trustees by at least one (1) publication in a newspaper of general circulation within the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. This notice shall set forth the time and place of the public hearing and the nature of the proposed amendment.~~
- ~~2604.10—If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Township Trustees, by first class mail using pre-addressed, letter size envelopes provided by the applicant at least twenty (20) days before the date of the public hearing to all owners of property within five hundred (500) feet of, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate any such amendment. This notice shall set forth time and place of the public hearing, and the nature of the proposed amendment.~~
- ~~2604.11—Within twenty (20) days after the required public hearing, the Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Township Trustees denies or modifies the recommendation of the Zoning Commission the majority vote of the Township Trustees is required.~~
- ~~2604.12—Such amendment adopted by the Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for Governor in~~

~~such area at the last preceding general election at which a Governor was elected, requesting the Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.~~

- ~~2604.13 No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.~~  
~~2606.01 In addition to any other procedures set out in this Resolution, all applications for amendments specified within Section 2601.02 shall follow the procedures herein and ORC 519.12, as may be amended.~~
- ~~2606.02 Within five (5) days after initiation pursuant to Section 2603, the Zoning Inspector or their designee shall transmit a copy of the amendment and all associated materials to the Delaware County Regional Planning Commission for a review as required by statute. The Delaware County Regional Planning Commission shall recommend the approval, denial, or modification of the amendment to the Zoning Commission. Such recommendation shall be presented during the public hearing held by the Zoning Commission.~~
- ~~2606.03 In the event that a proposed amendment significantly affects, and/or is located adjacent to, another political jurisdiction, an additional copy of the amendment shall be provided and forwarded to the Chair of the planning commission or the zoning commission of that jurisdiction. Any comments provided by the adjoining jurisdiction shall be presented during the public hearing of the Zoning Commission.~~
- ~~2606.04 Before any amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector or their designee shall give notice, by registered mail to the Director of the Ohio Department of Transportation. The Zoning Commission may proceed as required by law; however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of the Ohio Department of Transportation.~~
- ~~A) If the Director of the Ohio Department of Transportation notifies the Township Trustees that they shall proceed to acquire any land needed, the Township Trustees may continue the application, in accordance with the provisions herein, until the acquisition has occurred, or may deny the application.~~
- ~~B) If the Director of the Ohio Department of Transportation notifies the Township Trustees that acquisition at this time is not in the public interest or upon expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Township Trustees shall proceed as required by law.~~
- ~~2606.05 The Zoning Commission shall schedule a public hearing upon initiation of amendment in accordance with Section 2603. Said hearing shall not be less than twenty (20) nor, unless permitted by the initiator/applicant, more than forty (40) days from the filing of such application.~~
- ~~2606.06 Before the required public hearing, notice shall be given by the Zoning Inspector or their designee by at least one (1) publication in a newspaper of general circulation within the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for final consideration.~~
- ~~2606.07 If the proposed amendment intends to Rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Inspector or their designee by first class mail using pre-addressed, business-size envelopes provided by the~~

initiator/applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from such area proposed to be Rezoned or redistricted, to the address of such owners appearing on the County Auditor's current tax list. The failure to deliver the notice, as provided in this Section, shall not invalidate any amendment. This notice shall set forth the time and place of the public hearing, the nature of the amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for final consideration.

2606.08 The Zoning Commission may continue a public hearing to a future meeting with consent of the initiator/applicant. If said hearing is continued to a date, time, and place certain, re-advertisement of the hearing is not required, otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2606.06 and 2606.07.

2606.09 Revisions and/or supplemental materials shall be due on a date and time determined by the Zoning Commission and/or in accordance with a pre-determined schedule as authorized in Section 2602.02.

2606.10 Within thirty (30) days of the conclusion of the public hearing, the Zoning Commission shall:

A) vote, based upon findings of fact, to recommend approval or denial of the amendment; and subsequently submit said recommendation together with the application and all associated materials to the Township Trustees for their consideration.

B) be allowed to take more than thirty (30) days to make their recommendations with the initiator's/applicant's consent.

2606.11 Following the recommendation(s) of the Zoning Commission, the Zoning Inspector or their designee shall forward the Commission's recommendation(s) and reasons for said recommendation(s) to the Township Trustees.

2606.12 The Township Trustees shall acknowledge receipt of the Zoning Commission's recommendation(s) via resolution, and shall schedule a public hearing date for the application, at the first regularly scheduled Township Trustee meeting to occur following the Zoning Commission's vote unless said meeting is canceled, a special meeting is scheduled within the required thirty (30) day timeframe by the Township Trustees, or the initiator/applicant requests and is granted otherwise by the Township Trustees, in which case such action shall take place at the next subsequent regular or special meeting of the Township Trustees. Unless otherwise authorized on the record by the initiator/applicant, the date of said hearing shall be not more than thirty (30) days from the Township Trustees' receipt and acknowledgement of the recommendation from the Zoning Commission.

2606.13 Notice of the required public hearing shall be given by the Zoning Inspector or their designee by at least one (1) publication in a newspaper of general circulation within the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. This notice shall set forth the time and place of the public hearing and the nature of the application.

2606.14 If the proposed amendment intends to Rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Inspector or their designee, by first class mail using pre-addressed, business-size envelopes provided by the initiator/applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from such area proposed to be Rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate any amendment. This notice shall set forth time and place of the public hearing and the nature of the amendment.

2606.15 The Township Trustees may continue a public hearing to a future meeting with consent of the initiator/applicant. If said hearing is continued to a date, time, and plate certain, re-advertisement

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ZC 2020-03

SEPTEMBER 18, 2020  
GENOA TOWNSHIP ZONING RESOLUTION  
**ARTICLE 26: AMENDMENTS**

~~of the hearing is not required, otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2606.13 and 2606.14.~~

~~2606.16 Revisions and/or supplemental materials shall be due on date and time determined by the Township Trustees and/or in accordance with a pre-determined schedule as authorized in Section 2602.02.~~

~~2606.17 Within twenty (20) days of the conclusion of the public hearing, the Township Trustees shall:~~

~~A) vote, based upon the findings of fact, to: approve, approve with modifications, or deny the amendment. Said vote is subject to referendum pursuant to Section 3519.01 of the Ohio Revised Code.~~

~~B) be allowed to take more than twenty (20) days to render their decisions with the initiator's/applicant's consent.~~

~~2606.18 An amendment adopted by the Township Trustees shall become effective thirty (30) days after the date of such adoption unless, within thirty (30) days after the adoption of said amendment, there is presented to the Township Trustees a referendum petition, in accordance with ORC 3519.01, requesting the Township Trustees to submit said amendment to the electors of such area, for approval or rejection, at the next primary or general election.~~

~~2606.19 No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of said amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.~~

~~2606.20 An amendment, upon becoming effective, shall be permanent unless a subsequent amendment is initiated and approved in accordance with the terms of this Zoning Resolution and ORC 519.12. Under no circumstance shall an approved and effective amendment be required to seek renewal or re-approval.~~

~~2606.21 Once an amendment has become effective, the Zoning Inspector or their designee shall update the Genoa Township Zoning Resolution and/or Zoning Map accordingly.~~



DRAFT  
GENOA TOWNSHIP ZONING RESOLUTION  
**ARTICLE 26: AMENDMENTS**  
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ZC 2020-03

SEPTEMBER 18, 2020

**ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES****Section 2701: General Requirements**

2701.01 Unless otherwise specified within this Zoning Resolution, Planned Developments shall require a two-step zoning review process. Each step shall be considered independent from one another and shall not run concurrently.

A) The first step shall consist of the filing of a Zoning Map Amendment application to re-zone a Tract to the desired Planned Development District in accordance with Sections 2702, 2703, and 2704 of this Zoning Resolution, as well as ORC 519.12, as may be amended. Said application shall also include a Preliminary Development Plan.

B) The second step shall consist of the filing of a Final Development Plan application in accordance with Sections 2705 and 2706 of this Zoning Resolution.

C) Revisions to an approved Final Development may require approval of a Final Development Amendment in accordance with Sections 2710, 2711, and 2712 of this Zoning Resolution.

2701.02 All submissions shall be delivered to the Zoning Inspector or their designee for administrative review, public advertisement, and distribution.

2701.03 The Zoning Commission and/or Township Trustees may adopt a pre-determined and publicly available zoning application and meeting schedule to be administered by the Zoning Inspector or their designee in order to establish predictable dates for all parties and the public at large.

