

DRAFT

ZC 2024-05

Initiated 11/12/2024

# ZONING RESOLUTION

Effective: TBD

*Genoa*  
TOWNSHIP, OHIO

## **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, 2019, and 2023; 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 October 20, 2022, Zoning Resolution under the authority of, and in accordance with, the provisions of the Ohio Revised Code, with said amendments becoming effective: (insert date TBD); and,

WHEREAS, the Zoning Commission has recommended revisions of the Genoa Township Zoning Resolution on (insert date TBD), 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: (insert date TBD); 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of resolutions in conflict with this Zoning Resolution or inconsistent with provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.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*  
(insert date TBD)

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

- 101.01 This Resolution, including the official Zoning District Map (“Genoa Township Zoning Map”, “Zoning Map”, etc.) made a part hereof as further detailed Article 5, Section 502, shall be known and may be referred to or cited as the “Genoa Township Zoning Resolution” (“this Resolution”, “this Zoning Resolution”, and the like).

**Section 102: General Authority and Jurisdiction**

- 102.01 Per Ohio Revised Code (ORC) Section 519.02, in the interest of the public health, safety, and general welfare, the Township Trustees may, in accordance with a comprehensive plan, regulate the location, height, bulk, number of stories, and size of Buildings and other Structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, Setback Building lines, sizes of Yards, courts, and other Open Spaces, the density of population, the Uses of Buildings and other Structures, including tents, cabins, and trailer coaches, and the Uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of Genoa Township, and establish reasonable residential landscaping standards and residential architectural standards, excluding exterior building materials, for the unincorporated territory of Genoa Township; and, for all these purposes, the Township Trustees may divide all or any part of the unincorporated territory of Genoa Township into Districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform for each class or kind of Building or other Structure or Use throughout any District or zone, but the regulations in one District or zone may differ from those in other Districts or zones.
- A) For any activities permitted and regulated under ORC Chapters 1513 (coal surface mining) or 1514 (other surface mining) and any related processing activities, the Township Trustees may regulate under the authority conferred by ORC Section 519.02 only in the interest of public health and safety.
  - B) Pursuant to ORC 519.02.B, the Township Trustees may modify its administrative zoning procedures concerning adult entertainment establishments, defined in ORC Section 2907.39, as the Trustees determine necessary to ensure that the procedures comply with all applicable constitutional requirements.
  - C) The Township shall retain any and all zoning authority, jurisdiction, and/or power granted to it by the ORC. The failure to accurately cite or recite, in whole or in part, any such authority, jurisdiction, and/or power within this Zoning Resolution shall not be considered, understood, construed, or interpreted as abandonment or relinquishment of such authority, jurisdiction, or power.
- 102.02 The provisions of this Resolution shall apply to all lands, Buildings, Structures, Signs, Swimming Pools, and/or Uses within the unincorporated area of Genoa Township, Delaware County, Ohio unless otherwise specified herein or exempted by the ORC or by any other law or governing agency with jurisdiction or authority over such matter.
- 102.03 Agriculture, viticulture, dairying, animal/poultry, husbandry, and other such Uses recognized by the ORC shall be permitted in accordance with ORC 519.01 and 519.21 as well as the standards set forth in Section 1714 of this Resolution, as may be amended.
- 102.04 Agritourism shall be permitted in accordance with ORC 901.80 and 519.21(C)(4) as well as the standards set forth in Section 1715, as may be amended.
- 102.05 Farm Markets shall be permitted in accordance with ORC 519.21(C)(1) and the standards set forth in Section 1716, as may be amended.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 1: ADMINISTRATION

- 102.06 Public Utilities and Railroads. In accordance with ORC 519.211, public utilities and railroads shall not be prohibited in respect to the location, erecting, construction, reconstruction, change, Alteration, maintenance, removal, use, or enlargement of any Buildings or Structures for the operation of its business except as otherwise provided for telecommunication towers in Section 2204 of this Zoning Resolution.
- 102.07 Governmental Facilities. Any local, state, or federal governmental Use shall not be prohibited in any Zoning District. Such local, state, or federal governmental bodies proposing a Use of land or the construction of a Structure incidental to their governmental functions and responsibilities shall make a good faith effort to comply with this Zoning Resolution.
- 102.08 Sale or Use of Alcoholic Beverages. In accordance with ORC 519.21, the sale or use of alcoholic beverages shall not be prohibited in areas where the establishment and operation of any Retail business, Hotel, lunchroom, or Restaurant is permitted.
- 102.09 Outdoor Advertising. In accordance with ORC 519.20, outdoor advertising shall be classified as a business Use and shall be permitted in all Districts zoned for industry, business, trade, or lands used for agricultural purposes. Outdoor advertising shall comply with all applicable provisions within Article 18 of this Resolution.
- 102.10 Oil and Gas Production. In accordance with ORC 1509.02, the permitting, location, and spacing of oil and gas wells and production operations shall fall under the authority of the Ohio Department of Natural Resources Division of Oil and Gas Resources.
- 102.11 Biodiesel and Energy Production. In accordance with ORC 519.21.C.2, biodiesel production, biomass energy production, or electric or heat energy production where the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under ORC Sections 5713.30 to 5713.37 for real property tax purposes shall be a permitted Use in all Zoning Districts.
- 102.12 Biologically Derived Methane Gas Production. In accordance with ORC 519.21.C.3, biologically derived methane gas production where the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under Sections 5173.30 to 5713.37 for real property tax purposes shall be a permitted Use in all Zoning Districts so long as the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten (17,060,710) British thermal units, five (5) megawatts, or both.
- 102.13 Medical Marijuana. In accordance with ORC 519.21.D, Genoa Township reserves the right to, via this Resolution and/or a separate resolution, prohibit medical marijuana, cultivators, processors, and/or retail dispensaries from being located within the unincorporated territory of the township as well the right to regulate the location of said facilities within the aforementioned area.
- 102.14 Permanently Sited Manufactured Homes shall be permitted in any Zoning District where a single-family home is permitted in accordance with ORC 519.212 but are subject to regulation as authorized by the aforementioned code section.
- 102.15 Solar and Wind Farms.
- A) Small Solar Facilities shall be permitted in accordance with ORC 519.213 and the standards set forth in this Zoning Resolution, including Articles 4, 5, and 22, as may be amended.
  - B) Small Wind Farms shall be permitted in accordance with ORC 519.213 and the standards set forth in this Zoning Resolution, including Articles 4, 5, and 22, as may be amended.
- 102.16 Amateur radio service communications and structures. In accordance with ORC 519.214, Genoa Township shall comply with ORC 5502.031 regarding the regulation of amateur radio service communications and structures.

**Section 103: Intent and Purpose**

- 103.01 This is a Zoning Resolution for Genoa Township, Delaware County, Ohio adopted and amended pursuant to Chapter 519 of the ORC for the following purposes, among others:
- A) To promote and protect the health, safety, morals, and general welfare of the present and future inhabitants of Genoa Township while protecting the property rights of all residents.
  - B) To protect the quality of life within Genoa Township through the protection of the total environment, the prevention of Nuisances and hazards, and the provision of adequate light, air, and convenient access to property.
  - C) To ensure the compatibility of land Uses which are either adjacent or in proximity to each other.
  - D) To promote, ensure and control the orderly development of all lands within the Township to its appropriate Use.
  - E) To promote and secure the most appropriate Use of land to facilitate and provide adequate public and private improvements.
  - F) To conserve and protect the natural resources, scenic areas, wildlife habitat and the historical and unique natural features of the land.
  - G) To recognize and to protect the right to farm all suitable land in Genoa Township as further prescribed in Sections 102.03, 102.04, 102.05, 1714, 1715, and 1716 of this Resolution. The right to farm includes the use of large irrigation pumps and equipment, aerial and ground seeding and spraying, large tractors and agricultural implements and the application of fertilizers, insecticides, pesticides, and herbicides. When conducted in accordance with generally accepted agricultural practices, farming may occur at any time and on any day, and the noise, odors, dust, and fumes necessarily associated with such a use are expressly permitted as part of the exercise of the right to farm.
  - H) To implement the recommendations of the Genoa Township Comprehensive Plan in effect at the time to achieve the goals of said plan.

**Section 104: Interpretation**

- 104.01 In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, and general welfare. Whenever the requirements of this Resolution conflict with itself, the stricter, higher standard shall apply. Whenever the requirements of this Resolution conflict with the ORC, the ORC shall prevail.
- 104.02 It is not the intention of this Resolution to interfere with, abrogate, or annul any resolutions, ordinances, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Resolution, or which shall be adopted or issued, pursuant to the Use of Building or premises and likewise not in conflict with this Resolution; nor is it intended by this Resolution to interfere, abrogate, or annul any Right-of-Ways, easements, covenants, or other agreements between parties; subject to Section 104.01 as may be amended.
- 104.03 This Zoning Resolution shall be interpreted and administered in a manner consistent with the United States Constitution and all amendments thereof, including the First Amendment guarantee of free speech.

**Section 105: Construction of Language**

- 105.01 Definitions of words and terms shall be as established within Article 4 herein.
- 105.02 For the purpose of this Resolution, certain terms or words shall be construed as follows:
- A) Words used in the singular shall include the plural, and the plural the singular.
  - B) Words used in the present tense shall include the future tense.
  - C) The word "shall" is mandatory and not discretionary.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 1: ADMINISTRATION

- D) The word “may” is permissive.
  - E) The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
  - F) The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
  - G) Unless the context clearly suggests to the contrary, conjunctions shall be interpreted as follows:
    - 1) “And” indicates that all connected items, conditions, provisions, or events shall apply.
    - 2) “Or” indicates that one or more of the connected items, conditions, provisions, or events shall apply.
  - H) Unless otherwise specifically indicated, lists of items or examples that use terms such as ‘including’, ‘such as’, or similar language are intended to provide examples and not to be exhaustive lists of all possibilities.
  - I) The particular shall control the general.
- 105.03 Whenever a provision appears requiring the Zoning Inspector or any other official working for or under the Genoa Township Board of Trustees to perform an act or duty, that provision shall be construed as authorizing the delegation of such responsibility to subordinates, unless the provisions herein this Resolution or applicable law specify otherwise.
- 105.04 All times identified in this Resolution shall be assumed to be Eastern Time (ET) and in twelve (12) hour format (ex: 1:00 p.m. instead of 13:00) unless otherwise specified.

**Section 106: Separability**

- 106.01 If for any reason any one or more articles, sections, sentences, clauses or parts of this Zoning Resolution shall be declared by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Resolution, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Zoning Resolution held invalid, and the invalidity of any section, sentence, clause, or part of this Zoning Resolution in one or more instances shall not affect or prejudice in any way the validity of this Zoning Resolution in any other instance.

**Section 107: Required Conformance**

- 107.01 Except as herein provided, no Building, Structure, Sign, or Swimming Pool shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any Building, Structure, Sign, Swimming Pool, or land be used, nor shall any Excavation or Fill be made, except:
- A) For any expressed purpose permitted in the Zoning District in which such Building, Structure, Sign, Swimming Pool, or land is located.
  - B) In conformance to the Height and floor space requirements established for the Zoning District in which such Building, Structure, or Use is located.
  - C) In conformance to the area, Frontage, and Yard regulation of the Zoning District in which such Building, Structure, Sign, Swimming Pool, or Use is located.
  - D) In conformance to the off-street parking regulations of the Zoning District in which such Building, Structure, Sign, Swimming Pool, or Use is located.

- E) As expressly permitted in all Planned Development Zoning Districts that require a formal Final Development Plan as set forth in each Planned Development Article, the land involved in Planned Development is subject to the specific Use, Height and floor space requirement, area, Frontage and Yard regulations, signage and off-street parking set forth in an approved Final Development Plan and compliance with that plan shall be in accordance with ORC Section 519.021 (A & C). A Final Development Plan shall list any deviation from the Zoning Resolution as a Divergence. Divergences may be requested as a part of the Preliminary or Final Development Plan application review process set forth in Article 27.
- 107.02 Amendments to this Zoning Resolution shall not apply to any Zoning Map Amendment or Legal Approval applied for, or granted, prior to the effective date of said amendment. As such, they shall be subject to Article 25, Non-Conformities. Said amendments; however, shall apply should:
- A) An application for a Zoning Map Amendment be submitted on or after the effective date of the subject amendment(s);
  - B) An application for Legal Approval, including Final Development Plan applications, be submitted on or after the effective date of the subject amendment(s); or
  - C) An application to alter, revise, change, or amend a previously granted Zoning Map Amendment or Legal Approval, including Final Development Plans, be submitted on or after the effective date of the subject amendment(s). Unless otherwise specified herein, amendments shall only apply to those portions of the original approval being altered, revised, changed, or amended.

**Section 108: Comprehensive Plan**

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

**Section 109: Validity of Citations and References**

- 109.01 All article and section citations within this Zoning Resolution shall be assumed to be referring to this Resolution unless otherwise expressly stated, implied, inferred, or in any other way made obvious.
- 109.02 Citations of the ORC, as well as other acts, laws, and/or plans not found within this Resolution, reflect references that existed at the time of this Resolution's adoption. Amendments and/or supplementations to any cited law and/or plan, which may or may not alter a referenced code number and/or document name, do not necessarily invalidate said citation. Any such law or plan which has been revised shall be presumed to still be valid and enforceable, as amended unless there exists substantive and verifiable evidence to the contrary. Should a relevant successor provision, document, code, etc., be created, it shall similarly prevail and apply unless otherwise specified within this Resolution.
- 109.03 The change in the name of any governmental or regulatory agency referenced herein (ex: Delaware County Code Compliance to Delaware County Department of Building Safety), the change in any the authority, duties, or responsibilities assigned to such agency as may be referenced within this Zoning Resolution, and/or the creation of a new such agency shall not invalidate this Resolution in any way.

**Section 110: Reserved****Section 111: Reserved**

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 1: ADMINISTRATION

**Section 112: Township Trustees**

- 112.01 Regarding zoning, the Township Trustees shall be responsible for:
- A) Appointment and removal of the Zoning Inspector, Zoning Secretary, zoning staff, members of the Genoa Township Zoning Commission, members of the Genoa Township Board of Zoning Appeals, and, if so established, members of the Genoa Township Architectural Review Board;
  - B) Establishment of a schedule of fees to defray the costs of administering and enforcing this Zoning Resolution;
  - C) Consideration of, and adoption, rejection, or modification of, proposed amendments to this Resolution, including the Zoning Map, as provided in Article 26;
  - D) Consideration of, and adoption, rejection, or modification of, proposed Final Development Plans and Final Development Plan amendments as provided in Article 27; and
  - E) Other duties as may be specified within this Resolution.
- 112.02 It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector pursuant to Article 3, Section 306. Furthermore, it is the intent of this Resolution that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. Similarly, it is also the intent of this Resolution that the duties of the Township Trustees, in connection with this Resolution, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The foregoing shall not apply to the administrative review of applications coming before the Township Trustees for consideration in accordance with this Resolution.

**Section 113: Classification of Actions**

- 113.01 The approval of a Zoning Map Amendment shall be considered a legislative action subject to referendum pursuant to ORC Section 3519.01, as may be amended.
- 113.02 The approval or denial of a Final Development Plan, or any amendment to a Final Development Plan, shall be considered an administrative action.
- 113.03 The approval or denial of a Zoning Permit, the issuance or withholding of a Certificate of Compliance, and any other ministerial action taken by the Zoning Inspector or their designee shall be considered administrative actions.
- 113.04 The approval or denial of a Variance or Conditional Use application, as well as the decision rendered in an Administrative Appeal case, shall be considered quasi-judicial actions.

**Section 114: Administrative Bodies and Duties**

- 114.01 Zoning Inspector – Pursuant to ORC 519.16 and 519.161, the Township Trustees shall appoint a Township Zoning Inspector, together with such assistants as the Township Trustees deem necessary and designate such individual as the primary administrator and enforcing officer of this Resolution. The execution of the duties specified herein shall include the inherent right of the Zoning Inspector to exercise discretion when necessary in limited situations and in the interest of the public. Any official or employee of the Township may assist the Zoning Inspector by reporting any new construction, reconstruction, land Use changes, or suspected violation. Duties of the Zoning Inspector shall include, but are not necessarily limited to:
- A) Review all applications within the Township for Zoning Permits as outlined in Section 115.01 to ensure they conform to all applicable provisions of this Resolution. The Zoning Inspector shall keep a record of all applications.

- B) Review all applications within the Township for Zoning Map Amendments, zoning text amendments, Final Development Plans, Final Development Plan amendments, Variances, Conditional Uses, and Administrative Appeals and report findings regarding zoning compliance to the appropriate board, commission, committee, and/or staff member(s).
- C) Conduct on-site inspections with the purview of applicable laws to ensure the zoning-related activities conform to applicable Legal Approvals.
- D) Upon finding that any enforceable provisions of this Resolution are being violated and gathering sufficient evidence to prove as such, the Zoning Inspector shall, subject to legal advice and other such practical considerations, notify, in writing, the person responsible for such violation and order the action necessary to correct such violation.
- E) Order discontinuance of illegal Uses of land, Buildings, or Structures in accordance with the provisions of the ORC.
- F) Order removal of illegal Buildings or Structures or illegal additions or structural Alterations in accordance with the provisions of the ORC.
- G) Review all applicable subdivision plats and lot splits that are submitted to the Delaware County Regional Planning Commission to determine if the plat or lot split conforms to all applicable provisions of this Resolution.
- H) Keep necessary records regarding the administration and enforcement of this Zoning Resolution in accordance with the Genoa Township Public Records Policy and Genoa Township Records Retention Schedule, both as may be amended.
- I) Issue as-needed reports to the Zoning Commission, Board of Zoning Appeals, and/or Township Trustees regarding activities and inspections undertaken to meet the responsibilities outlined herein.
- J) Interpret and make final determinations regarding the administration of this Zoning Resolution subject to appeal to the Board of Zoning Appeals as set forth in Article 3 unless said power is otherwise expressly reserved for another body.
- K) Establish and amend as necessary protocols, procedures, application forms, schedules, and other such ministerial items they deem necessary to properly administer this Zoning Resolution in a lawful manner. Such items shall not require approval by the Township Trustees but shall be subject to their review and revision. For clarification, all zoning fee schedules shall require the approval of the Township Trustees.
- L) Consult with the Delaware County Prosecutor's Office and/or other legal counsel hired by the township, as needed, regarding the administration of this Zoning Resolution.
- M) Exercise any authority expressly granted throughout this Zoning Resolution.
- N) Delegate duties to personnel authorized to assist with zoning administration, inspections, reporting, enforcement, and record keeping.
- O) Determine, direct, and supervise the allocation of resources (ex: staff, hours, budget) provided by the Township Trustees for the administration of this Zoning Resolution.
- P) Other duties as may be prescribed by this Resolution.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 1: ADMINISTRATION

- 114.02 Zoning Secretary - To assist in the administration of the Zoning Resolution, the Township Trustees shall appoint a Zoning Secretary whose duty it shall be to maintain zoning records, confirm information in applications, process all notices required by the Resolution (legal ads), record the minutes of the Zoning Commission and Board of Zoning Appeals, assist the Zoning Inspector, and perform such other duties relating to the Zoning Resolution as the Township Trustees may from time to time direct. The Township Trustees shall compensate the Zoning Secretary at rates set from time to time. The Township Fiscal Officer may be named to this position and may receive compensation for such services in addition to other compensation allowed by law.

**Section 115: Zoning Permits and Certificates of Compliance**

- 115.01 No person shall establish or change any Use of land, nor shall they locate, erect, construct, reconstruct, enlarge, or structurally alter any Building, Structure, Sign, and/or Swimming Pool within Genoa Township, without first obtaining a Zoning Permit; subject to the following:
- A) No Zoning Permit shall be issued unless the plans for the proposed project fully comply with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, a Variance, or Conditional Use.
  - B) A Zoning Permit shall be required for all Dwellings, all Principal Structures and Principal Uses, all Accessory Structures and Accessory Uses, all Signs, all Swimming Pools, and all Temporary Structures and Uses unless otherwise specified within this Resolution.
  - C) A Zoning Permit shall not be required when any such item which has been permitted or is otherwise legally non-conforming is being repaired or replaced in kind unless otherwise specified herein.
  - D) A Zoning Permit shall not be required for certain items further specified within Section 117.
  - E) For the purposes of permitting, any project that results in the removal and subsequent replacement, to any extent, of fifty percent (50%) or more of the gross square footage of an existing Structure, shall be considered a new build as opposed to an alteration. Such a project shall require a Zoning Permit and shall comply with all current and in effect provisions of this Zoning Resolution subject to the applicable provisions of Article 25, Non-Conformities.
  - F) The Zoning Inspector shall retain the right to interpret whether a Zoning Permit is required, however, such a decision shall be subject to appeal to the Genoa Township Board of Zoning Appeals pursuant to Article 3, Section 306.
- 115.02 Application for Zoning Permit - All Zoning Permit applications can be obtained from the Development and Zoning Office and shall be filled out completely prior to submission. Applications that fail to include all required components may be considered administratively incomplete and subject to rejection. The Township reserves the right to request revisions of submittal materials for the purposes of demonstrating compliance, correction, accuracy, transparency, clarification, documentation, cross-referencing, administration, and/or enforcement. The following shall be provided as part of the application, subject to the discretion of the Zoning Inspector:
- A) Name, address, and phone number or e-mail address of applicant;
  - B) Applicant's signature;
  - C) Date of application;
  - D) Name and address of property owner;
  - E) Should the applicant not be the property owner of record, or if the said owner does not co-sign the application, proof of the property owner's authorization for the application to be made shall be submitted in the form of a signed letter, e-mail, or a copy of a legal agreement or contract between the applicant and the property owner which establishes that the applicant has an equitable interest in said property;

- F) Name, address, and phone number of the person to contact regarding information provided on the Zoning Permit application;
- G) A certified address, the name of the subdivision and the lot number, or other information necessary to establish the location of the Lot;
- H) A plot plan or site plan must be provided, drawn to scale and no larger than eleven by seventeen inches (11" x 17"), showing the actual shape and dimensions of the property with front, rear, and side yard dimensions; the location and dimensions of existing Structures and proposed Structures or Alterations; and any additional information required by the Zoning Inspector;
- I) The number of proposed Dwellings and the total residential Floor Area for each Dwelling;
- J) A permit from the Delaware County Health Department or Ohio Environmental Protection Agency for on-site wastewater disposal, where applicable, illustrating the location of primary and secondary leaching field locations or proposed sanitary sewer hookups and stormwater inlets;
- K) The proposed means of access, parking plan and number and location of proposed Off-Street Parking Spaces;
- L) A detailed Landscaping plan for a Planned Development District or a plan for screening, when applicable;
- M) A statement by the applicant attesting to the truth and exactness of all information supplied on the application;
- N) Any other information or materials required elsewhere in this Zoning Resolution;
- O) Such other information as may be deemed necessary by the Zoning Inspector or their assignee to determine conformance with this Resolution; and
- P) A fee as established by the Township Trustees.

#### 115.03 Processing of Zoning Permits.

- A) Within thirty (30) days after the receipt of an administratively complete application, except as provided herein, the Development and Zoning Office shall either approve or disapprove the application in conformance with the provisions of this Resolution. If the application is approved, the Zoning Inspector or other authorized Development and Zoning Office personnel shall issue a Zoning Permit. The applicant will receive either an original signed copy of an approved permit or notice that the application was disapproved. The original application shall be retained by the Development and Zoning Office on file.
  - 1) Any new proposed construction for which a Zoning Permit is issued shall have been started within one (1) year of issuance of said permit. If construction does not begin within one (1) year of the issuance date of a Zoning Permit, said Permit shall no longer be considered valid and thus shall be renewed.
  - 2) The ground Story framework, including structural parts of a second floor shall have been completed within eighteen (18) months after the issuance of the Zoning Permit; provided, however, that any project or Building originally contemplated to be constructed in phases or for a period longer than eighteen (18) months may be completed in phases or during such extended time if authorized by the Zoning Inspector at their discretion. If such regulated activity does not occur within the time frames specified herein, said Permit shall no longer be considered valid and thus shall be renewed.
- B) When permits or licensures are required by other jurisdictions, the Zoning Inspector may request proof of such prior to issuing a Zoning Permit or Certificate of Zoning Compliance.
- D) Nothing contained in this Resolution shall require any change in plans, construction, size, or designated Use of a lawful Building, Structure, Sign, and/or Swimming Pool permitted prior to the effective date of this Resolution or applicable amendments hereof.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 1: ADMINISTRATION

- 1) The Zoning Inspector may require proof in the form of an affidavit or other similar document that the original intended Use said item(s) has not been changed.
- 2) The ground Story framework, including structural parts of the second floor, shall have been completed within one (1) year and the entire improvement completed within two (2) years after the effective date of this Resolution or applicable amendments hereto subject to Section 115.03.B herein. If not completed pursuant to the preceding statement, the protection afforded by this Section shall not apply to such construction or Use.

## 115.04 Certificate of Zoning Compliance.

- A) A Certificate of Compliance or Temporary Certificate of Compliance shall be obtained prior to occupancy of any newly constructed Principal Building, excluding alterations and additions subject to subsequent provisions herein.
  - 1) Notwithstanding, the Zoning Inspector shall have the authority to require a Certificate of Occupancy or Temporary Certificate of Occupancy for any other Building, Structure, Sign, Swimming Pool, Use, improvement, activity, or condition requiring a Zoning Permit per this Zoning Resolution should they determine it necessary to demonstrate and/or verify compliance with this Resolution.
  - 2) The Zoning Inspector shall also have the authority to request and require supplemental documentation, information, and/or evidence of compliance if they determine such is needed to verify zoning compliance of any Building, Structure, Sign, Swimming Pool, Use, improvement, activity, or property condition. Examples of such supplemental materials may include but are not limited to certified pin location surveys, foundation surveys, and mortgage location surveys.
- B) A Temporary Certificate of Zoning Compliance may be issued by the Zoning Inspector for a period not exceeding eighteen (18) months during Alterations or partial occupancy of a Building pending its completion.

## 115.05 Record of Zoning Permits and Certificates of Zoning Compliance. The Zoning Inspector shall maintain a record of all Zoning Permits and Certificates of Zoning Compliance and copies shall be furnished upon request to any person.

## 115.06 Failure to Obtain a Zoning Permit or Certificate of Zoning Compliance. A late application fee, if established by the Township Trustees, shall be submitted with an application for a Zoning Permit, Certificate of Zoning Compliance, or Temporary Certificate of Zoning Compliance in those instances when the work, use or occupancy has commenced prior to the filing of such application. In addition, failure to obtain a Zoning Permit or Certificate of Zoning Compliance shall be deemed a violation of this Resolution and further punishable under Section 116 of this Resolution.

## 115.07 Conformance. Zoning Permits or Certificates of Zoning Compliance issued based on plans and applications approved by the Zoning Inspector authorize only the Use and arrangement set forth in such approved plans and applications or amendments thereto, and no other Use, arrangement, or construction. An immediate late application fee may be applied for failure to file an amendment if plans are altered after issuance of an approved Zoning Permit. In addition, any Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Resolution, and further punishable as provided in this Resolution.

**Section 116: Enforcement**

- 116.01 Violations, Remedies, and Penalties – Pursuant to Ohio Revised Code (ORC) 519.23 and 519.24, no Building, Structure, Sign, or Use shall be established, located, erected, constructed, reconstructed, enlarged, changed, maintained, or occupied in violation of this Zoning Resolution, or amendment or supplement to such Resolution, adopted by the Township Trustees pursuant to Chapter 519, ORC. Each day's continuation of a violation of this Resolution shall be deemed a separate offense irrespective of whether a separate notice of violation or affidavit charging a violation has been served upon the violator for each day the offense continues. The Delaware County Prosecuting Attorney, the Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove said violation. The Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this Section. Violations shall be subject to remedies and penalties identified within ORC Section 519.99, as may be amended.
- 116.02 Fees – Any application under this Resolution for a Certificate of Zoning Compliance, Zoning Permit, Conditional Use Permit, Variance, Sign permit, Temporary Use permit, Zoning Map Amendment, Planned Development, amendment, or filing of a notice of appeal or requests for official transcripts of hearings shall be accompanied by such fee as shall be specified from time to time by resolution of the Township Trustees. There shall be no fee, however, in the case of applications filed, or requests made by, any public schools or government agencies for the purpose of building a Government Facility. The fees imposed by this Resolution are intended to defer in part, the costs of zoning administration involved in such applications including technical reviews, publishing, , and/or mailing the notice(s) of the hearing(s), the compensation of Board of Zoning Appeals or Zoning Commission members for attending said hearing(s), and any other costs incurred in administering this Resolution. Such fees are not refundable regardless of the outcome of the application unless otherwise authorized by the Township Trustees.
- 116.03 The exclusion of any enforcement powers (ex: violations, remedies, penalties, fines, fees, etc.) otherwise permitted by law from this Zoning Resolution, including those specified within the ORC, shall not be considered a prohibition against the exercise of such powers in accordance with the law. As such, their omission does not preclude Genoa Township, the Township Trustees, the Genoa Township Zoning Inspector, or any other individual(s) having lawful, recognized authority from exercising such powers.

**Section 117: Exemptions from Zoning Permits**

- 117.01 Unless otherwise specified within this Resolution or an applicable Legal Approval, the items identified herein shall generally be exempt from obtaining a Zoning Permit, however, this list shall not be considered exhaustive, shall not be construed as an exemption from compliance with any applicable provisions of this Zoning Resolution, shall not constitute authorization to place any items in a Right-of-Way, nor shall it preclude the Township Trustees from making a Nuisance declaration or from taking other legal action as permitted by the ORC. The Zoning Inspector shall have the authority to determine if a Zoning Permit is required. Such a decision shall be subject to appeal to the Board of Zoning Appeals, pursuant to Article 3.
- A) Accent lighting, coach lights, and other similar types of decorative or architectural lighting not otherwise regulated by this Zoning Resolution.
  - B) Accessory Buildings and Structures meeting certain parameters as further set forth in Article 16, Section 1609.
  - C) Agriculture, Agritourism, and Farm Markets meeting certain parameters as further set forth in Article 23, Sections 2302, 2303, and 2304, respectively.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 1: ADMINISTRATION

- D) Any other item, improvement, or Use expressly exempted by this Zoning Resolution, an applicable Legal Approval, and/or the ORC, including Governmental Facilities.
- E) Any item, improvement, or Use not expressly regulated or prohibited by this Zoning Resolution or an applicable Legal Approval.
- F) Artwork, décor, furniture, statues, and fountains not otherwise meeting the definition of Building, Junk, Junk Vehicle, Sign, or Swimming Pool; however, any such item meeting the definition of Structure and exceeding six (6) feet in Height shall require a Zoning Permit.
- G) Benches, bicycle racks, handrails, accessibility ramps, and other such Pedestrian-Oriented amenities that do not otherwise meet the definition of a Building.
- H) Certain Telecommunication Towers, Solar Facilities, and Wind Farms as further set forth in Article 22.
- I) Certain Temporary Uses as well as private garage, estate, and yard sales, meeting certain parameters. all as further set forth in Article 24, Section 2403.
- J) Decorative piers, columns, posts, and the like so long as they do not exceed eighteen (18) inches in width or depth, six (6) feet in Height, and are not otherwise Attached to an Accessory Wall, Building, Entry Feature, Fence, larger Structure, Sign, or Sign Structure.
- K) Drainage infrastructure, driveways, and grading improvements including bridges, culverts, ditches, drains, gutters, mounds, stormwater basins, and swales. Such improvements shall still be subject to any applicable rules and restrictions not found in this Zoning Resolution.
- L) Fences and walls, including Retaining Walls and seating walls, that are two (2) feet or less in Height, stacked paver walls not otherwise functioning as a Retaining Wall, and fences immediately adjacent to and surrounding tennis courts, basketball courts, etc., so long as such fence is:
  - 1) Constructed of chain-link or another similar type of material;
  - 2) Set back at least twenty (20) feet from any Front Lot Line;
  - 3) Set back ten (10) feet from any Side or Rear Lot Line; and
  - 4) Not otherwise required by this Resolution.
- M) Grass, dirt, and/or sand recreational/sporting fields, ways, and the like that are not being used for commercial purposes.
- N) Home Occupations meeting certain parameters as further set forth in Article 16, Section 1618.
- O) Inflatable items that are not permanently affixed to the ground or otherwise expressly prohibited by this Zoning Resolution, including inflatable Swimming Pools but excluding Inflatable Signs prohibited by this Resolution.
- P) Landscape features, landscape maintenance, plantings, and/or related amenities, including at-grade garden beds, raised garden beds, planting tables, and potting benches six (6) feet or less in Height, bird/bat houses or feeders (hung, mounted, or post-mounted), boulders, portable fountains or bird baths, ponds or other Water Impoundments not meeting the definition of Swimming Pool, rock gardens, rain gardens, plant trimming/removal from areas not otherwise protected from such by a valid Legal Approval, string lights, and the like.
- Q) Flag poles, little libraries, mailboxes, permanently installed basketball hoops, and other such incidental improvements of a non-commercial nature, however, Flags shall still be subject to applicable provisions of Article 18.
- R) Recreational and sporting equipment that is not permanently affixed to the ground or Attached to a Structure, such as deer stands/hunting blinds, playgrounds, playhouses, soccer nets, bleachers, swing sets, trampolines, treehouses, and the like.

- S) Residential driveways and associated parking areas, however, such improvements shall still comply with applicable provisions of this Zoning Resolution.
- T) Outdoor speakers, air fresheners, repellants, traps, and the like not otherwise meeting the definition of a Building or Structure and/or not otherwise regulated by this Resolution.
- U) Patios, boardwalks, promenades, sports courts, sports rinks, and the like constructed at grade or less than one (1) foot in height.
- V) Portable animal coops, shelters, and hives, including dog houses, which do not otherwise meet the definition of a Building, do not function as an Animal Park or commercial Kennel, and/or do not house dangerous wild animals as further detailed in Article 16, Section 1617.
- W) Portable grills, fire pits, torches, and the like.
- X) Propane tanks and mechanical structures as further detailed in Article 16, Section 1609.
- Y) Repair or replacement in-kind of any improvement constructed in accordance with a valid Zoning Permit or which is otherwise legally non-conforming as further defined and regulated in Article 25.
- Z) Roof repairs or improvements as well as renovations occurring completely within the confines of a Structure with the exception of window wells as regulated by Article 16, Section 1608.04.
- AA) Sidewalks, paths, trails, and other such Pedestrianways.
- BB) Signs meeting certain parameters as further set forth in Article 18, Sections 1802 and 1803.
- CC) Tents, cabanas, and other similar types of portable shelters not meeting the definition of Structure or erected in conjunction with a regulated Temporary Use.
- DD) Underground improvements not otherwise qualifying as a Sign, Structure, or Swimming Pool such as electrical lines, invisible fences, plumbing, septic systems, storm shelters, underground sprinkler or irrigation systems, wells, and the like.
- EE) Waste, composting, and/or recycling receptacles not otherwise meeting the definition of a Portable Storage Unit or Structure.

**DRAFT**

**ZC 2024-05**

**Initiated 11/12/2024**

**GENOA TOWNSHIP ZONING RESOLUTION**

**ARTICLE 1: ADMINISTRATION**

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**ARTICLE 2: RESPONSIBILITIES OF THE ZONING COMMISSION****Section 201: Township Zoning Commission**

- 201.01 The Township Trustees shall establish a Zoning Commission, in accordance with ORC 519.04, consisting of five (5) citizens of the Township to be appointed by the Township Trustees. Two (2) additional citizens may be appointed to the Zoning Commission as alternates. None of the members shall concurrently serve as a member of the Board of Zoning Appeals or Township Trustees.
- 201.02 The terms of the members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until their successor is appointed and qualified.
- 201.03 Members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, upon written charges being filed with the Township Trustees, after a public hearing has been held regarding the charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days before the hearing, either personally, by registered mail or by leaving the copy at the member's usual place of residence. The hearing shall occur within sixty (60) days after the charges are filed. The member shall be given an opportunity to be heard and answer the charges. Upon the approval of a majority of the Township Trustees, the member may be suspended from participating as a member of the Zoning Commission during the period of up to sixty (60) days before the pending hearing on the removal. Vacancies shall be filled by the Township Trustees and shall be for the un-expired term. A suspension authorized by this section is not a vacancy for purposes of this section. The decision of the Township Trustees regarding the suspension or removal may be appealed under Chapter 2506 of the Ohio Revised Code (ORC).
- 201.04 The Zoning Commission shall elect its own officers annually and shall adopt the rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held periodically as the need arises but not less than quarterly at the call of the Chair and at such other times as the Zoning Commission may determine. The Chair, or in their absence the Acting Chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- 201.05 The Zoning Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be a public record.
- 201.06 The Zoning Commission shall act by resolution or motion. A majority vote of a quorum of Zoning Commission members shall be necessary to pass any motion to recommend the approval, disapproval, or modification of any proposed amendment to this Resolution. The results of such resolution or motion shall be forwarded to the Township Trustees for their action, except as may otherwise be provided herein.
- 201.07 The Zoning Commission shall have and may exercise all powers and authorities granted to it by the ORC may be amended or supplemented, including, amongst other things, the power and authority to initiate proposed amendments to this Resolution and/or Zoning Map and make recommendations to the Township Trustees in accordance with Article 26 or Article 27. All such actions and related actions, including review, shall be conducted pursuant to any applicable provisions of the ORC.
- 201.08 The Zoning Commission shall also review all proposed Preliminary Development Plans, Final Development Plans, and Final Development Plan amendments and make recommendations to the Township Trustees in accordance with Article 27 and ORC 519.05. The Zoning Commission shall have decision-making authority regarding Final Development Plan amendments deemed by the Commission to be minor amendments in accordance with the provisions of this Resolution as further described in Article 27.

