

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 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, 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 most recently adopted amendments to the ~~March 3, 2018~~ February 5, 2019, Zoning Resolution under the authority of, and in accordance with, the provisions of the Ohio Revised Code, with said amendments becoming effective: ~~February 5, 2019~~ October 31, 2020; and,

WHEREAS, the Zoning Commission has recommended revisions of the Genoa Township Zoning Resolution on ~~July 13, 2020~~ February 14, 2022, 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 Revised Code with said amendments becoming effective: October 31, 2020; and,

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of resolutions in conflict with this Zoning Resolution or inconsistent with provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

APPROVED BY:

Genoa Township Board of Trustees

October 1, 2020

Commented [S31]: ZC RECOMMENDED DRAFT - FEBRUARY, 14, 2022

Throughout the entirety of this document:

-Red, underlined text shall represent text which is being added to the Zoning Resolution

-Red, struck-thru text shall represent existing text within the Zoning Resolution that is being deleted

-Existing contents (text, articles, sections, sub-sections) within the adopted Zoning Resolution effective October 31, 2020, which do not appear within this document are intended to be unaltered and still in effect and shall remain so if this amendment is adopted.

-If this amendment is adopted, all text color shall revert to black and underlines, newly adopted text shall be removed, and all notes/comments (such as this) will be deleted

-If this amendment is adopted, table of contents, page numbers, headers/footers and other non-regulatory reference text shall be updated accordingly

-If this amendment is adopted, the official Township Zoning Map will be updated accordingly.

Commented [S32]: Date to be updated once action occurs

Commented [S33]: Date to be updated once action occurs

ARTICLE 4: DEFINITIONS

Section 401: Introduction

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

Section 402: Definitions

Accessory Use, Building or Structure – Any purpose for which a Building, Structure, or a 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 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 vertical wall, taller than one (1) foot, which is not constructed to retain soil or other natural materials.

ADA – The Americans with Disabilities Act.

Agriculture – Any and all activities recognized by ORC Section 519.21, as may be amended.

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 supporting one or more antennas, including foundation, guys, and other components thereof. For the purpose of this Resolution, telecommunications towers as defined in Ohio Revised Code Section 519.211(B)(1) shall not be considered an Aerial Antenna but shall be regulated in accordance with the provisions of Section 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 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.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

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

Canopy – An architectural projection, constructed of rigid materials, that is partially supported by a Building and one or more columns, poles, posts, or other such supports; or a freestanding Building, constructed from rigid materials, that consists of a solid roof and no walls. In either case, such a feature shall be intended only for shelter or ornamentation.

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 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 Lot Lines of the primary 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.

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

- Club** – A private establishment primarily utilized for a civic, social, cultural, 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, 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 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.
- 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.
- Conditional Use Permit** – A permit issued by the Zoning Inspector after authorization by the Board of Zoning Appeals to allow certain specific developments that would not otherwise be allowed in a particular Zoning District. These permits are issued only after the applicant has followed the procedures as stated in Section 302 of this Resolution.
- 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 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.
- Conservation Development** – Land that is designed and developed as a unified residential development with Open Space as an integral characteristic. Instead of subdividing an entire Tract into house lots and streets, the same number of housing lots may be clustered on a reduced amount of acreage on the condition that the remaining land in the Tract is permanently reserved for Open Space area, the future development or subdivision of which is prohibited.
- 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 were extended through such barrier, shall be considered Contiguous.
- Cowling** – A streamlined removable cover that encloses the turbine's Nacelle.
- Day Care Center** – A Building used for the care of three (3) or more children, not members or wards of the Family.

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 4: DEFINITIONS

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, 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; 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.

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.

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.

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.

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

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

District – (see Zoning District)

Drive-Through Facilities – Any establishment, or portion thereof, which provides food, drink, goods, financial services, laundry services, personal services, pharmaceutical services, postal services, retail services, and/or the like directly to customers who typically remain in their motor vehicles.

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

via order/pick-up window(s), transaction box, pneumatic tube, telecommunication device, mechanical device, computer, waitstaff, and/or other such means. This definition shall not include walk-up services nor carry-out services which are temporary or incidental to a Principal Use.

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 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-of-Way; 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.

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.

Essential Services – The Erection, construction, Alteration, or maintenance by public utilities, 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 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.

Farm – 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.

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

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 4: DEFINITIONS

- Fence** – Any free-standing Structure or Accessory Wall, other than part of a Building, which encloses or partially encloses any premises, is 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, gravel, and other such materials (excluding sludge) which may be deposited onto or placed into the ground.
- 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).
- Floor Area** – The sum of the gross horizontal area of all the floors of a Building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) Buildings. In calculating Floor Area, the following shall not be included:
- A) Attic space providing structural head room of less than seven (7) feet, six (6) inches.
 - B) Uncovered steps.
 - C) Terraces, breezeways, and Porches.
 - D) Automobile parking space in a Basement or 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 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 Lot, Frontage shall be measured along the Lot Line closest and most parallel to a public or private Right-of-Way. Should 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.

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

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 their principal place of residence.

Hoover Reservoir Watershed – Any area of Genoa Township located within a watershed boundary with the following Hydrologic Unit Code (HUC), as established by the United States Geological Survey (USGS) between January 18, 2013, and September 12, 2017: 050600011306 (Prairie Run-Big Walnut Creek), 050600011307 (Duncan Run), and 050600011308 (Hoover Reservoir-Big Walnut Creek).

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 Structures and materials which include, but are not limited to, concrete, asphalt, rooftop, stone, brick, gravel, crushed aggregate, wood, plastic, and/or other such materials. Hard surface alternatives purposely engineered with porous surfaces and recognized as being permeable shall be excluded from this definition.

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.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

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

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

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

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

Kennel – A Lot or premises on which five (5) or more domesticated animals (pets) more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold for commercial purposes. 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 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 at their intersection, or two (2) parts of the same Street, and in either case forming an interior angle of one hundred thirty-five (135) degrees or less as measured at the center line of the road or the interior Right-of-Way line as

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

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 Lot Lines shall be equal to that of the minimum Side Yard required within the relevant Zoning District. There shall be no required Rear Yard on a Corner Lot.

- B) 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 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 Right-of-Way line or a proposed Street Right-of-Way.
 - 1) On a Corner Lot, Lot Lines along both 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)

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

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

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.

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. Said Building contains separate 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.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

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 candela 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.

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.

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 4: DEFINITIONS

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 Lot Line of another 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 to accommodate two (2) or more vehicles.

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

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

ORC – The Ohio Revised Code.

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

Parcel – See “Lot”.

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

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

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

- A) Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 88 stat.700, 42 U.S.C.A. 5401 and 5403) after January 1, 1995. It must also have a permanent label or tag Attached to it as specified in 42 U.S.C.A 5415, certifying compliance with all federal construction and safety standards.
- B) Be Attached to a permanent foundation (defined in ORC §3781.06 as permanent masonry, concrete or locally approved footing or foundation).
- C) Be connected to appropriate facilities (water, sanitary sewage disposal, and electric).
- D) Have a length of at least twenty-two (22) feet and a width of at least twenty-two (22) feet, as manufactured.
- E) Conform to minimum size of living area, by zoning standards herein.

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

- 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 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 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, non-residential Buildings, Hospitals, and Day Care Centers. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and Barns.

Principal Use – The land Use designation given to a Lot or Tract based upon the primary activity occurring on such Lot or Tract.

Professional Engineer – A qualified individual who is licensed 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.

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 4: DEFINITIONS

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 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 – 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)

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

Road – (see Thoroughfare)

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

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

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 non-residential use whose services aid the personal needs of people. Services may include 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.
- 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

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

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.

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

- 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.
 - 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

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

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 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 to be read horizontally or vertically.
- I) **Building Mounted:** Any Sign which is posted, Attached, or otherwise applied to a Building or a component integral to a Building, such as a door.
- J) **Bulletin Board:** A board or other similar piece material, twelve (12) square feet or smaller, mounted to the exterior of a Building, or incorporated within Sidewalk or Kiosk Sign, containing a surface upon which Signs are temporarily affixed using tacks, pins, nails, tape, or other similar means. Any Bulletin Board that exceeds twelve (12) square feet shall be considered a Manual Changeable Copy Sign.
- K) **Canopy:** Any Sign that is permanently affixed to the visible surface(s) of a Canopy.
- L) **Changeable Copy, Manual:** Any Sign, or portion thereof, with characters, illustrations, letters, numbers, or shapes that are changed or rearranged by Manual means without altering the face or surface of the Sign.
- M) **Changeable Copy, Mechanical:** Any Sign, or portion thereof, with characters, illustrations, letters, numbers, or shapes that can only be changed or rearranged by Mechanical means; without altering the face or surface of the Sign.
- N) **Channel Letter:** Any Sign consisting of individually constructed characters, illustrations, letters, numbers, or shapes that are permanently affixed to a Building or Structure.

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

- 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, inscribed, or carved into the material of a paved ground surface, typically, but not always, made, in whole or in part, of bronze, brushed

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

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.

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

- 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.

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 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.

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 4: DEFINITIONS

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 – 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 – 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 – 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, antennae, Signs, built-in barbeques, outdoor fireplaces, permanently sited grills, solar panels, permanent playground equipment, 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.

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 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.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

Thoroughfare Plan – The Official Thoroughfare Plan adopted by Delaware County, as may be amended, establishing the location and official Right-of-Way widths of principal highways, Streets, and roads within Delaware County.

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

- A) **Arterial Street:** A general term denoting a Thoroughfare primarily designed and utilized for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
- B) **Collector Street:** A Thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from Local Streets to Arterial Streets, including the principal entrance and circulation routes within residential subdivisions.
- C) **Cul-de-Sac:** A Local Street of relatively short length with one end open to traffic and the other end permanently terminating in a vehicular turn around.
- D) **Dead End Street:** A Street having only one outlet for vehicular traffic and may or may not be extended or continued in the future.
- E) **Freeway:** An express highway with limited or controlled access through the means of entrance and exit ramps, regardless of whether 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.
- G) **Marginal Access Street:** A Local or Collector Street, parallel to and adjacent to an Arterial Street, Collector Street, or Freeway, providing access to abutting properties and protection from said Streets.
- H) **Private Street:** Any Street which is not owned or maintained by any public or governmental agency but rather by an individual, group of individuals, neighborhood, organization, corporation, or association.