2701.04 The Chair of the Zoning Commission or the Chair of the Township Trustees may each reject a submission to their respective entity if the submission is found to be missing required components further detailed herein; otherwise known as being administratively incomplete. Should the Chair reject a submission due to administrative incompleteness; written notification, via certified letter or e-mail, shall be sent to the applicant of record within five (5) days of receipt of the original submission. The decision to reject a submission may be overruled by a majority vote of the remaining members of the applicable entity. Such deliberation shall only be held upon request of the applicant of the submission that was rejected and shall take place in a public meeting.

2701.05 The Chair of the Zoning Commission or the Chair of the Township Trustees each reserve the right to determine that an application to their respective entity will be heard during a special meeting as opposed to a regularly scheduled meeting so long as said meeting is scheduled and advertised in accordance with any applicable provisions of this Zoning Resolution and ORC 519.12.

2701.06 The Chair of the Zoning Commission or the Chair of the Township Trustees shall each determine the Planned Development public hearing agendas for their respective entities in accordance with any established bylaws for their group. Each application shall be scheduled in the order in which they are received; however, each Chair reserves the right to, at their discretion, revise said order.

2701.07 If an excessive number of applications are received for any given meeting, as determined by the Chair of the group hearing the application, said Chair reserves the right to postpone the hearing of an application for their respective entity so long as the postponed meeting is scheduled and advertised in accordance with any applicable provisions of this Zoning Resolution and ORC 519.12.

2701.08 Due process rights guaranteed to an applicant by this Zoning Resolution, ORC 519.12, and/or any other applicable law or provision may be waived by the applicant via written consent delivered to the Zoning Inspector, or their designee.

A) Applicants may request a continuance of their application to a date, time, and place certain at any point during the Township's review process. Such a request shall be submitted in writing at any time or made verbally during the public hearing for said application. Applications continued to a date, time, and place certain do not have to be re-advertised in the newspaper as

Commented [SJ414]: NOTE (1/21/20) – Newly proposed article.

Commented [SJ415]: 9/18/2020 – Edited per Trustee comments.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 27: PLANNED DEVELOPMENT PROCEDURES AND ADMINISTRATION

otherwise specified herein. Similarly, notices do not have to be re-mailed to neighboring property owners as otherwise specified herein.

B) Applicants may request a tabling of their application to an uncertain date, time, and/or place at any time during the Township's review process. Such a request shall be submitted in writing at any time or made verbally during the public hearing for said application. Applications which are tabled to an uncertain date, time, and/or place shall be re-advertised in the newspaper in accordance with the applicable provisions herein. Similarly, new notices shall also be mailed to neighboring property owners in accordance with the applicable provisions herein.

1) In order to un-table an application, a request to do so must be made by the applicant and delivered to the Zoning Inspector.

2) A fee in accordance with an adopted fee schedule may be charged to un-table an application.

3) The hearing for an un-tabled application may be scheduled in accordance with a pre-determined zoning application and meeting schedule as detailed in Section 2701.03.

C) Applicants wishing to withdraw their application shall submit their request in writing to the Zoning Inspector. Upon receipt, the Zoning Inspector or their designee shall inform the Zoning Commission and/or Township Trustees that the application has been withdrawn. Refunding of fees shall only be permitted in accordance with a separate schedule of fees adopted by the Township Trustees.

**Section 2702: Pre-Application Process for Planned Residential Districts (PRD)**

2702.01 The following sequence of actions herein prescribed shall be followed solely when applying for a change in zoning to the Planned Residential District (PRD) classification. These steps should be followed sequentially.

A) Pre-application Discussion. A pre-application discussion is required between the potential applicant and administrative staff. The purpose of this meeting is to introduce the applicant and their representatives to Township policies, regulations, procedures, and conservation concepts, and to discuss the potential applicant's intentions. A representative of the Zoning Commission may attend such meeting; however, in no instance shall a quorum of the Zoning Commission be present.

B) On-Site Walkabout. A potential applicant may request to walk a tract with the Zoning Commission prior to applying for development plan approval so that the Zoning Commission familiarize themselves with property and so that the potential applicant may be provided feedback as part of their planning process.

1) Requests for an on-site walkabout shall be submitted to the Zoning Inspector in writing. On-site walkabout requests and meetings shall be subject to Section 2701.03.

2) The potential applicant is not required to provide any plans or materials before or during the on-site walkabout. In order to maximize the benefit of the meeting, potential applicants are encouraged to disclose their desired concept to the greatest degree of specificity possible as well as the location of Primary and Secondary Conservation Areas on the Tract.

3) The Zoning Commission may provide non-binding comments, and/or concerns during the on-site walkabout.

4) The Zoning Commission shall not approve or pre-approve any potential proposal, or component thereof, during the on-site walkabout.

5) The On-Site Walkabout shall be noticed in the same manner as a special meeting, open to the public, and shall be documented in the form of official minutes even if a quorum of the Zoning Commission is not present.

**Commented [SJ416]:** NOTE (3-11-2020) – Text has been reworded, supplemented, and re-organized to reflect that the Commission will now consider this process optional.

**ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES****Section 2703: Zoning Map Amendment and Preliminary Development Plan Submission Requirements**

2703.01 Application –A fully completed, signed, and dated application which shall include, at minimum, the following information:

- A) The address(es) and parcel identification number(s) of the affected Lot(s) within the Tract;
- B) The name(s), address(es), and contact information of the property owner(s) of record, as listed on the tax list of the Delaware County Auditor at the time of submission;
- C) The name(s), address(es), and contact information of the applicant(s) of record, if different than that of the property owner;
- D) The name(s), address(es), and contact information of any engineers, architect(s), attorneys, and/or consultants of record, if any.
- E) Exact acreage of the Tract;
- F) The present Use(s) of the subject Tract;
- G) The present Zoning District(s) comprising the subject Tract;
- H) Proposed Use(s) for the subject Tract;
- I) Proposed Zoning District(s) for the subject Tract;
- J) Proposed unit count and Density of the Planned Development, if applicable.
- K) Any additional information which may be requested on the official application form.

2703.02 Documentation and Studies:

- A) A legal description of the Tract;
- B) A complete list of all parcel identification numbers within the Tract;
- C) A Vicinity Map, on a sheet of paper no larger than 11" x 17", illustrating the size and location of the proposed Planned Development, existing Lot Lines, acreage, parcel identification numbers, existing streets, existing Structures and Signs on or within five hundred (500) feet of the property's boundary, existing Zoning District classifications and boundaries, and other such items;
- D) If the applicant is not the current property owner of record, a letter from the property owner(s) authorizing the applicant to submit the subject application on their behalf and/or proof that the applicant has a legal interest in the property in the form of an executed sales agreement, option, transfer, or other similar type of legal instrument.
- E) Letters from public utility providers confirming the availability of services;
- F) A traffic study, analysis, or memo, as required by Delaware County, examining the impact of the development on existing infrastructure, modifications required to handle the increased traffic, and the mechanism(s) proposed to complete the necessary improvements. Genoa Township reserves the right to request a traffic study, analysis, or memo during its review of the application even if one is not required by Delaware County;
- G) Any other materials proving that all other required permits, licenses, or approvals issued by a non-Township entity have been obtained, if applicable.
- H) A list of all property owners within five hundred (500) feet of, Contiguous to, and directly across the street from the Tract, and others that may have a legitimate, legal interest in the case, as they appear on the tax list of the Delaware County Auditor at the time of submission.
  - 1) The applicant shall provide one (1) set of pre-addressed, stamped business-size envelopes with postage sufficient to send a notice via first class mail for each property owner listed.

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 27: PLANNED DEVELOPMENT PROCEDURES AND ADMINISTRATION**

- 2) A second set of envelopes shall be provided for the Township Trustees hearing once the Zoning Commission has voted on their recommendation.

2703.03 Zoning Map Amendment/Preliminary Development Plan Text – A written document containing the following:

- A) A narrative describing the proposed Zoning Map Amendment and Planned Development, including all the information listed in Section 2703.01, as well as:
- 1) The relationship and compatibility of the proposed Planned Development to existing and probable Uses of surrounding areas during the development timetable;
  - 2) The proposed, non-binding time schedule for development of the site including Streets, Buildings, utilities, and other facilities;
    - a) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first shall be fully described to provide township officials guidelines for approval of future phases.
- B) A review of the requested Planned Development District requirements and other applicable portions of the Zoning Resolution, including, but not necessarily limited to: Article 16 (General Development Standards), Article 17 (Special and Miscellaneous Uses), Article 18 (Sign Standards), Article 19 (Parking Standards), Article 20 (Landscaping Standards), and Article 21 (Lighting Standards); with detailed responses explaining how the proposal complies with each standard;
- C) Calculations demonstrating compliance with any required Density or Open Space provisions for the Planned Development.
- D) Limitations and controls being established to regulate the development, Uses, Open Space management, and architecture. The text shall specify any controls which are to be administered by a private organization;
- E) A specific list of all Divergences being requested, if any. Said list shall be itemized in numerical order and shall cite the specific section number(s) of the Zoning Resolution from which relief is desired, the verbatim requirement of said section, what is being proposed in lieu of said requirement, and the applicant's justification for said request, citing the standards found within Section 2707;
- F) A review of the Genoa Township Comprehensive Plan with a detailed analysis of how the proposal adheres to the recommendations of said Plan. Should the proposal deviate from, or be inconsistent with, the Plan, an explanation as to why such a deviation is warranted shall be provided. Deviations from the Comprehensive Plan shall not be considered Divergences as defined within this Resolution and shall not be subject to the provisions of Section 2707; and
- G) Any other pertinent information.