**GENOA TOWNSHIP ZONING RESOLUTION**

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

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

### Section 301: Board of Zoning Appeals

- 301.01 The Township Trustees shall establish a Board of Zoning Appeals, in accordance with ORC 519.13, consisting of five (5) residents of the Township. Two (2) additional citizens may be appointed to the Board of Zoning Appeals as alternates. None of the members shall concurrently serve as a member of the Township Trustees, Zoning Commission, or Architectural Review Board (if so established).
- 301.02 The terms of all members shall be so arranged that the term of one member shall expire every year. Each member shall serve until their successor is appointed and qualified.
- 301.03 Members of the Board of Zoning Appeals may be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, upon written charges being filed with the Township Trustees, after a public hearing has been held regarding the charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days before the hearing, either personally, or by registered mail, or by leaving the copy at the member's usual place of residence. The hearing shall occur within sixty (60) days after the charges are filed. The member shall be given an opportunity to be heard and answer the charges. Upon the approval of a majority of the Township Trustees, the member may be suspended from participating as a member of the Board of Zoning Appeals during the period of up to sixty (60) days before the pending hearing on the removal. The decision of the Township Trustees regarding the suspension or removal may be appealed under Chapter 2506. Vacancies shall be filled by resolution of the Township Trustees and shall be for the unexpired term. A suspension authorized by Section 519.04 of the Ohio Revised Code (ORC) is not a vacancy for the purposes of this section.
- 301.04 The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chair and at such other times as the Board of Zoning Appeals may determine. The Chair, or in their absence the Acting Chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board of Zoning Appeals.
- 301.05 In exercising its duties, the Board of Zoning Appeals may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the power of the Zoning Inspector from whom the appeal is taken. A majority vote of a quorum of Board of Zoning Appeals members shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution.
- 301.06 Pursuant to ORC 519.14, the Board of Zoning Appeals has the following specific responsibilities:
- A) To hear and decide appeals in accordance with Section 306 where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector;
  - B) Where the applicant has provided sufficient evidence to warrant the granting of a Variance, to authorize such Variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed, and substantial justice done. The consideration of such Variances shall be in accordance with Section 307;
  - C) To grant Conditional Use Permits as specified in Section 302 and such additional safeguards as will uphold the intent of the Resolution;

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- D) To determine the exact location of any Zoning District boundary or prevailing Zoning District in pursuant to Section 503; and
  - E) To revoke an authorized Variance or conditional Zoning Certificate for the extraction of Minerals, if any condition of the Variance or certificate is violated.
- 301.07 The Zoning Commission and Township Trustees shall not have authority over the responsibilities delegated to the Board of Zoning Appeals nor shall they have the authority to assume said responsibilities or override any decision of the Board of Zoning Appeals.
- 301.08 Decisions made by the Township Trustees or the Zoning Commission shall not be eligible for appeal to the Board of Zoning Appeals. Similarly, decisions made by the Board of Zoning Appeals shall not be eligible for appeal to the Township Trustees or the Zoning Commission.
- A) The Board retains the right to enter into private deliberations with legal counsel during the course of any quasi-judicial hearing, however, unless otherwise provided for by law, all decisions shall be made in open session of a public meeting.
  - B) The Board of Zoning Appeals retains the authority to reconsider its own decision, however, this ability exists until the actual institution of a court appeal or until the expiration of the time of appeal.
- 301.09 Individuals providing testimony are subject to cross-examination.
- 301.10 Applications to the Board of Zoning Appeals are subject to res judicata.

**Section 302: Conditional Uses**

- 302.01 Pursuant to the authority provided by Ohio law, certain Uses within Genoa Township are only permissible via a Conditional Use review and approval process as further detailed herein and identified within Article 5 of this Zoning Resolution.
- 302.02 An application for Conditional Use approval by at least one (1) owner of the property is required prior to any authorization by the Board of Zoning Appeals. At a minimum, the application shall contain the following information:
- A) Name, address, and telephone number or e-mail address of the applicant;
  - B) Applicant's signature
  - C) Date of application;
  - D) Name and address of property owner;
  - E) Should the applicant not be the property owner of record, or if the applicant of property of record does not co-sign the application, proof of the property owner's authorization for the application to be made shall be submitted in the form of a signed letter, e-mail, or a copy of a legal agreement or contract between the applicant and the property owner which establishes that the applicant has an equitable interest in said property;
  - F) Address or Parcel Identification Number (PIN) of the subject property;
  - G) The name of the subdivision the Lot is located within, Lot number, a legal description of the Lot, or any other such information necessary to identify the location of the Lot;
  - H) Description of existing Zoning District;
  - I) Description of the proposed Conditional Use;

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- J) A site plan of the proposed site for the Conditional Use showing the scale, north arrow, location of all Buildings, parking and loading areas, traffic access and traffic circulation, sidewalks, curbs, Open Spaces, Landscaping and grading plan, refuse and service areas, fire hydrants, utilities, Rights-of-Way, Signs, yards, drainage plan, and such other information as the Board of Zoning Appeals may require to determine if the proposed Conditional Use meets the intent and requirements of this Resolution;
  - K) A plan for screening when applicable;
  - L) A narrative statement discussing the merits of the proposal;
  - M) Such other information as may be required by the Board of Zoning Appeals; and
  - N) A fee as established by the Township Trustees.
- O) The Board of Zoning Appeals may waive, implicitly or explicitly, any Conditional Use submittal requirement herein with the exception of the required application fee.

**Section 303: Conditional Use Provisions**

- 303.01 Conditional Uses may be permitted provided that such Uses shall be found to comply with the standards herein and all other applicable requirements as set forth in this Resolution, however, the preceding provision shall not be interpreted to preclude a Conditional Use application that adheres to all technical requirements of this Zoning Resolution from denial
- 303.02 Conditional Use regulations and specific Conditional Use standards shall be as set forth in Article 17 of this Resolution.

**Section 304: Conditional Use Procedures**

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

**Section 305: Conditional Use Permit**

- 305.01 If the requested Conditional Use is approved, a Conditional Use Permit shall subsequently be applied for and obtained prior to establishment of the subject Use. Except as otherwise provided herein, Conditional Use Permits shall be subject to the provisions of Sections 115 and 116 of this Zoning Resolution.
- 305.02 A Conditional Use Permit shall be deemed to authorize only one particular Conditional Use. The Conditional Use Permit shall automatically expire if, for any reason, the Conditional Use shall cease for more than six (6) months, or if construction or establishment is not begun within twelve (12) months of approval of the Conditional Use Permit.

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**Section 306: Administrative Appeals**

- 306.01 In accordance with ORC 519.15, appeals to the Board of Zoning Appeals concerning the interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector or an authorized administrative officer enforcing this Resolution (aka Administrative Appeal).
- 306.02 An appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.
- 306.03 An appeal stays all proceedings in furtherance of the action appealed unless the Zoning Inspector certifies to the Board of Zoning Appeals that in their opinion, by reason of facts stated in the application, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order that may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal was taken.
- 306.04 The Board of Zoning Appeals shall select a time and place for the hearing of an appeal and give at least ten (10) days written notice to the parties in interest including the owners of property Contiguous to and directly across the street from the applicant's property.
- In addition, public notice of such hearings including place, date, and the subject of the hearing, shall be published by any means authorized by the ORC at least ten (10) days prior to the date of the hearing. Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.
- 306.05 The Board of Zoning Appeals shall have all the powers of the Zoning Inspector with respect to such decision. The concurring vote of a majority of a quorum of Board of Zoning Appeals members shall be necessary to reverse or modify any decision of the Zoning Inspector under this Resolution. The Board of Zoning Appeals shall render a written decision on the application without unreasonable delay after the close of a hearing. A copy of the decision and findings of fact shall be sent to the Township Trustees and Zoning Commission, and by certified mail to the applicant.
- 306.06 A fee, the amount of which is established by the Township Trustees, shall accompany a notice of appeal.

**Section 307: Variances**

- 307.01 Pursuant to Ohio law, If the Zoning Inspector rejects an application for a Zoning Permit or Certificate of Zoning Compliance or if the Zoning Resolution prohibits the Erection of a Building, Structure, Sign, or Use, the applicant may appeal for a Variance to the Board of Zoning Appeals.
- 307.02 The Board of Zoning Appeals may authorize, in specific cases, a Variance from the terms of this Resolution as will not be contrary to the public interest or the intent of this Resolution, but only where strict interpretation would result in practical difficulty as defined in ORC, Section 519.14. No Non-conforming Use of neighboring lands, Structures, or Buildings in the same District and no permitted or Non-conforming Use of lands, Structures, or Buildings in other Districts shall be considered grounds for issuance of a Variance.
- 307.03 A Variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless the applicant has provided sufficient evidence to warrant the granting of a Variance and a written application for a Variance is submitted to the Zoning Inspector and to the Board of Zoning Appeals.
- 307.04 An application for a Variance shall contain, at a minimum, the following information:
- A) Name, address, and telephone number or e-mail address of the applicant;

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- B) Applicant's signature;
  - C) Date of the application;
  - D) Name and address of the property owner;
  - E) Should the applicant not be the property owner of record, or if said owner does not co-sign the application, proof of the property owner's authorization for the application to be made shall be submitted in the form of a signed letter, e-mail, or a copy of a legal agreement or contract between the applicant and the property owner which establishes that the applicant has an equitable interest in said property;
  - F) Address or Parcel Identification Number (PIN) of the subject property;
  - G) The name of the subdivision the Lot is located within and the Lot number, a legal description of the Lot, and/or any other such information necessary to identify the location of the Lot.
  - H) The specific Section of the Zoning Resolution that the Variance is being sought and a description of what is being proposed;
  - I) A narrative statement justifying the request that cites the factors to be considered and standards established herein. The burden of proof for granting a Variance shall rest with the applicant; and
  - J) A fee as established by the Township Trustees.
  - K) The Board of Zoning Appeals may waive, implicitly or explicitly, any Conditional Use submittal requirement herein with the exception of the required application fee.
- 307.05 Approval of a Variance. The applicant bears the burden of proving that a Variance request should be approved. Except as otherwise provided for Area Variances in Section 307.06 below, the Board of Zoning Appeals shall only approve a Variance, or modification thereof, if the following findings are made:
- A) That such Variance or modification will not be contrary to the public interest; and
  - B) That owing to special conditions, a literal enforcement of this Zoning Resolution will result in unnecessary hardship; and
  - C) That the approval of such Variance or modification thereof is consistent with the spirit of this Zoning Resolution, and substantial justice shall be done thereby.
- 307.06 Factors to be Considered in Making Findings. In making such findings, the Board of Zoning Appeals shall consider all relevant factors including, but not limited to, the following:
- A) That special conditions and circumstances exist which are peculiar to the land, Structure, or Building involved and which are not applicable to other lands, Structures, or Buildings in the same District; and
  - B) That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same District under the terms of this Resolution; and
  - C) That the special conditions and circumstances do not result from the actions of the applicant; and
  - D) That granting the Variance requested will not confer on the applicant the same effect as Rezoning to another Zoning District classification; and
  - E) That granting the requested Variance will conform to the Genoa Township Comprehensive Plan and the spirit and intent of the Genoa Township Zoning Resolution; and

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- F) That the requested Variance is the minimum Variance necessary to accomplish the purpose of the request; and
  - G) That granting the Variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to persons or property in such vicinity, or injurious to private property or public improvements in the vicinity.
- 307.07 Area Variances. The Board of Zoning Appeals shall not grant an Area Variance unless the applicant has encountered practical difficulties in the use of the subject property. The Board of Zoning Appeals shall consider all relevant factors in determining whether the applicant has encountered practical difficulties in the use of such property including, but not limited to:
- A) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the Variance.
  - B) Whether the Variance is substantial.
  - C) Whether the essential character of the neighborhood would be substantially altered, or whether adjoining properties would suffer a substantial detriment as a result of the variance.
  - D) Whether the Variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage, emergency response, maintenance of public infrastructure).
  - E) Whether the property owner purchased the property with knowledge of the zoning restriction.
  - F) Whether the property owner's predicament feasibly can be obviated through some method other than a Variance.
  - G) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the Variance.
- 307.08 Use Variances. The Board of Zoning Appeals shall not grant a Use Variance unless an unnecessary hardship exists. An unnecessary hardship shall exist only if the applicant is able to sufficiently prove, with facts, that it is not economically feasible to put the subject property to any Use permitted within its current zoning classification due to characteristics unique to the property. An unnecessary hardship shall be considered to not exist if the property is suitable for any Use permitted within its current zoning classification.
- 307.09 The Board of Zoning Appeals shall hold a public hearing within a reasonable time after the receipt of an application for a Variance. Before holding the required public hearing, notice of such hearing shall be given by any means authorized by the ORC at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed Variance. Written notice of the public hearing shall be mailed by the Chair of the Board of Zoning Appeals or designee, by first class mail, at least ten (10) days before the day of the hearing to the parties in interest including the owners of property Contiguous to and directly across the street from the applicant's property. The applicant shall provide a list of such property owners and one set of pre-addressed, legal-size envelopes provided with sufficient postage which shall be used by the Zoning Secretary to notify property owners. The notice shall contain the same information as required of notices published in newspapers.

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- 307.10 Conditions. In granting any Variance request, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the request for a Variance is granted, shall be deemed a violation of this Resolution and thus subject to enforcement pursuant to Section 116. Unless otherwise permitted by Section 307.07, under no circumstances shall the Board of Zoning Appeals grant any Variance or impose any conditions that allow a Use not permissible under the terms of this Resolution in the Zoning District involved or any Use expressly or by implication prohibited by the terms of this Resolution in said District.
- 307.11 The Board of Zoning Appeals shall have all the powers of the Zoning Inspector with respect to such decision. The concurring vote of a majority of a quorum of Board of Zoning Appeals members shall be necessary to reverse or modify any decision of the Zoning Inspector under this Resolution. The Board of Zoning Appeals shall render a written decision on the application without unreasonable delay after the close of a hearing. A copy of the decision and findings of fact shall be sent to the applicant.
- 307.12 Expiration of Approval. Unless otherwise stipulated by the Board of Zoning Appeals, the applicant for a Variance shall obtain a Zoning Permit for the proposed Building, Structure, or Use within one (1) year of the Board of Zoning Appeals' approval of the Variance; otherwise, said approval shall lapse, expire, and be null and void ab initio.
- A) Extensions of time may be requested by the applicant in writing by filing such a request with the Zoning Inspector at least thirty (30) days prior to the expiration of the one (1) year period. If an applicant fails to make an extension request within the prescribed deadline, the approved Variance shall become void and a new Variance would have to be sought. Subsequent extension requests shall also be subject to this protocol.
  - B) The Board of Zoning Appeals, for good cause shown, may enlarge the one (1) year period prescribed within this Section.
  - C) Alternatively, when approving a Variance, the Board of Zoning Appeals has discretion to grant the Zoning Inspector the authority to extend said Variance. Requests would be subject to the deadline established in Section 307.11.A.

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

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

401.01 All words, terms, abbreviations, and/or phrases used in this Resolution shall retain their customary meanings as defined in Webster's New World: College Dictionary, Fourth Edition, 2009, published by Wiley Publishing, Inc., unless otherwise specifically defined within this Resolution. An exception to this being any technical words and phrases not otherwise defined in this Zoning Resolution that may have acquired a peculiar and appropriate meaning in law in which case such words and phrases shall be construed and understood according to such meaning.

**Section 402: Definitions**

**Accessory Building or Structure** – A Building or Structure located on the same Lot or Tract as an associated Principal Structure that:

- A) contains a lawful Accessory Use; and/or
- B) is designed, arranged, intended, maintained, or occupied in a manner that is customarily incidental and subordinate in area, extent, or purpose to the Principal Building or Structure which it serves.

**Accessory Storage** – The incidental keeping of goods, materials, and other such items directly related to a Principal Use on the same property regardless of whether said storage occurs within a Principal Structure or an Accessory Structure.

**Accessory Telecommunications** – Telecommunications Towers between eight (8) feet and thirty-five (35) feet in Height, including Distributed Antenna Systems (DAS) and small cells sites, communication nodes, antennas, fiber-optic cables, radio transceivers, and any additional equipment associated with transmission, which are typically used to supplement the service of larger Telecommunications Towers and reduce the need for additional larger Telecommunications Towers.

**Accessory Use** – Any purpose for which a Building, Structure, or a portion of land may be designed, arranged, intended, maintained, or occupied which is customarily ancillary, incidental, and/or subordinate in area, extent or purpose to a Principal Use that is located on the same Lot or Tract.

**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.

**Addition** – An improvement that increases the area and/or Height of a Structure, including: those which extend laterally to the front, side, or rear of a Structure, those which extend vertically on top of a Structure, and/or enclosures added underneath an above ground Structure but shall not include any improvements being made underneath and underground of an existing Structure so long as it does not expand the existing, above ground footprint of said Structure.

**Agriculture** – Any and all activities recognized by ORC Sections 519.01 and/or 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 519.01, 519.21(D)(2), and/or 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, Sign, Structure, or Swimming Pool, any addition to the exterior of a such, or any movement of such from one location to another. This definition shall not include the repair or replacement of any such item in kind.

**Amateur Radio Service Communications** – Any and all activities recognized by ORC Sections 519.214, as may be amended.

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## ARTICLE 4: DEFINITIONS

**Amphitheater** – A fully or quasi outdoor space specifically designed and built to enable an audience to observe competitions, performances, productions, and/or motion pictures on a set, stage, and/or screen generally situated on one end of the facility, including but not necessarily limited to band shells and drive-in theaters.

**Amusement Arcade** – Any commercial establishment where six (6) or more Amusement Devices are located but which does not otherwise operate as a Gambling Establishment.

**Amusement Device** – Any mechanical, electrical, digital, and/or virtual machine or apparatus used to for entertainment and/or the playing of games, which may be commonly known as “pinball machines”, “video games”, “virtual reality”, or “jukeboxes”, or upon which games and/or music played after the insertion of a coin or other disc, slug, or token for which fees paid to any kind of an attendant. This definition shall include any technological successors, both known and unknown.

**Amusement Park** – A permanently sited establishment where patrons typically pay a fee to enjoy rides regulated by the Ohio Department of Agriculture, Division of Amusement Ride Safety & Fairs, and which may also feature Amusement Devices, exhibitions, games of skill or chance, performances, and the like. Such Use may also contain within its confines Arenas, Amphitheaters, Auditoriums, Drinking Establishments, Event Facilities, Food Halls, Galleries, Mobile Vending, Museums, Nightclubs, Open Space, Restaurants, Retail Establishments, Stadiums, and/or other similar types of Uses which customarily provide food, refreshments, recreation, entertainment, and/or operations support.

**Amusement Resort** – An establishment featuring two (2) or more separately-ticketed Amusement Park(s), an Amusement Park in conjunction with a Hotel, and/or an Amusement Park in combination or conjunction with any other separate Principal Use which may or may not be located within the former's confines including administrative, maintenance, safety, transportation, and/or utility facilities needed to properly run and support such an operation.

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

**Animal Park** – An establishment which maintains a collection of animals (wild or domestic), including dangerous wild animals as defined and regulated by ORC 935.01(C), as may be amended, typically in a park, garden, or tank, for study, conservation, and/or display to the public; commonly known as an aquarium, menagerie, safari park, petting zoo, and/or zoo. Such a facility may contain facilities necessary to support the operation.

**Animal Shelter** – See ‘Kennel’.

**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 ORC 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.

**Arena** – A completely indoor facility specifically designed and built to enable an audience to observe athletic events, competitions, performances, productions, and/or motion pictures occurring in a space surrounded on most or all sides by seating for spectators also commonly referred to a coliseum or fieldhouse.

**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

**Auction House** – An establishment used to auction (in person, remotely, or via the internet) goods, materials, and property, both new and used, that is stored and/or displayed on-site including aircraft, automobiles, Commercial Motor Vehicles, motorcycles, Off-Road Motorized Vehicles, recreational vehicles (RVs), campers, trailers (travel and hauling). Such Use shall also include any facilities primarily used to store, repair, refinish, and/or refurbish such items.

**Auditorium** – A completely indoor facility specifically designed and built to enable an audience to observe competitions, performances, productions, and/or motion pictures on a set, stage, and/or screen generally situated on one end of the room such as, but not necessarily limited to concert venues, entertainment studios that admit an audience, movie theaters, performance halls.

**Automobile Detail** – Any Building, Structure, Lot, Tract, or portion thereof used to render on-site services involving the detailing of motor vehicles, excluding Commercial Motor Vehicles, including buffing, striping, painting, finishing, interior cleaning, glass repair, audio/visual installation, and audio/visual repair but shall include any services meeting the definition of Automobile Repair.

**Automobile Fueling/Charging Station** – A non-residential facility that is primarily arranged, designed, used, or intended to be used to sell and dispense fuel and/or energy for motor vehicles, excluding Marinas. Such establishments may also contain Ancillary Retail and/or a Restaurant functioning as an Accessory Use but does not include any Use which primarily meets the definition of, and functions as, a Truck Terminal.

**Automobile Repair** – Any Building, Structure, Lot, Tract, or portion thereof. in/upon which a business or industry, performs or renders an on-site service(s) involving the maintenance, servicing, and/or repairing of motor vehicles, including quick-change services but excluding Commercial Motor Vehicles, but not otherwise meeting the definition of Automobile Detail.

**Automobile Salvage** – See ‘Junkyard’.

**Automobile Wash** – Any Building, Structure, Lot, Tract, or portion thereof, primarily utilized for washing motor vehicles and/or Heavy Equipment.

**Aviation Facility** – Any privately owned Building, Structure, Lot, Tract, or portion thereof, which contains one or more of the following; Landing Pads, Landing Strips, runways, moorings, hangars, terminals, concourses, fueling stations, and the like or any other Structures, equipment, improvement, or open space utilized to operate, track, repair, rent, lease, sell, test, store, detail, or wash aircraft or spacecraft and/or any such related components, including private airports. This definition shall also include the rental of space for the storage of the aforementioned but shall exclude incidental retailing of unmanned drones.

**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.

**Bed and Breakfast** – An owner-occupied Single-Family Dwelling 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 incidental recreational facilities, but shall not contain any elements of a Sexually Oriented Business. For the purposes of this Zoning Resolution, this definition shall also not include extended-stay hotels or residential hotels defined by ORC 3731.01, as may be amended.

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

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**Billboard** – See ‘Signs, Billboard’.

**Biodiesel Production** – Any and all activities recognized by ORC Section 519.21.C.2 and 5713.30 – 5713.37, as may be amended or supplemented.

**Biologically Derived Methane Gas Production** – Any and all activities recognized by ORC Section 519.21.C.3 and 5713.30 – 5713.37, as may be amended or supplemented.

**Biomass Energy Production** – Any and all activities recognized by ORC Section 519.21.C.2 and 5713.30 – 5713.37, as may be amended or supplemented.

**Board of Zoning Appeals** – The statutory Board of Zoning Appeals of Genoa Township, Delaware County, Ohio established in accordance with ORC 519.

**Boarding House** – A residential Building in which lodgers including students, fraternities, and/or sororities, rent one (1) or more rooms within said Building for a period exceeding thirty (30) days and utilize common space for daily living activities such as, but not necessarily limited to, cooking, dining, cleaning, personal hygiene, leisure, and the like. Board (i.e., meals) for said lodgers may or may not be provided in such a facility.

**Brewery** – A facility that holds a license to manufacture, store, and distribute Malt or Brewed Beverages, excluding liquor, liqueur, spirits, wine, and/or the like, as regulated by the State of Ohio.

- A) **Brewpub, Macro:** A type of Macrobrewery which also functions as a Restaurant and may, if permitted by the State of Ohio, sell Malt or Brewed Beverages.
- B) **Brewpub, Micro:** A type of Microbrewery which also functions as a Restaurant and may, if permitted by the State of Ohio, sell Malt or Brewed Beverages.
- B) **Farm Brewery:** A facility, located on a Farm, engaging in the Agricultural Production of Malt or Brewed Beverages as regulated by the State of Ohio.
- C) **Macrobrewery:** A Brewery producing greater than fifteen thousand (15,000) barrels (US barrels) on site per calendar year.
- D) **Microbrewery:** A Brewery producing fifteen thousand (15,000) or less barrels (US barrels) on site per calendar year.

**Building** – Any Structure having a primarily solid (i.e., non-lattice or trellis style) 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. This definition shall include balconies, Porches, verandas, and the like covered by such roofs, but shall not include at-grade patios located directly underneath a balcony, deck, etc.

**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 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 Materials Sales and Storage** – Any Building, Structure, Lot, Tract, or significant portion thereof, utilized for the selling and Outdoor Display or Storage of building materials such as, but not necessarily limited to, timber, masonry, metal, concrete, asphalt, stone, sand, soil, glass, plastic, vinyl, and any other such products and/or materials customarily used in construction whether they be in a raw, processed, and/or manufactured form.

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

**Bulk Fuel Storage** – A facility not otherwise meeting the definition of Automobile Fueling/Charging Station that is primarily utilized for the storage and retail of petroleum and other fuels which are usually transported in relatively large volumes rather than in packages or boxes.

**Campground** – An establishment offering space, Structures, and/or cabins for the purpose of camping. Space may take the form of grounds, platforms, and/or designated stalls, paved or unpaved, for tents, Camping or Recreational Equipment, and the like. Such establishments may also include fireplaces/pits, picnic tables, trails, docks, utility hookups, restrooms, bath houses, administrative offices, mess halls, and Commercial and/or Private Recreational Facilities.

**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. Watercraft, floats, and rafts as well as the normal equipment to transport the same.
- 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.

**Cashing and/or Lending Business** – Any and all activities recognized by ORC Sections 1315.21 and 1315.30, as may be amended or supplemented, as well as commercial operations which primarily provides pawn brokerage, pay day advancements/loans, and/or other similar types of short-term financial services.

**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, or their designee, verifying compliance with an approved and issued Zoning Permit, also known as a Certificate of Compliance.

**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 Lot 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, which may or may not require membership, that is primarily utilized for a civic, social, cultural, literary, scientific, artistic, political, non-athletic recreational or like activity, but not to render a service which is customarily carried on as a business, Drinking Establishment, Restaurant, Nightclub, or Sexually Oriented Business. Such facilities may also be occasionally, but not primarily, utilized as an Event Facility.

**Clubhouse** – A Structure typically located within a Country Club, Golf Course, or residential community which serves as a gathering area exclusively for club or community members and which may also feature administrative Offices and amenities for members or other authorized patrons such as, but not necessarily limited to, locker rooms, fitness rooms, indoor recreation areas, spas, Drinking Establishments, Retail Establishment(s), Restaurant(s), banquet facilities, meeting space, and the like but does not contain any elements meeting the definition of a Sexually Oriented Business.

**Cluster Box Unit (CBU)** – A freestanding, pedestal-mounted mailbox that consists of multiple mailbox compartments and parcel lockers that can lock individually.

**Commercial and/or Private Recreation** – An establishment not otherwise meeting the definition of Recreation and/or Instructional Facility or Racetrack where patrons participate in activities such as, but not necessarily limited to, archery, athletics, bowling, canoeing, kayaking, laser tag, go-karts, miniature golf, paintball, rowing, skateboarding, rollerblading, skating, skiing, snowboarding, swimming, tubing, shooting, and the like but which does not offer rides regulated by the Ohio Department of Agriculture, Division of Amusement Ride Safety & Fairs.

A) **Indoor Commercial and/or Private Recreation** – Any such facility in which the activities described herein above occur solely within the confines of a Building and which are generally no more observable or perceivable to external individual than any other business conducted within a similar type of Structure.

B) **Outdoor Commercial and/or Private Recreation** – Any such facility in which the activities described herein above occur wholly or partially outdoors (i.e., outside) and/or which are reasonably observable or perceivable by an external individual regardless of whether said individual is on or off premise.

**Commercial Kitchen** – A facility primarily utilized by employees or patrons to package, produce, prepare, and/or arrange ready to eat food products on a small, quasi-residential scale such as baked goods, cold cut meats, refrigerated or frozen meals, produce, salads, sandwiches, sliced cheese, and the like which are purchased and/or consumed off-site and which may offer catering services, but does not otherwise engage in any on-premise butchering of livestock, food manufacturing, food processing, harvesting, packing, and/or other similar activities which produce significant amounts of (bio)hazardous waste, unusable byproducts, excessive noise, and/or foul odors.

**Commercial Motor Vehicle** – As defined by the Federal Motor Carrier Safety Administration (FMCSA) within 49 CFR, 390.5, as may be amended.

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

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

**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.

**Community Center** – A Structure in which members of a defined community gather for educational, recreational, social, fraternal, and/or cultural activities but which does not contain a Dwelling(s). Such a Use may be an incidental component of a Religious Establishment or Educational Institution.

- A) **Non-Residential Community Center:** A type of Community Center, which is made available, in whole or in part, to the community at large regardless of their residential status.
- B) **Residential Community Center:** A type of Community Center exclusively utilized by residents of a specified residential complex, neighborhood, or Planned Development.

**Community Storage Lot** – A parking lot and/or yard owned or controlled by a defined residential neighborhood or association (ex: homeowner association) used exclusively by the residents of said neighborhood to store their boats, recreational vehicles, and the like.

**Composting Facility** – A business establishment that uses controlled aerobic decomposition to transform waste organic material into a biologically stable product that can be used as a soil amendment.

**Concrete or Asphalt Batch Plant** – Any Building, Structure, Lot, Tract, or portion thereof, utilized for the manufacturing or mixing of concrete and/or asphalt.

**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 Sections 302 - 305 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.

**Conference or Convention Center** – A completely indoor facility or complex specifically designed and built to host exhibitions, fairs, festivals, meetings, and other such events in one or more rooms and which may have lodging for exhibitors and attendees Attached to it.

**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.

**Context-Sensitive** – A concept in which the design of a Lot, Tract, Structure, neighborhood, Planned Development, Street, Open Space, park, feature, amenity and the like is made to match or be similar to or compatible with the aesthetics, character, and form of the surrounding, adjacent, and/or contiguous environs to the greatest extent possible, practical, and feasible, in order to create a final product that is harmonious with such area. Components of the design may include, but are not necessarily limited to, architectural style, color, materials, texture, treatment, height, width, massing, scale, rhythm, ornamentation, lighting, landscaping, and signage.

**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.

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**Contractor's Yard** – An area utilized for Outdoor Display or Storage of materials, equipment, yard waste (lawn clippings, leaves, tree limbs, soil, stones, stumps, etc.), and other such items which are used exclusively by contractors and Professional Services providers that contractors may do business with such as, but not necessarily limited to; builders, carpenters, electricians, handymen, HVAC technicians, landscapers, masons, metal workers, plumbers, roofers, and the like.

**Correctional Facility** – A facility housing confined persons under arrest, awaiting trial, serving a sentence for a criminal offense as well as facilities engaged in the non-medical intervention and/or rehabilitation of individuals for the betterment of themselves and/or society. This definition shall include establishments commonly known as jails, prisons, correctional institutions, detention centers, and reformatories.

**Country Club** – A privately owned, for-profit, establishment which offers a variety of recreational sports and, athletics, often featuring a Golf Course, and offering other activities such as, but not necessarily limited to, tennis, swimming, and the like primarily to club members and their invited guests. Such establishments often provide opportunities and space to said individuals for dining, entertainment, relaxation, gatherings, and ceremonies.

**Cowling** – A streamlined removable cover that encloses a turbine's Nacelle.

**Crematorium** – A facility utilized to cremate deceased humans or animals.

**Cultural Center** - A conglomeration of three (3) or more independent Structures utilized to promote the knowledge, beliefs, arts, and/or customs of a specific group of people sharing a common ethnicity, nationality, or heritage, including Amphitheaters, Auditoriums, Educational Institutions, libraries, Museums, Recreation and/or Instructional Facility, Religious Establishment, and the like.

**Data Center** – A Building or group of Buildings primarily used to house computer systems, servers, and associated components and support utilities typically related to the internet, telecommunications, and/or information technology for the purposes of administration, archiving, operations, and digital records management.

**Day Care Establishment** – A licensed establishment offering regular supervisory and care services for children for period fewer than twenty-four (24) hours per day

- A) **Day Care Center Establishment:** Any such facility providing the aforementioned services to seven (7) or more children at one time.
- B) **Day Care Center, Type A:** Per Ohio law, as may be amended, any such of facility, including in-home facilities, which can care for up to twelve (12) but which is also restricted to caring for no more than six (6) children at one time (and no more than three (3) children under the age of two (2)).
- C) **Day Care Center, Type B:** Per Ohio law, as may be amended, any such facility, including in-home facilities, which can care for no more than six (6) children at one time (and no more than three (3) children under the age of two (2)). In such cases, under said law, children under six (6) of related to the provider (including the own's children) and residents of the home must be included in total group size.

**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 gross acre of the total land to be developed.
- B) **Net Density:** The number of Dwellings per Net Developable Acre within a Planned Development Tract.

**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 typically include regulations controlling dimensional matters such as maximum Height, minimum Lot Area, minimum Lot Frontage, minimum size of Yards and Setbacks, maximum Lot Coverage, and maximum Floor Area ratio.

**Distillery** – A facility that holds a license to manufacture, store, and distribute liquor, liqueur, spirits, and other similar types of alcoholic beverages, excluding wine and/or Malt or Brewed Beverages, as regulated by the State of Ohio.

- A) **Distillery Pub, Macro:** A Macrodistillery which also functions as a Restaurant and may, if permitted by the State of Ohio, sell liquor, liqueur, spirits, and other similar types of alcoholic beverages.
- B) **Distillery Pub, Micro:** A Microdistillery which also functions as a Restaurant and may, if permitted by the State of Ohio, sell liquor, liqueur, spirits, and other similar types of alcoholic beverages.
- C) **Farm Distillery:** A facility, located on a Farm, engaging in the Agricultural Production of liquor, liqueur, spirits, and similar types of alcoholic beverages, as regulated by the State of Ohio.
- D) **Macrodistillery:** A Distillery producing more than twelve thousand (12,000) gallons on site per calendar year.
- E) **Microdistillery:** A Distillery producing no more than twelve thousand (12,000) gallons on site per calendar year.

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**Distributed Antenna Systems (DAS)** – Network of spatially separated antennas connected to a transport medium that provides wireless service within a geographic area or structure.

**District** – See ‘Zoning District’.

**Divergence** – An approved deviation from 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.

**Donation Center** – An establishment which collects used and/or donated goods such as appliances, clothing, décor, electronics, furniture, kitchenware, linens, media, recreational equipment, tools, toys, and the like for purposes of charity, re-sale, and/or redistribution.

**Dormitory** – A residential Building providing on-campus housing to students actively attending a specific Educational Institution. Board (i.e., meals) may or may not be provided to the facility’s residents.

**Drinking Establishment** – Any permanently sited and properly licensed facility operated primarily for the purpose of serving alcoholic beverages to patrons in exchange for compensation; often known as a bar, pub, tavern, or saloon. Such establishments may offer limited food, outdoor seating, and/or incidental, related amenities or entertainment but do not feature components otherwise specific to a Brewery, Distillery, Event Facility, Nightclub, Restaurant, Sexually Oriented Business, and/or Winery.

**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, 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.

**Dry-Cleaning Plant** – An establishment utilized primarily for the purpose of dry-cleaning clothing, rugs, and/or upholstery that is typically collected from one or more satellite business establishments. Such establishments are typically not frequented by the general public, and/or typically do not provide self-service laundry activities of any kind.

**Dwelling** – Any Building or portion thereof occupied or intended to be occupied primarily 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. Said Building(s) may be situated on an individual, fee-simple Lot or part of a condominium regime.

- A) **Accessory Dwelling:** An Accessory Use consisting of a Single-Family (detached) Dwelling that comprises some or all portions of an Accessory Building. An Accessory Dwelling shall not count as a Dwelling when calculating Density.
- B) **Cottage Court Dwellings:** A group of Dwellings arranged around a shared landscaped courtyard that is visible from the Street. Each Dwelling shall count as one (1) Dwelling for the purposes of Density.
- C) **Live/Work Dwelling(s):** A type of Dwelling which also contains, within the same Building, space designed for, and authorized to be used as, limited, non-industrial commercial/office use by the resident of said Dwelling. If permitted by this Resolution, such Dwelling may be incorporated within a Single-Family Dwelling, Multiplex (small) - Duplex, Multiplex (small) – Triplex, Multiplex (small) – Fourplex, Cottage Court Dwelling, or Row Dwelling arrangement. Each Dwelling shall count as one (1) Dwelling for the purposes of Density.
- D) **Multi-Family Dwelling(s):** See ‘Multi-Family Building’.

- E) **Row Dwelling(s):** A residential configuration which consists of four (4) or more attached Dwellings with Common Walls in a horizontal line, each with their own exterior entrance, inclusive of end units commonly known as a townhome and which may be arranged as a townhouse. Each Dwelling shall count as one (1) Dwelling for the purposes of Density.
- F) **Single-Family Dwelling(s):** A Dwelling which accommodates one (1) Family within a Principal Structure that is completely separated from other Structures by yard and/or open space on all sides. Each Dwelling shall count as one (1) Dwelling for the purposes of Density.

**Educational Institution** – Any Building, Structure, land, or portion thereof, primarily utilized for teaching academics and/or job skills to humans including schools, colleges, universities, career centers, and the like, but excluding Commercial and/or Private Recreational Facilities, Day Care Establishments, Kennels, Recreation and/or Instructional Facilities, Service Business – Education, and Sexually Oriented Businesses.