Township Trustees – The 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 construction of said development occurs in phases. All concepts and definitions pertaining to Lots, such as Frontage, Lot Lines, Setback, and Yard, shall apply to Tracts.

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

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

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

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 4: DEFINITIONS

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 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.

Zoning District, Non-Residential – Any one of the following Zoning Districts, as identified on the Zoning Map and further regulated herein; Community Business (CB), Planned Commercial District (PCD), Light Industrial (LI), Planned Industrial 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 Districts as identified on the Zoning Map, and further regulated herein; Planned Residential District (PRD).

Zoning District, Residential – Any one of the following Straight Zoning 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.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

Zoning Inspector – The statutory individual appointed by the Township Trustees that is charged with administering the Genoa Township Zoning Resolution or that appointee's authorized representative.

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 is compliant with the Zoning Resolution and/or any applicable Legal Approvals; also known as a zoning certificate.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

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ARTICLE 5: ESTABLISHMENT OF DISTRICTS AND MAP

Section 501: Establishment of Districts

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

Rural Residential District	(RR)	
<u>Hoover Watershed Overlay District</u>	<u>(HOD)</u>	
Suburban Residential District	(SR)	
Planned Residential District	(PRD)	← formerly known as PD-1
Community Business	(CB)	
Planned Commercial District	(PCD)	← formerly known as PD-2
Planned Industrial District	(PID)	← formerly known as PD-3
Planned Community Facilities District	(PCF)	
Light Industrial District	(LI)	

Section 502: Official Zoning District Map

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

Section 503: Interpretation of District Boundaries

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

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

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

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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 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.

601.01 The provisions of this Article shall apply to all lands zoned Rural Residential District (RR).

601.02 Any Lot depicted on the Zoning Map as being wholly or partially within the Hoover Reservoir Watershed shall also be subject to the additional provisions established within Article 7 of this Zoning Resolution, the Hoover Watershed Overlay District (HOD). Should these two articles conflict with one another, the requirements of Article 7 shall apply unless otherwise expressly stated within this Resolution.

Commented [SJ4]: 2/14/22 - The Zoning Commission revised this section per recommendation of the Prosecutor's Office. The latter half of the last sentence was revised from, "the stricter requirement shall apply..." to, "the requirements of Article 7 shall apply...".

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 Reserved.
- 602.03 Religious Establishments as regulated by Section 1706.
- 602.04 Forest and wildlife preserves.
- 602.05 Projects specifically designed for watershed protection, conservation of soil or water or for flood control.
- 602.06 Day Care Centers provided in home for six (6) or fewer children who are not members of the immediate resident Family provided the Use is accessory to the Use of the Dwelling as the provider's residence and further provided that such Use 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.
- 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 caregivers) as regulated by Section 1704.

Section 603: Permitted Accessory Uses

- 603.01 Accessory Buildings and Structures as regulated by Section 1609.
- 603.02 Portable Storage Units as regulated by Section 1707.
- 603.03 Accessory storage of recreational vehicles, boats, motor homes, equipment, trailers, and other vehicles other than passenger cars as regulated by Section 1906.
- 603.04 Private Swimming Pools as regulated by Section 1709 together with game courts for the use of occupants and their guests.

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

- 603.05 Fences, Accessory Walls, and Retaining Walls as regulated by Article 20.
- 603.06 Entry Features as regulated by Section 1605.
- 603.07 Temporary Uses and Special Events as regulated by Section 1702.
- 603.08 Aerial Antennas and Satellite Dish Antennas as regulated by Section 2203.
- 603.09 Wind turbines as regulated by Section 2205.
- 603.10 The operation and use of Off-Road Motorized Vehicles as regulated by Section 1612.02.
- 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 and the supplemental regulations specified in Article 17.

- 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 Day Care Centers not meeting the provisions of Section 602.06 as regulated by Section 1703.
- 604.04 Private schools and colleges provided that said institution occupies not less than twenty (20) acres. Instructional areas, whether improved with Buildings or not, shall provide adequate parking areas for faculty, staff, and students. Such parking may not exist within the Right-of Way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.
- 604.05 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 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.
- 604.08 Private landing fields for aircraft for use by the Owner of the property and 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 to not create a Nuisance or hazard to residential Dwellings or other Structures within the vicinity.

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

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.

604.09 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 property is adequate to provide Setbacks of the Districts and recreational areas prescribed by the Board of Zoning Appeals.

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

605.03 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.

605.04 Sexually Oriented Businesses.

605.05 Residential Care Facilities for six (6) or more residents, excluding care givers.

605.06 Hotels.

605.07 Any commercial or business Use of a 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

606.01 Minimum Lot area: Two (2) acres. Any portion of a Lot within a Common Access Drive easement(s) shall not count towards this requirement.

606.02 Minimum Lot Frontage: One hundred fifty (150) feet, unless otherwise specified below.

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 fifty (150) feet.

606.03 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 606.02.

606.04 Lot Width:

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

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 6: RURAL RESIDENTIAL DISTRICT (RR)

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

606.05 Reserved.

606.06 Minimum Front Yard Setback depth: Seventy-five (75) feet, unless otherwise specified below.

A) Lots in new subdivisions with platted Streets having a carrying capacity of less than 2,000 vehicles per day, defined by ADT (Average Daily Traffic) and served by public water and sewer, shall be permitted a minimum Front Yard Setback depth of fifty (50) feet.

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 Yard Setback width, each side: Twenty-five (25) feet.

606.08 Minimum Rear Yard Setback depth: Fifty (50) feet.

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

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

606.11 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 Lot Line.

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

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

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.

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

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

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.

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

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ARTICLE 7: ~~RESERVED~~ **HOOVER WATERSHED OVERLAY DISTRICT (HOD)** THIS PAGE IS INTENTIONALLY BLANK

Section 701: Intent and Purpose

~~Hoover Reservoir and its associated watershed are important and invaluable assets to Genoa Township as they both comprise a significant portion of the Township, are a primary source of potable water for the region, offer numerous opportunities for recreation, promote tourism, enhance property values, and serve as a vital habitat for a variety of species of native plants and animals, thus positively contributing to the overall wellness of the community. As such, it is within the interests of the public's health, safety, and general welfare to take proper measures to conserve and protect these unique and critical resources, to the greatest extent possible, from degradation, unbalanced runoff, erosion, excessive sedimentation, pollution of all types, traffic congestion, and over-development.~~

701.01 ~~It is the policy of the Township to permit the creation of the Hoover Watershed Overlay District (HOD) to:~~

- ~~A) Establish restrictive regulations that supplement and/or supersede other standards within this Zoning Resolution to protect the water quality, natural character, recreational amenities, riparian zones, and scenic beauty of Hoover Reservoir, its watershed, and its tributaries, while still providing for reasonable economic use of such property within Genoa Township.~~
- ~~B) Promote responsible development that is context-sensitive, pedestrian-friendly, and environmentally conscious by incorporating certain best practices regarding land management and stewardship.~~
- ~~C) Create opportunities for the public to access, study, and enjoy Hoover Reservoir, its watershed, and associated environs via interconnected greenways and waterways.~~
- ~~D) Preserve the remaining agricultural, forested, and/or undeveloped lands within the subject watershed to the greatest extent practical and possible by requiring larger and/or more robust landscape buffers.~~
- ~~E) Retain and/or establish viewsheds, vistas, night sky visibility, rural character, and corridors for native vegetation and wildlife to the greatest extent practical by means of protected open space, critical resource protection measures, and stringent lighting controls.~~
- ~~F) Restrict land Uses to those which: are comparatively less intense in nature, are relatively clean in operation, service the typical, daily needs of nearby residents, enhance the area's more passive, bucolic ambiance, and/or are not vehicular-centric.~~
- ~~G) Provide for consistency with the Genoa Township Comprehensive Plan.~~

701.02 ~~The standards within this Article shall apply to all Lots or Tracts within Genoa Township that are located wholly or partially within the Hoover Reservoir Watershed, as further depicted on the Zoning Map, regardless of their existing or proposed Zoning District classification. This overlay zoning designation shall not remove or replace any existing zoning designation but rather shall be considered in addition to, and co-existing with, the existing underlying Zoning District.~~

701.03 ~~Unless otherwise stated, the standards within this Article 7 shall supersede and control over any other conflicting standard within this Resolution. Any ambiguity shall be determined by the standards in this Article.~~

Commented [SJ5]: 2/14/22 - Section deleted by Zoning Commission pursuant to recommendation of the County Prosecutor's Office. Section 701.04 had read, "All standards and procedures within this Resolution that are not expressly superseded by this Article, including those within the underlying Zoning District, shall remain applicable."

Commented [SJ6]: 2/14/22 - Section edited by Zoning Commission pursuant to recommendation of the County Prosecutor's office. Previous iteration of this section read as follows, "Unless otherwise stated, all standards within this Article which regulate or overlap similar standards established in other Articles within this Resolution shall be viewed as being in place of, and not in addition to, the latter."

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 7: ~~RESERVED~~ **HOOVER WATERSHED OVERLAY DISTRICT (HOD)**

Section 702: Reserved

Commented [SJ7]: Placeholder in case we would ever want standards which pertain to non-Planned Developments/straight zoning districts. None are recommended at this time.

Section 703: Design Standards for Planned Developments

703.01 The standards within this Section shall apply to all Planned Zoning Districts, whether existing or proposed, within the Hoover Watershed Overlay District (HOD) as well as all existing or proposed Planned Developments within the HOD. The requirements and restrictions of the base District, existing or proposed, shall still apply for any standard not expressly regulated, supplemented, or altered herein. Should a conflict between regulations exist, the stricter requirement shall apply pursuant to Sections 701.03 and 701.04 of this Article.

703.02 Density.

- A) The Net Density of any Use shall not exceed 1.65 Dwelling Units per Net Developable Acre when Conservation Development Standards, if provided for in the underlying Planned Zoning District, are used, or 1.35 Dwelling Units per Net Developable Acre otherwise.
- B) In underlying Planned Zoning Districts which permit Dwellings, but which do not contain Conservation Development Standards, the Net Density of any Use shall not exceed 1.65 Dwelling Units per Net Developable Acre.