2703.04 Zoning Map Amendment/Preliminary Development Plan Drawings – The Zoning Map Amendment/Preliminary Development Plan set of drawings shall visually demonstrate compliance with the Zoning Resolution and shall include the drawings listed below on both 11" x 17" (or smaller) and 24" x 36" sheets of paper. Two or more drawings may be combined into a single sheet so long as the features and information on said drawing are legible and discernible from one another. Phasing lines, if proposed, shall appear on each applicable drawing. The following shall be required as part of a formal submittal:

- A) An existing features plan-drawing which illustrates the following items within the Tract unless otherwise specified:
- 1) Tract boundaries and acreage;
  - 2) Contours based upon the most recent U.S. Geological Survey;

**ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES**

- 3) Primary Conservation Areas and Secondary Conservation Areas;
- 4) Soil boundaries as shown on USDA Natural Resource Conservation Service maps;
- 5) Streams, wetlands, and other similar types of natural water features on the Tract or within five hundred (500) feet of the Tract;
- 6) Schools, parks, and other community facilities on the Tract or within five hundred (500) feet of the Tract;
- 7) Historic and/or cultural features on the Tract or within five hundred (500) feet of the Tract;
- 8) Buildings, Structures, or Signs on the Tract or within five hundred (500) feet of the Tract;
- 9) Thoroughfares and/or rail tracks on the Tract or within five hundred (500) feet of the Tract;
- 10) Sidewalks, Multi-Use Paths, or Trails on the Tract or within five hundred (500) feet of the Tract;
- 11) Right-of-Ways and/or easements on the Tract or adjacent to the Tract; and
- 12) An aerial photograph with USGS contours of the Tract and immediately surrounding area.
- B) A tree inventory plan-drawing identifying the locations, size, and type of each existing tree, 3-inches or larger in caliper, on the Tract and whether said tree will be preserved or removed as a result of the Planned Development;
- C) A grading plan-drawing illustrating conceptual grades, elevations, and stormwater management facilities; pending approval by Delaware County;
- D) A general site plan-drawing which clearly illustrates:
  - 1) The boundaries and Frontage(s) of the Tract;
  - 2) Conceptual location, dimensions, and sizes of all proposed Lots.
  - 3) All Setbacks, buffers, and conservation areas;
  - 4) The locations, dimensions, and, if applicable, intended Uses, of all proposed Buildings, and/or Structures;
  - 5) The locations and dimensions of all proposed Signs, parking lots, pavement markings, landscape areas, Open Spaces, pedestrian/bicycle amenities, stormwater management facilities, and other such site improvements;
  - 6) Clearly illustrated and labeled phasing lines, if applicable; and
  - 7) A table comparing applicable zoning requirements, including Density, to those which are proposed.
    - a) Calculations supporting the data in the table shall be provided.
    - b) Phased developments shall contain a column for each phase as well as for the development as a whole; and
  - 8) A list of all requested Divergences.
- E) A utility plan-drawing illustrating the preliminary locations of all utilities and easements;
- F) A lighting plan-drawing illustrating the preliminary locations of all proposed light fixtures, both freestanding and those mounted to a Building, Structure, or Sign;
- G) A signage plan-drawing illustrating all potential Sign locations and conceptual designs;
- H) An Open Space plan-drawing clearly identifying all areas to be designated as Common Open Space or Improved Common Open Space;

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 27: PLANNED DEVELOPMENT PROCEDURES AND ADMINISTRATION**

- I) A landscape plan-drawing illustrating the general locations of all proposed plantings, buffers, and conservation areas;
- J) A traffic control plan-drawing illustrating conceptual access points, traffic patterns, and controls; pending approval by Delaware County;
- K) A pedestrian/bicycle circulation plan-drawing illustrating any proposed pedestrian/bicycle amenities, easements, and/or facilities, including: Sidewalks, Multi-Use Paths, Trails, and the like; and
- L) An architecture plan-drawing illustrating all conceptual building designs.

2703.05 Any preliminary deed restrictions or covenants which may be part of the proposal.

2703.06 Any additional materials which may be required by the Delaware County Regional Planning Commission for their statutorily required review.

2703.07 Any other applicable documentation, studies, plans, and/or exhibits necessary to demonstrate compliance, concepts, and/or address concerns related to the request.

2703.08 One (1) optical disc, Universal Serial Bus (USB) flash drive, or other similar type of readable storage device, containing the materials listed in Sections 2703.01 – 2703.07 in Portable Document Format (.PDF) and/or another similar type of widely-utilized, non-proprietary digital format approved by the Zoning Inspector or their designee. A new digital copy will be required with each submitted revision.

2703.09 A fee(s) as may be established by the Township Trustees in a fee schedule.

2703.10 A response to comments letter shall be provided with each submitted revision to identify and explain all the revisions made to the submission, and to identify how any comments or concerns raised by staff, the Zoning Commission, the Board of Trustees, other agencies, and/or the general public have been addressed.

2703.11 Number of Copies:

- A) Ten (10) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Zoning Commission for review, unless otherwise noted.
- B) Six (6) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Board of Trustees for their consideration, unless otherwise noted.
- C) The Zoning Inspector, or their designee, is authorized to revise the number of required copies, as necessary, for administrative purposes.

**Section 2704: Zoning Map Amendment and Preliminary Development Plan Procedure**

2704.01 In addition to any other procedures set out in this Resolution, all applications for amendments to the Zoning Map to Rezone a Lot or Tract to a Planned Development Zoning District, including the Preliminary Development Plan, shall follow the procedures herein and ORC 519.12, as may be amended.

2704.02 Within five (5) days after the filing of a complete application, by at least one (1) owner or designee, the Zoning Inspector or their designee shall transmit a copy of such application and all associated materials to the Delaware County Regional Planning Commission for a review as required by statute. The Delaware County Regional Planning Commission shall recommend the approval, denial, or modification of the application to the Zoning Commission. Such recommendation shall be presented during the public hearing held by the Zoning Commission.

2704.03 In the event that a proposed Zoning Map Amendment and Preliminary Development Plan are located adjacent to another political jurisdiction, an additional copy of the application shall be provided and forwarded to the Chair of the planning commission or the zoning commission of that

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES**

jurisdiction. Any comments provided by the adjoining jurisdiction shall be presented during the public hearing of the Zoning Commission.

2704.04 Before any Zoning Map Amendment and Preliminary Development Plan is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector or their designee shall give notice, by registered mail to the Director of the Ohio Department of Transportation. The Zoning Commission may proceed as required by law; however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of the Ohio Department of Transportation.

A) If the Director of the Ohio Department of Transportation notifies the Township Trustees that they shall proceed to acquire any land needed, the Township Trustees may continue the application, in accordance with the provisions herein, until the acquisition has occurred, or may deny the application.

B) If the Director of the Ohio Department of Transportation notifies the Township Trustees that acquisition at this time is not in the public interest or upon expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Township Trustees shall proceed as required by law.

2704.05 The Zoning Commission shall schedule a public hearing upon the filing of an application for a Zoning Map Amendment and Preliminary Development Plan. Said hearing shall not be less than twenty (20) nor, unless permitted by the applicant, more than forty (40) days from the filing of such application.

2704.06 Before the required public hearing, notice shall be given by the Zoning Inspector or their designee by at least one (1) publication in a newspaper of general circulation within the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the application, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for final consideration.

2704.07 If the proposed Zoning Map Amendment intends to Rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Inspector or their designee by first class mail using pre-addressed, business-size envelopes provided by the applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from such area proposed to be Rezoned or redistricted, to the address of such owners appearing on the County Auditor's current tax list. The failure to deliver the notice, as provided in this Section, shall not invalidate any application. This notice shall set forth the time and place of the public hearing, the nature of the application, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for final consideration.