- A) **Private Educational Institution:** Any such establishment which is neither owned nor operated by a public entity as further defined herein including those owned and/or operated by Religious Establishments or business enterprises.
  - 1) **Early Childhood:** A Private Educational Institution offering academic services to children of nursery school, pre-school, pre-kindergarten, or kindergarten age but which does not otherwise meet the definition of a Day Care Establishment.
  - 2) **Primary:** A Private Educational Institution offering academic services to children attending grades one (1) through five (5) and which may also include grade six (6).
  - 3) **Intermediary:** A Private Educational Institution offering academic services to children attending grades seven (7) or eight (8) and which may also include grades six (6) and/or nine (9).
  - 3) **Secondary:** A Private Educational Institution offering academic services to children attending grades nine (9) through twelve (12).
  - 4) **Post-Secondary:** A Private Educational Institution offering academic services in the fields of arts and sciences for individuals who have graduated from Secondary school or earned a GED, such as colleges and universities.
  - 5) **Technical:** A Private Educational Institution designed to train children and/or adults for a specific job including trade skills, vocational skills, apprenticeships, and the like including schools for barbering, cosmetology, and driving.
- B) **Public Educational Institution:** Any such establishment which is owned and/or operated by a governmental entity or sub-agency thereof including third-party operators which may be contracted to operate the establishment on the entity's/agency's behalf including, but not limited to Westerville City Schools, Big Walnut Local School District, Olentangy School District, and publicly-funded institutions of higher learning (ex: Columbus State Community College, Ohio State University).

**Electric or Heat Energy Production** – Any and all activities recognized by ORC Section 519.21.C.2 and 5713.30 – 5713.37, as may be amended.

**Electric Vehicle Charger** – A freestanding or wall-mounted unit that (re)charges the battery of an electronic vehicle.

**Emergency Services** – Any Building, Structure, land, or portion thereof, primarily utilized to provide police protection, fire protection, search and rescue operations, and/or on-site medical care/transport.

- A) **Private Emergency Services:** Any such establishment which is neither owned nor operated by a public entity as further defined herein.

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- B) **Public Emergency Services:** Any such establishment which is owned and/or operated by a governmental entity or sub-agency thereof including third-party operators which may be contracted to operate the establishment on the entity's/agency's behalf.

**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 seventy-five (75) 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.

**Equipment, Heavy** – Heavy-duty vehicles, machinery, or tools utilized to perform work such as, but not necessarily limited to; backhoes, loaders, scrapers, compactors, excavators, bulldozers, pavers, planers, rammers, loaders, trenchers, drills, draglines, cranes, telehandlers, pipe layers, graders, rock trucks, skid steers, forklifts, scissor lifts, dump trucks, plow trucks, street sweepers, forest machines, harvesters, tractors, threshers, feeders, chippers, scalpers, conveyors, screens, washers, crushers, and the like as well as miniature and/or compact versions of such, but not including Commercial Motor Vehicles.

**Equipment, Light** – Light-duty vehicles, machinery, or tools utilized to perform non-transportation work such as, but not necessarily limited to; lawn mowers, lawn tractors, leaf blowers, snow blowers, vacuums, carpet cleaners, pressure washers, trimmers, edgers, leaf grinders, chain saws, generators, wheelbarrows, hand tools, handheld power tools, and the like.

**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 establishment not otherwise meeting the definition of Religious Establishment that is primarily rented for a fee to hold banquets, ceremonies, dances, meetings, parties, rallies, receptions, weddings and/or other similar types of gatherings which commonly feature the consumption of food and/or drink. This definition shall not include any activity meeting the definition of Sexually Oriented Business.

**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 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.

**Facilities Support** – Any Structure, or portion thereof, utilized to house operations and equipment necessary for the security and/or maintenance of non-residential buildings and grounds.

**Fairground** – A primarily outdoor facility adaptably designed to host a wide variety of events including circuses, concerts, exhibitions, fairs, festivals, and the like.

**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 and fully or partially exempted from zoning control by ORC 519.21(C)(1) as may be amended. **Fascia** – The vertical section of a Building or Structure that is located just below the roof.

**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, Entry Features, and Retaining Walls 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.

**Financial Institution** – An establishment that engages in the business of handling financial and/or monetary transactions, such as deposits, loans, investments, currency exchange, check cashing, and the like. Such establishments are chartered, federally insured, and/or regulated by the Securities and Exchange Commission and do not include those meeting the definition of a Cash and/or Lending Business.

**Fleet Maintenance Facility** – Any Structure, or portion thereof, containing three (3) or more garages, bays, or other similar type of area that is used to fuel, repair, service, and/or perform routine maintenance on vehicles, including Commercial Motor Vehicles, which are utilized in accessory with a lawful Principal Use on the same Lot or Tract.

**Flex Space** – An establishment that specifically designed, marketed, and rented to combination of low-intensity, non-residential Uses by means of being relatively easily adaptable, built-out, converted, and/or renovated for such Uses but does not otherwise meet the definition of Heavy Manufacturing or Sexually Oriented Business.

A) **Commercial:** A Flex Establishment consisting of space that accommodate low impact Uses which primarily occur indoors such as, but not necessarily limited to, Event Facilities, Retail, Office, and the like, often for the purpose of providing areas for meetings, co-working, and start-up venture endeavors. Such an establishment may rent space(s) within the establishment on a short term or long-term basis.

B) **Industrial:** A Flex Space Establishment consisting of clean, low impact Uses which primarily occur indoors such as, but not necessarily limited to, Light Manufacturing, Office, Retail, Warehouse, and the like. Such an establishment frequently provides loading/unloading areas in the form of garages, bays, or docks.

**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).

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**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.

**Food Hall** – A conglomeration of three (3) or more independent Restaurants Brewpubs, Distillery Pubs, Drinking Establishments, Microbreweries, Microdistilleries, Microwineries, Tap Rooms, and/or Winepubs which share a common entrance(s) within a single Building or Structure and are typically arranged around a central pedestrian court or walkway. Such a facility may also include Ancillary Retail.

**Food Preparation/Wholesale Plant** – A kitchen-type of facility primarily utilized to package, produce, prepare, and/or arrange ready to eat food products at a large, industrial scale such as baked goods, cold cut meats, refrigerated or prepared meals, produce, salads, sandwiches, sliced cheese, and the like which are purchased and/or consumed off-site, but does not otherwise engage in any on-premise butchering of livestock, food manufacturing, food processing, harvesting, packing, and/or other similar activities which produce (bio)hazardous waste, unusable byproducts, excessive noise, and/or foul odors.

**Food Processing and Packaging Plant** – A facility utilized for the manufacturing, processing, and/or packaging of foodstuffs, including the butchering of livestock and/or any other such food-related production activities which create bio(hazardous) waste, unusable byproducts, excessive noise, and/or foul odors, on premise.

**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 Street Rights-of-Way (public or private) and/or the defined edge of a Private Street. In the case of a Landlocked Lot, Frontage shall be measured along the Lot Line closest and most parallel to a Street Right-of-Way or defined Private Street. Should said distance be equal to more than one (1) of the aforementioned features, 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.

**Fuel Generation Plant** – A facility utilized to produce all types of fuel for any purpose excluding the following operations as protected Sections 519.21(C)(2) and 519.21(C)(3) of the ORC: biodiesel production, biomass energy production, electric or heat energy production, and biologically derived methane gas production.

**Funeral Home/Mortuary** – An establishment which prepares the deceased for burial or cremation, and which may also include space for mourners to gather and hold viewings, memorials, and other such ceremonies. Such an establishment may also include Crematoriums and/or mortuaries so long as they are completely located within the enclosed Structure.

**Gallery** – See ‘Museum’.

**Gambling Establishment** – Any premise containing an enterprise that is primarily engaged in the business of betting and wagering including casinos, off-track betting, racinos, retail betting, retail sportsbooks, and the like.

**Game Fields/Courts** – Any area specifically designed for or visibly dedicated to the playing of athletic games and/or recreational activities, excluding swimming. Examples of such include, but are not necessarily limited to, baseball fields, football fields, soccer fields, ice rinks, basketball courts, volleyball courts, and tennis courts.

**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** – The selling of personal and often previously-used property to the general public conducted in or on any property containing a Dwelling, including yard sales, estate sales, neighborhood block sales, and the like. This definition shall not include the selling of property that has intentionally been acquired or collected for the purpose of resale, consignment, flea markets, or any entity registered as a business with the Ohio Secretary of State or Ohio Department of Taxation.

**Golf Course** – An area of land specifically designed and laid out for playing the game of golf. Such an area typically, but not always, consists of 9 or 18 holes and includes tees, fairways, putting greens, and which may also include one or more natural or artificial 'hazards'. This definition shall not include the game commonly known as miniature (mini) golf or facilities that primarily consist only of driving ranges.

**Governmental Facilities** – Publicly owned or operated facilities, Buildings, Structures, Signs, or Uses, which deliver public services. Such facilities shall include Essential Services, Governmental Recreational Facilities, Public Emergency Services, Public Service Facilities, Public Use Facilities, and Public Utilities, 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 grade of the ground at the exterior walls of a Building or Structure. If the finished grade's location is not known or evident, it shall be assumed to be eight (8) inches below the top of the foundation.

**Greenbelt** – An Open Space that is designed and designated to retain and conserve natural, undeveloped, fallow, wild, and/or agricultural land/water surrounding, in whole or in part, a designated area such as a development, neighborhood, or community. Such space may also include land improved as a park with traditional park amenities such as greens, gardens, recreational fields, sidewalks, paths, trails, boardwalks, overlooks, playgrounds, gazebos, picnic shelters, and the like.

**Greenhouse/Hothouse** – A Structure in which to plants are grown. Said Structures are specifically designed for such purpose and may be heated by any means. **Guest House** – A type of free-standing Accessory Dwelling providing accommodations to caretakers, relatives, servants, visitors, and/or watchman for an indefinite amount of time and not otherwise meeting the definition of a Bed and Breakfast or Hotel.

**Health Spa** – An establishment which provides Massage by a licensed individual, baths, steam rooms, saunas, wellness facilities, and the like, but which does not contain any elements which would constitute a Sexually Oriented Business or Substance Abuse Treatment Clinic.

**Height** – The vertical measurement of an object from bottom to top as follows:

- A) **Building Height, Non-Residential** - The measurement from the Average Grade along the front of the Building to the highest point of the Building. This definition shall apply to Non-Residential Type Uses, Agricultural Type Uses, and Mixed-Use Buildings.
- B) **Building Height, Residential** – For all Residential Type Uses, the vertical distance from the Average Grade at the front of the Building to:

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## ARTICLE 4: DEFINITIONS

- 1) The highest point of a flat roof or any other type of roof not otherwise specified herein;
  - 2) The deck line of a Dutch, jerkinhead, or mansard roof;
  - 3) The average height between the eave(s) and ridge(s) of any type of bonnet, combination, dormer, gable, gambrel, hip, m-shape, and/or pyramid roof; or
  - 4) The average height between high and low points for any type of a-frame, barrel-vaulted, butterfly, clerestory, conical, curved, dome, dropped eave, hexagonal, monitor, saltbox, sawtooth, shed, and/or skillion roof.
- C) **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.
- D) **Solar Facility Structure Height** – See Structure Height.
- E) **Structure Height** – The measurement from the Average Grade of the Structure to the highest point of the Structure. This methodology shall also apply to Aerial Antennas, Entry Features, Fences, Portable Storage Units, Satellite Dish Antennas, Solar Facility Structures, Telecommunication Towers, but shall not apply to lighting (see Article 21), Signs, or Wind Power Turbine Towers.
- F) **Wind Power Turbine Tower Height** – The measurement of the length of a prop at maximum vertical rotation to the base of the subject tower.

**Home, Family Care** – A facility which is properly licensed but not meeting the definition of Residential Care Facility, that provides room, board, personal care, (re)habilitation services, and supervision in a family setting for no more than eight (8) total persons with developmental disabilities.

**Home for Adjustment** – A facility which is properly licensed but not meeting the definition of Residential Care Facility, that provides therapy, counseling, and a residential environment to adolescents and/or adults for one or more of the following purposes:

- A) To assist them in recuperating from the effects of drugs and/or alcohol;
- B) To assist them in adjusting to living with handicaps or emotional or mental disorder in lieu of subsequent confinement within an institution; and/or
- C) To provide housing and a supervised living arrangement in lieu of, or subsequent to, placement within a correctional institution.

**Home, Foster** – A facility which is properly licensed but not meeting the definition of Residential Care Facility, that provides room, board, personal care, (re)habilitation services, and supervisions to children and/or adolescents.

**Home, Group Care** – A facility which is properly licensed but not meeting the definition of Residential Care Facility, that provides room, board, personal care, (re)habilitation services, and supervision in a family setting for more than eight (8) but no more than sixteen (16) total persons with developmental disabilities.

**Home, Nursing** – A facility which is properly licensed but not meeting the definition of Residential Care Facility, that:

- A) is used for the long-term reception and care of senior and/or disabled individuals who, by reason of illness, physical disability, and/or mental disability, require skilled nursing care, curative or palliative; and/or
- B) is used for the long-term reception and care of senior and/or disabled individuals who require personal care services but not skilled nursing care.

**Home, Respite** – A facility which is properly licensed but not meeting the definition of Residential Care Facility, that provides short-term room, board, personal care, (re)habilitation services, and supervision for individuals suffering from a medical condition which impairs their ability to care for themselves.

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

- A) **Low-Impact, Home Occupation:** A type of Home Occupation that may outwardly distinguish a residential Dwelling containing the occupation from a residential Dwelling not housing an occupation but in a limited manner and as such does not substantively alter or detract from the existing character of the surrounding environment.
- B) **No-Impact Home Occupation:** A type of Home Occupation that generally does not outwardly distinguish a residential Dwelling containing the occupation from a residential Dwelling not housing an occupation apart from the presence of lawfully erected Signs.

**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.

**Hostel** - A facility offering transient, sociable lodging accommodations, where guests rent a bed which may be in a room shared with others for a period of thirty (30) consecutive days or less but otherwise share bathrooms, lounges, kitchens, living areas, and other such amenities. This definition shall exclude Sexually Oriented Businesses as well as extended-stay hotels or residential hotels defined by ORC 3731.01, as may be amended.

**Hotel/Motel** - 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, including operations commonly known as a Hostel. Such a Use contains five (5) or more rooms to be rented out for such purpose and may also provide additional, incidental services, such as Drinking Establishments, Restaurants, Event Facilities, meeting rooms, Swimming Pools, and recreational facilities, but shall not contain any elements of a Sexually Oriented Business. For the purposes of this Zoning Resolution, this definition shall also not include extended-stay hotels or residential hotels as defined by ORC 3731.01, as may be amended.

**Housing, Community-Based, Workforce, or Transitional** – A facility not otherwise defined herein that provides income restricted Dwellings within a Multi-Family Building(s) and/or a facility providing temporary accommodations and support for homeless individuals or individuals in need of protection from threats to their welfare, such as domestic violence (ex: shelters). Such facilities are typically operated by a public body, institution, religious establishment, and/or nonprofit entity.

**Housing, Senior and Disabled** – A residential facility which is properly licensed but not otherwise meeting the definition of Residential Care Facility, that provides one or more of the following:

- A) accommodations and supervision to six (6) or more unrelated senior or disabled citizens; and/or
- B) accommodations, supervision, personal care services, and/or skilled nursing care for three (3) or more individuals that are dependent on the services of others by reason of age, physical disability, or mental disability.

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- 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 or interspersed with porous materials and recognized as being permeable, as well as decorative landscape beds containing stone and rock gardens, shall be excluded from this definition.
- Incinerator** – A facility containing an apparatus used for burning materials, refuse and/or waste, including organic materials. For the purposes of this Resolution, a Crematorium shall not be considered an Incinerator.
- 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** – Any machinery, appliance, product, good, or merchandise that is missing one or more components, damaged, worn out, expired, spoiled, rotten, Deteriorated, rusting, inoperable, unusable, and the like. This definition shall also encompass Junk Vehicles and discarded materials as well as 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** – A vehicle, such as, but not necessarily limited to an automobile, Commercial Motor Vehicle, aircraft, and watercraft, 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).

**Junkyard** – A Lot, Tract, or portion thereof utilized to store impounded vehicles, Junk, and/or Junk Vehicles.

**Kennel** – A Lot or premises not meeting the definition of Animal Park on which five (5) or more domesticated animals (pets) more than four (4) months of age, excluding dangerous wild animals as defined and regulated by ORC 935.01(C), as may be amended, are housed, bred, boarded for any period of time, rehabilitated, or sold exclusive of any Use meeting the definition of a Veterinary Clinic and those operating strictly as a Retail Establishment.

**Kiosk Facility, Self-Service** – An establishment that primarily provides one or more electronic devices used directly by consumers for the purposes of conducting transactions, purchasing goods/services, picking up/dropping off mail of all types, and/or engaging in other similar activities.

**Laboratory** – A facility equipped and utilized primarily for scientific experiments, research, testing, product development, diagnostics, and other such endeavors of an academic, medical, and/or innovative nature but that does not engage in any kind of non-incidental manufacturing activity.

**Landing Pad/Strip** – An area designed, designated, or frequently used for the take-off, launching, and/or landing of aircraft, including airplanes, blimps, drones, and helicopters. Such areas include those on the ground, those erected as a standalone Structure, and those placed on top of a Structure.

**Landfill** – A disposal site in which refuse and waste materials, including natural materials, are deposited and compacted in alternative layers.

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

**Landscaping Features** – In addition to plants, any item not otherwise meeting the definition of a Building, Fence, Sign, Structure, Swimming Pool, or Retaining Wall or regulated herein, that is erected or placed to enhance the aesthetics and/or functionality of a yard or exterior space. Examples of such items include, but are not necessarily limited to, artificial streams, artwork, at-grade patios/boardwalks/promenades, bat boxes, benches, bird baths, birdhouses, decorative ponds, edging, flagpoles, fountains, garden beds, low-intensity accent lighting, mounds, pavers, rockwork, statues, trellises, walking stones, and the like.

**Laundromat** – Any business that provides home-type washing, drying or ironing machines, and/or dry-cleaning machines for hire to be used by customers on the premise for purpose of laundering clothes, linens, and other such items.

**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.

**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 Number (PIN) in the County Auditor's Records.

- A) **Corner Lot:** A Lot abutting two (2) or more Streets at their intersection, two (2) parts of the same Street, and in either case forming an interior angle of one hundred thirty-five (135) degrees or less as measured at the center line of the road or the interior Right-of-Way line as applicable.
- B) **Multi-Frontage Lot:** A Lot having Frontage on two (2) or more non-intersecting Streets or on two (2) or more 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

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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 or Multi-Frontage 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 completely separated or removed from a Street by another Lot. Such Lots are typically but not always accessed via a Common Access Driveway (CAD).

**Lot Area** – The measurement of a horizontal plane of land and/or water bounded by the applicable Front, Side, and Rear Lot Lines of a given Lot, typically expressed in acres or square feet, but exclusive of any Street Right-of-Way, existing or proposed, even if said Lot's deed or recorded plat encompasses said Right-of-Way.

**Lot Coverage** – That percentage of the Lot Area which, when viewed directly from above, would be covered by Impervious Surfaces, Structures (including Buildings), 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 as further detailed below:

- A) **Front Lot Line:** A Lot Line that either falls along a Street Right-of-Way line or the defined edge of a Private Street, existing or proposed.
- 1) On Corner Lots and Multi-Frontage Lots, Lot Lines along all Street Right-of-Way lines and/or Private Streets as described herein shall be considered Front Lot Lines.
  - 2) The Front Lot Line for any Lot that is Contiguous to an authorized Common Access Drive shall be the adjoining edge of said Common Access Drive. Lots with Frontage on a Street that are also Contiguous to a Common Access Driveway (or multiple Common Access Driveways), shall be treated similarly to a Corner of Multi-Frontage Lot (i.e., the Lot Line along each shall be considered a Front Lot Line).
  - 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 Street said Lot ultimately accesses. Should the closest line not be discernible, the Front Lot Line shall be considered the longest qualifying line. Should, by any means, two (2) or more lines qualify, the Lot shall be considered a Corner Lot.
  - 4) On a Lot where the Street that is fronted is not located within a clearly recorded Right-of-Way, the Front Lot Line shall be considered the edge of any easement(s) platted and/or recorded for such purpose. If no such easement exists, the Front Lot Line shall be considered the edge of the pavement (including curb) of any Street immediately abutting said Lot. Should, by any means, two (2) or more lines qualify, the Lot shall be considered a Corner Lot.
- B) **Side Lot Line:** A Lot Line which is neither a Front Lot Line nor a Rear Lot Line. On Corner Lots and Multi-Frontage Lots, Lot Lines that 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 or Multi-Frontage Lot shall be considered a Rear Lot Line.

**Lot Width** – See 'Frontage'.

**Lounge** – An indoor room primarily designated and designed for relaxation in chairs, sofas, and the like that is commonly found in non-residential Uses such as, but not necessarily limited to, Clubs, Hotels/Motels, theaters. Retail Establishments, and transportation facilities but excluding any such room qualifying as a Sexually Oriented Business.

**Makerspace** – A workshop-like establishment which provides tools and equipment for individuals to use in a communal setting for the purpose of innovation, experimentation, crafting, and the creation of small or personal projects. Activities include, but are not necessarily limited to, designing, engineering, laser cutting, machining, metalworking, programming, sewing, woodworking, and the like.

A) **Large:** Any such establishment having a gross Floor Area greater than five thousand (5,000) square feet.

B) **Small:** Any such establishment having a gross Floor Area less than or equal to five thousand (5,000) square feet.

**Malt or Brewed Beverages** – Any beer, lager beer, ale, porter, or similar fermented malt beverage containing one-half of one per centum or more of alcohol by volume, by whatever name such beverage may be called, and shall also include alcoholic cider and mead.

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

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

**Manufacturing** – Any Building, Structure, or land, or portion thereof, utilized for the production, machining, processing, (dis)assembling, fabricating, rendering, finishing, cleaning, testing, and the like of non-food materials, goods, components, and/or products, both organic and inorganic.

A) **Manufacturing, Heavy:** A Manufacturing establishment that is typically considered unclean, noisy, odorous, highly toxic, highly flammable/combustible, volatile, (bio)hazardous, and/or is associated with other such reasonably objectionable elements. Such a facility may also engage in the packaging and/or distribution of such items. This definition shall not include Concrete and Asphalt Batch Plants, Food Preparation/Wholesale Plants, Food Processing and Packaging Plants, Fuel Generation Plants, or Light Manufacturing.

B) **Manufacturing, Light:** A Manufacturing establishment that is typically considered to be clean, quiet, and non-odorous as well as not generally or highly toxic, flammable, combustible, volatile, or (bio)hazardous. Such a facility may also engage in the packaging and/or distribution of such items. This definition shall not include Concrete and Asphalt Batch Plants, Food

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Preparation/Wholesale Plants, Food Processing and Packaging Plants, Fuel Generation Plants, or Heavy Manufacturing.

- C) **Manufacturing, Pilot:** A Manufacturing establishment used to test concepts and ideas and to determine physical layouts, materials flows/processes, types of equipment required, costs, and other information necessary prior to undertaking full-scale production. Such a Use may also include the conduct of small-scale product runs under simulated production conditions and is also subject to the definitions of Heavy Manufacturing and Light Manufacturing herein this Article.

**Marijuana Cultivation, Dispensary, and/or Processing** – Any and all activities described as such by ORC 3796, as may be amended.

**Marina** – A commercial facility, wholly or partially situated on a body of water, which contains one or more of the following; harbors, docks (wet or dry), moorings, hangars, terminals, concourses, fueling stations, and the like or any other Structures, equipment, improvement, or open space utilized to operate, track, repair, rent, lease, sell, test, store, display, detail, or wash watercraft and/or any watercraft-related components, including private seaports.

**Marketplace, Indoor** – A permanent commercial facility which rents out space primarily within a Building to vendors including Drinking Establishments and Restaurants for the purpose of Retail. Such facilities are often arranged around a hallway(s) and/or courtyard with limited and defined point(s) of access. This definition shall also include qualifying farm markets not otherwise exempted from zoning control in any way by the ORC 519.21(C)(1) as may be amended.

**Marketplace, Outdoor** – A permanent commercial facility which rents out space to vendors for the purpose of Retail, but which does not otherwise meet the definition of a Mobile Enterprise Court. This definition shall also include qualifying farm markets not otherwise exempted from zoning control in any way by the ORC 519.21(C)(1) as may be amended.

**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 Hospital or 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, including operations commonly known as surgical centers as well as blood banks.

- 1) **Medical Clinic – Ancillary:** Operation(s) that are incidental, accessory, and/or subordinate to a Principal Use and which does not significantly or fundamentally alter the character of said Use.
- 2) **Medical Clinic - Large:** Operation(s) with a gross Floor Area greater than twenty thousand (20,000) square feet.

- 3) **Medical Clinic - Medium:** Operation(s) with a gross Floor Area greater than five thousand (5,000) square feet but less than or equal to twenty thousand (20,000) square feet.
- 4) **Medical Clinic - Small:** Operation(s) with a gross Floor Area no greater than five thousand (5,000) square feet.

**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.

**Mixed-Use Building** – A multi-story Building which consists of Non-Residential Type Uses on the lower or lowest floor(s) with Residential Type Uses which may or may not have any relationship with the Non-Residential Type Uses, above on the upper or highest floor(s). Non-Residential Type Uses are typically limited to those which provide goods, foods, beverages, and/or services needed by people on a relatively regular basis and/or those whose operations are generally compatible with and not disruptive to residents. Such Building shall not include any elements of a Sexually Oriented Business.

**Mixed-Use Center** – A conglomeration of Uses across multiple Buildings, at least one of which is a Mixed-Use Building. Non-Residential Type Uses are typically limited to those which provide goods, foods, beverages, and/or services needed by people on a relatively regular basis and/or those whose operations are generally compatible with and not disruptive to residents. Such a facility shall not include any elements of a Sexually Oriented Business.

**Mobile Building** – A transportable Building intended for permanent occupancy contained in one (1) or more sections, built on a permanent chassis which arrives at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. This definition includes construction trailers as well as office trailers, classroom trailers, park trailers, travel trailers, recreational vehicles, and the like which are placed on a site for more than one hundred eighty (180) consecutive days.

**Mobile Enterprise** – A transportable unit that is not permanently sited but otherwise operates as a Non-Residential Type Use and which does not meet the definition of Mobile Home, Mobile Office, Mobile Service Business, or Mobile Vending, including, but not necessarily limited to, exhibits, recreational experiences, educational endeavors (ex: classrooms), medical examinations, and legitimate therapeutic services, but excluding anything meeting the definition of a Sexually Oriented Business.

**Mobile Enterprise Court** – A permanent and primarily open-air commercial facility which rents out three (3) or more defined spaces stalls or parking spaces for the operation of Mobile Enterprises, Mobile Services, or Mobile Vending businesses. Such facilities are frequently arranged around a common pedestrian area, may or may not have a designated point(s) of access, and may include other related, incidental features such as chairs, tables, fire pits, games, and restrooms.

**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 Home Lot** – An area of land within a Mobile Home Park, improved with utility connections and other appurtenances necessary for the erection thereon of a single Mobile Home.

**Mobile Home Park** – Any establishment meeting the definition of Manufactured Home Park in ORC Section 3733.01, as may be amended, excluding Camping Facilities, Commercial and/or Private Recreational Facilities, and the like.

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**Mobile Office** – A temporary, transportable unit used for real estate-related business or construction purposes that is not permanently sited and which is located on the same Lot or Tract as the subject real estate or construction.

**Mobile Service Business** – A transportable unit that is not permanently sited but otherwise operates as a Service Business or other similar type of service-oriented operation that travels to sites or customers to provide or perform their services on site. Such services may be performed within a vehicle or trailer.

**Mobile Vending Business** – A transportable unit that is not permanently sited that offers Restaurant and/or Retail services; ex: food trucks including those that serve refreshments.

**Multi-Family Building** – A Building, typically located on one Lot, consisting of a group of Dwellings and/or lodging accommodations occupied for a period exceeding thirty (30) consecutive days. Said Building contains either two (2) or more Dwellings within a Building having a common exterior access point or a Building containing separate units with corresponding, separate access points for three (3) or more Families not otherwise meeting the definition of a Row Dwelling. Each unit shall be considered a Dwelling for the purposes of Density. This definition shall also not include Boarding House(s) and dormitories (Dormitory) as well as extended-stay hotels and residential hotels as defined by ORC 3731.01.

A) **Multiplex (small)**: Any Multi-Family Building containing four (4) or less Dwellings.

1) **Duplex**: A type of Multi-Family Building containing exactly two (2) Dwellings; alternative names include Single-Family Dwelling (semi-attached).

2) **Triplex**: A type of Multi-Family Building containing exactly three (3) Dwellings; alternative names include Single-Family Dwelling (Attached).

3) **Fourplex**: A type of Multi-Family Building containing exactly four (4) Dwellings; alternative names include Single-Family Dwelling (Attached).

B) **Multiplex (medium)**: Any Multi-Family Building containing at least five (5) but no more than twelve (12) Dwellings, arranged vertically and/or horizontally, and not otherwise meeting the definition of Row Dwelling.

C) **Multiplex (large)**: Any Multi-Family Building containing thirteen (13) or more Dwellings, arranged vertically and/or horizontally, and not otherwise meeting the definition of Row Dwelling.

**Multi-Family Building Complex** – A conglomeration of two (2) or more Multi-Family Buildings, regardless of sub-type, on the same Lot or Tract, or a conglomeration of at least one (1) Multi-Family Building and any other type(s) of Dwelling(s) on the same Lot or Tract. Such a complex may be arranged around a shared, landscaped courtyard and/or a series of shared, landscaped courtyards. Each Dwelling within the conglomeration shall count as one (1) Dwelling for the purposes of calculating Density.

**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.

**Museum** – A facility in which objects of historical, scientific, artistic, and/or cultural interest, including plants but excluding live animals, are stored and exhibited for the purposes of research and education.

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

**Natural Resource Extraction** – Any Use which involves the drilling, exploration, extrication, mining, or removal of naturally occurring elements or materials such as coal, gravel, Minerals, natural gas, oil, sand, shale, soil, and/or the like, including Surface Mining Operations as defined in Section 1514.01 of the ORC, as may be amended, and all associated components, Structures, infrastructure, and utilities.

**Natural Resource Protection** – Any development, improvement, or project specifically intended to, and primarily designed for, the protection control, preservation, and/or conservation of soil, water (including watersheds and floodplains), air quality, plant life, wildlife, topography, habitats, and the like as well as ecosystems such as, but not necessarily limited to, forests, prairies, and wetlands.

**Neighborhood-Scale Commercial** – Pedestrian-Friendly Uses, developments, and or Structures which are Context-Sensitive and do not exceed twenty-five thousand (25,000) gross square feet in size.

**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, as may be amended, 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** – A clearly and specifically designated area in a Preliminary or Final Development Plan where no Structure, except for Fences, Accessory Walls, and retaining walls, shall be erected or permitted to extend in order to preserve critical resources, be they natural, historical, and/or cultural.

**No Disturb Zone** – A clearly and specifically designated area in a Preliminary or Final Development Plan where 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, unless necessary to abate a verifiable hazardous condition, in order to preserve an area's natural features, slope, soils, native vegetation, and/or water courses.

**Non-conforming 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 Zoning District in which it is situated or other applicable provisions of this Resolution.

**Non-conforming 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 Zoning District in which it is located.

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

**Non-conforming 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 Zoning District in which it is situated or other applicable provisions of this Resolution.

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

**Nuisance** - An offensive, annoying, unpleasant, or obnoxious thing, act or practice; a cause or source of annoyance, especially a continual or repeated invasion of a Use or activity which invades the 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.

**Nursery** - Any non-agriculturally exempt, non-residential establishment primarily used to raise trees, shrubs, flowers, and other plants for wholesale, Retail, and/or transplanting. Such a facility may also include Greenhouses, Hot Houses, and the like.

A) **Retail, Nursery:** Any such establishment which primarily sells their products on-site directly to the consumer for use by the consumer so long as said use is not Retail.

B) **Wholesale, Nursery:** Any such establishment which primarily sells or distributes their products, often in bulk, to commercial or industrial entities but which may also be purchased on site by consumers for the purpose of Retail.

**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-Road Motorized Vehicle Track** - Any designated way or course that is generally utilized for racing, riding, or otherwise utilizing Off-Road Motorized Vehicles.

**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 as well as vehicular access and exit points.

**Office** - A room or set of rooms where business, professional services, and/or clerical tasks are administered and conducted, including information technology support, call centers, and telephone answering services. Said space(s) typically contain desk(s), computer(s), phone(s), printer(s), conference furniture, and other such ancillary items that assist in performing and supporting such functions.

- 1) **Office - Ancillary:** An Office operation(s) that is incidental, accessory, and/or subordinate to a Principal Use and which does not significantly or fundamentally alter the character of said Use.
- 2) **Office - Large:** An Office operation(s) with a gross Floor Area greater than twenty thousand (20,000) square feet.
- 3) **Office - Medium:** An Office operation(s) with a gross Floor Area greater than five thousand (5,000) square feet but less than or equal to twenty thousand (20,000) square feet.
- 4) **Office - Small:** An Office operation(s) with a gross Floor Area no greater than five thousand (5,000) square feet.

**Oil and Gas Production** - Any and all activities recognized by ORC Section 1509.02, as may be amended.

**Open Space** – Land within a subdivision or development that is intended to conserve and/or preserve the environment and shall generally not be built upon with the exception of limited amenities authorized by this Resolution. Such land may be further classified as Common Open Space, Improved Common Open Space, and/or Natural Open Space. It does not include the areas of individual fee simple Lots conveyed to homeowners Building Envelopes, or Limited Common Element areas. Open Space land is typically owned by a homeowners' association, the Township, a land trust, or a conservation organization. The ownership of Open Space shall be specified in a plat, deed, or Final Development Plan and may be subject to the approval of the Genoa Township Trustees.

- A) **Common Open Space** – As used herein, designated areas and/or 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 subdivision or development and is accessible to all tenants or residents thereof but is not required to be open to the general public.
- B) **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 township and permitted by Delaware County and/or the State of Ohio, Improved Common Open Space may incorporate land for on-site wastewater disposal.
- C) **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.

**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 Advertising** – See 'Signs'.

**Outdoor Collection** – The collecting of goods, often intended for charity via donation, in a bin or receptacle often placed within an Off-Street Parking Lot.

**Outdoor Display** – The exhibiting of merchandise that is available for purchase and/or is representative of merchandise that is available for purchase or rent on the same premise in an open-air area not wholly or partially enclosed by a Building, Structure, or Fence (i.e., outdoors).

**Outdoor Storage** – Storing or keeping of chattels which are generally not available for purchase in a fully or quasi open-air area that is not otherwise enclosed in a Building.

**Parcel Identification Number (PIN)** – A unique set of digits assigned by Delaware County used to designate and identify a specific and defined piece of property.

**Parking Facility** – A space located totally outside of any street or alley Right-of-Way for the parking of a regularly used automobile or other vehicle in a designated area within a Structure consisting of two (2) or more levels which may be above, at, and/or below ground level.

**Parking Lot, Off-Street** – A space located totally outside of any street or alley Right-of-Way for the parking of a regularly used automobile or other vehicle in a designated area on a surface lot .

**Pedestrianway** – Sidewalks, walkways, crosswalks, trails, paths, and the like, including multi-use paths and bikeways, designed specifically for use for non-motorized traffic.

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**Pedestrian-Friendly** – Defined as follows:

- A) As it pertains to land Use, any Use that, by its very nature, is convenient and safe for pedestrians and/or non-motorized vehicular traffic (ex: bicycles), excluding Uses not compatible with or promoting an environment welcoming to pedestrians and/or non-motorized vehicles (ex: bicycles), or are primarily oriented towards automobiles and other such motorized vehicles, examples include, but are not necessarily limited to, Automotive Fueling/Charging Stations, Automobile Repair, Automobile Wash, Commercial Motor Vehicle Repair, Drive-Through Facilities, Heavy Equipment Sales, Rental, and Service, Off Street Parking Lot, Parking Facility, Truck Terminals, Vehicle Sales, Rental, and Service, and Waste Transfer Facility.
- B) As it pertains to land development, any development or area within a development which is designed to accommodate pedestrians and/or non-motorized vehicles (ex: bicycles) with sidewalks, trails, bikeways, multi-use paths, and other such related amenities being provided to the greatest extent practicable throughout the development and providing for connections to adjacent Uses, developments, and/or Open Space where practical and feasible for the benefit of the aforementioned.
- C) As it pertains to a Building or Structure, any such Building or Structure which has been primarily designed to accommodate pedestrians and/or non-motorized vehicles (ex: bicycles), especially as it pertains to access, amenities, articulation, detail, focal points, form, height, length, massing, materials, proportion, rhythm, scale, size, texture, and transparency.

**Pedestrian-Oriented** – (see Pedestrian-Friendly).

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

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

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

**Pool House** – A free-standing Accessory Building located within relatively and reasonably close proximity of a Swimming Pool on the same Lot or Tract which provides a private space for individuals to change into and out of swimsuits, bathrooms, kitchenette, and/or storage space for pool-related accessories but which does not contain bedrooms or otherwise function as a Dwelling of any type or Guest House.

**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.

**Principal Building or Structure** – For each property, the Building or Structure that one or more persons occupy the majority of time on that property for either business or personal reasons, including residences but excluding hunting sheds, storage sheds, Pool Houses, detached garages, Barns, and other such Accessory Buildings or Structures.

**Principal Use** – The land Use designation(s) given to a Lot or Tract based upon the primary or predominant activity/activities occurring on such Lot or Tract.

**Professional Engineer** – An individual who is actively 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, wells, dams, reservoirs, and other similar public service structures or Essential Services provided by a Public Utilities, by a railroad, whether publicly or privately owned or by a municipal or other governmental agency, including all tangible and intangible personal property without limitation, any means and instrumentalities in any manner owned, operated, leased, licensed, uses, controlled, furnished, or supplied for, by, or in connection with, the business of any public utility for the purpose of providing electrical, gas, rail or passenger bus transport, communication, public water and sewerage services.