Commented [SJ8]: 0.55/0.45 units per net developable acre less than what is permitted in PRD. The high number equals the approximate net density of Vinmar Farms (the densest PRD plan north of in this area), the low number is derived from previous recommended densities for lands north of Big Walnut Road in previous iterations of the Comprehensive Plan, in the 2015 Sewer Recommendation Study, and in the old PRD-V zoning district (deleted in 2019).

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

A) Perimeter buffers shall be required as follows:

- 1) A fifty (50) foot wide No Build Zone shall be provided immediately adjacent to any Lot containing Hoover Reservoir and owned by the City of Columbus (or its successors). Measurements shall be taken from the shared Lot Line. Sidewalks, trails, multi-use paths, boardwalks, residential docks, and other such conservation related land uses, or recreational amenities shall be permitted within the No Build Zone.
- 2) A fifty (50) foot wide Common Open Space and/or Improved Common Open Space buffer shall be provided immediately adjacent to any No Build Zone required by Section 703.03.A.1.
- 3) A One hundred (100) foot Common Open Space and/or Improved Common Open Space buffer shall be provided along any contiguous Lot or Tract not otherwise regulated by Section 703.03.A.1 above. Measurements shall be taken from the shared Lot Line.
- 4) A One hundred seventy (170) foot Common Open Space and/or Improved Common Open Space buffer shall be provided along any of the Tract's perimeter street Frontage, measured from the Right-of-Way line.

Commented [SJ9]: This addresses the fact that the PCF district permits residential development but does not contain a density restriction and does not contain Conservation Development Standard provisions.

B) The perimeter of said area shall be planted as follows:

- 1) A mixture of erosion and pollution control plantings shall be planted at a rate of one (1) native deciduous or evergreen tree and three (3) native shrubs or tall grasses for every fifty (50) feet of site perimeter immediately adjacent to any Lot or Tract containing Hoover Reservoir and owned by the City of Columbus (or its successors).
- 2) Two (2) native evergreen trees and three (3) native deciduous trees for every fifty (50) feet of linear site perimeter not immediately adjacent to a Lot or Tract not otherwise regulated by Section 703.03.B.1.
- 2) 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 Lot or Tract.

Commented [SJ10]: More restrictive than PRD which does not contain these types of provisions.

Commented [SJ11]: More restrictive than PRD which allows for lesser width when a development is adjacent to another PRD (50 feet).

Commented [SJ12]: More restrictive than PRD which allows for lesser width when a development is adjacent to a street not classified as an Arterial or Collector (100 feet).

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 7: ~~RESERVED~~ HOOVER WATERSHED OVERLAY DISTRICT (HRQ)

3) In sections where existing woody vegetation, which is proven to be healthy, mature, and abundant enough to serve as a visual screen, occurs along the perimeter of the Lot or Tract, said vegetation may be credited towards the above planting requirements. Such sections shall be clearly depicted, defined, and identified on a site or landscape plan drawing.

4) If a designated low-mow or no-mow zone is provided in Common Open Space sections abutting existing and designated Common Open Space areas on immediately adjacent properties, the linear footage shall not count towards the number of plantings required herein thereby resulting in a reduction in the number of required plantings.

a) A no-mow zone shall be considered any to be any portion of land on which mowing is expressly prohibited to allow for natural biological progression and habitation.

b) A low-mow zone shall be considered to be any portion of land on which mowing is expressly restricted to no more than one (1) time every six (6) months.

c) To qualify for the reduction, an individual low-mow or no-mow zone shall be at least fifty (50) feet wide by one hundred (100) feet long.

d) Such a zone(s) shall be clearly depicted, defined, and identified on a site or landscape plan drawing.

5) If a designated low-mow or no-mow zone is provided within the street Frontage buffer required by Section 703.03.A.4, the number of required plantings for said area shall be reduced by fifty percent (50%) subject to the provisions of Sections 703.03.B.4.a through 703.03.B.4.d. Should an odd number of plantings be initially required, the permitted reduction shall round down to the nearest whole number.

6) The targeted removal of dead, dying, noxious, and/or invasive vegetation of any type and which is determined to be posing an immediate threat to health, safety, or general welfare in such an area, shall be permitted subject to any established re-vegetation or replacement policies.

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

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

703.04 Critical Resource Protection.

A) All Buildings, Structures, Streets, and Lots to be developed shall be set back at least one hundred (100) feet from any Lot containing Hoover Reservoir.

B) All Buildings, Structures, Streets, and Lot Lines shall be set back at least fifty (50) feet from any Primary Conservation Area(s).

C) Sidewalks, trails, multi-use paths, boardwalks, residential docks, and other such conservation related land uses, or recreational amenities shall be exempt from the above Setback requirements.

D) Parking lots, club houses, and other similar facilities shall not be exempt from the above requirements unless said facility is pre-existing. Pre-existing facilities within the Setbacks herein may be improved but not expanded.

E) No Limited Common Element Area shall be permitted within the required Setbacks for any critical resource protection area herein.

703.05 ~~Reserved.~~

703.06 Layout.

A) At least seventy-five percent (75%) of Lots consisting of Dwellings within the Planned Development shall abut a designated Open Space of at least half (1/2) an acre in size. A

Commented [SJ13]: Same as PRD requirements but repeated here for a couple reasons:

1. A development in a planned district other than PRD could occur on this lot. The other planned districts do not contain this standard.

2. Should the Township ever decide to change or delete the PRD standard, it wouldn't automatically effect this standard.

Commented [SJ14]: A new requirement just for this district to provide a development, visual, and environmental buffer adjacent to Hoover Reservoir. It also is equal to the open space perimeter buffer required in 1002.03.A.1 above.

Commented [SJ15]: 10 feet more than the PRD requirement.

Commented [SJ16]: Reserved for future use should any additional restrictions regarding access be desired. This particular section is reserved because it lines up with Section 903.05 which also regulates access for PRDs. The numbering and ordering of this section generally follows what is already established for PRD.

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 7: ~~RESERVED~~ **HOOVER WATERSHED OVERLAY DISTRICT (HOD)**

minimum of sixty (60) continuous linear feet per Lot shall abut a designated Open Space to count towards this requirement.

Commented [SJ17]: A concept borrowed from the PRRCD but reduced by 10% (from 85%) to be more reasonable.

703.07 Stormwater Management.

A) Except for underground basins, any basin located closer than fifty (50) feet to a Street Right-of-Way or within a required Common Open Space perimeter buffer or setback, shall be designed as a wet basin or as a naturalized basin unless otherwise restricted or prohibited by the Delaware County Engineer.

B) Setbacks.

1) All above ground 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.

C) Landscaping.

1) All above ground basins shall have a landscape buffer around their entire perimeter. For every one hundred (100) feet of basin perimeter to be buffered, the following minimum quantities and types of plant materials shall be required:

a) Two (2) native evergreen trees.

b) Two (2) native ornamental trees.

c) One (1) native canopy tree.

2) All plantings, required or otherwise, shall be installed to not interfere with the proper function of the basin.

a) Plantings shall not be installed on any fill embankment or within ten (10) feet of the toe or top of a slope.

b) Required plantings which cannot be placed due to functionality restrictions shall be placed as close to the subject basin as possible.

703.08 Parking and Loading Areas.

A) No parking lot shall be located closer than one hundred seventy (170) feet from the edge of the contiguous Street Right-of-Way.

Commented [SJ18]: More restrictive than the PRD (75 feet).

B) Parking lots shall be landscaped and screened in accordance with Article 20. In addition, the following shall also be required:

1) One planting island shall be provided every fifteen (15) parking spaces and at the end of each parking row unless an end cap is required. No more than fifteen (15) parking spaces may be situated between planting islands.

2) An end cap planting island shall be provided at the end of each row of parking.

3) The pervious area of all required planting islands shall be at least twelve (12) feet wide and fifteen (15) feet long.

4) Every required parking island shall be planted with one (1) native deciduous tree with a clear trunk at least six (6) feet above finished grade to allow vehicular circulation and visibility beneath the canopy.

Commented [SJ19]: This requirement does not exist anywhere else in the Zoning Resolution.

C) Parking lots shall otherwise be designed, provided, and located in accordance with Article 19.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 7: ~~RESERVED~~HOOVER WATERSHED OVERLAY DISTRICT (HRQ)

703.09 Streets.

A) Dead end stub Streets, including full or quasi hammerheads, Y-turns, and the like, as well as Common Access Driveways shall not be permitted unless otherwise required by the Genoa Township Fire Marshal or the Delaware County Engineer. This standard shall not be interpreted to be a prohibition of cul-de-sacs designed to public standards or stub streets being provided to allow for future connection to an immediately adjacent Lot or Tract.

703.10 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 or immediately abutting the 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, logical, and safe to do so.

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. Easements shall be recorded with the Delaware County Recorder prior to the issuance of a Zoning Permit for any Building within the Planned Development.

B) A Multi-Use Path or Trail system shall be provided in any required Open Space buffer required by Section 703.04 herein in accordance with Sections 703.10.A.3 and 703.10.A.4 above.

C) Sidewalks shall be at least four (4) feet wide and constructed of concrete or another similar type of surface.

D) Multi-Use Paths shall be at least ten (10) feet wide and constructed of asphalt or another similar type of surface.

E) 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.

703.11 ~~Reserved.~~

703.12 Landscaping.

A) The types and sizes of all required landscape plantings shall adhere to Sections 2005 and 2006 of this Resolution.

B) All required landscaping in the Final Development Plan/Amendment shall be maintained. Dead and dying plants shall be replaced with a plant of a similar type no later than the subsequent planting season.

703.13 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.

703.14 Non-Residential Buildings, Structures, and Surfaces.

A) Total land occupancy by all non-residential Buildings, Structures, and Impervious Surfaces shall not exceed fifty percent (50%) of the area of the Lot or Tract.

Commented [SJ20]: Concept added to set the groundwork for a potential greenway around the reservoir.

Commented [SJ21]: Same as PRD requirements but repeated here for a couple reasons:

1. A development in a planned district other than PRD could occur on this lot. The other planned districts do not contain this standard.

Should the Township ever decide to change or delete the PRD standard, it wouldn't automatically effect this standard.