2704.08 The Zoning Commission may continue a public hearing to a future meeting with consent of the applicant. If said hearing is continued to a date, time, and place certain, re-advertisement of the hearing is not required, otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2704.06 and 2704.07.

2704.09 Revisions and/or supplemental materials shall be due on a date and time determined by the Zoning Commission and/or in accordance with a pre-determined schedule as authorized in Section 2701.03.

2704.10 Within thirty (30) days of the conclusion of the public hearing, the Zoning Commission shall:

A) vote, based upon findings of fact, to recommend approval or denial of the Zoning Map Amendment, including any applicable Divergences; and subsequently submit said



## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 27: PLANNED DEVELOPMENT PROCEDURES AND ADMINISTRATION

recommendation together with the application and all associated materials to the Township Trustees for their consideration; and

B) in a separate motion, vote to recommend approval or denial of the Preliminary Development Plan, including any applicable Divergences and/or conditions; and subsequently submit said recommendation together with the application and all associated materials to the Township Trustees for their consideration.

C) be allowed to take more than thirty (30) days to make their recommendations with the applicant's consent.

2704.11 Following the recommendation(s) of the Zoning Commission, the Zoning Inspector or their designee shall forward the Commission's recommendation(s) and reasons for said recommendation(s) to the Township Trustees.

2704.12 The Township Trustees shall acknowledge receipt of the Zoning Commission's recommendation(s) via resolution, and shall schedule a public hearing date for the application, at the first regularly scheduled Township Trustee meeting to occur following the Zoning Commission's vote unless said meeting is canceled, a special meeting is scheduled within the required thirty (30) day timeframe by the Township Trustees, or the initiator/applicant requests and is granted otherwise by the Township Trustees, in which case such action shall take place at the next subsequent regular or special meeting of the Township Trustees. Unless otherwise authorized on the record by the initiator/applicant, the date of said hearing shall be not more than thirty (30) days from the Township Trustees' receipt and acknowledgement of the recommendation from the Zoning Commission.

2704.13 Notice of the required public hearing shall be given by the Zoning Inspector or their designee by at least one (1) publication in a newspaper of general circulation within the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. This notice shall set forth the time and place of the public hearing and the nature of the application.

2704.14 If the proposed amendment intends to Rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Inspector or their designee, by first class mail using pre-addressed, business-size envelopes provided by the applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from such area proposed to be Rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate the application. This notice shall set forth time and place of the public hearing and the nature of the application.

2704.15 The Township Trustees may continue a public hearing to a future meeting with consent of the applicant. If said hearing is continued to a date, time, and place certain, re-advertisement of the hearing is not required, otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2704.13 and 2704.14.

2704.16 Revisions and/or supplemental materials shall be due on date and time determined by the Township Trustees and/or in accordance with a pre-determined schedule as authorized in Section 2701.03.

2704.17 Within twenty (20) days of the conclusion of the public hearing, the Township Trustees shall:

A) Vote, based upon the findings of fact, to: approve, approve with modifications, or deny the Zoning Map Amendment, including any applicable Divergences. Said vote is subject to referendum pursuant to Section 3519.01 of the Ohio Revised Code.

B) In a separate, non-binding resolution, vote, based upon the findings of fact, to: approve, approve with modifications, or deny the Preliminary Development Plan, including any applicable Divergences and/or conditions.

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES**

C) Be allowed to take more than twenty (20) days to render their decisions with the applicant's consent.

2704.18 A Zoning Map amendment adopted by the Township Trustees shall become effective thirty (30) days after the date of such adoption unless, within thirty (30) days after the adoption of said amendment, there is presented to the Township Trustees a referendum petition, in accordance with ORC 3519.01, requesting the Township Trustees to submit said amendment to the electors of such area, for approval or rejection, at the next primary or general election. Approval of a Preliminary Development Plan, being an administrative action, shall not be subject to referendum.

2704.19 No Zoning Map amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of said amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

2704.20 A Zoning Map amendment, upon becoming effective, shall be permanent, regardless of the status of the coinciding Preliminary Development Plan, future Final Development Plan, future Final Development Plan Amendments, and/or Subdivision plat, unless a subsequent Zoning Map amendment for the subject Tract is applied for and approved in accordance with the terms of this Zoning Resolution and ORC 519.12. Under no circumstance shall an approved and effective Zoning Map amendment be required to seek renewal or re-approval.

2704.21 Once a Zoning Map amendment has become effective, the Zoning Inspector or their designee shall update the Genoa Township Zoning Map accordingly.

2704.22 An approved Preliminary Development Plan shall be valid for three (3) years from the date of approval by the Township Trustees so long as its coinciding Zoning Map amendment approval is not overturned via referendum. Should a Final Development Plan for the subject development not be issued, or at least applied for and actively pending decision, within the aforementioned three (3) year time period, or should the coinciding Zoning Map Amendment approval be overturned via referendum, the Preliminary Development Plan approval shall be considered null and void. The Township Trustees shall retain the right to expressly extend the aforementioned deadline at their discretion and without a Divergence request. Such an extension shall be expressly stated and documented in their motion of adoption.

A) Final Development Plan submission shall not be permitted for any Tract whose Preliminary Development Plan approval has become null and void.

B) Should a Preliminary Development Plan approval become null and void due to time expiration, a new Preliminary Development Plan approval shall be applied for and obtained in accordance with the terms of this Zoning Resolution, prior to application for the required Final Development Plan.

C) Should a Preliminary Development Plan approval become null and void due to the coinciding Zoning Map amendment approval being overturned via referendum, new Zoning Map amendment and Preliminary Development Plan approvals shall be applied for and obtained, in accordance with the terms of this Zoning Resolution and ORC 519.12, prior to application for the required Final Development Plan.

2704.23 A Final Development Plan shall not be applied for until the required Zoning Map Amendment has become effective pursuant to Sections 2704.18 – 2704.22.

**Section 2705: Final Development Plan Submission Requirements**

2705.01 Application –A fully completed, signed, and dated application which shall include, at minimum, the following information:

A) The address(es) and parcel identification number(s) of the Tract;

**Commented [S3417]:** NOTE (1/21/20) – Added to give the Township the ability to accommodate deadlines for larger projects and/or economic conditions.

**ARTICLE 27: PLANNED DEVELOPMENT PROCEDURES AND ADMINISTRATION**

- B) The name(s), address(es), and contact information of the property owner(s) of record, as listed on the tax list of the Delaware County Auditor at the time of submission;
- C) The name(s), address(es), and contact information of the applicant(s) of record, if different than that of the property owner;
- D) The name(s), address(es), and contact information of any engineers, architect(s), attorneys, and/or consultants of record, if any.
- E) Exact acreage of the Tract;
- F) The present Use(s) of the subject Tract;
- G) The Zoning District(s) comprising the subject Tract;
- H) Proposed Use(s) for the subject Tract;
- I) Proposed unit count and Density of the Planned Development, if applicable.
- J) Any additional information which may be requested on the official application form.

2705.02 Documentation and Studies:

- A) A legal description of the Tract;
- B) A complete list of all parcel identification numbers within the Tract;
- C) A Vicinity Map, on a sheet of paper no larger than 11" x 17", illustrating the size and location of the proposed Planned Development, existing Lot Lines, acreage, parcel identification numbers, existing streets, existing Structures and Signs on or within five hundred (500) feet of the property's boundary, existing Zoning District classifications and boundaries, and other such items;
- D) If the applicant is not the current property owner of record, a letter from the property owner(s) authorizing the applicant to submit the subject application on their behalf and/or proof that the applicant has a legal interest in the property in the form of an executed sales agreement, option, transfer, or other similar type of legal instrument.
- E) Letters from public utility providers confirming the availability of services;
- F) A traffic study, analysis, or memo, as required by Delaware County, examining the impact of the development on existing infrastructure, modifications required to handle the increased traffic, and the mechanism(s) proposed to complete the necessary improvements. Genoa Township reserves the right to request a traffic study, analysis, or memo during its review of the application even if one is not required by Delaware County;
- G) Any other materials proving that all other required permits, licenses, or approvals issued by a non-Township entity have been obtained, if applicable.
- H) Any materials previously submitted during the Zoning Map Amendment and Preliminary Development Plan approval process, updated and revised accordingly to accurately reflect the proposed Final Development Plan.
- I) A list of all property owners within five hundred (500) feet of, Contiguous to, and directly across the street from the Tract, and others that may have a legitimate, legal interest in the case, as they appear on the tax list of the Delaware County Auditor at the time of submission.
  - 1) The applicant shall provide one (1) set of pre-addressed, stamped business-size envelopes with postage sufficient to send a notice via first class mail for each property owner listed.
  - 2) A second set of envelopes shall be provided for the Township Trustees hearing once the Zoning Commission has voted on their recommendation.