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

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**Public Utilities** – Any and all activities recognized by ORC Section 5727, as may be amended, and regulated by the Public Utilities Commission of Ohio (PUCO).

**Publishing Facility** – Any facility primarily utilized for the mass production and manufacturing of hard copy media such as, but not necessarily limited to books, cassettes, discs, magazines, mailers, manuals, newspapers, periodicals, vinyl records and the like.

**Private Utilities** – Any infrastructure, including Structures, which produce, distribute, provide, and/or support utility services in a non-Retail setting such as, but not necessarily limited to, sewer, water, power, natural gas, telecommunications and/or waste management, but which do not fall under the jurisdiction of the Public Utilities Commission of Ohio (PUCO) and are not otherwise defined herein this Resolution.

**Racetrack** – A fully or quasi outdoor nonresidential facility that is primarily utilized for the racing of animals, automobiles, bicycles, remote controlled devices, sleds, vehicles (motorized and non-motorized), and the like on a circuit, course, strip, and/or track and which may include seating for spectators as well as barns, garages, stalls, and other such associated care, maintenance, storage, and/or repair Structures.

**Recreation and/or Instructional Facility** – Private facilities, not otherwise defined herein this Resolution, that provide patrons the opportunity to learn about, train, and/or partake in activities such as those related to art, athletics, computing, cooking, dancing, fitness, gaming, gymnastics, music, and the like, but which do not otherwise offer lodging of any type or qualify as a Sexually Oriented Business.

A) **Indoor Recreation and/or Instructional Facility** – Any such facility in which the activities described herein above occur solely within the confines of a Building and which are generally no more observable or perceivable to external individual than any other business conducted within a similar type of Structure.

B) **Outdoor Recreation and/or Instructional Facility** – Any such facility in which the activities described herein above occur wholly or partially outdoors (i.e., outside) and/or which are reasonably observable or perceivable by an external individual regardless of whether said individual is on or off premise.

**Recreational Facilities, Governmental** – Facilities operated by Genoa Township, or other governmental entities, that are open to the public with or without charge for purposes of enjoying activities related to athletics, camping, culture, education, fitness, fishing, games, hunting, nature, social engagement, and the like.

**Recycling Collection Facility** – An establishment where recyclable materials are collected by donation, redemption, or purchase and which may include reverse vending machines.

A) **Recycling Collection Facility, Large** – Any such facility which occupies an area of more than five hundred (500) square feet and which may include permanent Structures.

B) **Recycling Collection Facility, Small** – Any such facility which occupies an area less than five hundred (500) square feet and which may include:

- 1) a mobile recycling unit;
- 2) a single bulk reverse vending machine or a group of reverse vending machines which occupy an area of more than fifty (50) square feet; and/or
- 3) kiosk-type units which may include a permanent Structure; and/or

**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, Lot, or Tract, or portion thereof, used primarily as a place of worship, religious teaching, religious ceremonies, or faith-based activities and which may include incidental or related Uses that enable the practice of religion, provide for the administration of the

facility, support the congregation, and/or serve the community, such as, but not necessarily limited to; sanctuaries, chapels, Private Educational Institutions, Day Care Establishments, Event Facilities, cafes, auditoriums, theaters, performance halls, Offices, Dwellings for persons serving the establishment, recreational facilities, and the like.

**Research and Development Facility** – A Structure or complex of Structures designed, or primarily used for, study, experiments, testing, and other such functions related to industry, science, technology, and other similar fields of endeavor. Such facilities may include supporting storage and transportation facilities as well as Laboratories and Pilot Manufacturing facilities as Accessory Uses.

**Residential Care Facility** – As described by the ORC, as may be amended:

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 establishment operated for the express purpose of providing meals and/or snacks to patrons in exchange for compensation. Such establishments may serve alcohol, offer outdoor dining, and/or incidental, related amenities or entertainment but do not feature components otherwise specific to an Event Facility, Nightclub, or Sexually Oriented Business.

- A) **Restaurant, Delivery-Only** – A permanently sited facility where individual meals are prepared and delivered from following orders placed by consumers via internet or phone, commonly known as a ghost kitchen.
- B) **Restaurant, Full-Service** – A permanently sited facility where individual meals are served to patrons for consumption on the premises. Such operations may or may not provide table service and may also offer delivery and/or take-out as ancillary services.
- C) **Restaurant, Limited-Service** – A permanently sited facility where primarily food and/or drinks that are typically unpackaged, made on site, and/or fresh, are sold from, but which may or may not be consumed on premise such as, but not necessarily limited to standalone: bakeries, butcher shops, cafes, coffee shops, concession stands, delicatessens, donut shops, ice cream shops, produce shops, take-out/carry out-only shops, and the like.

**Retail** – The selling goods, products, wares, medication, commodities, and the like, excluding fuel, directly to consumers. This definition shall include rental and lease-to-own operations (ex: video, attire, furniture, electronics, appliances, sports and exercise equipment, et al) not otherwise defined in this Resolution as well as consignment shops and the selling of property that have intentionally been acquired or collected for the purpose of resale but shall not include pawn brokering services (see Cashing and/or Lending Business).

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 4: DEFINITIONS

A) **Retail Establishment** – A permanently sited facility not otherwise defined herein which is utilized for the purpose of Retail in which goods, including clothing, groceries, homegoods, personal care items, and pharmaceuticals, are typically purchased directly by the consumer on premise. This definition shall include establishments which offer incidental pre-ordering, carry-out, and/or pick-up of goods but shall exclude Retail Warehouses or Sexually Oriented Businesses.

- 1) **Ancillary Retail Establishment:** A Retail operation that is incidental, accessory, and/or subordinate to a Principal Use and which does not significantly or fundamentally alter the character of said Use.
- 2) **Large Retail Establishment:** A Retail operation with a gross Floor Area greater than twenty thousand (20,000) square feet.
- 3) **Medium Retail Establishment:** A Retail operation with a gross Floor Area greater than five thousand (5,000) square feet but lesser than or equal to twenty thousand (20,000) square feet. 4) **Small Retail Establishment:** A Retail operation with a gross Floor Area no greater than five thousand (5,000) square feet.

**Retaining Wall** – A Structure specifically designed and constructed to hold back earth and/or water.

**Rezoning** – See 'Zoning Map Amendment'.

**Riding Academy** – See 'Stables, Commercial'.

**Right-of-Way** – A designated strip of property taken/dedicated and recorded for a public access or purpose such as highways/roadways, railways, and/or utilities. In the case of roadways, in addition to driving lanes, it may encompass curbs, lawn strips, sidewalks, street lighting, utility infrastructure, drainage facilities, and other such features related to functionality, safety, topography, noise, communication, aesthetics, and the like. Such designation may be made in the form of deeded right-of-way, highway/roadway easement, or other similar type of legal mechanism.

**Road** – See 'Thoroughfare'.

**Roadside Stand** – A Temporary Structure not otherwise qualifying as a Farm Market that is designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

**Sales, Rental, and Service** – Any of the Uses defined below:

- A) **Commercial Motor Vehicle Sales, Rental, and Service** – Any Building, Structure, Lot, Tract, or portion thereof, in/upon which a business or industry sells, leases, rents, or performs or renders a service involving the retailing, leasing, renting, maintaining, servicing, repairing, towing, or washing of a Commercial Motor Vehicle. This definition shall also include the rental of space for the storage of the aforementioned. The salvaging or storage of Junk Vehicles otherwise meeting the definition of a Commercial Motor Vehicle shall be considered a Junkyard.
- B) **Event Sales, Rental, and Service** – Any establishment utilized for the retailing, leasing, renting, maintaining, or repairing of equipment commonly utilized during parties or events such as, but not necessarily limited to, audio/video equipment, tents, canopies, tables, chairs, linens, dance floors, stages, stalls, racks, easels, bounce houses, games, photobooths, concession equipment, grills, bars, dispensers, coolers, dishware, cutlery, fans, heaters, barricades, portable restrooms, waste receptacles, and the like.
- C) **Heavy Equipment Sales, Rental, and Services** – Any establishment utilized for the retailing, leasing, renting, maintaining, servicing, repairing, towing, or washing of Heavy Equipment. This definition shall also include the rental of space for the storage of the aforementioned.

- D) **Light Equipment Sales, Rental, and Service** – Any establishment utilized for the retailing, leasing, renting, maintaining, servicing, repairing, towing, or washing of Light Equipment. This definition shall also include the rental of space for the storage of such equipment only if said storage occurs outdoors otherwise, the rental of such space to store such items shall constitute a Mini and/or Self-Storage Warehouse.
- E) **Machine Sales, Rental, and Service** – Any Building, Structure, or land utilized for the retailing, leasing, renting, maintaining, servicing, repairing, towing, washing of machines and/or equipment utilized for the manufacturing, production, machining, processing, cleaning, testing and distribution of materials, goods, tools, dies, molds, jigs, fixtures, gauges, foodstuffs, and/or products and which is not considered to be Heavy Equipment or Light Equipment as defined in this Resolution.
- F) **Manufactured, Mobile, or Recreational Building/Vehicle Sales, Rental, and Service** – Any Building, Structure, Lot, Tract, or portion thereof, in/upon which a business or industry sells, leases, rents, or performs or renders a service involving the detailing, maintenance, servicing, repairing, towing, or washing of a Manufactured Home, Mobile Home, or Mobile Building, as well as Camping and Recreational Equipment and Off-Road motorized vehicles. This definition shall also include the rental of space for the storage of the aforementioned. The salvaging or storage of such items meeting the definition of Junk for purposes such as, but not necessarily excluding, Retail, or scraping, and not otherwise intended to be repaired and returned to the owner or put back into service shall be considered a Junkyard.
- G) **Vehicle Sales, Rental, and Service** – Any Building, Structure, Lot, Tract, or portion thereof, in/upon which a business or industry sells, leases, rents motor vehicles excluding Commercial Motor Vehicles, Mobile Buildings, Mobile Homes, aircraft, recreational vehicles (RVs), campers (aka fifth wheels), travel trailers, trailers used for hauling, watercraft, and the like. Such Use often performs or renders services involving the detailing, maintaining, repairing, servicing, towing, and/or washing of such vehicles. This definition shall also include the rental of space for the storage of the aforementioned. The salvaging or storage of Junk Vehicles for purposes such as, but not necessarily excluding, Retail, or scraping, and not otherwise intended to be repaired and returned to the owner or put back into service shall be considered an Automobile Salvage/Junkyard or a Junkyard.
- H) **Watercraft Sales, Rental, and Service** – Any Building, Structure, Lot, Tract, or portion thereof, not otherwise meeting the definition of Marina, in/upon which a business or industry sells, leases, rents, or performs or renders a service involving the maintenance, servicing, repair, detailing, or washing of watercraft. This definition shall also include the rental of space for the storage of watercraft on land not otherwise considered a Marina. The salvaging or storage of Junk Vehicles otherwise meeting the definition of a Commercial Motor Vehicle shall be considered a Junkyard.

**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.

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**Service Business** – A commercial enterprise providing services in exchange for compensation that does not otherwise qualify as a Kennel, Sexually Oriented Business, or any other expressly defined Use within this Resolution.

- A) **Service Business – Charitable:** A private, non-residential enterprise typically operated by a non-profit or charity that primarily provides social support, goods, and services to those in need including free stores, foodbanks, meal centers, soup kitchens, and the like.
- B) **Service Business – Contract:** Enterprises that primarily conduct their services off-site, but which may keep a fleet of vehicles and/or dispatch such services from on-site. Examples of such enterprises include but are not necessarily limited to those related to construction, installation, demolition, grading, paving, landscaping, lawn care, and the like as well as the maintenance, repair, and/or improvement of Buildings, Structures, drainage, utilities, locks, appliances, electronics, telecommunications, safety systems, mechanical equipment, machines, vehicles/crafts, and/or components thereof. This term shall not encompass any such enterprise that qualifies as a Contractor's Yard or any service, improvements, or activities related to the related to automobiles or motorized vehicles that occur on-site.
- C) **Service Business – Education:** Enterprises not otherwise meeting the definition of an Educational Institution that offer on-site tutoring, exam preparation, professional development courses, and testing services.
- D) **Service Business – In-Home:** Enterprises that primarily conduct their services off-site and which keep a fleet of vehicles and/or dispatch such services from on-site. Examples of such enterprises include but are not necessarily limited to those providing in-home services related to assisted living, cleaning, grooming, tutoring, training, healthcare, hospice, and respite care.
- E) **Service Business – Personal Care:** Enterprises that primarily provide their services, which typically aid individual, non-medical needs of humans, on premises. Examples of such enterprises include, but are not necessarily limited to barbershops, hair salons, nail salons, tanning salons, beauty parlors, Therapeutic Massage Establishments, and/or the like.
- F) **Service Business – Pet:** Enterprises that primarily provide non-medical pet-related services, such as grooming and training, on premise but shall exclude any activities meeting the definition of a Kennel or a Veterinary Clinic.
- G) **Service Business – Professional:** Enterprises that primarily provide their non-medical services to humans and/or businesses and not otherwise defined herein. Examples of such enterprises include, but are not necessarily limited to, dry-cleaning drop-off/pick-up, tailoring/alterations, embroidery, engraving, printing (screen or paper), copying, scanning, photofinishing, inspection, surveying, mapping, notarizing, stenography, clerical services, packaging/mailing services not otherwise functioning as Distribution Center Warehouse, and/or the like.
- H) **Service Business – Repair:** Enterprises that primarily provide their services, which typically aid in the rehabilitation or replacement of parts or components in household goods, electronics, and devices, on premise. Examples of such enterprises include, but are not necessarily limited to, shops which repair shoes, jewelry, watches, clocks, furniture, bicycles, home audio/video equipment, small home appliances, computers, gaming systems, telecommunication devices (analog, digital, wireless, etc.), and/or other such items not otherwise defined herein.
- I) **Service Business – Support:** Enterprises that primarily conduct their services off-site, but which may keep a fleet of vehicles and/or dispatch for such services, on-site. Examples of such enterprises include but are not necessarily limited to those related to pest management, traffic control, supply services, security services, janitorial services, cash management, repossession, and the like. This term shall not encompass any such enterprise that qualifies as a Contractor's Yard or any service, improvements, or activities related to the related to automobiles or motorized vehicles that occur on-site.

**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(s), 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(s).
- B) **Side Setback Line:** An imaginary line parallel to any Side Lot Line(s) representing the distance which all or any part of any Principal Building is to be set back from the Side Lot Line(s).
- 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, Lot, Tract, premise, 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, both known and unknown, 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 Book Store** – 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, both known and unknown, to the above, or other visual representations which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
  - 2) Instruments, devices, or paraphernalia which are designed for use in connection with Specified Sexual Activities.
  - 3) The use of viewing booths.
- C) **Adult Cabaret** – A Drinking Establishment, 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.

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- 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, both known and unknown, of such, which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- D) **Adult Entertainment** – Any material or performance where any of the following apply:
- 1) Its dominant appeal is to prurient interest;
  - 2) Its dominant tendency is to arouse lust by displaying or depicting Specified Sexual Activities, Specified Anatomical Areas, sexual excitement, or Nudity in a way that tends to represent human beings as mere objects of sexual appetite;
  - 3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;
  - 4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose; or
  - 5) It contains a series of displays or descriptions of Specified Sexual Activities, Specified Anatomical Areas, sexual excitement, Nudity, bestiality, extreme or bizarre violence, cruelty, brutality, or human bodily functions or elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.
- E) **Adult Entertainment Business** – Any establishment involved in the sale of services, experiences, accommodations, or products characterized by the exposure or presentation of Specified Anatomical Areas, Specified Sexual Activities, or physical contact of persons, and which is characterized by salacious conduct to prurient interest for observation or participation in by patrons. Services or products include, but are not necessarily limited to; photography, dancing, reading, Massage, Escort, Dating, or Companion Services, and similar functions which utilize activities as specified above.
- F) **Adult Establishment** – One or more of the following:
- 1) The opening or commencement of any Sexually Oriented Business as a new business.
  - 2) The conversion of any existing business, sexually oriented or not, to any Sexually Oriented Business.
  - 3) The addition of any Sexually Oriented Business to any other existing Sexually Oriented Business or to a non-Sexually Oriented Business.
  - 4) The relocation of any Sexually Oriented Business.
- G) **Adult Motion Picture Theater** – Any establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions or visual presentations of any kind, including any and all technological and/or virtual successors, both known and unknown, 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.

**Shopping Center** – An establishment containing a mix of Drinking Establishments, Restaurants, Retail Establishments, and other compatible, non-industrial commercial enterprises developed and typically recognized as a single entity on a Lot or Tract.

- A) **Shopping Center, Regional:** A Shopping Center with a gross Floor Area greater than sixty-five thousand (65,000) square feet.
- B) **Shopping Center, Community:** A Shopping Center with a gross Floor Area greater than twenty-five thousand (25,000) square feet but less than or equal to sixty-five thousand (65,000) square feet.
- C) **Shopping Center, Neighborhood:** A Shopping Center with a gross Floor Area less than or equal to twenty-five thousand (25,000) square feet.

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

- A) **A-Frame:** See “Sidewalk Sign”.
- B) **Abandoned (Sign):** A Sign that is Deteriorated, as defined herein, or is not adequately maintained, repaired, or removed within the specified time as ordered by this Resolution.
- C) **Address (Sign):** Any street location identifier.
- D) **Animation or Video Display:** Changing of a message, background, or structure of a Sign in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text, that depicts action or a special effect to imitate movement; the presentation of pictorials, or graphics displayed in a progression of frames which give the illusion of motion or changes of artificial or natural lighting, including, but not limited to the illusion of moving objects, moving patterns, bands of light, or expanding or contracting shapes. Signs utilizing smells or noise shall also qualify as an Animation or Video Display.
- E) **Awning (Sign):** Any Sign that is permanently affixed to the visible surface(s) of an Awning.
- F) **Banner:** A flat piece of cloth, fabric, paper, plastic or any other such material with or without characters, illustrations, letters, numbers, or ornamentation, that is hung from or displayed from a Building, Structure, or portion thereof; which may or may not be intended to move in the wind and which may or may not be affixed to one or more poles, posts, or other similar type of support structure.
- G) **Billboard:** Any permanently affixed Sign that it is typically used 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.
- 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

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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, or Pedestrianways, or within a plaza, courtyard, square, or other similar pedestrian gathering area. Such Building or Structure may take the form of a booth, cubicle, open fronted hut, stand, block, cylindrical column, or a panel that is single or multi-sided.
- AA) **Landscape:** A Sign comprised of flowers, shrubs, trees, soil, much, stone, pavers, or other similar Landscaping materials that is located within a planter, flower bed, garden, or open lawn area.
- BB) **Light Box:** A permanently affixed Sign with an exposed frame, translucent face, and Internal illumination.
- CC) **Light Pole:** Any Banner which is affixed to the side of a light pole or street light designed or retrofitted for such a display.
- DD) **Marquee (Sign):** Any Sign that is permanently affixed to the visible surface(s) of a Marquee.
- EE) **Miscellaneous (Sign):** Any Sign that is not considered a Building Mounted or Freestanding Sign.
- FF) **Original Art Display:** A hand-painted work of visual art that is either affixed to, or painted directly on, the exterior wall of a Structure with the permission of the property owner but excluding mechanically produced or computer-generated prints or images; including, but not limited to digitally printed vinyl, electrical or Mechanical components, or changing image art display(s).
- GG) **Pole or Pylon:** Any Freestanding Sign that is permanently affixed to the ground and is supported by one (1) or more structural elements.
- HH) **Post and Panel:** Any Sign consisting of panels made of rigid material that are mounted between two (2) posts, or hung from an arm, supported by one (1) or more posts, permanently affixed to the ground; and may be removable to allow convenient changing of Sign copy.
- II) **Projection:** Any Sign that is projected onto a Building or Structure, or into the air, via digital, electrical, or other such means.
- JJ) **Roof:** Any permanently affixed Sign erected and constructed wholly on and over the roof of a Building; supported by the roof structure; extending vertically above the top walk or edge of a flat roof, the eave line of a Building with a gambrel, gable, or hip roof or the deck-line of a Building with a mansard roof.
- KK) **Roof Integral:** Any permanently affixed Sign erected or constructed as an integral part of a normal roof structure of any design such that no part of the Sign extends above the highest portion of the roof and such that no part of the Sign is separate from the rest of the roof by a space of more than six (6) inches. A Sign constructed between the eaves and deck line of a mansard roof shall be considered such a Sign.
- LL) **Sandwich Board:** See "Sidewalk Sign".
- MM) **Sidewalk:** Any Sign that is portable, typically placed on or adjacent to a sidewalk, walkway, pathway, bikeway, or trail; and is primarily intended to be viewed by pedestrians, including A-frame and sandwich board style signs. Such Signs may incorporate chalkboards, whiteboards, magnetic boards, and/or Manual Changeable Copy.
- NN) **Suspended:** Any Sign, designed to be viewed primarily by pedestrians, which hangs, or is suspended beneath, an Awning, Canopy, Porch, patio or walkway cover or is hung from a support extending from a Building or other similar type of feature.
- OO) **Temporary:** Any Sign, not otherwise defined within this Resolution, which is not permanently affixed to the ground, a wall, a Building, or a Structure and is typically, but not necessarily,

made, in whole or in part, of paper, cloth, canvas, plastic sheet, plywood, wallboard, cardboard, and/or other similar materials; that a reasonable person could determine is intended to be displayed for a limited period of time such as, but not necessarily limited to, Signs placed on: properties for sale, properties for rent, properties which are opening for business, properties under construction, renovation, or repair; lawn Signs, Banners not affixed to light poles, and posters but excluding Windblown devices. Such Signs shall be further categorized into one of the following classifications:

- 1) **Small Temporary Sign:** A Temporary Sign that is eight (8) square feet or smaller in Sign Area and less than four (4) feet in Height.
  - 2) **Large Temporary Sign:** A Temporary Sign that exceeds eight (8) square feet in size and/or four (4) feet in Height.
- PP) **Trailer:** Any Sign which is attached to, supported by, or part of a structure, where the structure's primary purpose is the display of such Sign, and where the structure is designed to move on trailer wheels, skids, or other similar devices, or is transported, pushed, or pulled by a motor vehicle, whether or not such trailer is parked or being towed.
- QQ) **Vehicle:** Any Sign attached to or displayed on a licensed and operable Vehicle and not otherwise considered a Trailer Sign.
- RR) **Wall:** Any Sign that is permanently affixed or Attached directly and generally parallel to, or painted on or otherwise inscribed on, a Fence, Accessory Wall, retaining wall, or an exterior Building wall which faces a public or private Right-of-Way, parking lot, or service drive and is confined within the limits thereof of any Building and which projects from that surface less than twelve (12) inches at all points.
- SS) **Windblown Device:** Any Sign or device, not otherwise specifically defined in this Resolution, which is set in motion by wind. Such devices shall include; streamers, ribbons, Pennants, and long, narrow strips of fabric, plastic, or other pliable material designed to move in the wind.
- TT) **Window:** Any Signs, posters, symbols and other types of identification, directly attached to the window of a Building, including faux windows and doors, or erected on the inside of a Building and visible from any public Right-of-Way or adjacent property.

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

**Sign Height** – (see Height).

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

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

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

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

**Solar-Energy** – Radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electric energy.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 4: DEFINITIONS

**Solar-Energy System** – A system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.

- A) **Ground Mounted Solar Energy Systems:** A Solar Energy System that mounts a solar panel or panels and facilities on or above the ground.
- B) **Integrated Solar Energy Systems:** A Solar Energy System that is incorporated into a replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, siding materials, awnings, canopies, skylights, or windows.
- C) **Rooftop Solar Energy Systems:** A Solar Energy System that is mounted to a Structure or Building's roof on racks.

**Solar Facility** – A Solar Energy System and associated facilities with a single interconnection to the electrical grid.

- A) **Solar Energy Facility, Large:** Any such facility designed and capable of operation at an aggregate capacity of fifty (50) or more megawatts.
- B) **Solar Energy Facility, Small:** Any such facility designed and capable of operation at an aggregate capacity of less than fifty (50) megawatts.

**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.

**Stable, Commercial** – A facility that is primarily rented by customers for the purpose of keeping horses and other such domestic animals or livestock, excluding dangerous wild animals as defined and regulated by ORC 935.01(C), as may be amended.

**Stadium** – A completely fully or quasi outdoor facility specifically designed and built to enable an audience to observe athletic events, competitions, performances, productions, and/or motion pictures occurring in a space surrounded on most or all sides by seating for spectators. This definition shall not include any activity meeting the definition of a Sexually Oriented Business.

- Stealth Design** – Camouflaging methods applied to Telecommunication Towers, antenna, and other such facilities, which render them more visually appealing or blend the proposed facility into an existing Structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antenna, Building-mounted Antenna designed to match the existing Structure, and facilities to resemble clock towers, bell steeples, trees, shrubs, flag poles, and light poles.
- Storage Terminal** – Any outdoor establishment primarily utilized for the storage of freight, goods, and materials, often in storage containers, excluding animals, junk, refuse, waste, and the like. Such establishment may also contain incidental Structures necessary for operations and/or maintenance.
- Storage Yard** – Any land, or portion thereof, that is primarily utilized by a non-residential entity, or a customer renting said area, in whole or in part, for Outdoor Storage of items other than Junk that does not otherwise qualify as any other Use defined herein.
- 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, Entry Features, Fences, balconies, decks, sheds, Porches, Swimming Pools, antennae, Signs, built-in barbeques, outdoor fireplaces, permanently sited grills, solar panels, verandas, wind turbines, permanent playground equipment, raised patios/boardwalks/promenades in excess of one (1) foot in Height, Accessory Walls, Retaining Walls, and seating walls.
- Studio** – A space or facility where art, music, photography, productions, video, and the like are created but which does not otherwise qualify as a Sexually Oriented Business (Nude Model Studio).
- A) **Studio, Broadcasting and/or Recording:** Any such establishment primarily engaged in the recording and/or broadcast transmittal of audio and/or visual programs or products that are primarily produced indoors.
  - B) **Studio, Business Service:** A quasi-Retail establishment utilized by an individual(s) primarily for the purpose of creating art and/or crafts, including photography, which may utilize professional models, for non-recreational, non-entertainment purposes but excluding broadcasting and recording activities.
  - C) **Studio, Development:** Any such establishment primarily engaged in the creation of computer programs, digital applications, software, video games, and the like but generally does not engage in the broadcasting or on-site retailing of such products.
  - D) **Studio, Personal-Service:** A quasi-Retail establishment utilized by an individual(s) primarily for the purpose of creating their own art and/or craft, including photography, which does not utilize professional models, for non-recreational, non-entertainment purposes but excluding broadcasting and recording activities.
  - E) **Studio, Production:** Any such establishment primarily engaged in the recording and/or transmitting of audio and/or visual programs or products, some or all of which are produced outdoors.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 4: DEFINITIONS

**Substance Abuse Treatment Clinic** – Any establishment licensed by: the State of Ohio, Delaware County Public 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 and swim spas with hard lockable covers that do not exceed ten (10) feet length and/or an average depth of four (4) feet.

A) **Swimming Pool, Commercial:** Swimming Pools which are incidental to a Principal Use of a Non-Residential nature (i.e., not essential or germane to the core business), and which may or may not be open to patrons of said Use, such as Hotel/Motel swimming pools. This definition shall not include any Non-Residential Uses which contain one or more Swimming Pools as a primary or core component of the operation.

B) **Swimming Pool, Residential:** Swimming Pools installed on private residential Lots or Tracts for personal, non-business use by the residential inhabitants of said Lot or Tract, including neighborhood swimming pools which primarily services residents of a specific neighborhood, Mobile Home Park, Multi-Family Building Complex, Residential Care Facility, Residential Community Center, residential Planned Development, or any similar type of residential Dwelling complex.

**Tap Room** – A establishment attached to any type of Brewery, Distillery, or Winery and which is open to the public for the sale of alcoholic beverages produced by one of the aforementioned facilities for consumption on or off site.

**Telecommunications Tower** – See ORC, Chapter 519, Section 519.211(B)(1), as may be amended.

**Temporary Structure** – A transient structure that is not permanently affixed to the ground by means of foundation, footings, or the like and is erected for a designated time frame and then subsequently removed such as during periods of construction of an associated Principal or Accessory Structure, or for Temporary Uses or Special Events.

**Temporary Use** – A transient, non-permanent Use permitted to exist for a designated time frame such as during periods of construction of an associated Principal or Accessory Use, or for special events including concerts, fairs, festivals, and performances.

**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 (i.e., Road, Street)** – A recognized and designated way that provides the means of conveying vehicles through or to property, as may be further defined, 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.
- I) **Internal Street:** A roadway which is typically not owned or maintained by any public or governmental agency, functions independent of an Off-Street Parking Lot, and which may or may not be named that provides traffic circulation around and/or through a site or development.

**Township Trustees** – The statutory Board of Trustees of Genoa Township, Delaware County, Ohio established and elected in accordance with the ORC.

**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.

**Transportation Services and Facilities** – An establishment where one or more vehicles are stored and dispatched from for the purpose of operating a business that transfers individuals from one location to another. Said vehicle(s) may include, but are not necessarily limited to, bicycles, cars, vans, trucks, taxicabs, limousines, trams, buses, and the like. Such establishments typically contain Off-Street parking lots, garages, passenger terminals, dispatch, Offices, and/or areas used for repair.

**Tree Preservation Area (or Zone)** – Unless otherwise defined in a valid Legal Approval, a designated area in that is intended to protect existing, trees from degradation; typically, by prohibiting injurious disturbance or outright removal unless said tree(s) has otherwise been determined by a certified arborist to be dead, terminally diseased, and/or a significant or immediate threat to life and/or property.

**Truck Terminal** – A facility used primarily for the storage, washing and/or fueling of Commercial Motor Vehicles, semi-trucks, and trailers, and/or any such facility which transfers freight from one such vehicle or trailer to another, but which does not typically store freight on premise for an extended period of time. Such facilities may, but are not required to, contain, feature, or offer scales for weighing vehicles, overnight parking, mechanical services, restrooms, bathing facilities, lounges for drivers, Retail, Restaurants, and other such amenities that cater to Commercial Motor Vehicles and truck drivers (local, regional, and over-the-road/long-haul).

**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.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 4: DEFINITIONS

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

A) **Agricultural Type Use:** Uses which primarily relate to the raising of crops and/or domesticated livestock or Agriculture as defined with ORC 519.01, as may be amended, but which may also include incidental accessories, utilities, features, and amenities supporting said Use and which may also be exempt from zoning under the ORC. Any Building, Structure, Sign, or land not directly or primarily engaged in agriculture or otherwise exempt from zoning by the ORC shall not be included in this definition.

B) **Non-Residential Type Use:** Uses which are primarily commercial and/or industrial in nature, including mixing such Uses with Dwellings, and which may also include incidental accessories, utilities, features, and amenities supporting said Use.

C) **Residential Type Use:** Uses that primarily provide Dwellings on premise for humans, be they owners or renters, to reside within and which may also include incidental accessories, utilities, features, and amenities supporting said Use.

**Utilities, Private** – Any electric, gas, sewer, telecommunications, water, and the like service provider that does not under the jurisdiction of the Public Utilities Commission of Ohio (PUCO), and which does not otherwise qualify as a Governmental Facility.

**Utilities, Public** – Any electric, gas, sewer, telecommunications, water, etc., service provider falling under the jurisdiction of the Public Utilities Commission of Ohio (PUCO).

**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. This term shall not encompass the ability to change zoning schemes or correct errors of judgement in zoning laws.

A) **Area Variance:** A Variance that provides relief from the area requirements lot restrictions, and/or structural restrictions contained within this Zoning Resolution, such as Setbacks, Lot Area, Height, Structure size, and the like, but which does not otherwise qualify as a Use Variance.

B) **Use Variance:** A Variance that permits property to be used in a way not expressly or implicitly allowed by this Zoning Resolution.

**Vacation Rental** – A quasi-residential Structure that mimics the look and functionality of a Single-Family Dwelling but is primarily used to provide transient lodging accommodations to a single renter in exchange for a fee. Such a Use may operate under a timeshare arrangement and may also provide additional, incidental services or Uses such as Restaurants, Event Facilities, meeting rooms, Swimming Pools, and incidental recreational facilities, but shall not contain any elements of a Sexually Oriented Business. For the purposes of this Zoning Resolution, this definition shall not include extended-stay hotels or residential hotels as defined by ORC 3731.01, as may be amended.

**Vacation Rental Complex** – An establishment containing more than one Vacation Rental and/or a quasi-residential Structure(s) that mimics the look and functionality of a Multi-Family Building or Multi-Family Building Complex but does not contain any elements of a Sexually Oriented Business. For the purposes of this Zoning Resolution, this definition shall not include extended-stay hotels or residential hotels as defined by ORC 3731.01, as may be amended.

**Vending** – Offering items for sale or rent by means of a standalone appliance, machine, or stall. Such operation does not require a Building or a human attendant in order to function and typically uses slots, terminals, or other similar types of devices to accept payment.

A) **Vending, Mechanical:** Any such operation that issues the item being purchased or rented by Mechanical means to the consumer.

- B) **Vending, Self-Service:** Any such operation that relies on Manual efforts of the consumer to obtain the item being purchased or rented.

**Veterinary Clinic** – A facility where sick and/or injured animals are examined and/or potentially admitted for treatment(s) such as surgery by a licensed veterinarian. Animals may or may not be kept indoors overnight or longer for the purpose of observation and/or convalescence. Such a facility may also offer grooming and training services. The boarding of animals that do not require medical care/observation shall also be considered a Kennel.

**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.

**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.

**Warehouse** – A fully or partially enclosed facility primarily utilized for the wholesaling and/or storage of freight, goods, and materials, excluding animals, junk, refuse, waste, and the like.

- A) **Warehouse, Bulk Storage:** A Warehouse establishment that often stores items in relatively large quantities and typically for a period longer than one (1) month, including storage of such items on pallets, in shipping containers, and/or in original containers without packaging.
- B) **Warehouse, Distribution Center:** A non-Retail establishment primarily engaged in the receipt, storage, and distribution of goods, products, cargo, and/or materials, including trans-shipment by rail, motor vehicle, or other means of transportation, and shall also include operations commonly known as wholesale establishments and fulfillment centers but shall not include other types of Warehouses defined herein. Goods are typically stored on-site for no longer than one (1) month.
- C) **Warehouse, General:** A Warehouse establishment not meeting any other Warehouse definition set forth within this Resolution.
- D) **Warehouse, Mini and/or Self-Storage:** A facility consisting of individual self-service storage space(s) or units (interior or exterior), which may or may not be located within a common Structure, that are available for rent, short or long term, for the purpose of storing business, household, or personal goods, materials, or property, including all types of vehicles but excluding animals, so long as they are completely stored within an enclosed space (i.e., indoors).
- E) **Warehouse, Records:** A secure, often climate-controlled, facility utilized for the archiving and/or storage, short or long term, of collections, documents, masters, records, sensitive data (analog or digital), valuables, and the like. Such an operation may also include operations necessary for the capturing, sorting, processing, maintenance, recording, repair, and/or reproduction of such items.
- F) **Warehouse, Retail:** A facility utilized for the storage of retail goods that are primarily pre-ordered off-site and then subsequently picked up on-site by consumers in an industrial setting.

**Waste Transfer Facility** – An establishment which receives and temporarily stores waste, including refuse, at a location other than the site where it is generated, which may or may not involve the treatment of the waste, and/or which facilitates the transfer of the waste to another facility for further processing, disposal, or storage such as, but not exclusively limited to, a Composting Facility, Junkyard, Recycling Collection Facility.

**Water Impoundment** – Ponds, lakes, and other such bodies of water.

**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.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 4: DEFINITIONS

**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 Farm** – A Structure or establishment primarily utilized to capture wind via a Wind Turbine for the purposes of generating power as may be further defined in the ORC.

A) **Wind Farm, Large:** In accordance with ORC 519.213.A.1, as may be amended, wind turbines and associated facilities that are subject to the jurisdiction of the power siting board under ORC Sections 4906.20 and 4906.201, as may be amended. Otherwise, any such facility producing 5 or more megawatts, and which shall include the wind turbine generator Anemometer and other appurtenant equipment, facilities, or Structures.

B) **Wind Farm, Small:** Per ORC 519.213.A.1, as may be amended, wind turbines and associated facilities that are not subject to the jurisdiction of the power siting board under ORC Sections 4906.20 and 4906.201, as may be amended. Otherwise, any such facility producing less than 5 megawatts, and which shall include the wind turbine generator and Anemometer.

**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** – (See Height, Non-Residential).

**Winery** – A facility that holds a license to manufacture, store, and distribute wine and other similar types of alcoholic beverages, excluding liquor, liqueur, spirits, Malt or Brewed Beverages, and/or the like, as regulated by the State of Ohio.

A) **Winepub. Macro:** A Macrowinery which also functions as a Restaurant and may, if permitted by the State of Ohio, sell wine and other similar types of alcoholic beverages.

B) **Winepub. Micro:** A Microwinery which also functions as a Restaurant and may, if permitted by the State of Ohio, sell wine and other similar types of alcoholic beverages.

C) **Farm Winery:** A facility, located on a Farm, engaging in the Agricultural Production of wine and other similar types of alcoholic beverages, as regulated by the State of Ohio.

D) **Macrowinery:** A Winery producing greater than ten thousand (10,000) cases of wine per calendar year.

E) **Microwinery:** A Winery producing ten thousand (10,000) or less cases of wine per calendar year.