Commented [SJ22]: Reserved for future use should any additional restrictions regarding trees be desired. This particular section is reserved because it lines up with Section 903.11 which also regulates trees for PRDs. The numbering and ordering of this section generally follows what is already established for PRD.

Commented [SJ23]: More restrictive than PCD and PID which permit 75%.

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 7: ~~RESERVED~~ **HOOPER WATERSHED OVERLAY DISTRICT (HOD)**

B) ~~No Structure shall exceed 20,000 square feet in gross Floor Area. A Commonly Controlled Business Operation shall not exceed usage of 20,000 square feet of gross Floor Area within one or more Structures.~~

703.15 Lighting.

A) ~~Light fixtures taller than eight (8) feet and intended to service the entire Planned Development shall only be permitted in the following locations:~~

~~1) Vehicular access point(s) into the Planned Development;~~

~~2) Street intersections within the Planned Development;~~

~~3) Where any Street intersects with a pedestrian route, such as, but not necessarily limited to, sidewalks, trails, crosswalks, and Multi-Use Paths;~~

~~4) Where any cluster mail kiosks are provided;~~

~~5) Adjacent to a recreational amenity, such as, but not necessarily limited to, playground equipment, exercise stations, pools, playfields, game courts, and the like;~~

~~6) Adjacent to parking lots; and/or~~

~~7) Adjacent to any waste collection area, such as, but not necessarily limited to, dumpsters.~~

B) ~~The restrictions established within Section 703.15.A above shall not apply to, or be considered a prohibition of, the installation of architectural lighting, landscape lighting, decorative lighting, and/or Sign lighting.~~

C) ~~All lighting pertaining to Signs shall comply with all applicable provisions of Article 18.~~

D) ~~All lighting not pertaining to Signs and not otherwise regulated herein shall comply with the applicable provisions of Article 21 if required by the underlying Zoning District.~~

Section 704: Permitted, Conditional, and Prohibited Uses

704.01 ~~Unless otherwise specified elsewhere within this Resolution, the following Principal Uses shall be permitted on any Lot or Tract within the Hoover Watershed Overlay District regardless of the underlying Zoning District:~~

~~A) Religious Establishments as regulated by Section 1706.~~

~~B) Marinas, sailing/boating clubs, docks (wet or dry), and associated storage.~~

~~C) Forest and wildlife preserves.~~

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

~~E) Agriculture as regulated by Section 1714.~~

~~F) Agritourism as regulated by Section 1715.~~

~~G) Farm Markets as regulated by Section 1716.~~

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

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

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

704.02 ~~Unless otherwise specified, the following Principal Uses shall be permitted in all underlying Residential Zoning Districts, excluding Planned Residential Zoning Districts, so long as they are also authorized within the existing or proposed underlying Zoning District applicable to the given Lot or Tract:~~

~~A) All Uses identified within Section 704.01.~~

Commented [SJ24]: More restrictive than PCD and PID which permit 65,000 SF. Accommodates a development like Red Bank Harbor.

Commented [SJ25]: Created to help prevent light pollution and to minimize visible light from neighboring properties and the reservoir

Commented [SJ26]: All Uses wholly or partially protected from zoning control by the ORC

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 7: ~~RESERVED~~ HOOVER WATERSHED OVERLAY DISTRICT (HRQ)

B) Single-family detached Dwellings exclusive of the land area in Common Access Drive easements.

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

D) Residential Care Facilities for five (5) or fewer residents (excluding caregivers) as regulated by Section 1704.

704.03 Unless otherwise specified, the following Principal Uses shall be permitted in all underlying Planned Residential Zoning Districts:

A) Without Conservation Development Standards:

1) All Uses identified within Section 704.01.

2) Single-family detached Dwellings.

3) Nonresidential Uses of a cultural, educational, or recreational nature or character to the extent they are designed and intended to serve the residents of the Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located with direct access to Arterial or Collector Streets so as to permit access without burdening residential Streets.

4) Open Space, Common Open Space, and Improved Common Open Space.

5) Non-exempt Agriculture, Agritourism, and/or Farm Markets pursuant to Section 906.09.

B) With Conservation Development Standards:

1) All Uses identified within Section 704.01.

2) Single-family detached Dwellings.

3) Single-family zero Lot line units, attached twin singles, townhouses, or other similar forms of residential development.

4) Common Wall Single-Family Attached Dwellings.

5) Nonresidential Uses of a cultural, educational, or recreational nature or character to the extent they are designed and intended to serve the residents of the Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located with direct access to Arterial or Collector Streets so as to permit access without burdening residential Streets.

6) Open Space, Common Open Space, and Improved Common Open Space.

7) Non-exempt Agriculture, Agritourism, and/or Farm Markets pursuant to Section 906.09.

704.04 Unless otherwise specified, the following Principal Uses shall be permitted in all underlying Non-Residential Zoning Districts so long as they are also authorized within the existing or proposed underlying Zoning District applicable to the given Lot or Tract:

A) Office of any type, including financial institutions, without Drive-Through Facilities.

B) Retail of any type without Drive-Through Facilities.

C) Service Businesses without Drive-Through Facilities, including, but not necessarily limited to barber and beauty shops, pick-up stations for dry cleaning and laundromats, health studios, photo studios, and the like as well as repair shops for shoes, toys, watches, clocks, jewelry, radios, televisions, consumer electronics, lawn care equipment, home improvement tools, and/or other similar types of items.

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 7: ~~RESERVED~~HOOVER WATERSHED OVERLAY DISTRICT (HOD)

D) Restaurants without Drive-Through Facilities or outdoor live entertainment.

E) Indoor recreational, athletic, and/or fitness facilities.

F) Medical Clinics.

G) 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.

H) Clubs and meeting halls.

I) Day Care Centers as regulated by Section 1703.

J) 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.

K) Greenspace and landscape buffers.

704.05 Unless otherwise specified, all lawful Accessory Uses permitted within an underlying Zoning District shall continue to be permitted within said District in accordance with any regulations or stipulations set forth within Article 16 and/or the underlying Zoning District applicable to the given Lot or Tract.

704.06 Unless otherwise specified, all lawful Conditional Uses permitted within an underlying Zoning District shall continue to be permitted within said District in accordance with Article 3 and any supplemental regulations specified in Article 17 and/or the underlying Zoning District applicable to the given Lot or Tract.

704.07 Unless otherwise specified, Uses which are prohibited within an underlying Zoning District applicable to the given Lot or Tract shall remain prohibited within said District.

704.08 Unless otherwise specified or controlled by Sections 704.05 or 704.06, Principal Uses which are permitted within an underlying Zoning District applicable to a given Lot or Tract but not expressly listed as permitted within this Section shall be considered prohibited for any Lot or Tract within the Hoover Watershed Overlay District.

Section 705: Administration and Enforcement

705.01 All property subject to the Hoover Watershed Overlay District, as further described within Section 701.02, shall be displayed on the Zoning Map and shall be considered to have been zoned with said overlay upon successful adoption of this Article. As such:

A) Any Legal Approvals granted within the subject District, other than Rezoning, shall be considered a ministerial act and shall not be considered an amendment to the Genoa Township Zoning Resolution.

B) The existence of this overlay District shall not prohibit or preclude the Re-Zoning of a Lot or Tract from one underlying Zoning District to another.

C) The Re-Zoning of a Lot or Tract within this overlay District from one underlying Zoning District to another shall not void or invalidate the applicability of the Hoover Watershed Overlay District.

D) Re-Zoning of a Lot or Tract within this overlay District from underlying Zoning District to another shall be subject to the applicable provisions of Article 26 and/or Article 27.

E) No additional property shall be re-zoned to add the Hoover Watershed Overlay District designation unless it can be demonstrated that it is partially or wholly located within the Hoover Reservoir Watershed. Any such re-zoning shall be subject to the procedures set forth for Zoning Map Amendments in Article 26.

705.02 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.

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 7: ~~RESERVED~~ HOOVER WATERSHED OVERLAY DISTRICT (HRD)

- 705.03 Applications for Variances, Conditional Uses, and Administrative Appeals shall be administered in accordance with Article 3.
- 705.04 Applications and requests pertaining to Planned Developments shall be administered in accordance with Article 27.
- 705.05 A Zoning Permit shall be required for any subdivision of property within the Hoover Watershed Overlay District which requires the signature of the Genoa Township Zoning Inspector.
- 705.06 Enforcement shall be conducted pursuant to Section 116 as well as any other applicable provisions of this Resolution.

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 7: ~~RESERVED~~ **HOOVER WATERSHED OVERLAY DISTRICT (HOD)**

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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 by central water, central sewer wastewater treatment plants operated by the Delaware County Sanitary Engineer, and by other Essential Services.

801.01 The provisions of this Article shall apply to all lands zoned Suburban Residential District (SR).

801.02 Any Lot depicted on the Zoning Map as being wholly or partially within the Hoover Reservoir Watershed shall also be subject to the additional provisions established within Article 7 of this Zoning Resolution, the Hoover Watershed Overlay District (HOD). Should these two articles conflict with one another, the requirements of Article 7 shall apply unless otherwise expressly stated within this Resolution.

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 cultural, educational, or recreational nature or character to the extent they are designed and intended to serve the residents of the neighborhood where the Use is located. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to an Arterial or Collector Street so as to permit access without burdening Local Streets.
- 802.03 Forest and wildlife preserves.
- 802.04 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 caregivers) as regulated by Section 1704.
- 802.12 Religious Establishments as regulated by Section 1706.

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.
- 803.03 Accessory storage of recreational vehicles, boats, motor homes, equipment, trailers, and other vehicles other than passenger cars as regulated by Section 1906.
- 803.04 Private Swimming Pools as regulated by Section 1709 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.

Commented [S127]: 2/14/22 - The Zoning Commission revised this section per recommendation of the Prosecutor's Office. The latter half of the last sentence was revised from, "the stricter requirement shall apply..." to, "the requirements of Article 7 shall apply..."

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

- 803.06 Entry Features as regulated by Section 1605.
- 803.07 Temporary Uses and Special Events as regulated by Section 1702.
- 803.08 Aerial Antennas and Satellite Dish Antennas as regulated by Section 2203.
- 803.09 Wind turbines as regulated by Section 2205.
- 803.10 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.
- 804.04 Day Care Centers as regulated by Section 1703.
- 804.05 Private schools and colleges provided that said institution occupies not less than twenty (20) acres. Instructional areas, whether improved with Buildings or not, shall provide adequate parking areas for faculty, staff, and students. Such parking may not exist within the Right-of-Way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.
- 804.06 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.