2705.03 Final Development Plan Text – A written document containing the following:

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES**

A) A narrative describing the Planned Development, including all the information listed in Section 2705.01, as well as:

- 1) The relationship and compatibility of the proposed Planned Development to existing and probable Uses of surrounding areas during the development timetable;
- 2) The proposed, non-binding time schedule for development of the site including Streets, Buildings, utilities, amenities, and other facilities;
  - a) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first shall be fully described to provide township officials guidelines for approval of future phases.
  - b) Each phase of the proposed development, as it is proposed to be completed, shall contain parking, landscaping, utilities, drainage, and stormwater management necessary for creating and sustaining a desirable and suitable environment.
- 3) That the physical character of the site is suitable for development in the manner proposed without creating 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.

B) A review of the required Planned Development District requirements and other applicable portions of the Zoning Resolution, including, but not necessarily limited to: Article 16 (General Development Standards), Article 17 (Special and Miscellaneous Uses), Article 18 (Sign Standards), Article 19 (Parking Standards), Article 20 (Landscaping Standards), and Article 21 (Lighting Standards); with detailed responses explaining how the proposal complies with each standard;

C) Calculations demonstrating compliance with any required Density or Open Space provisions for the Planned Development.

D) Limitations and controls being established to regulate the development, Uses, Open Space management, and architecture. The text shall specify any controls which are to be administered by a private organization;

E) Identification of parties responsible for responsibility and maintenance of any Open Space areas, facilities, amenities, and/or other similar types of improvements within the Planned Development;

F) A specific list of all Divergences being requested, if any. Said list shall be itemized in numerical order and shall cite the specific section number(s) of the Zoning Resolution from which relief is desired, the verbatim requirement of said section, what is being proposed in lieu of said requirement, and the applicant's justification for said request, citing the standards found within Section 2707;

G) A review of the Genoa Township Comprehensive Plan with a detailed analysis of how the proposal adheres to the recommendations of said Plan. Should the proposal deviate from, or be inconsistent with, the Plan, an explanation as to why such a deviation is warranted shall be provided. Deviations from the Comprehensive Plan shall not be considered Divergences as defined within this Zoning Resolution and shall not be subject to the provisions of Section 2707; and

H) Any other pertinent information.

2705.04 Final Development Plan Drawings – The Final Development Plan set of drawings shall visually demonstrate compliance with the Zoning Resolution and shall include the drawings listed below on both 11" x 17" (or smaller) and 24" x 36" sheets of paper. Two or more drawings may be combined into a single sheet so long as the features and information on said drawing are legible.

**ARTICLE 27: PLANNED DEVELOPMENT PROCEDURES AND ADMINISTRATION**

and discernible from one another. Phasing lines, if proposed, shall appear on each applicable drawing. The following shall be required as part of the formal submittal:

A) An existing features plan-drawing which illustrates the following items within the Tract unless otherwise specified:

- 1) Tract boundaries and acreage;
- 2) One (1) foot contours based upon the nearest benchmark;
- 3) Primary Conservation Areas and Secondary Conservation Areas;
- 4) Soil boundaries as shown on USDA Natural Resource Conservation Service maps;
- 5) Streams, wetlands, and other similar types of natural water features on the Tract or within five hundred (500) feet of the Tract;
- 6) Schools, parks, and other community facilities on the Tract or within five hundred (500) feet of the Tract;
- 7) Historic and/or cultural features on the Tract or within five hundred (500) feet of the Tract;
- 8) Buildings, Structures, or Signs on the Tract or within five hundred (500) feet of the Tract;
- 9) Thoroughfares and/or rail tracks on the Tract or within five hundred (500) feet of the Tract;
- 10) Sidewalks, Multi-Use Paths, or Trails on the Tract or within five hundred (500) feet of the Tract;
- 11) Right-of-Ways and/or easements on the Tract or adjacent to the Tract; and
- 12) An aerial photograph with USGS contours of the Tract and immediately surrounding area.

B) A tree inventory plan-drawing identifying the locations, size, and type of each existing tree, 3-inches or larger in caliper, on the Tract and whether said tree will be preserved or removed as a result of the Planned Development;

C) A grading plan-drawing illustrating grades, elevations, and stormwater management facilities, pending approval by Delaware County;

D) A general site plan-drawing which clearly illustrates:

- 1) The boundaries and Frontage(s) of the Tract;
- 2) The location, dimensions, and sizes of all proposed Lots.
- 3) All Setbacks, buffers, and conservation areas;
- 4) The locations, dimensions, and, if applicable, intended Uses, of all proposed Buildings, and/or Structures;
- 5) The locations and dimensions of all proposed Signs, parking lots, pavement markings, landscape areas, Open Spaces, pedestrian/bicycle amenities, stormwater management facilities, and other such site improvements;
- 6) Clearly illustrated and labeled phasing lines, if applicable;
- 7) A table comparing applicable zoning requirements, including Density, to those which are proposed.
  - a) Calculations supporting the data in the table shall be provided.
  - b) Phased developments shall contain a column for each phase as well as for the development as a whole; and
- 8) A list of all requested Divergences.

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES**

- E) A utility plan-drawing illustrating the locations of all utilities and easements, pending approval by Delaware County;
- F) A lighting plan-drawing illustrating the locations of all proposed light fixtures, both freestanding and those mounted to a Building, Structure, or Sign;
- G) A signage plan-drawing illustrating all proposed Sign dimensions and locations;
- H) An Open Space plan-drawing clearly identifying all areas to be designated as Common Open Space or Improved Common Open Space;
- I) A landscape plan-drawing illustrating the exact locations of all proposed plantings, buffers, and conservation areas;
- J) A traffic control plan-drawing illustrating access points, traffic patterns, and controls; pending approval by Delaware County and the Genoa Township Fire Marshal;
- K) A pedestrian/bicycle circulation plan-drawing illustrating any proposed pedestrian/bicycle amenities, easements, and/or facilities, including: Sidewalks, Multi-Use Paths, Trails, and the like;
- L) Construction design details, cut-sheets, specifications, and/or cross-sections for all proposed fixtures, amenities, facilities, controls, pavement, markings, and other such improvements;
- M) Planting design details and specifications for all proposed plantings, including: types, sizes, heights, and any other pertinent specifications; and
- N) An architecture plan-drawing illustrating all proposed building designs and construction materials, including color.

2705.05 Any final deed restrictions or covenants which may be part of the proposal.

2705.06 Any other applicable documentation, studies, plans, and/or exhibits necessary to demonstrate compliance, concepts, and/or address concerns related to the request.

2705.07 One (1) optical disc, Universal Serial Bus (USB) flash drive, or other similar type of readable storage device, containing the materials listed in Sections 2705.01 - 2705.06 in Portable Document Format (.PDF) and/or another similar type of widely-utilized, non-proprietary digital format approved by the Zoning Inspector or their designee.

2705.08 A fee as may be established by the Township Trustees.

2705.09 A response to comments letter shall be provided with each submitted revision to identify and explain all the revisions made to the submission, and to identify how any comments or concerns raised by staff, the Zoning Commission, the Board of Trustees, other agencies, and/or the general public have been addressed.

2705.10 Number of Copies:

- A) Ten (10) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Zoning Commission for review, unless otherwise noted.
- B) Six (6) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Board of Trustees for their consideration, unless otherwise noted.
- C) The Zoning Inspector, or their designee, is authorized to revise the number of required copies, as necessary, for administrative purposes.

**Section 2706: Final Development Plan Procedure**

2706.01 In addition to any other procedures set out in this Resolution, all applications for a Final Development Plan shall follow the procedures set forth herein. A Final Development Plan shall not be applied for until any/all required Zoning Map Amendment/Preliminary Development Plan(s)

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 27: PLANNED DEVELOPMENT PROCEDURES AND ADMINISTRATION**

approvals have been obtained and said Zoning Map Amendment has become effective pursuant to Sections 2704.18 – 2704.22.

2706.02 In the event that a Final Development Plan is located adjacent to another political jurisdiction, an additional copy of the application shall be provided and forwarded to the Chair of the planning commission or the zoning commission of that jurisdiction. Any comments provided by the adjoining jurisdiction shall be presented during the public hearing of the Zoning Commission.

2706.03 The Zoning Commission shall schedule a public hearing upon the filing of an application for a Final Development Plan. Said hearing shall not be less than twenty (20) nor, unless permitted by the applicant, more than forty (40) days from the filing of such application.