**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 ORC 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.

**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, MAP, AND USES

### Section 501: Establishment of Districts

501.01 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)
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)

501.02 In addition to the standard Zoning Districts listed above, in order to carry out the intents and purposes of this Resolution, Genoa Township has subsequently established the following overlay Zoning District(s):

Hoover Watershed Overlay District	(HOD)
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### Section 502: Official Zoning District Map

502.01 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 may 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

503.01 Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Official Zoning District Map, the rules established within this Section shall apply.

503.02 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.

503.03 Boundaries indicated as approximately following platted Lot Lines shall be construed as following such lines.

503.04 Boundaries indicated as approximately following municipal limits shall be construed as following municipal lines.

503.05 Boundaries indicated as following railroad lines shall be construed to be located midway between the main tracks.

503.06 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.

503.07 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.

## GENOA TOWNSHIP ZONING RESOLUTION

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

- 503.08 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 in Section 306.
- 503.09 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 Zoning Inspector shall interpret the District boundaries subject to appeal to the Board of Zoning Appeals as provided in Section 306.
- 503.10 Lots shall only be subject to one Zoning District. Should the Zoning Map depict that a Lot is covered by two (2) or more Zoning Districts, the Zoning Inspector shall determine which Zoning District prevails subject to the provisions below. Said determination is subject to appeal to the Board of Zoning Appeals as provided in Section 306.
- A) The Zoning District comprising the majority of the subject Lot Area shall control.
  - B) Should the amount of area a Zoning District comprises on a Lot be inconclusive, indeterminant, or otherwise unknown, the prevailing Zoning District shall be the Zoning District present on the Lot with the most restrictive (i.e., largest) minimum Lot Area requirement.
  - C) The foregoing shall not apply to any Lot that partially contains a Planned Zoning District that was lawfully implemented and clearly incorporates said Lot. In such instances, the Planned Zoning District shall prevail, and the Lot shall be subject to the terms and conditions of the applicable Final Development Plan unless said plan expressly states otherwise.

**Section 504: Establishment of Uses**

- 504.01 To carry out the purposes and provisions of this Resolution, the manner in which a property and/or Structure may be utilized shall be organized and classified into distinct Use categories.
- 504.02 The definition of a Use, whether Principal or Accessory, shall be as identified in Article 4 of this Resolution unless otherwise specified within this Resolution.
- 504.03 Section 505: Table of Authorized Principal Uses shall be incorporated into this Article and shall apply to every Zoning District within Genoa Township, including overlays, unless otherwise specified within this Resolution.
- 504.04 Section 506: Table of Authorized Accessory Uses shall be incorporated into this Article and shall apply to every Zoning District within Genoa Township, including overlays, unless otherwise specified within this Resolution.
- 504.05 The classification of Uses into Use types (ex: Agricultural Type Uses, Residential Type Uses, Non-Residential Type Uses) shall be as established and identified within Section 505: Table of Authorized Principal Uses, and Section 506: Table of Authorized Accessory Uses.
- 504.06 Principal and/or Accessory Uses shall be subject to Articles 16 and 17 as well as any additional provisions within this Resolution.
- 504.07 Principal and/or Accessory Uses shall be subject to any terms, conditions, regulations, restrictions, and prohibitions set forth in any valid and applicable Legal Approval.
- 504.08 The interpretation and classification of a Use, Principal or Accessory, shall be conducted by the Zoning Inspector pursuant to the definitions found within Article 4 and the spirit and intent of this Resolution. Determinations are subject to appeal to the Board of Zoning Appeals, as provided for in Section 306.
- 504.09 Any Structure, Lot, or Tract shall be permitted to contain more than one (1) authorized Principal, Accessory, and/or Principal Use unless otherwise expressly restricted or specified within this Resolution or by an applicable Legal Approval.

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

- 504.10 Genoa Township reserves the right to determine that any business, enterprise, establishment, facility, operation, etc. qualifies as more than one (1) Principal Use, Conditional Use, and/or Accessory Use and therefore is subject to any provisions applicable to such Use(s).
- 504.11 No Accessory Use shall be permitted on a Lot or Tract unless an associated and related Principal Use is located on the same Lot or Tract.
- 504.12 Unless otherwise specified within this Resolution, any Use permitted within a given Zoning District shall also be permitted as an Accessory Use in said Zoning District subject to any and all applicable regulations herein.
- A) The foregoing shall not apply to Uses permitted via Conditional Use, Use Variances approved by the Board of Zoning Appeals, or Uses wholly or partially exempt by the ORC and/or other laws from zoning control. Said Use(s) shall only be permitted as a lawful Accessory Use when expressly authorized by this Resolution.
- 504.13 All Uses, Principal and/or Accessory, not specifically authorized as a permitted or conditionally permitted Use by the express terms of this Section of the Zoning Resolution are hereby prohibited. This prohibition shall not be interpreted to include any improvements, activities, or other such items identified within Article 1, Section 117.
- 504.14 Any Use, Principal and/or Accessory, not abiding by the provisions and/or procedural requirements of this Resolution may be considered a zoning violation and subject to enforcement pursuant to Section 116.

Section 505: Table of Authorized Principal Uses

Legal Approvals may or may not be required; additional restrictions may apply

R = Permitted by Right but still subject to applicable standards within the Zoning Resolution.

C = Permitted by Conditional Use (see Article 3, 17, 22, 23, and/or 24)

S = Permitted by Right with specific standards (see Articles 17, 22, 23, 24, and/or the regulations for the subject Zoning District)

N = Not Permitted (i.e., Prohibited)

\* = Use may be wholly or partially exempted from township zoning control by state and/or federal law. Applicable provisions herein this Resolution otherwise still apply.

PRINCIPAL USE	ZONING DISTRICT									
	<u>RR – Rural Residential</u>	<u>SR – Suburban Residential</u>	<u>PRD – Planned Residential District w/o Conservation</u>	<u>PRD – Planned Residential District with Conservation</u>	<u>HOD – Hoover Watershed Overlay (supersedes where applicable)</u>	<u>CB – Community Business</u>	<u>PCD – Planned Commercial District</u>	<u>LI – Light Industrial</u>	<u>PID – Planned Industrial District</u>	<u>PCF – Planned Community Facilities</u>
Agricultural Type Uses										
Agriculture – see Article 1, Section 102.03 and Article 23, Section 2302	R*	N*	R (as set forth in a Final Development Plan)*	R (as set forth in a Final Development Plan)*	See underlying Zoning District	N*	N*	N*	N*	N*
Agritourism – see Article 1, Section 102.04 and Article 23, Section 2303	N*	N*				N*	N*	N*	N*	R*
Farm Market – see Article 1, Section 102.05 and Article 23, Section 2304	N*	N*				R*	R*	R*	R*	R*
Residential Type Uses										
Community Center – Residential	C	C	S	S	See underlying Zoning District	N	N	N	N	S
Dwelling(s), Live/Work	N	N	S	S		C	S	N	N	N
Dwellings, Row	N	N	S	S		N	N	N	N	N
Dwelling(s), Single-Family	R	R	R	R		N	N	N	N	N
Home, Family Care	N	N	N	N	N	N	N	N	N	R
Home for Adjustment	N	N	N	N	N	N	N	N	N	R
Home, Foster	N	N	N	N	N	N	N	N	N	R
Home, Group Care	N	N	N	N	N	N	N	N	N	R

PRINCIPAL USE	ZONING DISTRICT									
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Home, Nursing	N	N	N	N	N	N	N	N	N	R
Home, Respite	N	N	N	N	N	N	N	N	N	R
Housing, Community-based, Workforce, or Transitional	N	N	N	N	N	N	N	N	N	R
Housing, Senior and Disabled	N	N	N	N	N	N	N	N	N	R
Manufactured Home (permanently sited)	See Dwelling, Single-Family per Article 1, Section 102.14									
Mobile Home	C	N	N	N	N	N	N	N	N	N
Mobile Home Park	C	N	N	N	N	N	N	N	N	N
Multi-Family Building – Multiplex (small) - Duplex	N	N	N	S	See underlying Zoning District	N	N	N	N	N
Multi-Family Building – Multiplex (small) - Triplex	N	N	N	S	N	N	N	N	N	N
Multi-Family Building – Multiplex (small) - Fourplex	N	N	N	S	N	N	N	N	N	N
Multi-Family Building – Multiplex (medium)	N	N	N	S	N	N	N	N	N	N
Multi-Family Building – Multiplex (large)	N	N	N	S	N	N	N	N	N	N
Multi-Family Building – Complex	N	N	N	S	N	N	N	N	N	S
Residential Care Facilities (5 or less individuals) – as regulated by Section 1619	R	R	R	R	See underlying Zoning District	N	N	N	N	R

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Residential Care Facilities (6 or more individuals)	N	N	N	N	N	N	N	N	N	S
Non-Residential Type Uses										
Amphitheater	N	N	N	N	See underlying Zoning District	N	N	N	N	S
Amusement Arcade	N	N	N	N	N	R	R	R	R	N
Amusement Park	N	N	N	N	N	N	N	N	N	S
Amusement Resort	N	N	N	N	N	N	N	N	N	S
Animal Park	N	N	N	N	See underlying Zoning District	N	N	N	N	S
Animal Shelter	N	N	N	N	N	N	N	C	S	S
Arena	N	N	N	N	N	N	N	N	S	S
Auction House	N	N	N	N	N	N	N	N	S	N
Auditorium	N	N	N	N	N	N	N	N	N	S
Automobile Detail	N	N	N	N	N	N	N	N	S	N
Automobile Fueling/Charging Station	N	N	N	N	N	N	S	N	S	N
Automobile Repair	N	N	N	N	N	N	N	C	S	N
Automobile Salvage	N	N	N	N	N	N	N	N	S	N
Automobile Wash	N	N	N	N	N	N	N	C	S	N
Aviation Facility	N*	N*	N*	N*	N*	N*	N*	N*	S*	N*
Bed and Breakfast	C	C	N	S (as set forth in a Final Development Plan)	See underlying Zoning District	C	N	N	N	N

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Billboard	See Article 18, Signs									
Biodiesel Production – see Article 1, Section 102.11	N*	N*	N*	N*	See underlying Zoning District	N*	N*	N*	S*	N*
Biologically Derived Methane Gas Production – see Article 1, Section 102.11	N*	N*	N*	N*		N*	N*	N*	S*	N*
Biomass Energy Production – see Article 1, Section 102.11	N*	N*	N*	N*		N*	N*	N*	S*	N*
Boarding House	N	C	N	S (as set forth in a Final Development Plan)		N	N	N	N	S
Brewery – Brewpub, Macro	N	N	N	N		N	R	N	R	N
Brewery – Brewpub, Micro	N	N	N	N		R	R	R	R	N
Brewery – Farm Brewery	N*	N*	N*	N*		R*	N*	R*	N*	N*
Brewery – Macrobrewery (with or without Tap Room)	N	N	N	N	N	N	N	N	R	N
Brewery – Microbrewery (with Tap Room)	N	N	N	N	See underlying Zoning District	R	R	R	R	N
Brewery – Microbrewery (without Tap Room)	N	N	N	N	N	N	N	R	R	N
Building Materials Sales and Storage	N	N	N	N	N	C	S	C	S	N
Bulk Fuel Storage	N	N	N	N	N	N	N	N	S	N
Campground	C	N	N	N	See underlying Zoning District	N	N	N	N	S

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Cashing and/or Lending Business	N	N	N	N	See underlying Zoning District	C	S	C	S	N
Cemetery	C	C	N	N		N	N	N	N	S
Club	N	N	N	N		R	R	R	R	R
Commercial and/or Private Recreation Facility	N	N	N	N		C	S	C	S	S
Commercial Kitchen	N	N	N	N	N	R	R	R	R	R
Community Center – Non-Residential	C	C	S (as set forth in a Final Development Plan)		See underlying Zoning District	C	S	C	S	S
Composting Facility	N*	N*	N*	N*	N*	N*	N*	N*	S*	N*
Concrete or Asphalt Batch Plant	N	N	N	N	N	N	N	N	S	N
Conference or Convention Center	N	N	N	N	N	N	S	N	S	S
Contractor’s Yard	N	N	N	N	N	N	N	C	S	N
Correctional Facility	N	N	N	N	N	N	N	N	S	N
Country Club	C	C	S (as set forth in a Final Development Plan)		See underlying Zoning District	N	N	N	N	S
Crematorium	C	C	N	N	N	N	N	R	S	See Cemetery
Cultural Center	N	N	N	S (as set forth in a Final Development Plan)	See underlying Zoning District	N	S	N	N	S
Data Center	N	N	N	N	N	N	N	R	R	N
Day Care Center Establishment	C	C	S (as set forth in a Final Development Plan)		See underlying Zoning District	C	S	C	S	S

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Day Care Center, Type A	N	N	R	R	See underlying Zoning District	N	N	N	N	S
Day Care Center, Type B	C	C	R	R		N	N	N	N	S
Distillery– Distillery Pub. Macro	N	N	N	N		N	R	N	R	N
Distillery– Distillery Pub. Micro	N	N	N	N		R	R	R	R	N
Distillery – Farm Distillery	N*	N*	N*	N*		R*	N*	R*	N*	N*
Distillery– Macrodistillery (with or without Tap Room)	N	N	N	N	N	N	N	N	R	N
Distillery – Microdistillery (with Tap Room)	N	N	N	N	See underlying Zoning District	R	R	R	R	N
Distillery - Microdistillery (without Tap Room)	N	N	N	N	N	N	N	N	R	N
Donation Center	N	N	N	N	N	N	N	C	S	S
Drinking Establishment	N	N	N	N	See underlying Zoning District	R	R	R	R	N
Drive-Through Facilities	N	N	N	N	N	C	S	C	S	S
Dry-Cleaning Plant	N	N	N	N	N	N	N	N	S	N
Educational Institution, Private - Early Childhood, Elementary, Intermediary, or Secondary <sup>1</sup>	C <sup>1</sup>	C <sup>1</sup>	S (as set forth in a Final Development Plan) <sup>1</sup>		See underlying Zoning District	C <sup>1</sup>	S <sup>1</sup>	C <sup>1</sup>	S <sup>1</sup>	S <sup>1</sup>
Educational Institution, Private – Post-Secondary <sup>1</sup>	N <sup>1</sup>	N <sup>1</sup>	N <sup>1</sup>	S (as set forth in a Final Development Plan) <sup>1</sup>		C <sup>1</sup>	S <sup>1</sup>	C <sup>1</sup>	S <sup>1</sup>	S <sup>1</sup>

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Educational Institution, Private – Technical	N	N	N	N	See underlying Zoning District	C	S	C	S	S
Educational Institution, Public	See Article 1, Section 102.07									
Electric or Heat Energy Production – see Article 1, Section 102.11	N*	N*	N*	N*	See underlying Zoning District	N*	N*	N*	S*	N*
Emergency Services, Private	N	N	N	N		C	S	C	S	S
Emergency Services, Public	See Article 1, Section 102.07									
Event Facility	N	N	N	N	See underlying Zoning District	N	S	N	S	S
Fairground	N	N	N	N	N	N	S	N	N	S
Financial Institution	N	N	N	R (as set forth in a Final Development Plan)	See underlying Zoning District	R	R	R	R	N
Flex Space, Commercial	N	N	N	S (as set forth in a Final Development Plan)		R	R	R	R	N
Flex Space, Industrial	N	N	N	N	N	N	N	C	S	N
Food Hall	N	N	N	N	N	N	S	N	S	S
Food Preparation/Wholesale Plant	N	N	N	N	N	N	N	R	S	N
Food Processing and Packaging Plant	N	N	N	N	N	N	N	N	S	N
Fuel Generation Plant	N	N	N	N	N	N	N	N	S	N
Funeral Home/Mortuary	N	N	N	N	N	C	S	C	S	S

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Gallery	N	N	N	R (as set forth in a Final Development Plan)	See underlying Zoning District	R	R	R	R	R
Gambling Establishment	N	N	N	N	N	N	S	N	S	N
Governmental Facilities	See Article 1, Section 102.07									
Health Spa	N	N	N	N	See underlying Zoning District	R	R	R	R	N
Hospital	N	N	N	N	N	N	S	N	S	S
Hotel/Motel	N	N	N	N	N	N	S	N	S	N
Junkyard	N	N	N	N	N	N	N	N	S	N
Kennel	C	N	N	N	See underlying Zoning District	C	S	C	S	N
Kiosk Facility, Self-Service	N	N	N	N	N	R	R	R	R	R
Laboratory	N	N	N	N	N	N	N	R	R	N
Landfill/Incinerator	N	N	N	N	N	N	N	N	S	N
Laundromat	N	N	N	N	See underlying Zoning District	R	R	R	R	N
Makerspace, Small	N	N	N	N		R	R	R	R	N
Makerspace, Large	N	N	N	N		N	N	R	R	N
Manufacturing, Heavy (including qualifying Pilot Manufacturing operations)	N	N	N	N	N	N	N	N	S	N
Manufacturing, Light (including qualifying Pilot Manufacturing operations)	N	N	N	N	N	N	N	R	R	N

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Marijuana Cultivation, Dispensary, and/or Processing	Not permitted in any Zoning District or within any portion of Genoa Township pursuant to Board of Trustees Resolution 17-0720002 adopted in accordance with ORC 3796.29 on July 20, 2017, as may be amended – see Article 1, Section 102.13									
Marina	C	C	S (as set forth in a Final Development Plan)		See underlying Zoning District	C	S	C	S	S
Marketplace, Indoor	N	N	N	N		C	S	C	S	N
Marketplace, Outdoor	N	N	N	N		C	S	C	S	N
Medical Clinic, Small	N	N	N	R (as set forth in a Final Development Plan)		R	R	R	R	R
Medical Clinic, Medium	N	N	N	N		N	R	R	R	R
Medical Clinic, Large	N	N	N	N		N	S	C	S	S
Mixed-Use Building	N	N	N	S (as set forth in a Final Development Plan)		N	S	N	N	S
Mixed-Use Center	N	N	N	S (as set forth in a Final Development Plan)		N	S	N	N	S
Mobile Enterprise	N	N	N	N	N	C	S	C	S	N
Mobile Enterprise Court	N	N	N	N	See underlying Zoning District	C	S	C	S	S
Mobile Service Business	N	N	N	N	N	C	S	C	S	N
Mobile Vending Business	N	N	N	N	See underlying Zoning District	C	S	C	S	S
Museum	N	N	N	N		R	R	R	R	R
Natural Resource Extraction (excluding Oil and Gas Production)	N	N	N	N	N	N	N	C	N	N

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Natural Resource Protection	R	R	R	R	R	R	R	R	R	R
Nightclub	N	N	N	N	N	N	S	N	S	N
Nursery, Retail	N*	N*	N*	N*	See underlying Zoning District	R*	S*	R*	S*	N*
Nursery, Wholesale	C*	N*	N*	N*		N*	N*	N*	S*	N*
Office – Small	N	N	N	R (as set forth in a Final Development Plan)		R	R	R	R	R
Office – Medium	N	N	N	N		R	R	R	R	R
Office – Large	N	N	N	N		N	S	C	S	N
Oil and Gas Production – Article 1, Section 102.10	N*	N*	N*	N*	N*	N*	N*	N*	S*	N*
Open Space (any type including greenspace and landscape buffers)	R	R	R	R	See underlying Zoning District	R	R	R	R	R
Outdoor Advertising	See Article 1, Section 102.09 and Article 18 - Signs									
Parking Facility	N	N	N	N	N	N	S	N	S	N
Parking Lot, Off-Street	N	N	N	N	N	N	N	N	S	N
Public Service Facility	See Article 1, Section 102.07									
Publishing Facility	N	N	N	N	N	R	R	R	R	N
Racetrack	N	N	N	N	N	N	N	N	S	N
Recreation and/or Instructional Facility, Indoor	N	N	N	R (as set forth in a Final Development Plan)	See underlying Zoning District	R	R	R	R	R

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Recreation and/or Instructional Facility, Outdoor	N	N	N	N	N	C	S	C	S	S
Recycling Collection Facility, Large	N	N	N	N	N	N	N	N	R	N
Recycling Collection Facility, Small	N	N	N	N	N	N	N	R	R	N
Religious Establishment	C	C	S (as set forth in a Final Development Plan)		See underlying Zoning District	C	S	C	S	S
Research and Development Facility	N	N	N	N	N	N	N	R	R	N
Restaurant, Delivery-Only	N	N	N	N	See underlying Zoning District	R	R	R	R	N
Restaurant, Full-Service	N	N	N	R (as set forth in a Final Development Plan)		R	R	R	R	N
Restaurant, Limited-Service	N	N	N			R	R	R	R	N
Retail Establishment, Small	N	N	N			R	R	R	R	N
Retail Establishment, Medium	N	N	N	N	N	R	R	R	R	N
Retail Establishment, Large	N	N	N	N	N	N	S	N	N	N
Sales, Rental, and Service, Commercial Motor Vehicle	N	N	N	N	N	N	N	N	S	N
Sales, Rental, and Service, Event	N	N	N	N	N	N	N	C	S	N
Sales, Rental, and Service, Heavy Equipment	N	N	N	N	N	N	N	N	S	N

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Sales, Rental, and Service, Light Equipment	N	N	N	N	N	R	R	R	R	N
Sales, Rental, and Service, Machine	N	N	N	N	N	C	S	C	S	N
Sales, Rental, and Service, Manufactured, Mobile, or Recreational Building/Vehicle	N	N	N	N	See underlying Zoning District	N	N	C	S	N
Sales, Rental, and Service, Vehicle	N	N	N	N	N	N	S	N	S	N
Sales, Rental, and Service, Watercraft	N	N	N	N	N	N	S	N	S	N
Service Business – Charitable	N	N	N	N	See underlying Zoning District	R	R	R	R	R
Service Business – Contract	N	N	N	N		R	R	R	R	N
Service Business – Education	N	N	N	R (as set forth in a Final Development Plan)		R	R	R	R	R
Service Business – In-Home	N	N	N	N		R	R	R	R	R
Service Business – Personal Care	N	N	N	S (as set forth in a Final Development Plan)	See underlying Zoning District	R	R	R	R	R
Service Business – Pet	C	N	N			C	S	C	S	N
Service Business – Professional	N	N	N	R (as set forth in a Final Development Plan)		R	R	R	R	N
Service Business – Repair	N	N	N	N		R	R	R	R	N

PRINCIPAL USE	ZONING DISTRICT									
	RR – Rural Residential	SR – Suburban Residential	PRD – Planned Residential District w/o Conservation	PRD – Planned Residential District with Conservation	HOD – Hoover Watershed Overlay (supersedes where applicable)	CB – Community Business	PCD – Planned Commercial District	LI – Light Industrial	PID – Planned Industrial District	PCF – Planned Community Facilities
Service Business – Support	N	N	N	N	See underlying Zoning District	N	N	R	R	N
Sexually Oriented Business	N	N	N	N	N	N	N	C	N	N
Shopping Center, Neighborhood	N	N	N	N	See underlying Zoning District	R	S	N	N	N
Shopping Center, Community	N	N	N	N	N	N	S	N	N	N
Shopping Center, Regional	N	N	N	N	N	N	S	N	N	N
Signs	See Article 18, Signs									
Solar Facility, Large	N*	N*	N*	N*	N*	N*	N*	C*	S*	N*
Solar Facility, Small - see Article 1, Section 102.15	N	N	N	N	N	N	N	C	R	N
Stables, Commercial/Riding Academy	C*	N*	N*	N*	See underlying Zoning District	N*	N*	N*	N*	N*
Stadium	N	N	N	N		N	N	N	N	S
Storage Terminal	N	N	N	N	N	N	N	N	S	N
Storage Yard	N	N	N	N	N	N	N	C	S	N
Studio, Broadcasting and/or Recording	N	N	N	N	N	R	R	R	R	R
Studio, Business-Service	N	N	N	N	N	R	R	R	R	N
Studio, Development	N	N	N	N	See underlying Zoning District	R	R	R	R	N
Studio, Personal-Service	N	N	N	N		R	R	R	R	N
Studio, Production	N	N	N	N	N	N	N	N	S	N

PRINCIPAL USE	ZONING DISTRICT									
	RR – Rural Residential	SR – Suburban Residential	PRD – Planned Residential District w/o Conservation	PRD – Planned Residential District with Conservation	HOD – Hoover Watershed Overlay (supersedes where applicable)	CB – Community Business	PCD – Planned Commercial District	LI – Light Industrial	PID – Planned Industrial District	PCF – Planned Community Facilities
Substance Abuse Treatment Clinic	N	N	N	N	N	N	N	N	S	N
Telecommunications Tower – as regulated by Section 2204	N*	N*	N*	N*	N*	N*	N*	C*	S*	N*
Temporary Uses and Special Events	See Article 24, Temporary Uses and Structures									
Transportation Services and Facilities	N	N	N	N	N	N	N	C	S	N
Truck Terminal	N	N	N	N	N	N	N	N	S	N
Utilities, Private	N	N	N	N	N	N	N	C	S	N
Utilities, Public	See Article 1, Section 102.06									
Vacation Rental	C	C	N	S (as set forth in a Final Development Plan)	See underlying Zoning District	C	S	N	N	N
Vacation Rental Complex	N	N	N			C	S	N	N	N
Veterinary Clinic	N	N	N			R	R	R	R	N
Warehouse, Bulk Storage	N	N	N	N	N	N	N	C	S	N
Warehouse, Distribution Center	N	N	N	N	N	N	N	N	S	N
Warehouse, General	N	N	N	N	N	N	N	R	R	N
Warehouse, Mini and/or Self-Storage	N	N	N	N	N	N	N	N	S	N
Warehouse, Records	N	N	N	N	N	N	N	R	R	N
Warehouse, Retail	N	N	N	N	N	N	N	C	R	N
Waste Transfer Facility	N	N	N	N	N	N	N	N	S	N
Wind Farm, Large	See Article 22, Section 2205.03									

PRINCIPAL USE	ZONING DISTRICT									
	<u>RR – Rural Residential</u>	<u>SR – Suburban Residential</u>	<u>PRD – Planned Residential District w/o Conservation</u>	<u>PRD – Planned Residential District with Conservation</u>	<u>HOD – Hoover Watershed Overlay (supersedes where applicable)</u>	<u>CB – Community Business</u>	<u>PCD – Planned Commercial District</u>	<u>LI – Light Industrial</u>	<u>PID – Planned Industrial District</u>	<u>PCF – Planned Community Facilities</u>
Wind Farm, Small - see Article 1, Section 102.15 and Article 22, Section 2205	C	N	N	N	See underlying Zoning District	N	N	C	S	N
Winery– Winepub. Macro	N	N	N	N		N	R	N	R	N
Winery– Winepub. Micro	N	N	N	N		R	R	R	R	N
Winery– Farm Winery	N*	N*	N*	N*		R*	N*	R*	N*	N*
Winery– Macrowinery (with or without Tap Room)	N	N	N	N	N	N	N	N	R	N
Winery - Microwinery (with Tap Room)	N	N	N	N	See underlying Zoning District	R	R	R	R	N
Winery – Microwinery (without Tap Room)	N	N	N	N	N	N	N	N	R	N

<sup>1</sup>This Use shall be permitted on any Lot or Tract containing a Religious Establishment regardless of Zoning District designation, subject to Article 17.

Section 506: Table of Authorized Accessory Uses

Legal Approvals may or may not be required; additional restrictions may apply

R = Permitted by Right but still subject to applicable standards within the Zoning Resolution.  
C = Permitted by Conditional Use (see Article 3, 17, 22, 23, and/or 24)  
S = Permitted by Right with specific standards (see Articles 17, 22, 23, 24, and/or the regulations for the subject Zoning District)  
N = Not Permitted (i.e., Prohibited)  
\* = Use may be wholly or partially exempted from township zoning control by state and/or federal law. Applicable provisions herein this Resolution otherwise still apply.

ACCESSORY USE	ZONING DISTRICT									
	<u>RR – Rural Residential</u>	<u>SR – Suburban Residential</u>	<u>PRD – Planned Residential District w/o Conservation</u>	<u>PRD – Planned Residential District with Conservation</u>	<u>HOD – Hoover Watershed Overlay (supersedes where applicable)</u>	<u>CB – Community Business</u>	<u>PCD – Planned Commercial District</u>	<u>LI – Light Industrial</u>	<u>PID – Planned Industrial District</u>	<u>PCF – Planned Community Facilities</u>
General Uses										
Accessory Buildings and Structures	R	R	R	R	See underlying Zoning District	R	R	R	R	R
Accessory Storage	R	R	R	R		R	R	R	R	R
Agriculture – see Article 1, Section 102.03 and Article 23, Section 2302	R*	N*	R (as set forth in a Final Development Plan)*	R (as set forth in a Final Development Plan)*		N*	N*	N*	N*	N*
Agritourism – see Article 1, Section 102.04 and Article 23, Section 2303	N*	N*				N*	N*	N*	N*	R*
Amateur Radio Service Communications	R - See Article 1, Section 102.16 and Article 22, Section 2203									
Amusement Arcade	N	N	N	R (as set forth in a Final Development Plan)	See underlying Zoning District	R	R	R	R	R
Antennas, Aerial or Satellite Dish	R/S - See Article 22, Section 2203									
Automobile Wash	N	N	N	N	See underlying Zoning District	N	S	C	S	N
Aviation Facility	C*	N*	N*	N*		C*	S*	C*	S*	S*
Billboard	R - See Article 18, Signs									

ACCESSORY USE	ZONING DISTRICT									
	<u>RR – Rural Residential</u>	<u>SR – Suburban Residential</u>	<u>PRD – Planned Residential District w/o Conservation</u>	<u>PRD – Planned Residential District with Conservation</u>	<u>HOD – Hoover Watershed Overlay (supersedes where applicable)</u>	<u>CB – Community Business</u>	<u>PCD – Planned Commercial District</u>	<u>LI – Light Industrial</u>	<u>PID – Planned Industrial District</u>	<u>PCF – Planned Community Facilities</u>
Clubhouse	C	C	S (as set forth in a Final Development Plan)		See underlying Zoning District	C	S	C	S	S
Community Storage Lot	C	C	S	S		N	N	N	N	N
Day Care Center, Type A	C	C	R	R		N	N	N	N	S
Day Care Center, Type B	C	C	R	R		N	N	N	N	S
Donation Center	N	N	N	N		C	S	C	S	S
Drive-Through Facilities	N	N	N	N		C	S	C	S	S
Dwelling, Accessory <sup>1</sup>	C <sup>1</sup>	C <sup>1</sup>	S (as set forth in a Final Development Plan) <sup>1</sup>			N <sup>1</sup>	N <sup>1</sup>	N <sup>1</sup>	N <sup>1</sup>	N <sup>1</sup>
Electric Vehicle Chargers (exterior/outside units)	R – See Article 16, Section 1621									
Entry Features	R - See Article 16, Section 1605									
Facilities Support	R (only when constructed in conjunction with a permitted Principal Use and, if applicable, as set forth in a Final Development Plan, otherwise N)					R	R	R	R	R
Farm Market – see Article 1, Section 102.05 and Article 23, Section 2304	N*	N*	N*	N*	See underlying Zoning District	R*	R*	R*	R*	R*
Fences	R - See Article 16, Section 1603									
Fleet Maintenance Facility	C	C	S (as set forth in a Final Development Plan)		See underlying Zoning District	C	S	C	S	C
Gambling Establishment	N	N	N	N		R	R	R	R	N
Game Fields/Courts	R	R	R	R		R	R	R	R	R
Golf Course	C	C	S (as set forth in a Final Development Plan)			N	N	N	N	S
Guest House	See Dwelling, Accessory									
Home Occupation, No-Impact	R	R	R	R	See underlying Zoning District	R (only in conjunction with a Dwelling, otherwise N)				

ACCESSORY USE	ZONING DISTRICT									
	<u>RR – Rural Residential</u>	<u>SR – Suburban Residential</u>	<u>PRD – Planned Residential District w/o Conservation</u>	<u>PRD – Planned Residential District with Conservation</u>	<u>HOD – Hoover Watershed Overlay (supersedes where applicable)</u>	<u>CB – Community Business</u>	<u>PCD – Planned Commercial District</u>	<u>LI – Light Industrial</u>	<u>PID – Planned Industrial District</u>	<u>PCF – Planned Community Facilities</u>
Home Occupation, Low Impact	C	C	S (as set forth in a Final Development Plan)		See underlying Zoning District	C (only in conjunction with a Dwelling, otherwise N)	S (as set forth in a Final Development Plan)	C (only in conjunction with a Dwelling, otherwise N)	S (as set forth in a Final Development Plan)	S (as set forth in a Final Development Plan)
Laboratory	N	N	N	N		R	R	R	R	R
Landing Pad/Strip	C	N	N	N		N	S	N	S	S
Landscaping Feature(s)	R	R	R	R		R	R	R	R	R
Lounge	R (only when constructed in conjunction with a permitted Principal Use and, if applicable, as set forth in a Final Development Plan, otherwise N)					R	R	R	R	R
Makerspace	N	N	N	N		R	R	R	R	R
Manufacturing, Light (including qualifying Pilot Manufacturing operations)	N	N	N	N		R	R	R	R	R
Marijuana Cultivation, Dispensary, and/or Processing	Not permitted in any Zoning District or within any portion of Genoa Township pursuant to Board of Trustees Resolution 17-0720002 adopted in accordance with ORC 3796.29 on July 20, 2017, as may be amended									
Medical Clinic – Ancillary	N	N	N	R (as set forth in a Final Development Plan)	See underlying Zoning District	R	R	R	R	R
Mobile Enterprise	N	N	S (as set forth in a Final Development Plan)			C	S (as set forth in a Final Development Plan)	C	S (as set forth in a Final Development Plan)	
Mobile Service Business	N	N				C		C		
Mobile Vending Business	N	N				C		C		
Office - Ancillary	N	N	N	R (as set forth in a Final Development Plan)		R	R	R	R	R
Off-Road Motorized Vehicle Track	C	N	N	N		N	N	N	N	N

ACCESSORY USE	ZONING DISTRICT									
	<u>RR – Rural Residential</u>	<u>SR – Suburban Residential</u>	<u>PRD – Planned Residential District w/o Conservation</u>	<u>PRD – Planned Residential District with Conservation</u>	<u>HOD – Hoover Watershed Overlay (supersedes where applicable)</u>	<u>CB – Community Business</u>	<u>PCD – Planned Commercial District</u>	<u>LI – Light Industrial</u>	<u>PID – Planned Industrial District</u>	<u>PCF – Planned Community Facilities</u>
Open Space (any type including greenspace and landscape buffers)	R	R	R	R	See underlying Zoning District	R	R	R	R	R
Outdoor Collection	N	N	N	N		C	S	C	S	S
Outdoor Display	N	N	N	N		R - See Article 16, Section 1610				
Outdoor Storage	R - See Article 16, Section 1610									
Parking Facility	N	N	S	S	N	R	R	R	R	R
Parking Lot, Off-Street (for Non-Residential Use)	R (only when constructed in conjunction with a permitted Principal Use and, if applicable, as set forth in a Final Development Plan, otherwise N)				See underlying Zoning District	R	R	R	R	R
Parking Lot, Off-Street (for Residential Use)	R	R	R	R	R	R	R	R	R	R
Pool House	R	R	R	R	See underlying Zoning District	N	N	N	N	N
Portable Storage Units	R- See Article 24, Section 2405									
Restaurant, Delivery-Only	N	N	N	R (as set forth in a Final Development Plan)	See underlying Zoning District	R	R	R	R	R
Restaurant, Limited-Service	N	N	N			R	R	R	R	R
Retail, Ancillary	N	N	N			R	R	R	R	R
Sales, Rental, and Service, Heavy Equipment	N	N	N	N	N	N	N	N	S	N
Sales, Rental, and Service, Light Equipment	N	N	N	N	See underlying Zoning District	R	R	R	R	N
Sales, Rental, and Service, Machine	N	N	N	N	N	C	S	C	S	N
Sales, Rental, and Service, Vehicle (rental only) – Excludes Commercial Motor Vehicles	N	N	N	N	N	N	S	C	S	N

ACCESSORY USE	ZONING DISTRICT									
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Service Business (all sub-types)	N	N	N	N	See underlying Zoning District	R	R	R	R	R
Sexually Oriented Business	N	N	N	N	N	N	N	N	N	N
Signs	R - See Article 18, Signs									
Solar Facility, Small - see Article 1, Section 102.15 and Article 22, Section 2206	C	C	S (as set forth in a Final Development Plan)		See underlying Zoning District	C	S	C	S	S
Swimming Pool, Commercial	N	N	N	N	See underlying Zoning District	R- See Article 16, Section 1614				
Swimming Pool, Residential	R - See Article 16, Section 1614									
Telecommunications, Accessory	R - See Article 22, Section 2204									
Temporary Structures – Contractor’s Offices	R - See Article 24, Temporary Uses and Structures									
Temporary Structures – Real Estate Offices										
Temporary Structures – Roadside Stands										
Temporary Uses and Special Events										
Utilities, Public	R - See Article 1, Section 102.06									
Utilities, Private	N	N	N	N	See underlying Zoning District	N	N	R	R	N
Vacation Rental	C	C	S (as set forth in a Final Development Plan)			N	N	N	N	N
Vending, Mechanical	N	N	N	N		R	R	R	R	R
Vending, Self-Service	N	N	N	N		R	R	R	R	R
Wall, Accessory	R - See Article 16, Section 1603									
Wall, Retaining	R - See Article 16, Section 1603									

ACCESSORY USE	ZONING DISTRICT									
	<u>RR – Rural Residential</u>	<u>SR – Suburban Residential</u>	<u>PRD – Planned Residential District w/o Conservation</u>	<u>PRD – Planned Residential District with Conservation</u>	<u>HOD – Hoover Watershed Overlay (supersedes where applicable)</u>	<u>CB – Community Business</u>	<u>PCD – Planned Commercial District</u>	<u>LI – Light Industrial</u>	<u>PID – Planned Industrial District</u>	<u>PCF – Planned Community Facilities</u>
Warehouse, Bulk Storage	N	N	N	N	See underlying Zoning District	R	R	R	R	R
Warehouse, General	N	N	N	N		R	R	R	R	R
Warehouse, Records	N	N	N	N		R	R	R	R	R
Warehouse, Retail	N	N	N	N		R	R	R	R	R
Wind Farm, Small – see Article 1, Section 102.15 and Article 22, Section 2205	C	C	S (as set forth in a Final Development Plan)			C	S	C	S	S

<sup>1</sup>Accessory Dwellings shall be permitted on any Lot or Tract containing a Religious Establishment regardless of Zoning District designation, subject to Article 17.