Section 805: Prohibited Uses

- 805.01 All Uses not specifically authorized as a permitted or conditionally permitted Use by the express terms of this Section of the Zoning Resolution are hereby prohibited.
- 805.02 Outdoor Storage of inoperable, unlicensed, or unused motor vehicles for a period exceeding seven (7) days is prohibited. Such vehicles, if stored on the premises, shall be enclosed within a Building so as not to be visible from any adjoining property or public road.
- 805.03 Except 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 Sexually Oriented Businesses.
- 805.05 Residential Care Facilities for six (6) or more residents, excluding care givers.

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

- 805.06 Hotels.
- 805.07 Any commercial or business Use of a 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.
- 805.08 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 806: Dimensional Requirements

- 806.01 Minimum Lot area: Twenty thousand (20,000) square feet. Any portion of Lot within a Common Access Drive easement(s) shall not count towards this requirement.
- 806.02 Minimum Lot Frontage; Eighty-five (85) feet, unless otherwise specified below.
- 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.
- 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 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 806.02.
- 806.04 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, 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: Twelve (12) feet.
- 806.07 Minimum Rear Yard Setback depth: Fifty (50) feet.
- 806.08 Building Height limits: Unless otherwise permitted by this Resolution, no Principal Building in this District shall exceed thirty-five (35) feet in height.
- 806.09 Lot Coverage: On no Lot in this Zoning District shall Buildings be constructed which cover more than twenty percent (20%) of the Lot area and Impervious Surfaces shall not exceed thirty-five percent (35%) of the Lot area.
- 806.10 All Accessory Buildings and Structures shall conform to the requirements of Section 1609.

Section 807: Residential Driveway Setback Requirements

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

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 8: SUBURBAN RESIDENTIAL DISTRICT (SR)

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

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.

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

Section 809: District Standards

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.

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.

- 901.01 It is the policy of the Township to permit the creation of Planned Development Districts to:
- A) Preserve and extend the charm and beauty existent in and inherent to the rural residential character of Genoa Township;
 - B) Provide the economic and social advantages resulting from an orderly planned use of large parcels of land;
 - C) Provide a more useful pattern of Open Space and recreation areas;
 - D) Promote development patterns, which preserve and utilize natural topography and geologic features, scenic vistas, trees, and other vegetation, and prevent the disruption of natural drainage patterns;
 - E) Promote a more efficient use of land than is generally achieved through conventional development resulting in substantial savings in utility and street extensions; and
 - F) Promote development patterns in harmony with land use Density, transportation facilities, and community facilities.
- 901.02 This Section establishes standards for Planned Residential Districts in areas served by central sanitary sewers and Central Water Systems, or developments utilizing other sewage treatment options approved in the development plan.

Section 902: Contiguity of Land and Project Ownership

- 902.01 All land within a proposed Planned Development shall be Contiguous and shall not be divided into parts by any state or federal limited access highway or by any railroad Right-of-Way.
- 902.02 The Planned Development area shall be under contract for purchase by a single entity or owned by a single entity at the time of application. For the purpose of this subsection a single entity includes, but is not limited to, the following: a married couple; corporation; partnership; or two or more property owners who have entered into a general development plan for a Planned Development.

Section 903: General Requirements

- 903.01 The provisions of this Article shall apply to all lands zoned in the Planned Residential District (PRD). Only parcels of at least twenty-five (25) acres in size or under application for Rezoning to PRD that collectively sum twenty-five (25) acres or more shall be considered for Planned Residential District zoning (PRD).
- A) Any Lot or Tract depicted on the Zoning Map as being wholly or partially within the Hoover Reservoir Watershed shall also be subject to the additional provisions established within Article 7 of this Zoning Resolution, the Hoover Watershed Overlay District (HOD). Should these two articles conflict with one another, the requirements of Article 7 shall apply unless otherwise expressly stated within this Resolution.
- 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.

Commented [SJ28]: 2/14/22 - The Zoning Commission revised this section per recommendation of the Prosecutor's Office. The latter half of the last sentence was revised from, "the stricter requirement shall apply..." to, "the requirements of Article 7 shall apply..."

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

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 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 the Dwellings within a Planned Development contain residential sprinkler systems.

903.06 Reserved.

903.07 Storm Water Management

A) Setbacks.

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

- 1) All stormwater basins shall be set back a minimum of twenty (20) feet from: Lot Lines, Structures, designated Building Envelopes, and designated Limited Common Element Areas.
 - 2) The setback distance shall be measured landward from the maximum one hundred (100) year stormwater surface elevation of the basin during a one hundred (100) year storm.
- B) All site plans must have a storm water management plan, approved by the Delaware County Engineer's Office, with the improvements constructed before a Zoning Permit will be issued for construction of Buildings.
- C) Should any of the above contradict or conflict with the regulations of any County, State, or Federal agency having jurisdiction over such matter, the regulations of said agency shall supersede.

903.08 Parking and Loading Areas

- A) Reserved.
- B) All automobile parking lots shall be screened from adjoining streets and adjoining residential properties in accordance with Article 20.
- C) No parking lot shall be closer than seventy-five (75) feet from the edge of the Contiguous street Right-of-Way in a Planned Residential District.
- D) Parking spaces and loading areas shall be provided in accordance with Article 19.

903.09 Streets

- A) All Street drainage shall be enclosed.
- B) Curbs and gutters shall be installed.
- C) All Streets shall have a minimum pavement width of twenty-two (22) feet.
- D) The minimum width of any landscape strip between the back of a curb and a sidewalk or Multi-Use Path shall be at least six (6) feet. This width may be reduced when necessary without a Divergence to accommodate street crossings, accessibility, public services, utilities, and/or on-street parking.
- E) All Streets, including private Streets, shall conform to all applicable Delaware County specifications.

903.10 Sidewalks, Multi-Use Paths, and Trails

- A) Sidewalks along Streets.
- 1) New Streets. Sidewalks and/or Multi-Use Paths shall be provided along both sides of any new public or private Street.
 - 2) Existing Streets. Sidewalks and/or Multi-Use Paths shall be provided along any existing public or private Street within, abutting, or adjacent to a Planned Development.
 - 3) Whether a sidewalk or Multi-Use Path is installed shall be determined upon the context of the surrounding area. Consistency in the type (sidewalk or Multi-Use Path) with neighboring properties and/or with a pedestrian network already established along the subject Street corridor shall be maintained and continued whenever possible and logical to do so.
 - 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.

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

- 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.

Section 904: Permitted Principal Uses

904.01 Permitted Uses without Conservation Development Standards

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

- A) Single-family detached Dwellings.
- B) Single-family zero Lot line units, attached twin singles, townhouses, or other forms of residential development.
- C) Common Wall Single Family Attached Dwellings.
- D) Nonresidential Uses of a cultural, educational, or recreational nature or character to the extent they are designed and intended to serve the residents of the Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located with

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

direct access to Arterial or Collector Streets so as to permit access without burdening residential Streets.

- E) Forest and wildlife preserves.
- F) Projects specifically designed for watershed protection, conservation of soil or water or for flood control.
- G) Religious Establishments as regulated by Section 1706.
- H) Agriculture exempted from zoning by the Ohio Revised Code per Section 1714.
- I) 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 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 cultural, educational, or recreational nature or character. Said facilities must be located with direct access to an Arterial or Collector Street so as to permit access without burdening residential Streets.
- F) Forest and wildlife preserves.
- G) Projects specifically designed for watershed protection, conservation of soil or water or flood control.
- H) 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 caregivers) as regulated by Section 1704.
- P) Open Space, Common Open Space, and Improved Common Open Space.

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

Section 905: Permitted Accessory Uses

- 905.01 Accessory Buildings and Structures as regulated by Section 1609.
- 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.
- 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 regulated by Section 1702.
- 905.15 Agriculture exempted from zoning by the Ohio Revised Code per Section 1714.
- 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, 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 1702, no Mobile Home or mobile office shall be placed or occupied in this District.
- 906.04 Sexually Oriented Businesses.
- 906.05 Residential Care Facilities for six (6) or more residents, excluding care givers.

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

- 906.06 Hotels.
- 906.07 Except as specifically permitted by Article 22, no telecommunications tower as defined in Ohio Revised Code Section 519.211(B)(1) shall be allowed in this District.
- 906.08 Any commercial or business use of a 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 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 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 Right-of-Way of any two (2) public roads.
- 907.04 All driveways and parking areas shall be hard-surfaced with asphaltic concrete, Portland cement concrete, permeable pavers, or another similar type of hard, non-gravel surface.

Section 908: Minimum Floor Area Requirements

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

Dwelling Type	Minimum Floor Area.
One story	One thousand one hundred (1,100) square feet of Floor Area above grade.
1 ½/Split level/Bi-level/Walkout	One thousand two hundred (1200) square feet of Floor Area with nine hundred sixty (960) square feet on the first floor above grade.
Two stories	One thousand four hundred (1400) square feet of Floor Area with eight hundred (800) square feet on the first floor above grade.
Single Family Attached or Common Wall	Six hundred (600) square feet of Floor Area for a one (1) bedroom unit; seven hundred fifty (750) square feet for a two (2) bedroom unit.

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 Setback requirements:

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

- 1) Front, Side, and Rear 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, and Rear 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.
- 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 Setback requirements:
 - 1) Residential, excluding Multi-Family Dwellings, none.
 - 2) Other permitted Principal Uses, including Multi-Family Dwellings, shall have Front, Side, and Rear Yard Setbacks of fifty (50) feet each.
 - 3) Yard Setback requirements for architectural projections, Accessory Buildings, and Accessory Structures shall be as established in Article 16.
- D) Building Height limits: Unless otherwise permitted by this Resolution, no Building shall exceed thirty-five (35) feet in height.
- E) 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 shall be, open to all residents of the Planned Development and may be, but is not required to be, open to the general public.