2706.04 Before the public hearing, notice shall be given by the Zoning Inspector or their designee by at least one (1) publication in a newspaper of general circulation within the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the application, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for final consideration.

2706.05 Written notice of the hearing shall be mailed by the Zoning Inspector or their designee by first class mail using pre-addressed, business-size envelopes provided by the applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, contiguous to, and directly across the Street from, the Tract to the address of such owners appearing on the County Auditor's current tax list. The failure to deliver the notice, as provided in this Section, shall not invalidate any application. This notice shall set forth the time and place of the public hearing, the nature of the application, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for final consideration.

2706.06 The Zoning Commission may continue a public hearing to a future meeting with consent of the applicant. If said hearing is continued to a date, time, and certain re-advertisement of the hearing is not required, otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2706.04 and 2706.05.

2706.07 Revisions and/or supplemental materials shall be due on date and time determined by the Zoning Commission and/or in accordance with a pre-determined schedule as authorized in Section 2701.03.

2706.08 Within thirty (30) days of the conclusion of the public hearing, the Zoning Commission shall vote, based upon findings of fact, to recommend approval or denial of the Final Development Plan, including any applicable Divergences and/or conditions; and subsequently submit said recommendation together with the application and all associated materials to the Township Trustees for their consideration. The Zoning Commission shall be allowed to take more than thirty (30) days to make their recommendation with the applicant's consent.

2706.09 Following the recommendation(s) of the Zoning Commission, the Zoning Inspector or their designee shall forward the Commission's recommendation(s) and reasons for said recommendation(s) to the Township Trustees.

2706.10 The Township Trustees shall acknowledge receipt of the Zoning Commission's recommendation(s) via resolution, and shall schedule a public hearing date for the application, at the first regularly scheduled Township Trustee meeting to occur following the Zoning Commission's vote unless said meeting is canceled, a special meeting is scheduled within the required thirty (30) day timeframe by the Township Trustees, or the initiator/applicant requests and is granted otherwise by the Township Trustees, in which case such action shall take place at the next subsequent regular or special meeting of the Township Trustees. Unless otherwise authorized on the record by the initiator/applicant, the date of said hearing shall be not more than thirty (30) days from the Township Trustees' receipt and acknowledgement of the recommendation from the Zoning Commission.

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES**

- 2706.11 Notice of the required public hearing shall be given by the Zoning Inspector or their designee by at least one (1) publication in a newspaper of general circulation within the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. This notice shall set forth the time and place of the public hearing and the nature of the application.
- 2706.12 Written notice of the hearing shall be mailed by the Zoning Inspector or their designee, by first class mail using pre-addressed, business-size envelopes provided by the applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from the Tract to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate the application. This notice shall set forth time and place of the public hearing, and the nature of the application.
- 2706.13 The Township Trustees may continue a public hearing to a future meeting with consent of the applicant. If said hearing is continued to a date, time, and place certain, re-advertisement of the hearing is not required, otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2706.11 and 2706.12.
- 2706.14 Revisions and/or supplemental materials shall be due on date and time determined by the Township Trustees and/or in accordance with a pre-determined schedule as authorized in Section 2701.03.
- 2706.15 Within twenty (20) days of the conclusion of the public hearing, the Township Trustees shall:
- A) vote, based upon the findings of fact, to: approve, approve with modifications, or deny the Final Development Plan, including any applicable Divergences and/or conditions.
  - B) be allowed to take more than twenty (20) days to render a decision with the applicant's consent.
- 2706.16 A Final Development Plan approved by the Township Trustees, being an administrative action not subject to referendum, shall become effective immediately.
- 2706.17 A Final Development Plan approved by resolution of the Township Trustees in accordance with the provisions herein shall be considered legally binding and enforceable. Violation of any designs, provisions, terms, conditions, restrictions, safeguards, or other similar type of controls or standards shall be deemed a violation of this Zoning Resolution and subject to the provisions of Section 116, as may be amended, unless otherwise approved accordance with this Resolution.
- 2706.18 In instances where the approved Final Development Plan is silent or unclear on a matter, the Zoning Resolution and/or any other existing and applicable Legal Approvals shall retain control.
- 2706.19 An approved Final Development Plan shall be valid for three (3) years from the date of approval by the Township Trustees. Should a Zoning Permit for the subject development not be issued, or at least applied for and actively pending decision, in accordance with Article 1, within the aforementioned three (3) year time period, the Final Development Plan approval shall be considered null and void. The Township Trustees shall retain the right to expressly extend the aforementioned deadline at their discretion and without a Divergence request. Such an extension shall be expressly stated and documented in their motion of adoption.
- A) Should a Final Development Plan approval become null and void due to time expiration, a new Final Development Plan approval shall be applied for and obtained in accordance with the terms of this Zoning Resolution prior to the issuance of any Zoning Permits for the Planned Development.

**Section 2707: Divergence Review and Conflicts with Other Sections**

- 2707.01 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

**Commented [SJ418]:** NOTE (1/21/20) – Added to give the Township the ability to accommodate deadlines for larger projects and/or economic conditions.



## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 27: PLANNED DEVELOPMENT PROCEDURES AND ADMINISTRATION

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.

2707.02 Uses are not subject to Divergence requests. Relief to Use prohibitions may only be sought via the Variance process outlined in Article 3. Said Variance shall be obtained prior to applying for Planned Development approvals.

2707.03 The Genoa Township Zoning Commission and the Township Trustees may consider Divergences requested at the time of the filing of a Planned Development application of any type, which is determined to be in compliance with all other general development standards listed in the Zoning District where the proposed development will be occurring. If a request is made, the applicant shall provide written development text, citing such requests, in accordance with this Article.

2707.04 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.

2707.05 Divergence requests shall demonstrate how granting the request will advance public interests and the General Purposes of this Zoning Resolution, by promoting, or not having an adverse impact on, one or more of the following purposes:

- A) The conservation and protection of the natural resources, scenic areas, wildlife habitat and the historical and unique natural features of the land;
- B) The public health, safety, morals, and general welfare of the present and future inhabitants of Genoa Township;
- C) The quality of life within Genoa Township through the protection of the total environment, the prevention of nuisances and hazards, and the provision of adequate light, air, and convenient access to property;
- D) The assurance of the compatibility of land uses which are either adjacent or in proximity to each other;
- E) The orderly development of all lands within the Township to its appropriate Use; and
- F) The most appropriate use of land to facilitate and provide adequate public and private improvements.

2707.06 Divergences shall be permanent once granted and in effect and cannot be repealed or rescinded. Divergences shall only be required to be re-requested and re-considered should a subsequent proposal be applied for which seeks to increase the degree of the granted Divergence, render the justification for a Divergence moot, and/or should said proposal directly and substantially impact and have a rational nexus to the: benefits of the development, improved arrangement or design of the development, advancement of public interest, and/or advancement of the General Purposes of the Zoning Resolution. Such request shall still be subject to provisions and review criteria within Section 2707. The denial of a request to increase the degree of a previously granted Divergence shall not nullify or void the Divergence as originally granted.

**Commented [S3419]:** NOTE (1/21/20) – Added for clarity and to answer a question that is sometimes raised during hearings.

**ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES**

2707.07 Unless a deviation from development standards is specifically approved as a Divergence, the same shall be complied with.

**Section 2708: Subdivision Plat and Subdivision Regulations**

2708.01 A Subdivision Plat of the Planned Development shall be submitted to the Delaware County Regional Planning Commission for review and approval as/if required by, and in accordance with, Delaware County's Subdivision Regulations.

2708.02 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. Variances for such requirements shall be obtained from the Delaware County Regional Planning Commission during the platting process.

2708.03 Should relief be granted by any Delaware County agency to any of their respective regulations, Final Development Plan Amendment approval may need to be sought if said relief results in a modification to the approved Final Development Plan, or an approved Final Development Plan Amendment, per Section 2710.

**Section 2709: Zoning Compliance**

2709.01 A Zoning Permit shall be required for any Planned Development subdivision or plat to confirm that it complies with its approved Final Development Plan, as may be amended pursuant to Sections 2710 - 2712. The Zoning Inspector may refuse to sign a final plat for recording until said Zoning Permit is applied for and granted.

2709.02 A Zoning Permit shall be required for any Building, Structure, or Sign within a Planned Development. Permits shall be applied for and processed in accordance with Article 1 of this Zoning Resolution.

2709.03 Unless otherwise authorized by Section 2709.04 below, no Zoning Permit 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 copy of the recorded final subdivision plat has been provided to the Zoning Inspector.

2709.04 Zoning Permits for Signs may be issued prior to actions listed in Sections 2709.03.A & B above upon payment of any required fees and submission of detailed and specific plans demonstrating compliance with the approved Final Development Plan, as may be amended pursuant to Sections 2710 - 2712.