## ARTICLE 6: RURAL RESIDENTIAL DISTRICT (RR)

### Section 601: Intent and Purpose

- 601.01 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 groundwater quality, retains open space, preserves woodlands, wetlands and other environmentally sensitive areas, and permits low Density residential development that fits the natural landscape.
- 601.02 The provisions of this Article shall apply to all lands zoned Rural Residential District (RR) subject to Article 1 of this Resolution.
- 601.03 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 602: Uses

- 602.01 Permitted Principal Uses shall be as established within Section 505: Table of Authorized Principal Uses.
- 602.02 Permitted Accessory Uses shall be as established within Section 506: Table of Authorized Accessory Uses.
- 602.03 Permitted Conditional Uses shall be as established within Section 505: Table of Authorized Principal Uses and Section 506: Table of Authorized Accessory Uses. Authorized Conditional Uses shall adhere to Article 3 of this Resolution and shall demonstrate compliance with any applicable conditions established for said Use within Articles 17, 22, 23, and/or 24.
- 602.04 All Uses not specifically authorized as a permitted or conditionally permitted Use by Section 505: Table of Authorized Principal Uses, Section 506: Table of Authorized Accessory Uses, or another applicable portion of this Zoning Resolution, are hereby prohibited.
- 602.05 Except as specifically permitted by Article 22, no Telecommunications Tower as defined in Ohio Revised Code (ORC) Section, 519.211(B)(1), as may be amended, shall be allowed in this District.
- 602.06 Commercial or business Use of a Lot in this District shall be prohibited unless otherwise specified within this Resolution or operating as a lawful Home Occupation. This shall include but is not limited to the parking of vehicles or equipment used in a business on a residential lot or the operation of a service-type business where no work actually takes place on the site. An exception to the foregoing shall be made for any vehicle owned by an individual who resides on the Lot in question and any Use permitted within this Zoning District. No more than two (2) such vehicles may be permitted.
- 602.07 A Zoning Permit shall be obtained before any Use is initiated, changed, or significantly altered in accordance with Section 115.02.

### Section 603: Dimensional Requirements

- 603.01 Minimum Lot Area:
- A) Two (2) acres.
  - B) Any portion of a Lot within a Common Access Driveway (CAD) easement(s) or Street Right-of-Way (existing or proposed) shall not count towards the minimum Lot Area requirement.
  - C) Lots designated solely for the purpose of Governmental Facilities, Right-of-Way, designated Open Space preservation, Public Utilities, or stormwater management shall be exempt from any Lot Area requirements. Such designation shall be reflected in the Zoning Permit issued for the creation of the Lot if one is required by this Resolution.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 6: RURAL RESIDENTIAL DISTRICT (RR)

- 603.02 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.
  - E) Lots meeting the criteria set forth in Section 603.01.C above shall be exempt from Frontage requirements.
- 603.03 Landlocked Lots shall be accessed by a Common Access Driveway (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 603.02.A - C.
- 603.04 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 one hundred fifty (150) feet wide at the required Front Yard Setback.C)  
Lots meeting the criteria set forth in Section 603.01.C above shall be exempt from Lot Width requirements.
- 603.05 Minimum Front Yard Setback depth: Seventy-five (75) feet from the Front Lot Line, 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 from the Front Lot Line.
  - 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 at which said Lot reaches one hundred fifty (150) feet in width.
- 603.06 Minimum Side Yard Setback width, each side: Twenty-five (25) feet from the Side Lot Line(s).
- 603.07 Minimum Rear Yard Setback depth: Fifty (50) feet from the Rear Lot Line.
- 603.08 Building or Structure Height limits: Unless otherwise permitted by this Resolution, no Building or Structure in this District shall exceed thirty-five (35) feet in height.
- 603.09 Lot Coverage Maximums:
- A) Building Lot Coverage shall not exceed ten percent (10%) of the Lot Area.
  - B) Impervious Surface Lot Coverage shall not exceed twenty-five (25%) of the Lot Area.
- 603.10 All Accessory Buildings and Structures shall conform to the requirements of Section 1609.
- 603.11 Driveways.
- A) All driveways or pavement shall have a Setback of no less than two (2) feet from the Lot Line.
  - B) All side load garages shall have a turning pad of no less than twenty-four (24) feet.
  - C) No driveway shall be located so it enters a Street within forty (40) feet of the intersection of the edge of the Contiguous Right-of-Way of any two (2) Streets.
  - D) Driveways within this District shall not be subject to the restrictions of 1903.03.

**Section 604: District Standards**

- 604.01 The provisions of Article 16, General Standards, shall apply to this Zoning District except as may otherwise be modified within this document.
- 604.02 The following Uses or types of Uses, if permitted within this Zoning District as detailed in Article 5, and not otherwise exempt by the ORC, as further specified in Article 1, Sections 102.03 – 102.16 of this Zoning Resolution, shall comply with the Landscaping Standards set forth in Article 20:
- A) Agricultural Type Uses;
  - B) Residential Type Uses with the exceptions of Manufactured Homes, Mobile Homes, Live/Work Dwellings, Residential Care Facilities (5 or less individuals), Row Dwellings, and Single-Family Dwellings; and
  - C) Non-Residential Type Uses.
- 604.03 Lighting:
- A) Exterior lighting for parking facilities, Non-Residential Buildings or Structures, Streets, public Swimming Pools, and other similar types of recreational amenities, as well as athletic fields, courts, and the like (public or private), shall be installed in accordance with Article 21 of this Zoning Resolution.
  - B) Freestanding lighting fixtures and lanterns not otherwise regulated herein shall be no taller than twenty-five (25) feet in Height, measured from the base of the fixture, inclusive of any supporting or protective bases.
  - C) Lighting shall be permitted to have colors or shades that change but shall not be permitted to flash, change, and/or pulse in a rapid and hazardous manner.
  - D) All other lighting or lighting characteristics within this District not otherwise regulated herein shall be exempt from Article 21 (ex: coach lights, chandeliers, uplighting, accent lighting, pathway lighting, security lighting, and holiday décor).
- 604.04 Signs shall be subject to the provisions within Article 18 of this Zoning Resolution.
- 604.05 Cluster Box Units (CBUs) shall be subject to the provisions within Article 16, Section 1620 of this Zoning Resolution.
- 604.06 Swimming Pools and Water Impoundments shall be subject to the provisions within Section 1614 of this Zoning Resolution.
- 604.07 Trash, Junk, and litter shall be controlled and stored in containers. Dumpsters, and other similar types of large waste containers that 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 2004.
- 604.08 Outdoor Storage and Displays shall be regulated by Section 1610 of this Zoning Resolution.
- 604.09 Portable Storage Units shall be regulated by Section 2405 of this Zoning Resolution.

**Section 605: Administration and Enforcement**

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

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

- 605.02 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.
- 605.03 Applications for Variances, Conditional Uses, and Administrative Appeals shall be administered in accordance with Article 3.
- 605.04 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.
- 605.05 Enforcement shall be conducted pursuant to Section 116 as well as all other applicable provisions of this Resolution.
- 605.06 Non-conforming Lots, Uses, and Structures shall be subject to Article 25.

## ARTICLE 7: HOOVER WATERSHED OVERLAY DISTRICT (HOD)

### Section 701: Intent and Purpose

- 701.01 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.
- 701.02 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 that: 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.
- 701.03 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, subject to Article 1 of this Resolution. 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.
- 701.04 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.
- 701.05 Unless otherwise stated or superseded, all other provisions within this Zoning Resolution shall remain applicable to properties subject to this overlay district.

### Section 702: Reserved

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 7: HOOVER WATERSHED OVERLAY DISTRICT (HOD)

**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 Permitted Density shall be regulated by the underlying Planned District, existing or proposed.
- 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.
- 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.
  - 3) 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.
  - 4) 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.
  - 5) 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 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.

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

- 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.
  - 6) 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.5.a through 703.03.B.5.d. Should an odd number of plantings be initially required, the permitted reduction shall round down to the nearest whole number.
  - 7 The targeted removal of dead, dying, noxious, and/or invasive vegetation of any type and that 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, clubhouses, 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 minimum of sixty (60) continuous linear feet per Lot shall abut a designated Open Space to count towards this requirement.
- 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.

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## ARTICLE 7: HOOVER WATERSHED OVERLAY DISTRICT (HOD)

- 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 that 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.
- B) Parking lots shall be landscaped and screened in accordance with Articles 19 and 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 the finished grade to allow vehicular circulation and visibility beneath the canopy.
- C) Parking lots shall otherwise be designed, provided, and located in accordance with Article 19.

703.09 Streets.

- A) Dead-end stub Streets, including full or quasi hammerheads, Y-turns, and the like, as well as Common Access Driveways (CAD) 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. Paved sidewalks and/or Multi-Use Paths shall be provided along both sides of any new public or private Street.
  - 2) Existing Streets. Paved sidewalks and/or Multi-Use Paths shall be provided along any existing public or private Street within or immediately abutting the Planned Development.

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

- 3) Whether a sidewalk or Multi-Use Path is installed shall be determined by the context of the surrounding area. Consistency in the type (sidewalk or Multi-Use Path) with neighboring properties and/or with any paved pedestrian network already established along the subject Street corridor shall be maintained and continued whenever possible, logical, and safe to do so.
  - 4) A Divergence shall be required to not install required sidewalks and/or Multi-Use paths. For such a Divergence to be warranted, in addition to the standards of Article 27, Section 2707, easements allowing for future construction and maintenance 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.
    - a) The width of said easement shall be at least twenty (20) feet.
    - b) Easements shall be recorded prior to the issuance of any Zoning Permit for Buildings 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 five (5) 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 Signs shall be subject to the provisions within Article 18 of this Zoning Resolution.
- 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 2004.
- 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.
  - B) No Structure shall exceed 20,000 square feet in gross Floor Area. A Commonly Controlled Business Operation shall not exceed the 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;

## GENOA TOWNSHIP ZONING RESOLUTION

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

- 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: Uses**

- 704.01 Permitted Principal Uses for all properties subject to the Hoover Watershed Overlay District, regardless of their underlying Zoning District, shall be as established within Section 505: Table of Authorized Principal Uses. Unless otherwise specified, a Principal Use must also be permitted in the underlying Zoning District in order to be authorized.
- 704.02 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.
- 704.03 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, any supplemental regulations specified in Articles 17, 22, 23, and/or 24, and the underlying Zoning District applicable to the given Lot or Tract.
- 704.04 Unless otherwise specified, Uses that are prohibited within an underlying Zoning District applicable to the given Lot or Tract shall remain prohibited within said District.
- 704.05 Unless otherwise specified or controlled by Sections 704.02 or 704.03, Principal Uses that 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.
- 704.06 No permitted Use subject to this overlay district, be it Principal, Accessory, or Conditional, shall be permitted to operate a Drive-Through Facility.
- 704.07 A Zoning Permit shall be obtained before any Use is initiated, changed, or significantly altered in accordance with Section 115.02.

**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.

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

- 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) The Re-Zoning of a Lot or Tract within this overlay District from one 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.
- 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.
- 705.07 Non-conforming Lots, Uses, and Structures shall be subject to Article 25.

**GENOA TOWNSHIP ZONING RESOLUTION**

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

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## ARTICLE 8: SUBURBAN RESIDENTIAL DISTRICT (SR)

### Section 801: Intent and Purpose

- 801.01 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 low to 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.
- 801.02 The provisions of this Article shall apply to all lands zoned Suburban Residential District (SR) subject to Article 1 of this Resolution.
- 801.03 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: Uses

- 802.01 Permitted Principal Uses shall be as established within Section 505: Table of Authorized Principal Uses.
- 802.02 Permitted Accessory Uses shall be as established within Section 506: Table of Authorized Accessory Uses.
- 802.03 Permitted Conditional Uses shall be as established within Section 505: Table of Authorized Principal Uses and Section 506: Table of Authorized Accessory Uses. Authorized Conditional Uses shall adhere to Article 3 of this Resolution and shall demonstrate compliance with any applicable conditions established for said Use within Articles 17, 22, 23, and/or 24.
- 802.04 All Uses not specifically authorized as a permitted or conditionally permitted Use by Section 505: Table of Authorized Principal Uses, Section 506: Table of Authorized Accessory Uses, or another applicable portion of this Zoning Resolution, are hereby prohibited.
- 802.05 Except as specifically permitted by Article 22, no Telecommunications Tower as defined in Ohio Revised Code (ORC), Section 519.211(B)(1), as may be amended, shall be allowed in this District.
- 802.06 Commercial or business Use of a Lot in this District shall be prohibited unless otherwise specified within this Resolution or operating as a lawful Home Occupation. This shall include but is not limited to the parking of vehicles or equipment used in a business on a residential lot or the operation of a service-type business where no work actually takes place on the site. An exception to the foregoing shall be made for any vehicle owned by an individual who resides on the Lot in question and any Use permitted within this Zoning District. No more than two (2) such vehicles may be permitted.
- 802.07 A Zoning Permit shall be obtained before any Use is initiated, changed, or significantly altered in accordance with Section 115.02.

### Section 803: Dimensional Requirements

- 803.01 Minimum Lot Area:
- A) Thirty thousand (30,000) square feet.
  - B) Regardless of sewer service, any portion of a Lot within a Common Access Driveway (CAD) easement(s) or Street Right-of-Way (existing or proposed) shall not count towards the minimum Lot Area requirement.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 8: SUBURBAN RESIDENTIAL DISTRICT (SR)

- C) Lots designated solely for the purpose of Governmental Facilities, Right-of-Way, designated Open Space preservation, Public Utilities, or stormwater management shall be exempt from any Lot Area requirements. Such designation shall be reflected in the Zoning Permit issued for the creation of the Lot if one is required by this Resolution.
- 803.02 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.
- E) Lots meeting the criteria set forth in Section 603.01.C above shall be exempt from Frontage requirements.
- 803.03 Landlocked Lots shall be accessed by a Common Access Driveway (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 803.02.A - C.
- 803.04 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 at least eighty-five (85) feet wide at the required Front Yard Setback.
- C) Lots meeting the criteria set forth in Section 803.01.C above shall be exempt from Lot Width requirements.
- 803.05 Minimum Front Yard Setback depth: Fifty (50) feet from the Front Lot Line, 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 at which said Lot reaches eighty-five (85) feet in width.
- 803.06 Minimum Side Yard Setback width, each side: Twelve (12) feet from the Side Lot Line(s).
- 803.07 Minimum Rear Yard Setback depth: Fifty (50) feet from the Rear Lot Line.
- 803.08 Building or Structure Height limits: Unless otherwise permitted by this Resolution, no Building or Structure in this District shall exceed thirty-five (35) feet in Height.
- 803.09 Lot Coverage Maximums:
- A) Building Coverage shall not exceed twenty percent (20%) of the Lot Area.
- B) Impervious Surface Lot Coverage shall not exceed thirty-five (35%) of the Lot Area.
- 803.10 All Accessory Buildings and Structures shall conform to the requirements of Section 1609.
- 803.11 Driveways.
- A) All driveways or pavement shall have a Setback of no less than two (2) feet from the Lot Line.
- B) All side load garages shall have a turning pad of no less than twenty-four (24) feet.
- C) No driveway shall be located so it enters a Street within forty (40) feet of the intersection of the edge of the Contiguous Right-of-Way of any two (2) Streets.

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

- D) All driveways and parking areas shall be hard-surfaced with asphaltic concrete, Portland cement concrete pavement, or permeable pavement.

**Section 804: District Standards**

- 804.01 The provisions of Article 16, General Standards, shall apply to this Zoning District except as may otherwise be modified within this document.
- 804.02 The following types of Uses, if permitted within this Zoning District as detailed in Article 5, and not otherwise exempt by the ORC, as further specified in Article 1, Sections 102.03 – 102.16 of this Zoning Resolution, shall comply with the Landscaping Standards set forth in Article 20:
- A) Agricultural Type Uses;
  - B) Residential Type Uses with the exceptions of Manufactured Homes, Mobile Homes, Live/Work Dwellings, Residential Care Facilities (5 or less individuals), Row Dwellings, and Single-Family Dwellings; and
  - C) Non-Residential Type Uses.
- 804.03 Lighting:
- A) Exterior lighting for parking facilities, Non-Residential Buildings or Structures, Streets, public Swimming Pools, and other similar types of recreational amenities, as well as athletic fields, courts, and the like (public or private), shall be installed in accordance with Article 21 of this Zoning Resolution.
  - B) Freestanding lighting fixtures and lanterns not otherwise regulated herein shall be no taller than twenty-five (25) feet in Height, measured from the base of the fixture, inclusive of any supporting or protective bases.
  - C) Lighting shall be permitted to have colors or shades that change but shall not be permitted to flash, change, and/or pulse in a rapid and hazardous manner.
  - D) All other lighting or lighting characteristics within this District not otherwise regulated herein shall be exempt from Article 21 (ex: coach lights, chandeliers, uplighting, accent lighting, pathway lighting, security lighting, and holiday décor).
- 804.04 Signs shall be subject to the provisions within Article 18 of this Zoning Resolution.
- 804.05 Cluster Box Units (CBUs) shall be subject to the provisions within Article 16, Section 1620 of this Zoning Resolution.
- 804.06 Swimming Pools and Water Impoundments shall be subject to the provisions within Section 1614 of this Zoning Resolution.
- 804.07 Trash, Junk, and litter shall be controlled and stored in containers. Dumpsters, and other similar types of large waste containers that 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 2004.
- 804.08 Outdoor Storage and Displays shall be regulated by Section 1610 of this Zoning Resolution.
- 804.09 Portable Storage Units shall be regulated by Section 2405 of this Zoning Resolution.

**GENOA TOWNSHIP ZONING RESOLUTION****ARTICLE 8: SUBURBAN RESIDENTIAL DISTRICT (SR)****Section 805: Administration and Enforcement**

- 805.01 Applications for Rezoning to the Suburban Residential District shall be administered in accordance with Article 26.
- 805.02 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.
- 805.03 Applications for Variances, Conditional Uses, and Administrative Appeals shall be administered in accordance with Article 3.
- 805.04 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.
- 805.05 Enforcement shall be conducted pursuant to Section 116 as well as all other applicable provisions of this Resolution.
- 805.06 Non-conforming Lots, Uses, and Structures shall be subject to Article 25.

## ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

### Section 901: Intent and Purpose

- 901.01 The Township recognizes that with increased suburbanization and population growth come increased demands for well-organized residential areas that 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.
- 901.02 It is the policy of the Township to permit the creation of Planned Residential District 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, that 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.
  - G) Provide housing and limited, neighborhood-scale commercial activity that is generally consistent with the characteristics typical of a primarily residential neighborhood.
  - H) Provide for consistency with the Genoa Township Comprehensive Plan.
- 901.03 This Article 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, subject to Article 1 of this Resolution.

### 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 within the same proposed Planned Development 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.

## GENOA TOWNSHIP ZONING RESOLUTION

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

903.02 Unless otherwise permitted via a Divergence that has been reviewed and approved in accordance with the standards set forth in Section 2707 of this Resolution, the Density of land use within a Planned Residential District shall not exceed:

- A) 1.0 Dwellings per Net Developable Acre when Conservation Development Standards are not utilized.
- B) 1.25 Dwellings per Net Developable Acre when Conservation Development Standards are utilized.

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 Sections 906 and 908 - 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, at least six hundred (600) feet apart from one another to a Street of any type subject to the approval of the Delaware County Engineer. 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.

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

- 2) A second vehicular access point shall not be required when the following conditions are met:
  - a) The total number of proposed Dwellings within the Planned Development does not exceed sixty (60), inclusive of all phases and/or sections; and
  - b) All Dwellings within the Planned Development contain residential sprinkler systems designed, installed, and inspected in accordance with applicable building codes.

903.06 Reserved.

903.07 Stormwater Management

A) Setbacks.

- 1) All stormwater basins shall be set back a minimum of twenty (20) feet from: Lot Lines, Structures, designated Building Envelopes, and designated Limited Common Element Areas.
- 2) The setback distance shall be measured landward from the maximum one hundred (100) year stormwater surface elevation of the basin during a one hundred (100) year storm.

B) Stormwater basins and pond perimeters shall be landscaped in accordance with Section 2004.

C) All site plans must have a stormwater management plan, approved by the Delaware County Engineer's Office, with the improvements constructed before a Zoning Permit will be issued for the construction of Buildings.

D) 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) Parking spaces, drive aisles, and loading areas shall be provided and designed in accordance with Article 19.

B) All automobile parking lots shall be screened from adjoining streets and adjoining residential properties in accordance with Articles 19 and 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.

903.09 Streets

A) All Street drainage shall be enclosed.

B) Curbs and gutters shall be installed.

C) Minimum Street width shall be as required by the Delaware County Engineer.

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.

F) Any non-thru Street, not otherwise intended to serve as a future road connection, shall terminate in a cul-de-sac designed in accordance with the provisions of the Delaware County Engineer and the Genoa Township Fire Department.

G) Common Access Driveways (CADs) shall not be permitted.

## GENOA TOWNSHIP ZONING RESOLUTION

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

## 903.10 Sidewalks, Multi-Use Paths, and Trails

## A) Sidewalks along Streets.

- 1) New Streets. Paved sidewalks and/or Multi-Use Paths shall be provided along both sides of any new public or private Street.
- 2) Existing Streets. Paved 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 by the context of the surrounding area. Consistency in the type (sidewalk or Multi-Use Path) with neighboring properties and/or with any paved pedestrian network already established along the subject Street corridor shall be maintained and continued whenever possible and logical to do so.
- 4) A Divergence shall be required to not install required sidewalks and/or Multi-Use paths. For such a Divergence to be warranted, in addition to the standards of Article 27, Section 2707, easements allowing for future construction and maintenance by the Township, or its assignee, and public pedestrian access shall be provided in lieu of the above.
  - a) The width of said easement shall be at least twenty (20) 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 five (5) 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 Landscaping

A) On any Lot within the Planned Development, the following Uses or types of Uses, if permitted within this Zoning District as detailed in Article 5, and not otherwise exempt by the Ohio Revised Code (ORC), as further specified in Article 1, Sections 102.03 – 102.16 of this Zoning Resolution, shall comply with the Landscaping Standards set forth in Article 20:

- 1) Agricultural Type Uses;
- 2) Residential Type Uses with the exceptions of Manufactured Homes, Mobile Homes, Live/Work Dwellings, Residential Care Facilities (5 or less individuals), Row Dwellings, and Single-Family Dwellings; and
- 3) Non-Residential Type Uses.

B) All yards, front, side, and rear shall be landscaped, and all nonresidential Use areas shall be landscaped. Each platted Lot shall be seeded or sodded in accordance with the approved development plan before a Certificate of Zoning Compliance is issued.

C) Street Trees shall comply with Section 2005.

D) 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.

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

**Section 904: 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) Permitted Principal Uses shall be as established within Section 505: Table of Authorized Principal Uses.
  - B) Permitted Accessory Uses shall be as established within Section 506: Table of Authorized Accessory Uses.
  - C) All Uses not specifically authorized as a permitted or conditionally permitted Use by Section 505: Table of Authorized Principal Uses or Section 506: Table of Authorized Accessory Uses, both located within Article 5 of this Zoning Resolution, are hereby prohibited.
- 904.02 Permitted Uses with Conservation Development Standards.
- A) Permitted Principal Uses shall be as established within Section 505: Table of Authorized Principal Uses.
  - B) Permitted Accessory Uses shall be as established within Section 506: Table of Authorized Accessory Uses.
  - C) All Uses not specifically authorized as a permitted or conditionally permitted Use by Section 505: Table of Authorized Principal Uses or Section 506: Table of Authorized Accessory Uses, both located within Article 5 of this Zoning Resolution, are hereby prohibited.
- 904.03 Commercial or business Use of a Lot in this District shall be prohibited unless otherwise specified within this Resolution or operating as a lawful Home Occupation. This shall include but is not limited to the parking of vehicles or equipment used in a business on a residential lot or the operation of a service-type business where no work actually takes place on the site. An exception to the foregoing shall be made for any vehicle owned by an individual who resides on the Lot in question and any Use permitted within this Zoning District. No more than two (2) such vehicles may be permitted.
- 904.04 Except as specifically permitted by Article 22, no Telecommunications Tower as defined in ORC Section 519.211(B)(1), as may be amended, shall be allowed in this District.
- 904.05 Agriculture, Agritourism, and Farm Markets not otherwise exempted from zoning by the ORC, 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.
- 904.06 A Zoning Permit shall be obtained before any Use is initiated, changed, or significantly altered in accordance with Section 115.02.

**Section 905: Dimensional Requirements**

- 905.01 Dimensional Requirements without Conservation Development Standards.
- A) Minimum Lot Area:
    - 1) Ten thousand (10,000) square feet or greater for any detached Single-Family 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.
    - 3) Lots for any other type of Dwelling or Building shall be at least thirty thousand (30,000) square feet in size.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

- 4) Lots designated solely for the purpose of Governmental Facilities, Right-of-Way, designated Open Space preservation, Public Utilities, or stormwater management shall be exempt from minimum Lot Area requirements. Such designation shall be reflected in the Zoning Permit issued for the creation of the Lot if one is required by this Resolution.

B) Minimum Yard Setback requirements:

- 1) Front, Side, and Rear Yard Setbacks for detached Single-Family 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 Street Right-of-Way.
- 2) Front, Side, and Rear Yard Setbacks for all other Dwellings, including those on land commonly owned by a condominium or other similar type of association, 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 Street 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 from each respective Front, Side, and Rear Lot Line(s). No Buildings consisting of such Use shall be located closer than thirty (30) feet to any private Street or public Street 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 or Structure Height limits: Unless otherwise permitted by this Resolution, no Building or Structure shall exceed thirty-five (35) feet in Height.

905.02 Dimensional Requirements with Conservation Development Standards.

A) Minimum Lot Area:

- 1) None required with the exception of Section 905.02.A.2 below; however, the Township may, as a part of the PRD, with Conservation Development Standards review process, require specific dimensional requirements that are in the best interests of the health, safety, and general welfare of the Township.
- 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:

- 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 respective Front, Side, and Rear Lot Line(s).
- 3) Yard Setback requirements for architectural projections, Accessory Buildings, and Accessory Structures shall be as established in Article 16.
- 4) 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 or Structure Height limits: Unless otherwise permitted by this Resolution, no Building or Structure shall exceed thirty-five (35) feet in height.

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

905.03 Dimension Requirements for all Developments.

A) Driveways:

- 1) All driveways or pavement shall have a Setback of no less than two (2) feet from the Lot Line.
- 2) All side load garages shall have a turning pad of no less than twenty-four (24) feet.
- 3) No driveway shall be located so it enters a Street within forty (40) feet of the intersection of the edge of the Contiguous Right-of-Way of any two (2) Streets.
- 4) 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.

905.04 Non-Residential Type Uses permitted within this Zoning District per Article 5 herein shall comply with the following:

A) Such Uses shall not comprise more than ten percent (10%) of the Planned Development's Net Developable Acre(age). This calculation shall not include any proposed Open Space areas. Buildings, parking areas, driveways, and any associated amenities serving, incidental to, or accessory to, such Use shall count towards the specified maximum percentage.

B) No Non-Residential Type Use Building shall exceed five thousand (5,000) square feet in gross Floor Area.

**Section 906: District Standards**

906.01 The provisions of Article 16, General Standards, shall apply to this Zoning District except as may otherwise be modified within this document.

906.02 Non-Residential activities where permitted, excluding parking, shall primarily be conducted within a completely enclosed Building or other appropriate structural element(s) unless otherwise permitted herein.

A) Outdoor dining areas, lounge areas, and the like shall be permitted in conjunction with authorized Non-Residential Type Uses. Such areas shall adhere to setbacks for Non-Residential Type Uses established herein and subject to Section 1610 of this Resolution.

B) Both Mechanical and Self-Service Vending shall be permitted outdoors. Such areas, including storage bins and machines, shall be located adjacent to a Building and subject to Section 1610 of this Resolution.

906.03 Lighting:

A) Exterior lighting for parking facilities, Non-Residential Buildings or Structures, Streets, public Swimming Pools, and other similar types of recreational amenities, as well as athletic fields, courts, and the like (public or private), shall be installed in accordance with Article 21 of this Zoning Resolution.

B) Freestanding lighting fixtures and lanterns not otherwise regulated herein shall be no taller than twenty-five (25) feet in Height, measured from the base of the fixture, inclusive of any supporting or protective bases.

C) Lighting shall be permitted to have colors or shades that change but shall not be permitted to flash, change, and/or pulse in a rapid and hazardous manner.

D) All other lighting or lighting characteristics within this District not otherwise regulated herein shall be exempt from Article 21 (ex: coach lights, chandeliers, uplighting, accent lighting, pathway lighting, security lighting, and holiday décor).

906.04 Signs shall be subject to the provisions within Article 18 of this Zoning Resolution.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

- 906.05 Cluster Box Units (CBUs) shall be subject to the provisions within Article 16, Section 1620 of this Zoning Resolution.
- 906.06 Swimming Pools and Water Impoundments shall be subject to the provisions within Section 1614 of this Zoning Resolution.
- 906.07 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 2004.
- 906.08 Outdoor Storage and Displays shall be regulated by Section 1610 of this Zoning Resolution.
- 906.09 Portable Storage Units shall be regulated by Section 2405 of this Zoning Resolution.

**Section 907: Open Spaces**

- 907.01 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.
- 907.02 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 908: Common Open Spaces**

- 908.01 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 that 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.

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

**908.02 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, 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.

**Section 909: Off-Site Common Open Spaces**

- 909.01 In lieu of the Common Open Spaces required in Sections 908, 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.
- 909.02 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, and character, as well as to 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.
- 909.03 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.
- 909.04 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.
- 909.05 The minimum size of the proposed off-site Common Open Space shall be the greater of the following: fifteen percent (15%) of the gross acreage of the Planned Development or five (5) acres.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)

- 909.06 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.

**Section 910: Ownership of Common Open Space**

- 910.01 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 Area, 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.
- 910.02 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.
- A) 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.
  - B) 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.

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

- D) The association shall be responsible for the 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 a 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 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);
    - 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 connections 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 Pedestrianways.
  - I) The lease shall be subject to the approval of the Homeowner's Association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Delaware County Recorder's Office and notification shall be provided to the Township Trustees within thirty (30) days of action by the Board.
- 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, the 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.

## GENOA TOWNSHIP ZONING RESOLUTION

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

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 911: Maintenance of Open Space**

911.01 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.

911.02 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 ORC Sections 505.86 and/or 505.87, as may be amended.

**Section 912: Administration and Enforcement**

912.01 Pursuant to ORC 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, promotes the general public health, safety, morals, and general welfare, 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.

912.02 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.

A) The following shall be eligible, but not required, to combine the Zoning Map Amendment, Preliminary Development Plan, and Final Development Plan into a single application contra to the two-step process otherwise required by Section 2701.01 of this Resolution:

1) Projects consisting of thirty (30) or fewer Single-Family Dwellings on a Lot or Tract twenty-five (25) acres or less in size.

B) Projects eligible to be combined into a single application shall be required to provide all submittal materials required by Sections 2703 and 2705 of this Resolution, minus any overlapping or redundant items.

C) Projects eligible to be combined into a single application shall follow the procedures set forth in Section 2704 of this Resolution with the exception of Sections 2704.22.A and 2704.23 which, for the purposes of this Section only, shall be considered moot and subsequently not applicable. Such applications shall still be subject to referendum per Sections 2704.18 and 2704.19 of this Resolution.

D) Final Development Plans approved under a combined, single application shall still be subject to Sections 2706.16 - 2706.20.

912.03 Enforcement shall be conducted pursuant to Section 2713.

912.04 Non-conforming Lots, Uses, and Structures shall be subject to Article 25.

**ARTICLE 10: RESERVED**

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**DRAFT**

**ZC 2024-05**

**Initiated 11/12/2024**

**GENOA TOWNSHIP ZONING RESOLUTION**

**ARTICLE 10: RESERVED**

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**ARTICLE 11: COMMUNITY BUSINESS DISTRICT (CB)****Section 1101: Intent and Purpose**

- 1101.01 The intent of the Community Business District is to create a non-residential Zoning District that provides areas for business and service establishments that 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 as well as by central water and other Essential Services.
- 1101.02 The provisions of this Article shall apply to all lands zoned Community Business District (CB) subject to Article 1 of this Resolution.
- 1101.03 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: Uses**

- 1102.01 Permitted Principal Uses shall be as established within Section 505: Table of Authorized Principal Uses.
- 1102.02 Permitted Accessory Uses shall be as established within Section 506: Table of Authorized Accessory Uses.
- 1102.03 Permitted Conditional Uses shall be as established within Section 505: Table of Authorized Principal Uses and Section 506: Table of Authorized Accessory Uses. Authorized Conditional Uses shall adhere to Article 3 of this Resolution and shall demonstrate compliance with any applicable conditions established for said Use within Articles 17, 22, 23, and/or 24.
- 1102.04 All Uses not specifically authorized as a permitted or conditionally permitted Use by Section 505: Table of Authorized Principal Uses, Section 506: Table of Authorized Accessory Uses, or another applicable portion of this Zoning Resolution, are hereby prohibited. 1102.05 A Zoning Permit shall be obtained before any Use is initiated, changed, or significantly altered in accordance with Section 115.02.

**Section 1103: Dimensional Requirements**

- 1103.01 Minimum Lot Area: Twenty thousand (20,000) square feet.
- A) Any portion of a Lot within a Common Access Driveway (CAD) easement(s) or Street Right-of-Way (existing or proposed) shall not count towards the minimum Lot Area requirement.
  - B) Lots designated solely for the purpose of Governmental Facilities, Right-of-Way, designated Open Space preservation, Public Utilities, or stormwater management shall be exempt from any Lot Area requirements. Such designation shall be reflected in the Zoning Permit issued for the creation of the Lot if one is required by this Resolution.
- 1103.02 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.
  - D) Lots meeting the criteria set forth in Section 1103.01.B above shall be exempt from Frontage requirements.

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 11: COMMUNITY BUSINESS DISTRICT (CB)**

- 1103.03 Landlocked Lots shall be accessed by a Common Access Driveway (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 1103.02.A - C.
- 1103.04 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.
  - C) Lots meeting the criteria set forth in Section 1103.01.B above shall be exempt from Lot Width requirements.
- 1103.05 Minimum Front Yard Setback depth: Unless otherwise specified, One hundred thirty (130) feet from any Front Lot Line adjacent to an Arterial or Collector Street. One hundred (100) feet from Front Lot Lines adjacent to all other Streets.
- A) The Front Yard Setback depth of a Flag Lot shall be fifty (50) feet, measured from the point at which said Lot reaches one hundred (100) feet in width.
- 1103.06 Minimum Side Yard Setback width, each side: Twenty (20) feet from any Side Lot Line(s).
- 1103.07 Minimum Rear Yard Setback depth: Thirty-five (35) feet from any Rear Lot Line.
- 1103.08 No Building shall be located closer than one hundred (100) feet from a Residential or Planned Residential District boundary line;
- 1103.09 Building or Structure Height limits: Unless otherwise permitted by this Resolution, no Building or Structure 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.
- 1103.10 Lot Coverage: On no Lot in this Zoning District shall Structures be constructed that cover more than thirty-five percent (35%) of the Lot Area.
- 1103.11 Reserved.
- 1103.12 Maximum Gross Floor Area. The maximum square feet of Floor Area for a Building on a single Lot shall be determined by the following ratio: Building area in square feet = Lot Area in acres x (multiplied by) 10,000.
- 1103.13 Parking Areas.
- A) Parking spaces, drive aisles, and loading areas shall be provided and designed in accordance with Article 19.
  - B) No Off-Street Parking Lot or Parking Facility shall be closer than twenty-five (25) feet from the edge of the Contiguous Street Right-of-Way unless said lot/facility is Contiguous to a Residential or Planned Residential Zoning District, in which case seventy-five (75) feet shall be the closest permitted distance to the edge of the Contiguous Right-of-Way.
  - C) Parking areas shall be set back from Side and Rear Lot Lines a minimum of six (6) feet unless Contiguous to a Residential or Planned Residential Zoning District, in which case the Setback shall be twenty (20) feet.

**Section 1104: District Standards**

- 1104.01 The provisions of Article 16, General Standards, shall apply to this Zoning District except as may otherwise be modified within this document.
- 1104.02 All Streets, including private Streets, shall conform to the requirements of Delaware County and the Genoa Township Fire Department. In instances of conflict with this Resolution, the aforementioned agencies shall prevail.