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

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

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

- A) Conservation Developments requires that no less than fifty percent (50%) of the total gross area of the area being developed be set aside as Common Open Space. Open Space land may, at the discretion of the Township Trustees, be dedicated as public parkland or public institutional use; or placed within other protected land classification systems which will assure that such land will remain in a natural state prohibiting further development, and the establishment of appropriate standards safeguarding the site's special assets as identified by the Zoning Commission.
- B) The location, shape, size, and character of Common Open Space shall be suitable for the Planned Development in relation to the location, number, and types of Buildings it is intended to serve. In any case, it shall be highly accessible to all residents of the Planned Development. Entry features, detention and retention basins, and Limited Common Element Areas shall not be included in the area required for Common Open Space.
- C) The Common Open Space shall be used for amenity or recreational purposes. Any Uses and/or Buildings authorized for the Common Open Space must be appropriate to the scale and character of the Planned Development in relation to its size, Density, expected population, topography, and the type of Dwellings.
- D) The Common Open Space may be suitably improved for its intended Use, but Common Open Space containing natural features worthy of preservation such as slopes over twelve percent (12%) and wooded areas may be left unimproved. The Buildings, Structures, and improvements, which are permitted in the Common Open Space, must be appropriate to the

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

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, Township Trustees may accept, as part of an approved Final Development Plan, Common Open Space consisting of an off-site unified 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, and topography of the 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 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, shape, and topography of the property;
 - B) The intended Use of the property and the existing and proposed amenities, improvements and facilities;
 - C) The access to and location of the property in relation to the Planned Development;
 - D) The method and degree of integration of the property with the Planned Development;
 - E) The character of the Zoning District in which the 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.

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

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 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.
- 913.02 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:
- 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 always have access to the Common Open Space lands contained therein (except croplands during the growing season);

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

- 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 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
 - C) A maintenance agreement is reached between the developer, association, and the Township Trustees.
- 913.06 Transfer of Easements to a Private Conservation Organization. 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 a bona fide conservation organization with perpetual existence;
 - B) The conveyance contains appropriate provisions for the proper reverter or retransfer should the organization become unwilling or unable to continue carrying out its function; and
 - C) A maintenance agreement is entered into by the developer and the organization.

Section 914: Maintenance of Open Space

- 914.01 The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues and special assessments. The owner shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues and assessments.
- 914.02 In the event that the organization established to own and maintain Common Open Space shall at any time after establishment of the Planned Development fail to maintain the Common Open Space in reasonable order and condition in accordance with the Final Development Plan, the Township Trustees may declare the property a Nuisance in accordance with Section 1611 of this Resolution and Ohio Revised Code Sections 505.86 and/or 505.87.

Section 915: Administration and Enforcement

- 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

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

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.

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

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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 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.

1101.01 The provisions of this Article shall apply to all lands zoned Community Business District (CB).

1101.02 Any Lot depicted on the Zoning Map as being wholly or partially within the Hoover Reservoir Watershed shall also be subject to the additional provisions established within Article 7 of this Zoning Resolution, the Hoover Watershed Overlay District (HOD). Should these two articles conflict with one another, the requirements of Article 7 shall apply unless otherwise expressly stated within this Resolution.

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~~ have Drive-Through businesses Facilities provided any speakers are located at least one hundred (100) feet from any residential District boundary.
- 1102.03 Offices of veterinarians provided that the practice of said veterinarians is limited to small domestic animals, that no animals are boarded on the premises except for the confinement of small animals under emergency treatment in facilities within the office, and that no outside runs or exercise areas are provided.
- 1102.04 Bake goods shop, retail only.
- 1102.05 Barber and beauty shop.
- 1102.06 Candy and ice cream stores.
- 1102.07 Drug stores.
- 1102.08 Pick-up stations for dry cleaning and laundry.
- 1102.09 Self-serve dry cleaning and laundromats.
- 1102.10 Grocery and delicatessen stores.
- 1102.11 Shoe repair.
- 1102.12 Florists.
- 1102.13 Hardware.
- 1102.14 Health studios.
- 1102.15 Photo studios.
- 1102.16 Radio and television sales and service.
- 1102.17 Sporting goods.
- 1102.18 Retail and/or variety stores.
- 1102.19 Watch, clock, and jewelry sales and service.

Commented [SJ29]: 2/14/22 - The Zoning Commission revised this section per recommendation of the Prosecutor's Office. The latter half of the last sentence was revised from, "the stricter requirement shall apply..." to, "the requirements of Article 7 shall apply...".

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 11: COMMUNITY BUSINESS DISTRICT (CB)

- 1102.20 Eating establishments without ~~drive-through~~Drive-Through/in/up ~~service~~Facilities or live entertainment.
- 1102.21 Indoor recreational, athletic, and/or fitness facilities.
- 1102.22 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.
- 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 Buildings and/or Structures as regulated by Section 1609.
- 1102.02 Portable Storage Units as regulated by Section 1707.
- 1103.03 Off-Street parking and loading spaces as regulated by Article 19.
- 1103.04 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, Residential District or Planned Residential District.
- 1104.02 Equipment rental and lease (but not including automobiles, trucks, and trailers).

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

- 1104.03 Small engine service and repair.
- 1104.04 Eating establishments with ~~drive-through~~ Drive-Through/in/up facilities ~~Facilities~~ but without live entertainment. Speakers shall be located at least two hundred (200) feet from any 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 Care Centers as regulated by Section 1703.

Section 1105: 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 Activities, excluding parking, shall primarily be conducted within a completely enclosed Building or other appropriate structural element(s) unless otherwise permitted herein.
- 1105.02 Reserved.
- 1105.03 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, 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 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.

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, 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 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.
- 1106.04 Except as may be specifically permitted by Section 1702, no Mobile Home or mobile home office Structure shall be placed or occupied in this District.
- 1106.05 Sexually Oriented Businesses.
- 1106.06 Residential Care Facilities regardless of the number of residents.

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

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 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 Frontage: One hundred (100) feet, unless otherwise specified below.
- 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 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.
- 1107.05 Minimum Front Yard Setback depth: 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.
- 1107.06 Minimum Side Yard Setback width, each side: Twenty (20) feet.
- 1107.07 Minimum Rear Yard Setback depth: Thirty-five (35) feet.
- 1107.08 No Building shall be located closer than one hundred (100) feet from a Residential or Planned Residential District boundary line;
- 1107.09 Building Height limits: Unless otherwise permitted by this Resolution, 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.
- 1107.10 Lot Coverage: On no Lot in this Zoning District shall Structures be constructed which cover more than thirty five percent (35%) of the Lot area.

Section 1108: Design Standards

- 1108.01 The maximum square feet of Floor Area for individual retail and service establishments shall be determined by the ratio of: Building area in square feet = lot size in acres x 10,000.
- 1108.02 Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the applicant showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces, and service areas. Parking areas shall be adequately lighted and setback from Side and Rear Property Lot Lines a minimum of six (6) feet unless Contiguous to property zoned for single-family residences, in which case the Setback shall be twenty (20) feet.
- 1108.03 Storm Water Management – all developments shall have a storm water management plan approved by the Delaware County Engineer’s Office, if required.

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

- 1108.04 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.
- 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 Parking areas shall be no closer to main Structures than ten (10) feet.
- 1108.08 Pavement areas adjacent to a 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.
- 1108.09 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.

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.

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

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ARTICLE 12: PLANNED COMMERCIAL 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, trees, and other vegetation, and prevent the disruption of natural drainage patterns;
- E) Promote a more efficient use of land than is generally achieved through conventional development resulting in substantial savings in utility and street extensions; and
- F) Promote development patterns in harmony with land use Density, transportation facilities and community facilities.

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

Section 1202: Contiguity of Land and Project Ownership

1202.01 All land within a proposed Planned Development shall be Contiguous and shall not be divided into parts by any state or federal limited access highway or by any railroad Right-of-Way.

1202.02 The Planned Development area shall be under contract for purchase by a single entity or owned by a single entity at the time of application. For the purposes of this subsection a single entity includes the following: a 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 District (PCD). Only parcels of at least five (5) acres in size or adjacent to other parcels zoned PCD or under application for Rezoning to PCD that collectively sum five (5) acres or more shall be considered for PCD zoning.

A) Any Lot or Tract depicted on the Zoning Map as being wholly or partially within the Hoover Reservoir Watershed shall also be subject to the additional provisions established within Article 7 of this Zoning Resolution, the Hoover Watershed Overlay District (HOD). Should these two articles conflict with one another, the requirements of Article 7 shall apply unless otherwise expressly stated within this Resolution.

Commented [S330]: 2/14/22 - The Zoning Commission revised this section per recommendation of the Prosecutor's Office. The latter half of the last sentence was revised from, "the stricter requirement shall apply..." to, "the requirements of Article 7 shall apply..."

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 12: PLANNED COMMERCIAL DISTRICT (PCD)

- 1203.02 Developments within this District shall be planned as groups having common parking area and common ingress and egress points to reduce the number of potential accident locations at intersections with Thoroughfares.
- A) Planned Commercial Districts having less than twenty (20) acres in area shall have direct access to at least one (1) Arterial Street.
 - B) Planned Commercial Districts of twenty (20) or more acres in area shall have direct access to one (1) Arterial street and one (1) Collector street and/or two (2) access points on an Arterial Street.
- 1203.03 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 Reserved.
- 1203.05 Reserved.
- 1203.06 Total land occupancy by all Buildings and Impervious Surfaces on a Lot or Tract in this District shall not exceed seventy-five percent (75%) of the area of the 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, shall not be included in computations of land occupancy by Buildings.
- 1203.07 Maximum Gross Floor Area. No Building shall exceed 65,000 square feet in gross Floor Area on a single Lot or Tract. A Commonly Controlled Business Operation shall not exceed usage of 65,000 square feet of gross Floor Area within one or more Buildings on a single Lot or Tract.
- 1203.08 Storm Water Management – all Planned Developments shall have a storm water management plan, approved by the Delaware County Engineer's Office, if required.
- 1203.09 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 twenty-five (25) feet from the edge of the Contiguous Street Right-of-Way in a Planned Commercial District, unless the parking lot is Contiguous to a 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 Street Right-of-Way.
- 1203.10 Streets – All Streets, including private Streets, shall conform to specifications as set forth in the Delaware County Subdivision Regulations. Public road improvements in Planned Developments shall require the following:
- A) All Street drainage shall be enclosed;
 - B) Curbs and gutters shall be installed; and
 - C) All Streets shall have a minimum pavement width of twenty-two (22) feet.
- 1203.11 Walkways – All walkways shall be constructed of a suitable, dust free, hard surface material.