2709.05 Upon completion of Sections 2709.03.A & B, the Zoning Inspector may issue Zoning Permits for Structures upon payment of any required fees and submission of detailed and specific plans demonstrating compliance with the approved Final Development Plan, as may be amended pursuant to Sections 2710 - 2712.

2709.06 The Zoning Inspector may issue Zoning Permits for Structures within Planned Developments not requiring a plat upon payment of any required fees and submission of detailed and specific plans demonstrating compliance with the approved Final Development Plan, as may be amended pursuant to Sections 2710 - 2712.

**Section 2710: Modifications and Final Development Plan Amendments**

2710.01 The Zoning Inspector shall have the authority to, but is not required to, administratively approve limited revisions to the approved Final Development Plan or an approved Final Development Plan Amendment at their discretion so long as they are compliant with this Zoning Resolution, abide by any specific conditions of approval, do not require a Divergence or Variance, and do not deviate

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 27: PLANNED DEVELOPMENT PROCEDURES AND ADMINISTRATION**

from the spirit and intent of the aforementioned plans. These revisions shall include, but are not necessarily limited to:

- A) Re-organization and/or re-location of approved Landscaping, including hardscapes.
- B) Supplemental Landscaping, buffering, screening, and/or improvements which is/are above and beyond what was approved as part of the approved plans.
- C) Re-organization or re-location of Open Space so long as the amount of Open Space is not decreased and is required to adhere to mandatory requirements of a recognized governmental agency.
- D) Minor or de minimis changes related to planting species, building materials, specifications, designs, and/or colors but excluding the outright removal of any such features.
- E) Any other minor revisions necessary to accommodate mandatory requirements of a recognized governmental agency.

2710.02 Should a revision(s) beyond the scope specified in Section 2710.01 be desired and not subject to Section 2710.05, or should a revision not be granted by the Zoning Inspector, a request to formally amend an approved Final Development Plan may be granted by the Zoning Commission, subject to the requirements and procedures set forth herein, so long as the Zoning Commission, after thorough examination of the proposal, determines that the request does not constitute a Major Amendment as further detailed in Section 2710.03, and thus is considered a Minor Amendment. The decision of the Zoning Commission regarding an application found to be a Minor Amendment shall be final unless an applicant exercises the provision of Section 2717.08.A.1.b herein.

2710.03 Should a Final Development Plan amendment request represent a substantial departure from the intent of the original proposal, i.e. a Major Amendment, said modification or amendment shall be subject to submission requirements and procedures set forth herein. The following shall be considered substantial departures from the original application and, following review and recommendation by the Zoning Commission, shall be subject to final consideration by the Township Trustees:

- A) A significant change in the Use or character of the development;
- B) A significant 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 significant reduction in approved Open Space;
- F) A reduction of required Off-Street parking and loading space;
- G) A reduction in required pavement widths; or
- H) A reduction of the acreage in the Planned Development.

2710.04 Major and Minor Amendment requests shall adhere to the submission and procedural requirements of Sections 2711 and 2712, respectively.

2710.05 A property owner wishing to deviate from the Zoning Resolution shall be permitted to apply for a Variance from the Board of Zoning Appeals and shall not be required to apply for a Final Development Plan Amendment, so long as the deviation only applies to said owner's private Lot or Building Envelope, excluding Lots designated for Open Space; and no other Lot, Building Envelope, Tract, or portion thereof, within the Planned Development. Deviations from standards specific to the Final Development Plan shall not be permitted to apply for a Variance and shall be subject to Sections 2710.01 – 2710.04.

**Commented [SJ420]:** 9/18/2020 – Edited per Trustee comments.

**Commented [SJ421]:** 9/18/2020 – Edited per Trustee comments.

**ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES****Section 2711: Final Development Plan Amendment Submission Requirements**

2711.01 Application –A fully completed, signed, and dated application which shall include, at minimum, the following information:

- A) The address(es) and parcel identification number(s) of the affected Lot(s) within the Tract;
- B) The name(s), address(es), and contact information of the property owner(s) of record, as listed on the tax list of the Delaware County Auditor at the time of submission;
- C) The name(s), address(es), and contact information of the applicant(s) of record, if different than that of the property owner;
- D) The name(s), address(es), and contact information of any engineers, architect(s), attorneys, and/or consultants of record, if any.
- E) Exact acreage of the Lot(s) or Tract;
- E) The present Use(s) of the subject Tract;
- F) The Zoning District(s) comprising the subject Tract;
- G) Proposed Use(s) for the subject Tract;
- I) Proposed unit count and Density of the Planned Development, if applicable.
- J) Any additional information which may be requested on the official application form.

2711.02 Documentation and Studies – Updated copies of any documents or studies incorporated within the approved Final Development Plan, or any previously approved Final Development Plan Amendments, which are affected by the proposed modification(s) and incorporate any necessary revisions to reflect said modification(s).

2711.03 Final Development Plan Amendment Text – An updated copy of the Final Development Plan Text incorporated with the approved Final Development Plan, or any previously approved Final Development Plan Amendments, which incorporate any necessary revisions to reflect the requested modification(s). All revisions shall be visually called out utilizing underlining, a strike-thru font, highlighting, notations, and/or other similar type of formatting.

2711.04 A list of all property owners within five hundred (500) feet of, Contiguous to, and directly across the Street from the Tract, and others that may have a legitimate, legal interest in the case, as they appear on the tax list of the Delaware County Auditor at the time of submission.

- A) The applicant shall provide one (1) set of pre-addressed, stamped business-size envelopes with postage sufficient to send a notice via first class mail for each property owner listed.
- B) Should a hearing with the Township Trustees be required, a second set of envelopes shall be provided for said hearing once the Zoning Commission has voted on their recommendation.

2711.05 Final Development Plan Amendments - Updated copies of any plans, drawings, or exhibits incorporated within the approved Final Development Plan, or any previously approved Final Development Plan Amendments, which are affected by the proposed modification(s) and incorporate any necessary revisions to reflect said modification(s).

2711.06 Any updated or revised final deed restrictions or covenants, if applicable.

2711.07 Any other supplemental documents, studies, plans, and/or exhibits necessary to demonstrate compliance, concepts, and/or address concerns related to the request.

2711.08 One (1) optical disc, Universal Serial Bus (USB) flash drive, or other similar type of readable storage device, containing the materials listed in Sections 2711.01 - 2711.06 in Portable Document Format (.PDF) and/or another similar type of widely-utilized, non-proprietary digital format approved by the Zoning Inspector or their designee.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 27: PLANNED DEVELOPMENT PROCEDURES AND ADMINISTRATION

2711.09 A fee as may be established by the Township Trustees.

2711.10 A response to comments letter shall be provided with each submitted revision to identify and explain all the revisions made to the submission, and to identify how any comments or concerns raised by staff, the Zoning Commission, the Board of Trustees, other agencies, and/or the general public have been addressed.

2711.11 Number of Copies:

- A) Ten (10) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Zoning Commission for review, unless otherwise noted.
- B) Six (6) copies of the items listed herein, divided into sets, shall be provided if/when the proposal is being submitted to the Board of Trustees for their consideration, unless otherwise noted.
- C) The Zoning Inspector, or their designee, is authorized to revise the number of required copies, as necessary, for administrative purposes.

**Section 2712: Final Development Plan Amendment Procedure**

2712.01 In addition to any other procedures set out in this resolution, all applications for a Final Development Plan Amendment shall follow the procedures herein. A Final Development Plan Amendment shall only be applied for once the Final Development Plan has been approved, in accordance with Section 2706, by the Township Trustees.

2712.02 In the event that a Final Development Plan Amendment is located adjacent to another political jurisdiction, an additional copy of the application shall be provided and forwarded to the Chair of the planning commission or the zoning commission of that jurisdiction. Any comments provided by the adjoining jurisdiction shall be presented during the public hearing of the Zoning Commission.

2712.03 The Zoning Commission shall schedule a public hearing upon the filing of an application for a Final Development Plan Amendment. Said hearing shall not be less than twenty (20) nor, unless permitted by the applicant, more than forty (40) days from the filing of such application.

2712.04 Before the public hearing, notice shall be given by the Zoning Inspector or their designee by at least one (1) publication in a newspaper of general circulation within the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the application, and a statement that after the conclusion of such public hearing the matter may be referred to the Township Trustees for final consideration.