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

- 1104.03 All premises, including Pedestrianways not otherwise functioning as nature trails, 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.
- 1104.04 Buffers, Screening, and Landscaping.
- A) All Yards, Off-Street Parking Lot locations and perimeters, and stormwater basins shall be set back, buffered, screened, and landscaped in accordance with Article 2003.
  - B) All Off-Street Parking Lot interiors, Building foundations, dumpsters and other similar types of waste containers, building mechanical systems, interior drive aisles, loading areas, Building service entrances, trash enclosures, loading docks, and steep slopes shall be buffered, screened, and/or landscaped in accordance with Article 2004.
  - C) All areas where Buildings, parking areas, or Pedestrianways are not present shall be seeded or sodded with grass before a Certificate of Zoning Compliance is issued.
- 1104.05 Stormwater Management – all developments shall have a stormwater management plan approved by the Delaware County Engineer's Office, if required.
- 1104.06 Activities, excluding parking, shall primarily be conducted within a completely enclosed Building or other appropriate structural element(s) unless otherwise permitted herein. This provision shall not apply to activities found to be ancillary, customarily incidental, or inconsequential to the Use of the subject property.
- A) Outdoor dining areas, lounge areas, and the like shall be permitted. Such areas shall be set back at least ten (10) feet from any Lot Line and subject to Section 1610 of this Resolution.
  - B) Both Mechanical and Self-Service Vending shall be permitted outdoors. Such areas, including storage bins and machines, shall be located adjacent to a Building and subject to Section 1610 of this Resolution.
- 1104.07 Noise Control:
- A) Outdoor speakers playing low-level music/audio as well as on-site exterior video displays, including Electronic Message Center Signs, shall not emit sound that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
  - B) Outdoor live entertainment not otherwise qualifying as a Temporary Use or permitted by this Resolution, shall be prohibited.
- 1104.08 Unless otherwise permitted by this Resolution, no Building or Structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- 1104.09 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.
- 1104.10 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.
- 1104.11 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.
- 1104.12 There will be no vibrations that can be detected without the use of instruments at or beyond the Lot Lines.

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 11: COMMUNITY BUSINESS DISTRICT (CB)**

- 1104.13 Outdoor Storage and Displays shall be regulated by Section 1610 of this Zoning Resolution with the following exceptions:
- A) Unless otherwise authorized herein, Outdoor Storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days shall be prohibited.
  - B) Outdoor Storage and Display of merchandise on Pedestrianways is prohibited unless a five (5) foot wide strip is left for pedestrian traffic.
  - C) The storage, utilization, and manufacture of solid, liquid, and gaseous chemicals and other materials shall be permitted, contrary to prohibitions which may be found elsewhere in this Zoning Resolution, subject to the following conditions:
    - 1) 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 noncombustible exterior walls and protected throughout by an automatic fire extinguishing system.
    - 2) All activities involving the use and/or storage and/or disposal of flammable liquids or materials that 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.
    - 3) The storage, utilization, or manufacture of pyrophoric and explosive powders and dusts, and of materials and products that decompose by detonation is prohibited.
    - 4) The manufacture of flammable liquids or materials that produce flammable or explosive vapors or gases is prohibited.
    - 5) 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".
  - D) The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be permitted, contrary to prohibitions which may be found elsewhere in this Resolution, but shall be done so in strict conformance with:
    - 1) The applicable regulations of any federal, state, and/or other regulatory agency; and
    - 2) The applicable regulations of any instrumentality of the State of Ohio.
- 1104.14 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 2004.
- 1104.15 Exterior lighting shall comply with Article 21 of this Zoning Resolution.
- 1104.16 Signs shall be subject to the provisions within Article 18 of this Zoning Resolution.
- 1104.17 Cluster Box Units (CBUs) shall be subject to the provisions within Article 16, Section 1620 of this Zoning Resolution.
- 1104.18 Swimming Pools and Water Impoundments shall be subject to the provisions within Section 1614 of this Zoning Resolution.
- 1104.19 Portable Storage Units shall be regulated by Section 2405 of this Zoning Resolution.

**Section 1105: Administration and Enforcement**

- 1105.01 Applications for Rezoning to the Community Business District shall be administered in accordance with Article 26.
- 1105.02 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.
- 1105.03 Applications for Variances, Conditional Uses, and Administrative Appeals shall be administered in accordance with Article 3.
- 1105.04 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.
- 1105.05 Enforcement shall be conducted pursuant to Section 116 as well as all other applicable provisions of this Resolution.
- 1105.06 Non-conforming Lots, Uses, and Structures shall be subject to Article 25.

**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

- 1201.01 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.
- 1201.02 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, that 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.
- 1201.03 This Article 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, subject to Article 1 of this Resolution.

### 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 within the same proposed Planned Development 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.

## 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(s) and common ingress and egress points to the greatest extent possible 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. The minimum required separation distance of the latter shall be three hundred (300) feet between access points, subject to the approval of the Delaware County Engineer.
- 1203.03 Where the Lot Lines separate a Planned Commercial District from a Residential or Planned Residential District, a Non-Residential Buffer and Development Setback in accordance with Section 2003 shall be provided.
- 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 Reserved.
- 1203.08 Stormwater Management
- A) Setbacks.
    - 1) All stormwater basins shall be set back a minimum of twenty (20) feet from: Lot Lines, Structures, designated Building Envelopes, and designated Limited Common Element Areas.
    - 2) The setback distance shall be measured landward from the maximum one hundred (100) year stormwater surface elevation of the basin during a one hundred (100) year storm.
  - B) Stormwater basins and pond perimeters shall be landscaped in accordance with Section 2004.
  - C) All site plans must have a stormwater 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.
  - D) 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.
- 1203.09 Parking and Loading Areas.
- A) Parking spaces, drive aisles, and loading areas shall be provided and designed in accordance with Article 19.
  - B) No parking lot shall be closer than twenty-five (25) feet from the edge of the Contiguous Street Right-of-Way in a Planned 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) Minimum Street width shall be as required by the Delaware County Engineer.

1203.11 Sidewalks, Multi-Use Paths, and Trails

A) Sidewalks along Streets.

- 1) New Streets. Paved sidewalks and/or Multi-Use Paths shall be provided along both sides of any new public or private Street.
- 2) Existing Streets. Paved 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 by the context of the surrounding area. Consistency in the type (sidewalk or Multi-Use Path) with neighboring properties and/or with any paved pedestrian network already established along the subject Street corridor shall be maintained and continued whenever possible and logical to do so.
- 4) A Divergence shall be required to not install required sidewalks and/or Multi-Use paths. In order for such a Divergence to be warranted, in addition to the standards of Article 27, Section 2707, easements allowing for future construction and maintenance by the Township, or its assignee, and public pedestrian access shall be provided in lieu of the above.

- a) The width of said easement shall be at least twenty (20) 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 five (5) 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.

#### **Section 1204: Uses**

1204.01 Permitted Principal Uses shall be as established within Section 505: Table of Authorized Principal Uses.

1204.02 Permitted Accessory Uses shall be as established within Section 506: Table of Authorized Accessory Uses.

1204.03 All Uses not specifically authorized as a permitted or conditionally permitted Use by Section 505: Table of Authorized Principal Uses or Section 506: Table of Authorized Accessory Uses, are hereby prohibited.

1204.04 Unless otherwise permitted in this Resolution, no Building or Structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.

1204.05 A Zoning Permit shall be obtained before any Use is initiated, changed, or significantly altered in accordance with Section 115.02.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 12: PLANNED COMMERCIAL DISTRICT (PCD)

**Section 1205: Dimensional Requirements**

- 1205.01 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 on the same Lot or Tract.
- 1205.02 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 (existing or proposed).
- 1205.03 Building or Structure Height limits: Unless otherwise permitted in Section 1616, no Building or Structure in this District shall exceed thirty-five (35) feet in Height.
- A) 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.
- 1205.04 Lots designated solely for the purpose of Governmental Facilities, Right-of-Way, designated Open Space preservation, Public Utilities, or stormwater management shall be exempt from minimum Lot Area requirements. Such designation shall be reflected in the Zoning Permit issued for the creation of the Lot if one is required by this Resolution.

**Section 1206: District Standards**

- 1206.01 The provisions of Article 16, General Standards, shall apply to this Zoning District except as may otherwise be modified within this document.
- 1206.02 Activities, excluding parking, shall primarily be conducted within a completely enclosed Building or other appropriate structural element(s) unless otherwise permitted herein. This provision shall not apply to activities found to be ancillary, customarily incidental, or inconsequential to the Use of the subject property.
- A) Outdoor dining areas, lounge areas, and the like shall be permitted. Such areas shall be set back at least ten (10) feet from any Lot Line and subject to Section 1610 of this Resolution.
- B) Both Mechanical and Self-Service Vending shall be permitted outdoors. Such areas, including storage bins and machines, shall be located adjacent to a Building and subject to Section 1610 of this Resolution.
- 1206.03 All premises, including Pedestrianways not otherwise functioning as nature trails, 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.
- 1206.04 Buffers, Screening, and Landscaping.
- A) All Yards, Off-Street Parking Lot locations and perimeters, and stormwater basins shall be set back, buffered, screened, and landscaped in accordance with Article 2003.
- B) All Off-Street Parking Lot interiors, Building foundations, dumpsters and other similar types of waste containers, building mechanical systems, interior drive aisles, loading areas, Building service entrances, trash enclosures, loading docks, and steep slopes shall be buffered, screened, and/or landscaped in accordance with Article 2004.
- C) All areas where Buildings, parking areas, or Pedestrianways are not present shall be seeded or sodded with grass before a Certificate of Zoning Compliance is issued.
- 1206.05 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1206.06 Exterior lighting shall be installed in accordance with Article 21 of this Zoning Resolution.
- 1206.07 Signs shall be subject to the provisions within Article 18 of this Zoning Resolution.

- 1206.08 Cluster Box Units (CBUs) shall be subject to the provisions within Article 16, Section 1620 of this Zoning Resolution.
- 1206.09 Swimming Pools and Water Impoundments shall be subject to the provisions within Section 1614 of this Zoning Resolution.
- 1206.10 Noise Control:
- A) Outdoor speakers playing low-level music/audio as well as on-site exterior video displays, including Electronic Message Center Signs, shall not emit sound that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- 1206.11 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 2004.
- 1206.12 Outdoor Storage and Displays shall be regulated by Section 1610 of this Zoning Resolution with the following exceptions:
- A) Unless otherwise authorized herein, Outdoor Storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days shall be prohibited.
  - B) Outdoor Storage and Display of merchandise on Pedestrianways is prohibited unless a five (5) foot-wide strip is left for pedestrian traffic.
- 1206.13 Portable Storage Units shall be regulated by Section 2405 of this Zoning Resolution.
- 1206.14 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.
- 1206.15 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.
- 1206.16 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.
- 1206.17 There will be no vibrations that can be detected without the use of instruments at or beyond the Lot Lines.

#### **Section 1207: Administration and Enforcement**

- 1207.01 Pursuant to Ohio Revised Code (ORC) 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.
- 1207.02 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.
- A) The following shall be eligible, but not required, to combine the Zoning Map Amendment, Preliminary Development Plan, and Final Development Plan into a single application contra to the two-step process otherwise required by Section 2701.01 of this Resolution:

## GENOA TOWNSHIP ZONING RESOLUTION

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

- 1) Projects consisting of one (1) Principal Building totaling no more than ten thousand (10,000) square feet in size on a Lot or Tract three (3) or less acres in size.
- B) Projects eligible to be combined into a single application shall be required to provide all submittal materials required by Sections 2703 and 2705 of this Resolution, minus any overlapping or redundant items.
- C) Projects eligible to be combined into a single application shall follow the procedures set forth in Section 2704 of this Resolution with the exception of Sections 2704.22.A and 2704.23 which, for the purposes of this Section only, shall be considered moot and subsequently not applicable. Such applications shall still be subject to referendum per Sections 2704.18 and 2704.19 of this Resolution.
- D) Final Development Plans approved under a combined, single application shall still be subject to Sections 2706.16 - 2706.20.

1207.03 Enforcement shall be conducted pursuant to Section 2713.

1207.04 Non-conforming Lots, Uses, and Structures shall be subject to Article 25.

**ARTICLE 13: PLANNED INDUSTRIAL DISTRICT (PID)****Section 1301: Intent and Purpose**

- 1301.01 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 that are compatible in terms of activity, parking needs, traffic accessibility, sign systems, and space requirements in 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 as well as to areas served by a Central Water System and an adequate transportation network.
- 1301.02 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, that 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.
- 1301.03 This Article 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, subject to Article 1 of this Resolution.

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

- 1302.01 All land within a proposed Planned Development shall be Contiguous and shall not be divided into parts by any state or federal limited access highway or by any railroad Right-of-Way.
- 1302.02 The Planned Development area shall be under contract for purchase by a single entity or owned by a single entity at the time of application. For the purposes of this subsection, a single entity includes the following: a 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 within the same proposed Planned Development 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.

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- 1303.02 Developments within this District shall be planned as groups having common parking area(s) and common ingress and egress points to the greatest extent possible to reduce the number of potential accident locations at intersections with Thoroughfares.
- 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. The minimum required separation distance of the latter shall be three hundred (300) feet between access points, subject to the approval of the Delaware County Engineer.
- 1303.03 Where the Lot Lines separate a Planned Industrial District from a Residential or Planned Residential District, a Non-Residential Buffer and Development Setback in accordance with Section 2003 shall be provided.
- 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 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 the computations of land occupancy by Buildings.
- 1303.07 Reserved.
- 1303.08 Stormwater Management
- A) Setbacks.
    - 1) All stormwater basins shall be set back a minimum of twenty (20) feet from: Lot Lines, Structures, designated Building Envelopes, and designated Limited Common Element Areas.
    - 2) The setback distance shall be measured landward from the maximum one hundred (100) year stormwater surface elevation of the basin during a one hundred (100) year storm.
  - B) Stormwater basins and pond perimeters shall be landscaped in accordance with Section 2004.
  - C) All site plans must have a stormwater 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.
  - D) 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.
- 1303.09 Parking and Loading Areas.
- A) Parking spaces, drive aisles, and loading areas shall be provided and designed in accordance with Article 19.
  - B) No parking lot shall be closer than twenty-five (25) feet from the edge of the Contiguous Street Right-of-Way in a Planned Industrial 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.
- 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;

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

- B) Curbs and gutters shall be installed; and
- C) Minimum Street width shall be as required by the Delaware County Engineer.

**1303.11 Sidewalks, Multi-Use Paths, and Trails**

- A) Sidewalks along Streets.
  - 1) New Streets. Paved sidewalks and/or Multi-Use Paths shall be provided along both sides of any new public or private Street.
  - 2) Existing Streets. Paved 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 by the context of the surrounding area. Consistency in the type (sidewalk or Multi-Use Path) with neighboring properties and/or with any paved pedestrian network already established along the subject Street corridor shall be maintained and continued whenever possible and logical to do so.
  - 4) A Divergence shall be required to not install required sidewalks and/or Multi-Use paths. In order for such a Divergence to be warranted, in addition to the standards of Article 27, Section 2707, easements allowing for future construction and maintenance by the Township, or its assignee, and public pedestrian access shall be provided in lieu of the above.
    - a) The width of said easement shall be at least twenty (20) 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 five (5) 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.

**Section 1304: Uses**

- 1304.01 Permitted Principal Uses shall be as established within Section 505: Table of Authorized Principal Uses.
- 1304.02 Permitted Accessory Uses shall be as established within Section 506: Table of Authorized Accessory Uses.
- 1304.03 All Uses not specifically authorized as a permitted or conditionally permitted Use by Section 505: Table of Authorized Principal Uses or Section 506: Table of Authorized Accessory Uses, both located within Article of this Zoning Resolution are hereby prohibited.
- 1304.04 Unless otherwise permitted in this Resolution, no Building or Structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- 1304.05 A Zoning Permit shall be obtained before any Use is initiated, changed, or significantly altered in accordance with Section 115.02.

**Section 1305: Dimensional Requirements**

- 1305.01 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 on the same Lot or Tract.
- 1305.02 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 of the subject Lot or Tract.

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1305.03 Building or Structure Height limits: Unless otherwise permitted in Section 1616, no Building or Structure in this District shall exceed thirty-five (35) feet in Height.

A) 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.

1305.03 Lots designated solely for the purpose of Governmental Facilities, Right-of-Way, designated Open Space preservation, Public Utilities, or stormwater management shall be exempt from minimum Lot Area requirements. Such designation shall be reflected in the Zoning Permit issued for the creation of the Lot if one is required by this Resolution.

**Section 1306: District Standards**

1306.01 The provisions of Article 16, General Standards, shall apply to this Zoning District except as may otherwise be modified within this document.

1306.02 Activities, excluding parking, shall primarily be conducted within a completely enclosed Building or other appropriate structural element(s) unless otherwise permitted herein. This provision shall not apply to activities found to be ancillary, customarily incidental, or inconsequential to the Use of the subject property.

A) Outdoor dining areas, lounge areas, and the like shall be permitted. Such areas shall be set back at least ten (10) feet from any Lot Line and subject to Section 1610 of this Resolution.

B) Both Mechanical and Self-Service Vending shall be permitted outdoors. Such areas, including storage bins and machines, shall be located adjacent to a Building and subject to Section 1610 of this Resolution.

1306.03 All premises, including Pedestrianways not otherwise functioning as nature trails, 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.

1306.04 Buffers, Screening, and Landscaping.

A) All Yards, Off-Street Parking Lots and associated perimeters, and stormwater basins shall be set back, buffered, screened, and landscaped in accordance with Article 2003.

B) All Off-Street Parking Lot interiors, Building foundations, dumpsters and other similar types of waste containers, building mechanical systems, interior drive aisles, loading areas, Building service entrances, trash enclosures, loading docks, and steep slopes shall be buffered, screened, and/or landscaped in accordance with Article 2004.

C) All areas where Buildings, parking areas, or Pedestrianways are not present shall be seeded or sodded with grass before a Certificate of Zoning Compliance is issued.

1306.05 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.

1306.06 Exterior lighting shall be designed and installed in accordance with Article 21

1306.07 Signs shall be subject to the provisions within Article 18 of this Zoning Resolution.

1307.08 Cluster Box Units (CBUs) shall be subject to the provisions within Article 16, Section 1620 of this Zoning Resolution.

1306.09 Swimming Pools and Water Impoundments shall be subject to the provisions within Section 1614 of this Zoning Resolution.

1306.10 Noise Control:

**GENOA TOWNSHIP ZONING RESOLUTION  
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- A) Outdoor speakers playing low-level music/audio as well as on-site exterior video displays, including Electronic Message Center Signs, shall not emit sound that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- 1306.11 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 2004.
- 1306.12 Outdoor Storage and Displays shall be regulated by Section 1610 of this Zoning Resolution with the following exceptions:
- A) Unless otherwise authorized herein, Outdoor Storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days shall be prohibited.
- B) Outdoor Storage and Display of merchandise on Pedestrianways is prohibited unless a five (5) foot wide strip is left for pedestrian traffic.
- 1306.13 Portable Storage Units shall be regulated by Section 2405 of this Zoning Resolution.
- 1306.14 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.
- 1306.15 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.
- 1306.16 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. 1306.17 There will be no vibrations that can be detected without the use of instruments at or beyond the Lot Lines.
- 1306.18 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 noncombustible 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 that 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 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."

## GENOA TOWNSHIP ZONING RESOLUTION

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

- 1306.19 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.

**Section 1307: Administration and Enforcement**

- 1307.01 Pursuant to Ohio Revised Code (ORC) 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 needs 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 in Section 2705 and shall include a development plan in compliance with this Resolution. Such an application shall be reviewed and administered in accordance with Sections 2706 and 2707. If the Township Trustees determine that the application and development plan comply and subsequently approve 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.
- 1307.02 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.
- 1307.03 Enforcement shall be conducted pursuant to Section 2713.
- 1307.04 Non-conforming Lots, Uses, and Structures shall be subject to Article 25.

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

### Section 1401: Intent and Purpose

- 1401.01 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.
- 1401.02 It is the policy of the Township to permit the creation of the Planned Community Facilities District 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, that 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.
- 1401.03 This Article 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, subject to Article 1 of 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: General Requirements

- 1403.01 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.

## GENOA TOWNSHIP ZONING RESOLUTION

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

- 1403.02 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. Educational Institutions servicing elementary-aged children, playgrounds, and/or parks intended for neighborhood use may, however, be located on Local Streets.
- 1403.03 The Density of land use within a Planned Community Facilities District shall not exceed 1.0 Dwellings per Net Developable Acre unless otherwise authorized by a Divergence that has been reviewed and approved in accordance with the standards set forth in Section 2707 of this Resolution.
- 1403.04 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.
- 1403.05 Where the Lot Lines separate a Planned Industrial District from a Residential or Planned Residential District, a Non-Residential Buffer and Development Setback in accordance with Section 2003 shall be provided.
- 1403.06 Developments within this District shall be planned as groups having common parking area(s) and common ingress and egress points to the greatest extent possible to reduce the number of potential accident locations at intersections with Thoroughfares.
- 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. The minimum required separation distance of the latter shall be three hundred (300) feet, subject to the approval of the Delaware County Engineer.
- 1403.07 Size and Layout.
- A) One or more Buildings or permitted Uses may be placed on a Lot/Tract, however, the maximum square feet of first-floor Building Area for all Buildings on a site shall be determined by the following ratio: Lot/Tract Area in acres x (multiplied by) 7,500 sq. ft.
  - B) If multiple Buildings are constructed on the same Lot or Tract there shall be a minimum of twenty (20) feet separating them.
- 1403.08 Stormwater Management
- A) Setbacks.
    - 1) All stormwater basins shall be set back a minimum of twenty (20) feet from: Lot Lines, Structures, designated Building Envelopes, and designated Limited Common Element Areas.
    - 2) The setback distance shall be measured landward from the maximum one hundred (100) year stormwater surface elevation of the basin during a one hundred (100) year storm.
  - B) Stormwater basins and pond perimeters shall be landscaped in accordance with Section 2004.
  - C) All site plans must have a stormwater 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.
  - D) 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.
- 1403.09 Parking and Loading Areas
- A) Parking spaces, drive aisles, and loading areas shall be provided and designed in accordance with Article 19.

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

- B) No parking lot shall be closer than twenty-five (25) feet from the edge of the Contiguous Street Right-of-Way in a Planned Industrial 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.
- 1403.10 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) Minimum Street width shall be as required by the Delaware County Engineer.
- 1403.11 Sidewalks, Multi-Use Paths, and Trails
- A) Sidewalks along Streets.
    - 1) New Streets. Paved sidewalks and/or Multi-Use Paths shall be provided along both sides of any new public or private Street.
    - 2) Existing Streets. Paved 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 by the context of the surrounding area. Consistency in the type (sidewalk or Multi-Use Path) with neighboring properties and/or with any paved pedestrian network already established along the subject Street corridor shall be maintained and continued whenever possible and logical to do so.
    - 4) A Divergence shall be required to not install required sidewalks and/or Multi-Use paths. In order for such a Divergence to be warranted, in addition to the standards of Article 27, Section 2707, easements allowing for future construction and maintenance by the Township, or its assignee, and public pedestrian access shall be provided in lieu of the above.
      - a) The width of said easement shall be at least twenty (20) 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 five (5) 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.

**Section 1404: Uses**

- 1404.01 Permitted Principal Uses shall be as established within Section 505: Table of Authorized Principal Uses.
- 1404.02 Permitted Accessory Uses shall be as established within Section 506: Table of Authorized Accessory Uses.
- 1404.03 All Uses not specifically authorized as a permitted or conditionally permitted Use by Section 505: Table of Authorized Principal Uses or Section 506: Table of Authorized Accessory Uses are hereby prohibited.
- 1404.04 Unless otherwise permitted in this Resolution, no Building or Structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.

## GENOA TOWNSHIP ZONING RESOLUTION

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

1404.05 A Zoning Permit shall be obtained before any Use is initiated, changed, or significantly altered in accordance with Section 115.02.

**Section 1405: Dimensional Requirements**

1405.01 Minimum Setbacks from respective Lot Lines 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 and Drives	75 feet	75 feet	75 feet	30 feet	30 feet	30 feet	30 feet
Side Parking & Drives	25 feet	25 feet	25 feet	6 feet	6 feet	6 feet	6 feet
Rear Parking & Drives	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	100 feet	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.

1405.02 Building or Structure Height limits: Unless otherwise permitted in Section 1616, no Building or Structure in this District shall exceed thirty-five (35) feet in Height.

A) 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.

1405.03 Lots designated solely for the purpose of Governmental Facilities, Right-of-Way, designated Open Space preservation, Public Utilities, or stormwater management shall be exempt from minimum Lot Area requirements. Such designation shall be reflected in the Zoning Permit issued for the creation of the Lot if one is required by this Resolution.

**Section 1406: District Standards**

1406.01 The provisions of Article 16, General Standards, shall apply to this Zoning District except as may otherwise be modified within this document.

1406.02 The following standards regarding outdoor activities shall apply in addition to any other applicable regulations pertaining to such matters:

A) Outdoor dining areas, lounge areas, and the like shall be permitted. Such areas shall be set back at least ten (10) feet from any Lot Line and subject to Section 1610 of this Resolution.

B) Both Mechanical and Self-Service Vending shall be permitted outdoors. Such areas, including storage bins and machines, shall be located adjacent to a Building and subject to Section 1610 of this Resolution.

1406.03 All premises, including Pedestrianways not otherwise functioning as nature trails, 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.

**ARTICLE 14: PLANNED COMMUNITY FACILITIES DISTRICT (PCF)****1406.04 Buffers, Screening, and Landscaping.**

- A) All Yards, Off-Street Parking Lots and associated perimeters, and stormwater basins shall be set back, buffered, screened, and landscaped in accordance with Article 2003.
- B) All Off-Street Parking Lot interiors, Building foundations, dumpsters and other similar types of waste containers, building mechanical systems, interior drive aisles, loading areas, Building service entrances, trash enclosures, loading docks, and steep slopes shall be buffered, screened, and/or landscaped in accordance with Article 2004.
- C) All areas where Buildings, parking areas, or Pedestrianways are not present shall be seeded or sodded with grass before a Certificate of Zoning Compliance is issued.

**1406.05 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.****1406.06 Exterior lighting shall be designed and installed in accordance with Article 21 of this Zoning Resolution.****1406.07 Signs shall be subject to the provisions within Article 18 of this Zoning Resolution.****1406.08 Cluster Box Units (CBUs) shall be subject to the provisions within Article 16, Section 1620 of this Zoning Resolution.****1406.09 Swimming Pools and Water Impoundments shall be subject to the provisions within Section 1614 of this Zoning Resolution.****1406.10 Noise Control:**

- A) Outdoor speakers playing low-level music/audio as well as on-site exterior video displays, including Electronic Message Center Signs, shall not emit sound that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

**1406.11 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 2004.****1406.12 Outdoor Storage and Displays shall be regulated by Section 1610 of this Zoning Resolution with the following exceptions:**

- A) Unless otherwise authorized herein, Outdoor Storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days shall be prohibited.
- B) Outdoor Storage and Display of merchandise on Pedestrianways is prohibited unless a five (5) foot-wide strip is left for pedestrian traffic.

**1406.13 Portable Storage Units shall be regulated by Section 2405 of this Zoning Resolution.****Section 1407: Administration and Enforcement****1407.01 Pursuant to Ohio Revised Code (ORC) Section 519.021(A), this District may be permitted upon application and approval of specific and detailed Final Development Plan 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, promotes the general public health, safety, morals, and general welfare, 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.****1407.02 Applications and requests pertinent to the Planned Community Facilities District, including Zoning Map Amendments, Preliminary Development Plans, Final Development Plans, Final Development**

## GENOA TOWNSHIP ZONING RESOLUTION

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

Plan amendments, Divergences, subdivisions, Zoning Permits, and Certificates of Compliance, shall be administered in accordance with Article 27.

- A) The following shall be eligible, but not required, to combine the Zoning Map Amendment, Preliminary Development Plan, and Final Development Plan into a single application contra to the two-step process otherwise required by Section 2701.01 of this Resolution:
  - 1) Projects consisting of one (1) Principal Building totaling no more than ten thousand (10,000) square feet in size on a Lot or Tract three (3) or less acres in size.
- B) Projects eligible to be combined into a single application shall be required to provide all submittal materials required by Sections 2703 and 2705 of this Resolution, minus any overlapping or redundant items.
- C) Projects eligible to be combined into a single application shall follow the procedures set forth in Section 2704 of this Resolution with the exception of Sections 2704.22.A and 2704.23 which, for the purposes of this Section only, shall be considered moot and subsequently not applicable. Such applications shall still be subject to referendum per Sections 2704.18 and 2704.19 of this Resolution.
- D) Final Development Plans approved under a combined, single application shall still be subject to Sections 2706.16 - 2706.20.

1407.03 Enforcement shall be conducted pursuant to Section 2713.

1407.04 Non-conforming Lots, Uses, and Structures shall be subject to Article 25.

**ARTICLE 15: LIGHT INDUSTRIAL DISTRICT (LI)****Section 1501: Intent and Purpose**

- 1501.01 The intent of the Light Industrial District is to provide areas for Industrial establishments that 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 as well as by central water and other Essential Services.
- 1501.02 The provisions of this Article shall apply to all lands zoned Light Industrial District (LI) subject to Article 1 of this Resolution.
- 1501.03 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: Uses**

- 1502.01 Permitted Principal Uses shall be as established within Section 505: Table of Authorized Principal Uses.
- 1502.02 Permitted Accessory Uses shall be as established within Section 506: Table of Authorized Accessory Uses.
- 1502.03 Permitted Conditional Uses shall be as established within Section 505: Table of Authorized Principal Uses and Section 506: Table of Authorized Accessory Uses. Authorized Conditional Uses shall adhere to Article 3 of this Resolution and shall demonstrate compliance with any applicable conditions established for said Use within Articles 17, 22, 23, and/or 24.
- 1502.04 All Uses not specifically authorized as a permitted or conditionally permitted Use by Section 505: Table of Authorized Principal Uses or Section 506: Table of Authorized Accessory Uses, both located within Article 5 of this Zoning Resolution, are hereby prohibited.
- 1502.05 A Zoning Permit shall be obtained before any Use is initiated, changed, or significantly altered in accordance with Section 115.02.

**Section 1503: Dimensional Requirements**

- 1503.01 Minimum Lot Area: Two (2) acres.
- A) Any portion of a Lot within a Common Access Driveway (CAD) easement(s) or Street Right-of-Way shall not count towards the minimum Lot Area requirement.
  - B) Lots designated solely for the purpose of Governmental Facilities, Right-of-Way, designated Open Space preservation, Public Utilities, or stormwater management shall be exempt from any Lot Area requirements. Such designation shall be reflected in the Zoning Permit issued for the creation of the Lot if one is required by this Resolution.
- 1503.02 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.
  - D) Lots meeting the criteria set forth in Section 1503.01.B above shall be exempt from Frontage requirements.

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 15: LIGHT INDUSTRIAL DISTRICT (LI)**

- 1503.03 Landlocked Lots shall be accessed by a Common Access Driveway (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 1503.02.A - C.
- 1503.04 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 at least one hundred (100) feet wide at the required Front Yard Setback.
  - C) Lots meeting the criteria set forth in Section 1503.01.B above shall be exempt from Lot Width requirements.
- 1503.05 Minimum Front Yard Setback depth: One hundred and fifty (150) from the Front Lot Line unless otherwise specified below.
- A) The Front Yard Setback depth of a Flag Lot shall be fifty (50) feet, measured from the point at which said Lot reaches two hundred (200) feet in width.
- 1503.06 Minimum Side Yard Setback width, each side: Twenty-five (25) feet from the Side Lot Line(s).
- 1503.07 Minimum Rear Yard Setback depth: Fifty (50) feet from the Rear Lot Line.
- 1503.08 No Building, including Accessory Buildings, shall be located closer than one hundred (100) feet from a Residential or Planned Residential District boundary line.
- 1503.09 Building or Structure Height limits: Unless otherwise permitted within this Resolution, no Building or Structure 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
- 1503.10 Lot Coverage: On no Lot in this Zoning District shall Structures be constructed that cover more than thirty-five percent (35%) of the Lot Area.
- 1503.11 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.
- 1503.12 Parking Areas.
- A) Parking spaces, drive aisles, and loading areas shall be provided and designed in accordance with Article 19.
  - B) No Off-Street Parking Lot or Parking Facility 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 Zoning District, in which case seventy-five (75) feet shall be the closest permitted distance to the edge of the Contiguous Street Right-of-Way.
  - C) Parking areas shall be set back from Side and Rear Lot Lines a minimum of six (6) feet unless Contiguous to a Residential or Planned Residential Zoning District, in which case the Setback shall be twenty (20) feet.

**Section 1504: District Standards**

- 1504.01 The provisions of Article 16, General Standards, shall apply to this Zoning District except as may otherwise be modified within this document.
- 1504.02 All Streets, including private Streets, shall conform to the requirements of Delaware County and the Genoa Township Fire Department. In instances of conflict with this Resolution, the aforementioned agencies shall prevail.

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

- 1504.03 All premises, including Pedestrianways not otherwise functioning as nature trails, 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.
- 1504.04 Buffers, Screening, and Landscaping.
- A) All Yards, Off-Street Parking Lots and associated perimeters, and stormwater basins shall be set back, buffered, screened, and landscaped in accordance with Article 2003.
  - B) All Off-Street Parking Lot interiors, Building foundations, dumpsters and other similar types of waste containers, building mechanical systems, interior drive aisles, loading areas, Building service entrances, trash enclosures, loading docks, and steep slopes shall be buffered, screened, and/or landscaped in accordance with Article 2004.
  - C) All areas where Buildings, parking areas, or Pedestrianways are not present shall be seeded or sodded with grass before a Certificate of Zoning Compliance is issued.
- 1504.05 Stormwater Management – all developments shall have a stormwater management plan approved by the Delaware County Engineer's Office, if applicable.
- 1504.06 Activities, excluding parking, shall primarily be conducted within a completely enclosed Building or other appropriate structural element(s) unless otherwise permitted herein. This provision shall not apply to activities found to be ancillary, customarily incidental, or inconsequential to the Use of the subject property.
- A) Outdoor dining areas, lounge areas, and the like shall be permitted. Such areas shall be set back at least ten (10) feet from any Lot Line and subject to Section 1610 of this Resolution.
  - B) Both Mechanical and Self-Service Vending shall be permitted outdoors. Such areas, including storage bins and machines, shall be located adjacent to a Building and subject to Section 1610 of this Resolution.
- 1504.07 Noise Control:
- A) Outdoor speakers playing low-level music/audio as well as on-site exterior video displays, including Electronic Message Center Signs, shall not emit sound that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
  - B) Outdoor live entertainment not otherwise qualifying as a Temporary Use or permitted by this Resolution, shall be prohibited.
- 1504.08 Unless otherwise permitted by this Resolution, no Building or Structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- 1504.09 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.
- 1504.10 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.
- 1504.11 There shall be no emission of odors or odor-causing substances that can be detected without the use of instruments at or beyond the Lot Lines.
- 1504.12 There shall be no vibrations that can be detected without the use of instruments at or beyond the Lot Lines.
- 1504.13 Outdoor Storage and Displays shall be regulated by Section 1610 of this Zoning Resolution with the following exceptions:

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 15: LIGHT INDUSTRIAL DISTRICT (LI)

- A) Unless otherwise authorized herein, Outdoor Storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days shall be prohibited.
  - B) Outdoor Storage and Display of merchandise on Pedestrianways is prohibited unless a five (5) foot wide strip is left for pedestrian traffic.
  - C) The storage, utilization and manufacture of solid, liquid, and gaseous chemicals and other materials shall be permitted, contrary to prohibitions which may be found elsewhere in this Zoning Resolution, subject to the following conditions:
    - 1) 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 noncombustible exterior walls and protected throughout by an automatic fire extinguishing system.
    - 2) All activities involving the use and/or storage and/or disposal of flammable liquids or materials that 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 adequate firefighting and suppression equipment and devices standard to the industry involved.
    - 3) The storage, utilization, or manufacture of pyrophoric and explosive powders and dusts, and of materials and products that decompose by detonation is prohibited.
    - 4) The manufacture of flammable liquids or materials that produce flammable or explosive vapors or gases is prohibited.
    - 5) 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".
  - D) The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be permitted, contrary to prohibitions which may be found elsewhere in this Resolution, but shall be done so in strict conformance with:
    - 1) The applicable regulations of any federal, state, and/or other regulatory agency; and
    - 2) The applicable regulations of any instrumentality of the State of Ohio.
- 1504.14 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 2004.
- 1504.15 Exterior lighting shall comply with Article 21.
- 1504.16 Signs shall be subject to the provisions within Article 18 of this Zoning Resolution.
- 1504.17 Cluster Box Units (CBUs) shall be subject to the provisions within Article 16, Section 1620 of this Zoning Resolution.
- 1504.18 Swimming Pools and Water Impoundments shall be subject to the provisions within Section 1614 of this Zoning Resolution.
- 1504.19 Portable Storage Units shall be regulated by Section 2405 of this Zoning Resolution.

**Section 1505: Administration and Enforcement**

- 1505.01 Applications for Rezoning to the Light Industrial District shall be administered in accordance with Article 26.
- 1505.02 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.
- 1505.03 Applications for Variances, Conditional Uses, and Administrative Appeals shall be administered in accordance with Article 3.
- 1505.04 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.
- 1505.05 Enforcement shall be conducted pursuant to Section 116 as well as all other applicable provisions of this Resolution.
- 1505.06 Non-conforming Lots, Uses, and Structures shall be subject to Article 25.

**GENOA TOWNSHIP ZONING RESOLUTION**

**ARTICLE 15: LIGHT INDUSTRIAL DISTRICT (LI)**

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**ARTICLE 16: GENERAL STANDARDS****Section 1601: Intent and Purpose**

- 1601.01 The intent and purpose of these general standards is to establish regulations that apply equally and universally across all unincorporated areas of Genoa Township regardless of Zoning District classification unless otherwise specified within this Zoning Resolution, to promote and protect the health, safety, and general welfare of the community.