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

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 Use shall be approved in a Planned Commercial District until the applicant certifies as part of the Final Development Plan that:

- 1204.01** Activities, excluding parking, shall primarily be conducted within a completely enclosed Building or other appropriate structural element(s) unless otherwise permitted herein.
- 1204.02** Reserved.
- 1204.03** 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, or similar material, and, except for parking areas, the grounds shall be planted and landscaped.
- 1204.05** Where the Lot Lines separate this District from a 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.
- 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 Zoning Permit shall be obtained before any Use is initiated, changed, or altered in accordance with Section 115.02.
- 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.

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

Section 1205: Permitted Principal Uses

- 1205.01 General office, Retail, or Service Businesses, included but not limited to:
- A) Office facilities for the providing of personal service such as, 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~~ have Drive-Through businessesFacilities, provided any speakers are located at least one hundred (100) feet from any Residential or Planned Residential District boundary.
 - C) Restaurants and Nightclubs. These businesses may have ~~drive-through~~ Drive-Through facilities Facilities, provided any speakers are located at least two hundred (200) feet from any 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 Indoor recreational, athletic, and/or fitness facilities.
- 1205.03 Research and development laboratories.
- 1205.04 Medical Clinics.
- 1205.05 Automobile service stations in accordance with the following:
- 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.
- 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,
- 1205.09 Clubs.
- 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.

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

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.
- 1206.03 Off-Street parking and loading spaces as regulated by Article 19.
- 1206.04 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 1702, no Mobile Home or mobile home office Structure shall be placed or occupied in this District.
- 1207.04 Sexually Oriented Businesses.
- 1207.05 Residential Care Facilities regardless of the number of residents.
- 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 requirements: Front, Side, and Rear Yards shall be designed so that no Building is closer than fifty (50) feet to any other Building. No Buildings shall be located closer than one hundred (100) feet to any District boundary line or one hundred (100) feet from a street Right-of-Way.
- 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.

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 12: PLANNED COMMERCIAL DISTRICT (PCD)

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.

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

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ARTICLE 13: PLANNED INDUSTRIAL DISTRICT (PID)

Section 1301: Intent and Purpose

The purpose of the Planned Industrial 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 Districts are limited to areas served by central sewer wastewater treatment plants operated by the Delaware County Sanitary Engineer and to areas served by a Central Water System and by an adequate transportation network.

- 1301.01 It is the policy of the Township to permit the creation of Planned Development Districts to:
- A) Preserve and extend the charm and beauty existent in and inherent to the rural residential character of Genoa Township;
 - B) Provide the economic and social advantages resulting from an orderly planned use of large parcels of land;
 - C) Provide a more useful pattern of Open Space and recreation areas;
 - D) Promote development patterns, which preserve and utilize natural topography and geologic features, scenic vistas, trees, and other vegetation, and prevent the disruption of natural drainage patterns;
 - E) Promote a more efficient use of land than is generally achieved through conventional development resulting in substantial savings in utility and street extensions; and
 - F) Promote development patterns in harmony with land use Density, transportation facilities and community facilities.
- 1301.02 This Section establishes standards for the Planned Industrial District in areas served by central sanitary sewers and Central Water Systems, or developments utilizing other sewage treatment options approved in the development plan.

Section 1302: Contiguity of Land and Project Ownership

- 1302.01 All land within a proposed Planned Development shall be Contiguous and shall not be divided into parts by any state or federal limited access highway or by any railroad Right-of-Way.
- 1302.02 The Planned Development area shall be under contract for purchase by a single entity or owned by a single entity at the time of application. For the purposes of this subsection a single entity includes the following: a married couple; corporation; partnership; or two or 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 District (PID). Only parcels at least ten (10) acres in size or adjacent to other parcels zoned PID or under application for Rezoning to PID that collectively sum ten (10) acres or more shall be considered for the PID.
- A) Any Lot or Tract depicted on the Zoning Map as being wholly or partially within the Hoover Reservoir Watershed shall also be subject to the additional provisions established within Article 7 of this Zoning Resolution, the Hoover Watershed Overlay District (HOD). Should these two articles conflict with one another, the requirements of Article 7 shall apply unless otherwise expressly stated within this Resolution.
- 1303.02 All Buildings and Structures shall be planned as groups having common parking area and common ingress and egress points to reduce the number of potential accident locations at intersections with thoroughfares.

Commented [SJ31]: 2/14/22 - The Zoning Commission revised this section per recommendation of the Prosecutor's Office. The latter half of the last sentence was revised from, "the stricter requirement shall apply..." to, "the requirements of Article 7 shall apply..."

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 13: PLANNED INDUSTRIAL DISTRICT (PID)

- A) Planned Industrial Districts less than twenty (20) acres in area shall have direct access to one (1) Arterial Street.
 - B) Planned Industrial Districts of twenty (20) or more acres in area shall have direct access to one (1) Arterial Street and to one (1) Collector Street and/or two (2) access points on an Arterial Street.
- 1303.03 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 Reserved.
- 1303.05 Reserved.
- 1303.06 Total land occupancy by all Buildings and Impervious Surfaces on a single Lot or Tract in this District shall not exceed seventy-five percent (75%) of the area of said Lot or Tract.
- 1303.07 Maximum Gross Floor Area. No Building shall exceed 65,000 square feet in gross Floor Area. A Commonly Controlled Business Operation shall not exceed usage of 65,000 square feet of gross Floor Area within one or more Buildings or a single Lot or Tract.
- 1303.08 Storm Water Management – all Planned Developments shall have a storm water management plan, approved by the Delaware County Engineer's Office, if required.
- 1303.09 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 twenty-five (25) feet from the edge of the Contiguous street Right-of-Way in a Planned Industrial District, unless the parking lot is Contiguous to a 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 street Right-of-Way.
 - D) Parking spaces and loading areas shall be provided in accordance with Article 19.
- 1303.10 Streets – All Streets including private streets shall conform to specifications as set forth in the Delaware County Subdivision Regulations. Public road improvements in Planned Developments shall require the following:
- A) All Street drainage shall be enclosed;
 - B) Curbs and gutters shall be installed; and
 - C) All Streets shall have a minimum pavement width of twenty-two (22) feet.
- 1303.11 Walkways – All walkways shall be constructed of a suitable, dust free, hard surface material.
- 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

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

surrounding trees. The foregoing shall be considered as a guideline for preservation of the natural environment.

- C) No trees shall be cleared further than five (5) feet from curbs of a parking lot. The foregoing shall be considered as a guideline for preservation of the natural environment.

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

Section 1304: Permitted Principal Uses

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

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

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

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

- 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 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 Indoor recreational, athletic, and/or fitness facilities.
- 1304.05 Hotels.
- 1304.06 Retail.
- 1304.07 Service Businesses.
- 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 Buildings and Structures as regulated by Section 1609.
- 1305.02 Portable Storage Units as regulated by Section 1707.
- 1305.03 Off Street parking and loading spaces as regulated by Section 19.
- 1305.04 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.

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

- 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 Use shall be approved in a Planned Industrial District until the applicant certifies as part of the Final Development Plan that:

- 1306.01 Activities, excluding parking, shall primarily be conducted within a completely enclosed Building or other appropriate structural element(s) 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.
- 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 this District from a 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 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, or paper.
- 1306.11 All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or Portland cement concrete, wood, tile, terrazzo, or similar material, and except for parking areas, the grounds shall be planted and landscaped.
- 1306.12 The storage, utilization, and manufacture of solid, liquid, and gaseous chemicals and other materials shall be permitted subject to the following conditions:
 - A) The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted; but only if said materials or products are stored,

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 13: PLANNED INDUSTRIAL DISTRICT (PID)

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 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.

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.

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 1702, no Mobile Home or mobile home office Structure shall be placed or occupied in this District.

1307.05 Sexually Oriented Businesses.

1307.06 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.

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

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 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: 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. As such, contra to Section 2701.01, anyone wishing to utilize this District for a Planned Development on an existing LI zoned Lot or Tract need only to follow a one-step zoning review process. The LI District and the zoning regulations thereunder shall continue to apply to all property within the PID unless the Township Trustees, pursuant to Article 27, 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~~ Section 2705 and shall include a development plan in compliance with ~~the provisions of said Section this Resolution. Upon receiving such~~ Such an application, ~~the Township Trustees shall determine whether the application and development plan comply with the provisions herein shall be reviewed and administered in accordance with Section 2706 and 2707.~~ 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 [SJ32]: Since this amendment deals with this article, taking the opportunity to revise this text to better clarify that pulling down the PID "cloud" on a LI zoned parcel only requires a 1-step process instead of the 2-step process otherwise mandated by Article 27 (which was the intent and always the way it has been done). The current Resolution was not as clear as it could/should be about this matter.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 13: PLANNED INDUSTRIAL 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 to promote 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, trees, and other vegetation, and prevent the disruption of natural drainage patterns;
- E) Promote a more efficient use of land than is generally achieved through conventional development resulting in substantial savings in utility and street extensions; and
- F) Promote development patterns in harmony with land use Density, transportation facilities and community facilities.

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

1401.03 The provisions of this Article shall apply to all lands zoned in the Planned Community Facilities District (PCF).

- A) Any Lot or Tract depicted on the Zoning Map as being wholly or partially within the Hoover Reservoir Watershed shall also be subject to the additional provisions established within Article 7 of this Zoning Resolution, the Hoover Watershed Overlay District (HOD). Should these two articles conflict with one another, the requirements of Article 7 shall apply unless otherwise expressly stated within this Resolution.

Section 1402: Contiguity of Land and Project Ownership

1402.01 All land within a proposed Planned Development shall be Contiguous and shall not be divided into parts by any state or federal limited access highway or by any railroad Right-of-Way.

1402.02 The Planned Development area shall be under contract for purchase by a single entity or owned by a single entity at the time of application. For the purposes of this subsection a single entity includes the following: a married couple; corporation; partnership; or two or more property owners who have entered into a general development plan for a Planned Development.