2712.05 Written notice of the hearing shall be mailed by the Zoning Inspector or their designee by first class mail using pre-addressed, business-size envelopes provided by the applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, contiguous to, and directly across the Street from the Tract to the address of such owners appearing on the County Auditor's current tax list. The failure to deliver the notice, as provided in this Section, shall not invalidate any application. This notice shall set forth the time and place of the public hearing, the nature of the application, and a statement that after the conclusion of such public hearing the matter may be referred to the Township Trustees for final consideration.

2712.06 The Zoning Commission may continue a public hearing to a future meeting with consent of the applicant. If said hearing is continued to a date, time, and certain re-advertisement of the hearing is not required, otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2712.04 and 2712.05.

2712.07 Revisions and/or supplemental materials shall be due on a date and time determined by the Zoning Commission and/or in accordance with a pre-determined schedule as authorized in Section 2701.03.

2712.08 Within thirty (30) days of the conclusion of the public hearing, the Zoning Commission shall:

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES**

A) Vote, based upon findings of fact, to determine if the request shall be deemed a Minor Amendment or a Major Amendment pursuant to provisions set forth in Section 2710.

1) If the application is considered a Minor Amendment, the Zoning Commission shall:

- a) Vote, based upon the findings of fact, to: approve, approve with modifications, or deny the Final Development Plan Amendment, including any applicable Divergences and/or conditions. The Zoning Commission's vote shall be final and binding. No further hearing with the Township Trustees shall occur; however, Sections 2712.06 and 2712.16 - 2712.19 herein shall remain applicable.
- b) Should the Zoning Commission deny a request deemed to be a Minor Amendment, an applicant may request the Township Trustees consider their application pursuant to the procedures set forth in Sections 2712.09 - 2712.19 herein. Such a request shall be submitted in writing to the Zoning Inspector or their designee within ten (10) days of the Zoning Commission's decisions.

2) If the application is considered a Major Amendment, the Zoning Commission shall:

- a) Vote, based upon findings of fact, to recommend: approval or denial of the Final Development Plan Amendment, including any applicable Divergences and/or conditions; and subsequently submit said recommendation together with the application and all associated materials to the Township Trustees for their consideration.

B) Be allowed to take more than thirty (30) days to render their decision or make a recommendation with the applicant's consent.

2712.09 Following the recommendation(s) of the Zoning Commission, the Zoning Inspector or their designee shall forward the Commission's recommendation(s) and reasons for said recommendation(s) to the Township Trustees.

2712.10 The Township Trustees shall acknowledge receipt of the Zoning Commission's recommendation(s) via resolution, and shall schedule a public hearing date for the application, at the first regularly scheduled Township Trustee meeting to occur following the Zoning Commission's vote unless said meeting is canceled, a special meeting is scheduled within the required thirty (30) day timeframe by the Township Trustees, or the initiator/applicant requests and is granted otherwise by the Township Trustees, in which case such action shall take place at the next subsequent regular or special meeting of the Township Trustees. Unless otherwise authorized on the record by the initiator/applicant, the date of said hearing shall be not more than thirty (30) days from the Township Trustees' receipt and acknowledgement of the recommendation from the Zoning Commission.

2712.11 Notice of the required public hearing shall be given by the Zoning Inspector or their designee by at least one (1) publication in a newspaper of general circulation within the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. This notice shall set forth the time and place of the public hearing and the nature of the application.

2712.12 Written notice of the hearing shall be mailed by the Zoning Inspector or their designee, by first class mail using pre-addressed, business-size envelopes provided by the applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from the Tract to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate the application. This notice shall set forth time and place of the public hearing, and the nature of the application.

2712.13 The Township Trustees may continue a public hearing to a future meeting with consent of the applicant. If said hearing is continued to a date, time, and place certain, re-advertisement of the

Commented [S3422]: 9/18/2020 -- Edited per Trustee comments.

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 27: PLANNED DEVELOPMENT PROCEDURES AND ADMINISTRATION**

hearing is not required, otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2712.11 and 2712.12.

2712.14 Revisions and/or supplemental materials shall be due on date and time determined by the Township Trustees and/or in accordance with a pre-determined schedule as authorized in Section 2701.03.

2712.15 Within twenty (20) days of the conclusion of the public hearing, the Township Trustees shall:

A) vote, based upon findings of fact, to: approve, approve with modifications, or deny the Final Development Plan Amendment, including any applicable Divergences and/or conditions.

B) be allowed to take more than twenty (20) days to render their decision with the applicant's consent.

2712.16 A Final Development Plan Amendment approved by the Zoning Commission or Township Trustees, being an administrative action not subject to referendum, shall become effective immediately.

2712.17 A Final Development Plan Amendment approved by resolution of the Zoning Commission or Township Trustees in accordance with the provisions herein shall be considered legally binding and enforceable. Violation of any designs, provisions, terms, conditions, restrictions, safeguards, or other similar type of controls or standards shall be deemed a violation of this Zoning Resolution and subject to the provisions of Section 116, as may be amended, unless otherwise approved in accordance with this Resolution.

2712.18 A Final Development Plan Amendment approved by the Zoning Commission or Township Trustees shall be limited to the revisions expressly detailed and incorporated within the approved application. In instances where the approved Final Development Plan Amendment is silent or unclear on a matter, the Zoning Resolution and/or any other existing and applicable Legal Approvals shall retain control.

2712.19 An approved Final Development Plan Amendment shall be valid for three (3) years from the date of approval by the Township Trustees. Should a Zoning Permit for the subject development not be issued, or at least applied for and actively pending decision, in accordance with Article 1, within the aforementioned three (3) year time period, the Final Development Plan Amendment approval shall be considered null and void. The Township Trustees shall retain the right to expressly extend the aforementioned deadline at their discretion and without a Divergence request. Such an extension shall be expressly stated and documented in their motion of adoption.

A) Should a Final Development Plan Amendment approval become null and void due to time expiration, the existing Final Development Plan and any other existing and applicable Legal Approvals shall remain in effect unless or until a new Final Development Plan Amendment application is applied for and approved in accordance with this Zoning Resolution.

**Section 2713: Enforcement**

2713.01 Two (2) final, clean paper copies of any approved plans, which address any and all outstanding comments, concerns, and/or conditions cited in the approval motion for said plan, shall be submitted to, and approved by, the Zoning Inspector or their designee, prior to issuance of any Zoning Permit for the Planned Development.

A) A response to comments letter shall be provided with the submission to identify and explain all the revisions made to the submission, and to identify how any comments, concerns, and/or conditions have been addressed.

B) One (1) optical disc, Universal Serial Bus (USB) flash drive, or other similar type of readable storage device, containing a complete copy of the submission in Portable Document Format (.PDF) and/or another similar type of widely-utilized, non-proprietary digital format approved by the Zoning Inspector or their designee shall also be provided.

**Commented [SJ423]:** NOTE (1/21/20) – Added to give the Township the ability to accommodate deadlines for larger projects and/or economic conditions.

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ZC 2020-03

SEPTEMBER 18, 2020

GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES**

2713.02 The Zoning Inspector shall ensure all Zoning Permits issued for the Planned Development are in accordance with the provisions of the approved Final Development Plan and any approved Final Development Plan Amendment(s).

2713.03 If the Zoning Inspector shall find that the provisions of the approved Final Development Plan, Final Development Plan Amendment(s), or any related Zoning Permit, are not being adhered to, they shall follow the procedures of Section 116, and/or direct applicable parties to apply for a Final Development Plan Amendment pursuant to Sections 2710 - 2712, in order to remedy any violations.

2713.04 Administrative Appeals pertinent to a Planned Development shall be administered in accordance with Section 306.





**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~~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~~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.

DRAFT

ZC 2020-03

SEPTEMBER 18, 2020  
GENOA TOWNSHIP ZONING RESOLUTION  
APPENDIX

The Genoa Township Comprehensive Plan was updated on December 1, 2016. The Zoning Resolution was thereafter amended on the following effective dates with the following notable amendments:

- 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.

The 2016 Genoa Township Comprehensive Plan was further revised on January 7, 2019. The Zoning Resolution was thereafter amended on the following effective dates with the following notable amendments:

- February 5, 2019 – 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.
- TBD – Corrected several legal discrepancies (agriculture, agritourism, Farm Markets, public utilities, residential care facilities, quorums); added clear regulations for Sexually Oriented Businesses; deleted the Planned Rural Residential Conservation Development (PRRCD) zoning district; added a new article with detailed provisions for planned development procedures, clarified administrative processes and procedures, and made numerous other revisions to: reflect practices, address frequent enforcement issues, and provide for consistency and clarity.

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GENOA TOWNSHIP ZONING RESOLUTION  
APPENDIX  
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ZC 2020-03

SEPTEMBER 18, 2020