Section 1403: Permitted Principal Uses

1403.01 Art galleries, libraries, museums, memorials, monuments, and other such facilities.

1403.02 Private, or parochial schools and other similar types of educational facilities.

Commented [SJ33]: 2/14/22 - The Zoning Commission revised this section per recommendation of the Prosecutor's Office. The latter half of the last sentence was revised from, "the stricter requirement shall apply..." to, "the requirements of Article 7 shall apply..."

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 14: PLANNED COMMUNITY FACILITIES DISTRICT (PCF)

- 1403.03 General or special Hospitals and Medical Clinics, convalescent centers, institutions for the care of children or senior citizens, that are not considered a Residential Care Facility.
- 1403.04 Senior citizen retirement, residential and congregate care centers, that are not considered a Residential Care Facility.
- 1403.05 Religious Establishments as regulated by Section 1706.
- 1403.06 Clubs.
- 1403.07 Private Recreational Facilities as regulated by the following:
- A) Minimum ~~lot-Lot area-Area or Tract size~~ for a 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 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 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, and handball courts: Four (4) spaces for each playing court; and
 - 6) All recreational Use shall provide, in addition to the above standards, one (1) space for every two (2) employees on the largest work shift.
 - H) Accesses and Traffic Impact - Access shall be from an Arterial Street, a Collector Street or shall be provided in a manner that does not cause heavy traffic on residential 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.

Commented [SJ34]: Since this amendment deals with this article, taking the opportunity to make a minor clarification and capitalize terms that are defined.

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

- 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 caregivers) as regulated by Section 1704.
- 1403.16 Greenspace and landscape buffers.

Section 1404: Permitted Accessory Uses

- 1404.01 Accessory Buildings and Structures as further regulated by Section 1609.
- 1404.02 Portable Storage Units as regulated by Section 1707.
- 1404.03 Off-street parking and loading areas as regulated by Article 19.
- 1404.04 Residences for custodians or guards.
- 1404.05 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: Reserved

Section 1406: General Requirements

No Use shall be approved in a Planned Community Facilities District until the applicant certifies as part of the Final Development Plan that:

- 1406.01 The proposed Buildings or Use shall be located on a major Arterial or Collector street so as to generate a minimum of traffic on local streets. Elementary schools and playgrounds or parks intended for neighborhood use may, however, be located on local streets.
- 1406.02 The proposed Buildings or Use shall be located 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 Reserved.

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 14: PLANNED COMMUNITY FACILITIES DISTRICT (PCF)

- 1406.07 Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the applicant showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces, and service areas. All parking and loading areas shall conform to the requirements of Article 19.
- A) Planned Community Facilities Districts less than twenty (20) or more acres in area shall have direct access to one (1) Arterial Street.
 - B) Planned Community Facilities Districts of twenty (20) or more acres in area shall have direct access to one (1) Arterial Street and to one (1) Collector Street and/or two (2) access points on an Arterial street.
- 1406.08 Parking areas shall be adequately lighted. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any adjoining property or upon any public street.
- 1406.09 Applicant shall submit a letter from the Genoa Township Fire Chief certifying that all applicable fire codes have been met and that the equipment of the Genoa Township Fire Department as well as that of those departments which provide mutual aid to the township are able to maneuver throughout the site.
- 1406.10 All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or Portland cement concrete, wood, tile, terrazzo, or similar material, and except for parking areas, the grounds shall be planted and landscaped.
- 1406.11 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 Planned Developments shall have a storm water management plan, approved by the Delaware County Engineer's Office, if required.
- 1406.14 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.
- 1406.15 Streets – All Streets including private Streets shall conform to specifications as set forth in the Delaware County Subdivision Regulations. Public road improvements in Planned Developments shall require the following:
- A) All Street drainage shall be enclosed;
 - B) Curbs and gutters shall be installed; and
 - C) All Streets shall have a minimum pavement width of twenty-two (22) feet.
- 1406.16 Walkways –All walkways shall be constructed of a suitable, dust free, hard surface material. Mulch or other similar surfaces may be permitted for walking trails in areas the Zoning Commission feels are appropriate.
- 1406.17 Trees
- A) The clearing of land shall be kept to a minimum to help preserve the existing natural conditions.
 - B) No land shall be cleared of trees more than fifteen (15) feet from the foundation of a proposed Building. An exception to this requirement shall be granted in the case of those trees that should be removed due to malformation, disease, safety hazards, or to the general benefit of

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

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 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, 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 no Mobile Home or mobile office shall be placed or occupied in this District.

1407.04 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.

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

Section 1408: Dimensional Requirements

1408.01 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	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

Note A: The required Setback 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 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.

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.

ARTICLE 15: LIGHT INDUSTRIAL DISTRICT (LI)

Section 1501: Intent and Purpose

The intent of the Light Industrial District is to provide 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.

1501.01 The provisions of this Article shall apply to all lands zoned Light Industrial District (LI).

1501.02 Any Lot depicted on the Zoning Map as being wholly or partially within the Hoover Reservoir Watershed shall also be subject to the additional provisions established within Article 7 of this Zoning Resolution, the Hoover Watershed Overlay District (HOD). Should these two articles conflict with one another, the requirements of Article 7 shall apply unless otherwise expressly stated within this Resolution.

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;

Commented [SJ35]: 2/14/22 - The Zoning Commission revised this section per recommendation of the Prosecutor's Office. The latter half of the last sentence was revised from, "the stricter requirement shall apply..." to, "the requirements of Article 7 shall apply..."

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 15: LIGHT INDUSTRIAL DISTRICT (LI)

- K) Carpet and rug cleaning plants;
- L) Commercial radio and television transmitting stations, antenna towers, and other electronic equipment requiring outdoor towers;
- M) Restaurants without ~~drive-through~~ Drive-Through/in/up services Facilities;
- 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 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 Buildings and Structures as further regulated by Section 1609.
- 1503.02 Portable Storage Units as regulated by Section 1707.
- 1503.03 Off-Street parking and loading spaces as regulated by Section 19.
- 1503.04 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.

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

- 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.
- 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.
- 1504.02 Sexually 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: Operational Standards

No Zoning Permit shall be issued for any Use in a Light Industrial District until the applicant certifies that:

- 1505.01 Activities, excluding parking, shall primarily be conducted within a completely enclosed Building or other appropriate structural element(s) unless otherwise permitted herein;
- 1505.02 Reserved.
- 1505.03 Reserved.
- 1505.04 Total land occupancy by all Buildings and Impervious Surfaces on a single Lot in this District shall not exceed seventy-five percent (75%) of said Lot.
- 1505.05 Maximum Gross Floor Area. No Building shall exceed 65,000 square feet in gross Floor Area on a single Lot or Tract. A Commonly Controlled Business Operation shall not exceed usage of 65,000 square feet of gross Floor Area within one or more 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, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.
- 1505.08 The emission of smoke or other air pollutants and dust borne by the wind shall be kept to a minimum by appropriate Landscaping, paving or other acceptable means.
- 1505.09 There will be no emission of odors or odor causing substances which can be detected without the use of instruments at or beyond the Lot Lines.
- 1505.10 There will be no vibrations that can be detected without the use of instruments at or beyond the Lot Lines.
- 1505.11 Where the Lot Lines separate a Light Industrial District from a Residential or Planned Residential District, there shall be created:
 - 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

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 15: LIGHT INDUSTRIAL DISTRICT (LI)

B) A visual and mechanical barrier, in accordance with Section 2003, shall be provided seventy-five (75) or more feet from said Lot Lines.

1505.12 Reserved.

1505.13 Exterior lighting shall be installed 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 Reserved.

1505.16 All premises shall be furnished with all-weather hard surface walks of 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 devices against hazards of fire and explosions, as well as with adequate fire-fighting and suppression equipment and devices standard to the industry involved.

C) The storage, utilization, or manufacture of pyrophoric and explosive powders and dusts, and of materials and products that decompose by detonation is prohibited.

D) The manufacture of flammable liquids or materials that produce flammable or explosive vapors or gases is prohibited.

E) The storage and utilization of flammable liquids or materials that produce flammable or explosive vapors or gases shall be permitted on any Lot in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshal for the Manufacture, Storage, Handling, Sale, and Transportation of Flammable and Combustible Liquids".

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.

1505.19 Storm Water Management – all developments shall have a storm water management plan approved by the Delaware County Engineer's Office, if applicable.

1505.20 Parking and Loading Areas

A) All automobile parking lots shall be screened from adjoining streets and adjoining residential properties in accordance with Article 20.

B) No parking lot shall be closer than twenty-five (25) feet from the edge of the Contiguous street Right-of-Way unless the parking lot is Contiguous to a 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 street Right-of-Way.

1505.21 Streets – All streets, including private streets shall conform to specifications as set forth in the Delaware County Subdivision Regulations.

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

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.

Section 1506: Prohibited Uses

1506.01 All Uses not specifically authorized as a permitted or conditionally permitted Use by the express terms of this Section of the Zoning Resolution are hereby prohibited.

1506.02 The Outdoor Storage of Inoperable, unlicensed, or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicle, if stored on the premises, shall be enclosed within a Building so as not to be visible from any adjoining property or public road.

1506.03 No trailer of any type, no boats, no motor homes, and no equipment of any type shall be parked in front of the Front Building Line of any Lot within this District. If a Structure is located on the 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 1702, no Mobile Home or mobile home office Structure shall be placed or occupied in this District.

1506.05 Reserved.

1506.06 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 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 Frontage: Two hundred (200) feet, 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.

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 15: LIGHT INDUSTRIAL DISTRICT (LI)

- 1507.03 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.
- 1507.05 Minimum Front Yard Setback depth: One hundred and fifty (150) 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.
- 1507.06 Minimum Side Yard Setback width, each side: Twenty-five (25) feet.
- 1507.07 Minimum Rear Yard Setback depth: Fifty (50) feet.
- 1507.08 No Building, including Accessory Buildings, shall be located closer than one hundred (100) feet from a Residential or Planned Residential District boundary line.
- 1507.09 Building Height limits: Unless otherwise permitted within this Resolution, 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; and
- 1507.10 Lot Coverage: On no Lot in this Zoning District shall Structures be constructed which cover more than thirty-five percent (35%) of the Lot area.

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.

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.