**Section 1602: General Requirements**

- 1602.01 The standards within this Article are applicable to all Zoning Districts unless otherwise stipulated or modified by the requirements of a specific Zoning District.
- 1) A) Standards pertaining to the following shall similarly apply to all Zoning Districts subject to any exclusions or modifications in this Resolution. Article 17, Conditional and Special Use Standards
  - 2) Article 18, Sign Standards
  - 3) Article 19, Parking Standards
  - 4) Article 22, Utilities and Related Uses
  - 5) Article 23, Agriculture and Related Uses
  - 6) Article 24, Temporary Uses and Structures
  - 7) Article 25, Non-Conformities
- 1602.02 The applicability of Article 20, Landscaping Standards shall be as specified in Section 2001.
- 1602.03 The applicability of Article 21, Lighting Standards to Zoning Districts shall be as specified in Section 2101.03.

**Section 1603: Fences and Walls**

- 1603.01 No person shall erect or construct a Fence or Accessory Wall without first obtaining a Zoning Permit as per Section 115 of this Resolution.
- A) A plot plan or site plan must be provided along with a completed permit application showing the location of the proposed Fence or Accessory Wall and accurate distance measurements from all existing Structures and Lot Lines.
  - B) Each property owner shall determine the exact locations of Lot Lines to ascertain no encroachment upon another Lot. The issuance of a Zoning Permit by the Genoa Township Development & Zoning Office shall not certify the location of Lot Lines, which is the property owner's duty otherwise imposed.
- 1603.02 The location and Height of all Fences, Accessory Walls, and vegetation shall be in accordance with the provisions of this Section.
- 1603.03 Fences and Accessory Walls on Corner Lots shall not interfere with sight distance as further regulated in Section 1615.
- 1603.04 Fences and Accessory Walls shall not be permitted within any Right-of-Way.
- 1603.05 Maximum Permitted Height.
- A) The maximum permitted Height for a Fence or Accessory Wall located twenty (20) or more feet away from any Street Right-of-Way line shall be eight (8) feet.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 16: GENERAL STANDARDS

- B) The maximum permitted Height for a Fence or Accessory Wall located less than twenty (20) feet from a Street Right-of-Way line shall be thirty-six (36) inches unless specified below in which case Section 1603.05.A shall still apply.
- 1) Fences and Accessory Walls located within designated Open Space areas of Planned Developments.
  - 2) Fences and Accessory Walls exceeding thirty-six (36) inches in Height shall be permitted if they are required by Section 1614 and placed ten (10) feet or less from the edge of a Swimming Pool. This exception shall only apply to the portion(s) of the Fence or Accessory Wall meeting said parameters. The maximum eight (8) foot Height restriction established herein shall remain applicable.
  - 3) Fences and Accessory Walls located outside of any clear site triangle(s) as determined by a licensed professional engineer or surveyor. Documentation demonstrating such shall be provided to the Zoning Inspector.
- 1603.06 Supporting members for Accessory Walls and Fences shall be installed on the interior of the Lot being fenced. This regulation shall not apply to Fences or Accessory Walls that are designed so that the supporting members are identical in appearance from both sides of the Fence.
- 1603.07 Fences and Accessory Walls shall be kept in proper repair and maintained so as not to create conditions that endanger public health, safety, or general welfare.
- 1603.08 Setbacks for electrified Fences.
- A) On Lots or Tracts of less than one (1) acre: The established Principal Building Setback for said Lot or Tract. In instances where no such Setback exists, the requirement shall be twenty (20) feet from each Lot Line.
  - B) On Lots or Tracts of one (1) acre or greater: Twenty (20) feet from any Front Lot Line and ten (10) feet from all other Lot Lines.
- 1603.09 No Accessory Structure, Accessory Wall, Fence, or vegetation of any kind may be constructed, placed, planted, or allowed to grow which would visibly obscure, hide, or screen fire hydrants, street address numbering, and other security or emergency service equipment, controls or components.
- 1603.10 Where a Fence or Accessory Wall is constructed on an embankment greater than one (1) foot in height, or where the ground under a Fence or Accessory Wall has been graded greater than one (1) foot higher level than the surrounding ground, the permissible Height of the Fence or Accessory Wall, as set forth in this Section, shall be reduced by the Height of the embankment or grading.
- 1603.11 Retaining Walls.
- A) Retaining Walls shall not: be located in the Right-of-Way, exceed thirty (30) inches in Height between the Principal Structure and the Right-of-Way, or exceed six (6) feet in Height at any other location.
  - B) Retaining walls shall be set back from adjacent Lot Lines at a distance of twice the Height of the Retaining Wall.
  - C) Retaining Walls shall be constructed and maintained so that they are protected from erosion and allow for proper drainage.
- 1603.12 Entry Features to private residential properties shall be subject to the provisions of Section 1605.

**Section 1604: Common Access Driveways**

- 1604.01 A Common Access Driveway (CAD) shall be permitted if approved by the Delaware County Regional Planning Commission and not otherwise prohibited by this Resolution.

**Section 1605: Access Drives, Appurtenant Structures, and Entry Features**

- 1605.01 All private access drives and necessary or related appurtenant Structures shall conform to the requirements of this Section and may be subject to approval by the Genoa Township Fire Department.
- 1605.02 Private access driveways for individual Lots with a travel length over four hundred (400) feet shall be designed to provide widened paved passing areas at least fifteen (15) feet in width and sixty (60) feet in length at intervals not more than three hundred (300) feet in distance from each other.
- 1605.03 Gates erected across an access drive, or across any part of a property's ingress/egress and/or incorporated in an Entry Feature of any property shall provide Manual or automatic release mechanisms for emergency vehicle access. Electronically or manually locking gates that cannot meet the above requirements are prohibited.
- 1605.04 Entry Features.
- A) The maximum Height permitted for an Entry Feature, excluding architectural features or gates spanning over a driveway, shall be eight (8) feet.
  - B) Entry Features erected approximately parallel to a Lot's linear Right-of-Way Frontage shall comprise no more than fifty percent (50%) of the length of said Frontage. Said measurement shall exclude any architectural features or gates spanning over a driveway.
  - C) A Zoning Permit shall be required for the installation of an Entry Feature unless said improvement is:
    - 1) Six (6) or less feet in length pursuant to the measurement methodology expressed in Article 4 and Sections 1605.04.A & B herein; and
    - 2) Six (6) or less feet in Height.

**Section 1606: Dwellings per Lot**

- 1606.01 No more than one (1) Dwelling may be constructed upon any one Lot for the purposes of this Resolution unless otherwise permitted by this Zoning Resolution (ex: Accessory Dwellings). No Divergence shall be required to place more than one (1) Dwelling in a Planned Development subject to other applicable restrictions of this Resolution such as those pertaining to Density.
- 1606.02 Dwellings connected via a roofed outdoor passage (ex: breezeway) shall generally be permitted subject to the provisions of Section 1609.

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

- 1607.01 No Lot, Yard, court, parking area, or other space shall be reduced in area or dimension thus making said area or dimension less than the minimum required by this Resolution. If said area or dimension is already less than the minimum required by this Resolution, it shall be considered to be non-conforming and subject to Article 25.
- 1607.02 No part of a Yard, court, parking area, or other space provided for any Building or Structure for the purpose of complying with the provisions of this Zoning Resolution shall be included as part of a Yard, court, parking area, or other space required under this Zoning Resolution for another Building or Structure unless otherwise specified herein.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 16: GENERAL STANDARDS

**Section 1608: Architectural Feature Exceptions**

- 1608.01 Sills, pilasters, cornices, eaves, gutters, and other similar architectural features may project into any required yard Setback, No Build Zone, or No Disturb Zone a maximum of twenty-four (24) inches.
- 1608.02 The following architectural features not otherwise exempt under Article 1, Section 117.01.L or regulated herein this section may extend into the required Front and Rear Yard a maximum of ten (10) feet: Decks, steps, patios, Awnings, balconies, chimneys, and other similar types of incidental Structures which are Attached to, or located immediately adjacent to, a Principal Building. This standard shall similarly apply to non-retaining walls (seating or otherwise), piers, outdoor kitchens, grills, fire pits, and other such improvements not meeting the definition of a Building associated with such features. Detached iterations of the aforementioned not otherwise specified herein shall comply with the provisions of Section 1603 and/or 1609.
- 1608.03 No Structure, unless otherwise specified herein, may project into a required Side Yard.
- 1608.04 Window wells.
- A) Egress window wells may extend into a required side yard provided that the well is covered with a hard surface and the well is no closer than six (6) feet to any adjoining Lot Line.
  - B) Window wells that do not provide egress and are two (2) feet or less in depth may extend to the Lot Line.
- 1608.05 The maximum permitted Height of an architectural feature or incidental Structures Attached to, or immediately adjacent to a Principal Building and not otherwise exempted under Article 1 Section 117.01.L, shall be the maximum Principal Building Height established for the Zoning District in which the feature is located, subject to Section 1616 of this Article. Iterations of the aforementioned not otherwise specified herein shall comply with the provisions of Section 1603 and/or 1609.

**Section 1609: Accessory Buildings & Structures**

- 1609.01 Accessory Buildings exceeding one hundred and twenty (120) square feet in size and more than twelve (12) feet in height shall be in conformity with the provisions below, unless otherwise stated within this Resolution. Accessory Buildings falling at or below the dimensional thresholds stated herein shall be exempt from conforming with this Zoning Resolution and thus shall not require a Zoning Permit, however, this exemption shall not be administered, construed, or interpreted so as to permit a Use that is prohibited in any given Zoning District by this Resolution. This exemption shall not apply to any Use requiring Conditional Use approval or any improvement meeting the definition of an Accessory Wall, Entry Feature, Fence, Landing Pad/Strip, Private Utilities, Retaining Wall, Satellite Dish, Sign (including Billboards and Outdoor Advertising), Small Solar Facility, Sign, Small Wind Farm, or Swimming Pool. The preceding shall not preclude an exemption otherwise granted by this Resolution.
- A) No Accessory Building shall be erected within any required Front Yard Setback of the Principal Building unless otherwise permitted by Section 1608.
  - B) Unless otherwise permitted by Section 1608, Side and Rear Yard Setbacks for Accessory Buildings shall be ten (10) feet, however, if such Building is connected to a Principal Building on the same Lot or Tract via a roofed, outdoor passage (ex: breezeway), it shall comply with the Principal Building Setbacks applicable to said Lot or Tract.
    - 1) When the required Side Yard Setback for a Principal Building is less than ten (10) feet, the Accessory Building may be located at that reduced Setback.

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

- 2) Dwellings within Buildings connected via a roofed outdoor passage (ex: breezeway) shall be considered separate Dwellings for the purposes of this Resolution, including Density, and as such shall be subject to the restrictions set forth in Section 1606. The foregoing shall not be considered a prohibition against Accessory Dwellings permitted by and regulated elsewhere within, this Resolution nor the connecting of a Principal Building containing a principal Dwelling to a lawful Accessory Dwelling via a roofed outdoor passage (ex: breezeway).
  - 3) No more than four (4) Buildings may be connected to one another via a roofed, outdoor passage (ex: breezeway).
  - C) The maximum number of permitted Accessory Buildings per Lot shall be one (1) plus one (1) for each full acre of Lot Area, but in no case shall exceed five (5) Accessory Buildings on a Lot.
  - D) The maximum Building Height shall not exceed twenty-two (22) feet on a Lot under two (2) acres in size. On Lots two (2) acres or larger, the maximum Building Height shall not exceed thirty-five (35) feet.
  - E) Accessory Buildings shall be subject to any applicable Building and/or Lot Coverage restrictions within this Resolution.
  - F) No Accessory Building within any district shall contain an Accessory Dwelling unless such Use is permitted as a Conditional Use within a District. Accessory Dwellings, where permitted, shall comply with Section 1744.
- 1609.02 Accessory Structures exceeding one hundred and twenty (120) square feet in size and more than six (6) feet in height shall be in conformity with the provisions below unless otherwise stated within this Resolution. Accessory Structures falling at or below the dimensional thresholds stated herein shall be exempt from conforming with this Zoning Resolution and thus shall not require a Zoning Permit, however, this exemption shall not be administered, construed, or interpreted so as to permit a Use that is prohibited in any given Zoning District. This exemption shall not apply to any Use requiring Conditional Use approval or any improvement meeting the definition of an Accessory Wall, Entry Feature, Fence, Landing Pad/Strip, Private Utilities, Retaining Wall, Satellite Dish, Sign (including Billboards and Outdoor Advertising), Small Solar Facility, Sign, Small Wind Farm, or Swimming Pool. The preceding shall not preclude an exemption otherwise granted by this Resolution.
- A) No Accessory Structure requiring a Zoning Permit shall be erected within any required Front Yard Setback unless otherwise permitted by Section 1608.
  - B) Unless otherwise permitted by Section 1608, Side and Rear Yard Setbacks for Accessory Structures requiring a Zoning Permit shall be ten (10) feet, however, Structures connected to a Principal Building on the same Lot or Tract via a roofed, outdoor passage (i.e., breezeway) in shall comply with the Principal Building Setbacks applicable to said Lot or Tract. When the required Side Lot or Rear Lot Line for the Principal Building on that property is less than ten (10) feet, the Accessory Structure may be located at that reduced Setback.
    - 1) A propane tank is permitted in a Side or Rear setback so long as it is placed in accordance with the minimum setback requirements set forth in the National Fire Protection Association's Liquefied Petroleum Gas Code (NFPA 58), as may be amended, and thus shall not require a Zoning Permit.
    - 2) Mechanical structures, such as air conditioners and generators, shall be exempt from any Side or Rear Yard requirements and thus shall not require a Zoning Permit.
  - C) No Accessory Structure shall exceed twelve (12) feet in Structure Height unless it is Attached to, or located immediately adjacent to, an Accessory Building, in which case it shall be permitted to comply with the maximum Building Height restrictions set forth in Section 1609.01.D.
  - D) Accessory Structures shall be subject to any applicable Lot Coverage restrictions within this Resolution.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 16: GENERAL STANDARDS

- 1609.03 Unless otherwise stated, the following shall not be subject this Section and instead shall be regulated by standards found elsewhere within this Zoning Resolution:
- A) Fences, Accessory Walls, and Retaining Walls shall be regulated by Section 1603.
  - B) Access Drives, Appurtenant Structures, and Entry Features shall be regulated by Section 1605.
  - C) Swimming Pools shall be regulated by Section 1614.
  - D) Cluster Box Units shall be regulated by Section 1620.
  - E) Electric Vehicle Chargers shall be regulated by Section 1621.
  - F) Conditional Uses and certain other types of Uses shall be regulated by Article 17.
  - G) Outdoor advertising and Signs shall be regulated by Article 18.
  - H) Parking lots and related components shall be regulated by Article 19.
  - I) Landscaping shall be regulated by Article 20.
  - J) Lighting fixtures shall be regulated by Article 21.
  - K) Utilities, Telecommunication Towers, Wind Farms, Solar Energy Systems, and Solar Facilities shall be regulated by Article 22.
  - L) Agriculture, Agritourism, and Farm Markets shall be regulated by Article 23.
  - M) Temporary Uses and Structures shall be regulated by Article 24.

**Section 1610: Outdoor Storage and Displays**

- 1610.01 Unless otherwise authorized herein, Outdoor Storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days shall be prohibited on any property located within a Residential Zoning District or Planned Residential Zoning District.
- 1610.02 Outdoor Storage of recreational vehicles, boats, motor homes, equipment, trailers, other vehicles other than passenger cars, and the like in Residential and Zoning Districts and Planned Residential Zoning Districts shall be regulated by Article 19, Section 1906 of this Resolution.
- 1610.03 Outdoor Display of items for sale on residential properties that are unrelated to Agriculture, Agritourism, Farm Markets, or Home Occupations shall be regulated by Article 24, Sections 2403.03 and 2403.04.
- 1610.04 Unless otherwise authorized herein or via a valid Legal Approval, the following shall apply in all Non-Residential Zoning Districts:
- A) 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. 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 Zoning Resolution or the restrictions on the plat or deed.
  - B) All organic rubbish or waste materials shall be stored in airtight, vermin-proof containers and subject to Section 1611.
  - C) No area approved as a designated parking space and/or drive aisle in an applicable Legal Approval shall be utilized for Outdoor Storage with the exception of Temporary Uses and/or Temporary Structures, including temporary storage due to on-site construction or maintenance.
- 1610.05 Outdoor Storage occurring in conjunction with a non-exempt Agricultural Type Use or Non-Residential Type Use shall be fully enclosed and screened by an opaque Fence no less than six (6) feet in Height.

- 1610.06 Outdoor Storage and Displays shall not block any Streets, Right-of-Ways, required parking spaces, required parking drive aisles, emergency access routes, clear sight triangles, road or utility easements, Pedestrianways, or any other clearance zones that may be required by other governmental agencies. If materials are placed along a Pedestrianway, five (5) feet of clearance shall be maintained all times.
- 1610.07 Exterior lighting of any Outdoor Storage or Display area shall comply with Article 21.

**Section 1611: Nuisances**

- 1611.01 Any Building or Structure declared unfit for human habitation in any Zoning District by the Board of Health or any Building or Structure in the township declared insecure, unsafe, or structurally defective by the Township Fire Department, the County Building Department or other authority responsible under Chapter 3781 of the Ohio Revised Code (ORC) for the enforcement of building regulations, shall be removed or repaired to a safe and structurally sound condition. Enforcement shall be accomplished through the procedures outlined in Section 505.86 of the ORC, as may be amended.
- 1611.02 The following shall be prohibited and subsequently considered a Nuisance unless otherwise found to be occurring in accordance with a valid Legal Approval. Enforcement shall be accomplished through the procedures outlined in Section 505.87 and 505.871 of the ORC, as may be amended, where applicable, and/or via Section 116 of this Resolution:
- A) The storage or accumulation of trash, garbage, refuse, and other debris (including, without limitation, discarded household goods, discarded commercial products, discarded building materials, discarded industrial by-products, discarded brush, discarded vegetation, and other similar materials). Garbage, refuse, and debris that is completely enclosed within an appropriate container and placed at an assigned location for regularly scheduled pick-up shall not be considered a violation of this standard.
  - B) The storage or accumulation of Junk, Junk Vehicles, vehicle parts, and other similar debris. Outdoor Storage of inoperable, unlicensed, or unused motor vehicles for a period exceeding seven (7) days shall not be considered a violation of this standard provided such vehicles are completely enclosed within a Building so as not to be visible from any adjoining property or public road.
  - C) Overgrown or unmaintained weeds, grasses, and/or vegetation that are noxious and/or pose(s) a threat to public health, safety, or general welfare.

**Section 1612: Objectionable Practices or Conditions**

- 1612.01 There shall be no direct or sky-reflected glare from high-temperature processes (ex: combustion, welding, etc.) conducted on properties containing an Agricultural or Non-Residential Type Use visible from any Residential or Planned Residential Zoning District.
- 1612.02 Erosion of private Off-Road Motorized Vehicle trails shall be physically controlled and detained on-site in accordance with the standards and regulations of Delaware County.
- 1612.03 Ultra-Light Vehicles or any aircraft shall be prohibited from taking off or landing on property not otherwise operating as a lawful and approved Aviation Facility and/or Landing Pad/Strip.
- 1612.04 The operation of any drone within Genoa Township shall comply with all applicable standards and requirements of the Federal Aviation Administration (FAA) as well as any other governmental agency having jurisdiction over such matter.
- 1612.05 The operation of any autonomous or remotely controlled vehicles, robots, and the like on private property within Genoa Township shall comply with all applicable standards and requirements of any governmental agency having jurisdiction over such matter.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 16: GENERAL STANDARDS

- 1612.06 The cremation, burial/interment, and/or disposal of human remains on a property (including water) not otherwise actively licensed and having valid Legal Approval to conduct such an activity (ex: Cemetery, Crematory, Funeral Home, Mortuary, and the like) shall be prohibited. This prohibition shall include the use of catafalques, mausoleums, and other similar types of Structures for such activity.

**Section 1613: Hazardous Materials and Waste Disposal**

- 1613.01 Highly flammable or explosive liquids, solids, or gases shall not be stored in bulk above or below ground in any Residential or Planned Residential District.
- 1613.02 The storage of hazardous or toxic materials shall not be permitted without documented approval by the Ohio Environmental Protection Agency.
- 1613.03 Materials or wastes which might cause fumes or dust, which constitute a fire hazard, or which may be edible or attractive to rodents or insects shall be stored outdoors only in closed containers constructed of impervious material.
- 1613.04 No materials or wastes shall be deposited upon a Lot in such form or manner that they may be transferred off the Lot by wind, flood, or natural causes or forces.
- 1613.05 A list of materials or products that could decompose by detonation shall be provided to the Genoa Township Fire Department. Such materials shall include, but need not be limited to, all primary explosives including lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl, and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium.

**Section 1614: Swimming Pools and Water Impoundments**

- 1614.01 Private accessory Swimming Pools for Single-Family Dwellings and other similar type of Residential Type Uses may be permitted in any District, provided the following provisions are met:
- A) The pool shall be intended solely for the enjoyment of the occupants and guests of the Principal Use of the property on which it is located.
  - B) The edge(s) of the Swimming Pool, exclusive of any adjacent pavement or decking, shall not be located closer than ten (10) feet to any Lot Line and may not encroach upon any required Front Yard or any required on-site wastewater leaching areas.
  - C) Swimming Pool(s) shall be completely and securely walled and/or fenced to prevent uncontrolled access from any Street and/or adjacent property. Any such wall and/or Fence shall not be less than four (4) feet in Height, shall be permanently affixed to the ground, shall comply with Section 1603, and shall be in good condition with a gate and lock.
  - D) Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any other property or any public Street.
- 1614.02 All other Swimming Pools not regulated by Section 1614.01 herein shall comply with the following conditions and requirements:
- A) The pool and Accessory Structures thereto, including the areas used by bathers, shall not be closer than seventy-five (75) feet to any Lot Line.
  - B) The swimming pool and all areas used by bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. Said Fence or Accessory Wall shall not be less than six (6) feet in Height and maintained in good condition.

- C) Loudspeakers, jukeboxes, public address systems, and electric amplifiers shall be permitted only if the use of the same is solely for the occupants of the Building, and only if the equipment is installed within the Building and does not create a Nuisance and disturb the peace of other persons or properties.
- D) Exterior lighting shall be installed in accordance with Article 21.
- E) Off-street parking shall be provided in accordance with Article 19.
- 1614.03 Swimming Pools and any associated decking, patios, etc. shall be subject to any applicable Lot Coverage restrictions within this Resolution.
- 1614.04 Maximum Height:
  - A) Swimming Pools that are wholly or partially above ground shall not exceed a Height of six (6) feet.
  - B) Accessory Buildings and Accessory Structures Attached to, over, or on top of a wholly or partially above ground Swimming Pool or any associated decking shall be subject to the regulations set forth in Section 1609.
- 1614.05 All Water Impoundments shall be constructed and developed so that said impoundment(s) is/are set back at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line. This standard shall not apply to Swimming Pools; decorative ponds, lakes, or water features located within designated Open Space areas of Planned Developments; or infrastructure being provided to meet the requirements of any governmental entity as it pertains to drainage, flood control, and/or stormwater management.

#### **Section 1615: Sight Distance**

- 1615.01 No Structure shall be erected, placed, planted, or allowed to grow on any Corner Lot so as to create a sight impediment within seventy-five (75) feet of the intersecting center lines of any two or more public Streets. In determining if any sight impediment exists, absent of an official determination by the Delaware County Engineer or an authorized representative thereof, the Zoning Inspector or their designee, shall measure the sight distance between the center lines of such Streets at a Height of three feet, nine inches (3'9") above the actual grades of the Streets.

#### **Section 1616: Exceptions, Modifications, and Interpretations of Height Regulations**

- 1616.01 Height limits stipulated elsewhere in this Zoning Resolution shall not apply to:
  - A) Spires, belfries, cupolas, domes, bulkheads, elevator penthouses, parapet walls, weather vanes, and other similar types of decorative and/or functional architectural features that are customarily and generally erected on top of, or adjacent to, the primary roof of a Building or Structure so long as said feature does not project or extend more than four (4) feet above maximum permitted Building or Structure Height.
  - B) Fire towers, cooling towers, grain elevators, gas holders, or other similar types of safety and/or utilitarian Structures; provided, however, that they not occupy more than twenty-five percent (25%) of the area of the Lot and are situated at a distance not less than twenty-five (25) feet in all parts from every Lot Line.
  - C) Chimneys, roof stacks, and other similar types of ventilation features customarily attached to the side and/or top of a Structure except as stipulated in Section 1616.02 herein.
  - D) Aerial Antennas, Satellite Dishes, Telecommunication Towers, and Wind Farms as may be further specified in Article 22.
- 1616.02 With the exception of those items specified in Section 1616.01.B and 1616.01.D above, in no instance shall the Height of any Building, regardless of roof type, exceed fifty (50) feet when measured from the Average Grade at the front of said Building to the highest point, inclusive of Solar Energy Systems, Solar Facilities, chimneys, and the like.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 16: GENERAL STANDARDS

- 1616.03 With the exception of those items specified in Section 1616.01 and 1616.02 above, in no instance shall the Height of any Structure that is not a Building, regardless of roof type, exceed thirty-five (35) feet when measured from its Average Grade to its highest point, inclusive of any Solar Energy System, Solar Facility, or other architectural features.
- 1616.04 Solar Energy System and Solar Facility permitted Heights shall be regulated by Article 22, Section 2206 but shall be subject to the provisions of 1616.02 and 1616.03 herein.
- 1616.05 Sign Height shall be regulated by the provisions set forth in Article 18 of this Zoning Resolution.

**Section 1617: Dangerous Wild Animals**

- 1617.01 No person within any District shall own, harbor, keep, breed, sell, or import any dangerous wild animal, as defined and regulated by ORC 935.01(C), as may be amended, and the Ohio Department of Agriculture, unless otherwise exempted by said law or agency.

**Section 1618: Home Occupations**

- 1618.01 The following standards shall govern No-Impact Home Occupations within Genoa Township.
- A) The owner of the premises must reside in the Dwelling Unit used for the Home Occupation.
  - B) No person or persons, other than the owners of the premises shall operate a Home Occupation.
  - C) Not more than one worker exclusive of the owners shall be employed in a Home Occupation at any one time.
  - D) All Home Occupations shall be conducted entirely within the Dwelling Unit, and the use of the Dwelling Unit for the Home Occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
  - E) Not more than twenty percent (20%) or four hundred (400) square feet of the gross Floor Area, whichever is less, of any Dwelling Unit shall be used for a Home Occupation.
  - F) Home Occupations shall not be permitted in any Accessory Building within any District.
  - G) There shall be no change in the outside appearance of the Building or premises, or other visible evidence of the conduct of such Home Occupation other than one Sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the Building in which the Home Occupation is located.
  - H) There shall be no sale on the premises of commodities other than those produced as the result of the Home Occupation.
  - I) No traffic shall be generated by such Home Occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such Home Occupation shall meet the Off-street parking requirements as specified in this Resolution and shall not be located in a required front yard.
  - J) Equipment or processes shall not be used in such Home Occupations that create noise, vibrations, glare, fumes, odors, or electrical interference detectable off the Lot. No equipment or process shall be used which creates visual, audible, or electrical interference in any radio or television receiver or computer terminal off the premises or causes fluctuations in voltage off the premises.
  - K) There shall be no increased burden placed upon existing public services provided to the residence because of a Home Occupation.
  - L) Outdoor Display or Storage of items, materials, etc. related to the Home Occupation shall be prohibited unless otherwise permitted by and compliant with Sections 2303.03 and 2303.04.
- 1618.02 A person may apply for a Conditional Use Permit for a Low-Impact Home Occupation that does not comply with the requirement of 1618.01 subject to the applicable provisions of Articles 3 and 17.

1618.03 Home Occupations not complying with Section 1618.01 or having Conditional Use approval pursuant to Articles 3 and 17 of this Zoning Resolution shall be prohibited.

#### **Section 1619: Residential Care Facilities**

1619.01 A Residential Care Facility of five (5) or fewer residents (excluding caregivers) shall be permitted in any District that permits Single-Family detached Dwellings. Such a facility shall obtain a Zoning Permit prior to commencing the use of a property as a Residential Care Facility.

1619.02 Residential Care Facilities for six (6) or more residents (excluding caregivers) shall only be permitted in certain Zoning Districts as further prescribed in Article 5 of this Resolution and shall also comply with the standards set forth in Article 17.

#### **Section 1620: Cluster Box Units (CBUs)**

1620.01 The following standards shall govern cluster box units (CBUs):

- A) CBUs shall be located outside of any public Street Right-of-Way.
- B) CBUs shall not be located along any Arterial Street.
- C) CBUs located along a Street shall be serviced by three (3) on-street, parallel parking spaces, one of which shall be accessible.
- D) CBUs shall not be installed on the same side of the Street as fire hydrants.
- E) CBUs shall be set back at least fifty (50) feet from any Street intersection.
- F) CBUs shall be accessible via Pedestrianway that provides non-motorized access to the Dwellings and/or Buildings which it serves.
- G) The proposed locations of any CBU within a Planned Zoning District shall be shown on the Final Development Plan.
- H) CBU concrete pads required by the United States Post Office (USPS) shall be constructed per approved specifications of the USPS as well as per the Delaware County Engineer's (DCEO) Design, Construction, and Surveying Standards, as may be amended, including the current DCEO Supplemental Specifications.
- I) The following amenities shall be provided in close proximity to a proposed cluster box unit:
  - 1) A roofed Structure to protect the units not exceeding twelve (12) feet in Height.
  - 2) A decorative pedestrian-scale light not exceeding twelve (12) feet in Height.
  - 3) A decorative bench.
  - 4) A decorative waste receptacle.

1620.02 The placement and design of a cluster box unit shall be subject to final approval by the Delaware County Engineer and the United States Postal Service.

1620.03 A plan for maintenance and operation of the CBU and associated amenities, including trash, shall be submitted to the Genoa Township Zoning Inspector.

1620.04 Genoa Township shall not be responsible for the maintenance or operations of any part of the cluster box unit or any associated Structures or amenities including the concrete pad or the clearing of snow/ice from any adjacent curbs, sidewalks, or ramps.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 16: GENERAL STANDARDS

**Section 1621: Electric Vehicle Chargers**

- 1621.01 The following standards shall apply to any Electric Vehicle Charger not otherwise erected within the confines of a Building enclosed with three (3) or more walls.
- A) Each port shall count as an individual charger.
  - B) Chargers and associated equipment shall not exceed eight (8) feet in Height.
  - C) Chargers shall not be erected within, intrude upon, or interfere with any Street Right-of-Way or public Pedestrianway.
  - D) Electric Vehicle Chargers in Residential Zoning Districts:
    - 1) Chargers shall be set back at least twenty (20) feet from the Front Lot Line.
    - 2) Chargers shall be set back at least ten (10) feet from any Side or Rear Lot Line.
  - E) Electric Vehicle Chargers in Non-Residential Zoning Districts and not otherwise a component of an Automobile Fueling/Charging Station:
    - 1) Chargers shall be placed against the side or rear wall of the Principal Building on the Lot or Tract or, alternatively, set back at least fifty (50) feet from the Street Right-of-Way.
    - 2) Chargers shall only service parking spaces with dimensions of ten (10) feet in width and twenty (20) feet in length.
    - 3) Each parking space reserved for charger use shall be marked as such.
    - 4) Chargers shall be protected by wheel stops or bollards.

**ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS****Section 1701: Intent and Purpose**

1701.01 Due to various land Uses, by their nature, having unique characteristics and/or the potential for relatively disproportionate impact on their surroundings and/or the community at large, Genoa Township finds it necessary to establish prescriptive and uniquely tailored provisions for such Uses to supplement those found elsewhere in this Zoning Resolution to address such matters. Consequently, the provisions herein are being set forth with the intention to protect, promote, and/or enhance public health, safety, and general welfare. Furthermore, it is also the intent of Genoa Township to establish such provisions in order to:

- A) Preserve and extend the charm, beauty, and aesthetics existent in, inherent to, or purposely cultivated to the benefit of, the primarily residential character of the community;
- B) Provide for well-thought-out, proper, and orderly utilization of land;
- C) Promote development forms, patterns, and designs that encourage authenticity, and which are in harmony with existing land Uses, Density, transportation facilities, traffic patterns, and neighborhoods;
- D) Establish restrictive regulations that supplement those found elsewhere within this Resolution to protect, and in certain instances, improve, the quality of life and/or mobility of township residents and proprietors and, by extension, improve community wellness;
- E) Promote responsible development that is Context-Sensitive, Pedestrian-Friendly, and environmentally conscious;
- F) Minimize, curtail, and/or mitigate the effects certain land Uses may have locally or regionally, especially as they relate to dust, light, noise, odors, and hours of operation, to the greatest extent feasible, practical, possible, and/or sensible;
- G) Prevent the concentration of Uses in a manner that is detrimental to the socioeconomics of the community while still providing for a diverse array of residential, commercial, and/or industrial opportunities;
- H) Discourage the overburdening of infrastructure;
- I) Ensure compliance of related provisions with the Fair Housing Act Amendments of 1988, effective March 12, 1989, which extend equal housing opportunities to the handicapped, as well as place some minimal regulations upon Residential Care Facilities in accordance with ORC Chapter 5119; and
- J) Provide for consistency with the Genoa Township Comprehensive Plan.

**Section 1702: General Requirements**

1702.01 Any Use identified as being permitted by right with specified standards in Article 5 of this Zoning Resolution shall be subject to the applicable provisions of this Article unless otherwise expressly stipulated or modified elsewhere within this Resolution.

1702.02 Any Use identified as being permitted as a Conditional Use in Article 5 of this Zoning Resolution shall be subject to the applicable provisions of this Article as well as any conditions or other requirements as determined by the Board of Zoning Appeals in connection with the issuance of a Conditional Use Permit. Uses permitted as Conditional Uses shall similarly be subject to Article 3 of this Zoning Resolution. Unless otherwise mandated within this Resolution, the following shall serve as supplemental, advisory guidelines when reviewing a Conditional Use application:

- A) The Use should be designed, located, and proposed to be operated so that public health, safety, general welfare, and public convenience will be protected.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS

- B) The Use should not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.
  - C) The Use should be designed, constructed, operated, and maintained so that it does not cause substantial injury to the value of the property in the area or neighborhood where it is to be located.
  - D) The Use should be compatible with adjoining development and the proposed character of the Zoning District where it is to be located.
  - E) The Use should be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools, or that the persons or agencies responsible for the establishment of the proposed Use shall be able to provide any such services adequately.
  - F) The Use should not create excessive additional requirements at public cost for public facilities and services and should not be detrimental to the economic welfare of the community. Public facilities and services include but are not limited to fire and police protection or other emergency services, roadways, intersections, traffic lights, and sanitary and storm sewers.
  - G) Adequate Landscaping and screening should be provided.
  - H) Adequate off-street parking should be provided, and ingress and egress should be designed so as to cause minimal interference with traffic on abutting streets.
  - I) The Use should be compatible with the standards, objectives, and policies of the Genoa Township Comprehensive Plan as amended and any revisions thereof.
  - J) The Use should not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or vibrations.
- 1702.03 Uses authorized by this Zoning Resolution within a Planned Zoning District and/or Planned Development shall comply with any and all applicable provisions within this Article. Consistent with Article 5, Sections 504.09 and 504.10 of this Resolution, any Structure, development, improvement, etc. determined to have more than one Use shall be required to comply with the applicable standards within this Article for every such Use.
- 1702.04 All other applicable regulations, standards, and provisions of this Resolution, including Article 16 General Standards, Article 18 Sign Standards, Article 19 Parking Standards, and Article 21 Lighting Standards shall apply in addition to those set forth in this Article, subject to Article 1, Section 104 of this Zoning Resolution, unless otherwise expressly stated within this Resolution.
- 1702.05 Any Use within this Article which specifically cites this Section shall, if required, be actively licensed and/or permitted by the State of Ohio, Delaware County, and/or federal government. Proof of such shall be provided prior to the issuance of any Legal Approvals unless the issuance of such license(s) are dependent or contingent upon obtaining zoning approval first in which case proof shall be provided within thirty (30) days of the issuance of a Certificate of Occupancy by the Delaware County Department of Building Safety. Should such proof not be provided, any Legal Approvals for such Use shall become void until the matter is resolved and the Use shall be considered in violation of this Zoning Resolution thereby subject to Article 1, Section 116.
- A) Evidence of compliance with all applicable regulations and permitting requirements of the State of Ohio, Delaware County, and/or federal government shall be provided at the time of application. The suspension or revocation of any such licenses or permits shall result in the automatic suspension or revocation of Genoa Township Legal Approvals. The operation of the Use during suspension or following revocation shall be considered a zoning violation subject to enforcement pursuant to Article 1, Section 116.

- B) If a change of ownership occurs, proof of transfer of permits or licenses to the new owner shall be provided within ninety (90) days of the change. Failure to do so shall render any Genoa Township Legal Approvals null and void until the matter is resolved and shall similarly be considered a zoning violation subject to enforcement pursuant to Article 1, Section 116.

**Section 1703: Amphitheater****1703.01 Vehicular Access.**

- A) Amphitheaters situated on Lots or Tracts less than twenty (20) acres in area shall have direct vehicular access to at least one (1) Arterial Street.
- B) Amphitheaters situated on Lots or Tracts twenty (20) acres or more in area shall have direct vehicular access to one (1) Arterial Street and one (1) Collector Street or two (2) access points on an Arterial Street. The minimum required separation distance of the latter shall be three hundred (300) feet between access points, subject to the approval of the Delaware County Engineer.
- C) Direct vehicular access to a Local Street shall be prohibited.

**1703.02** Any Amphitheater that offers the outdoor viewing of videos, motion pictures, and the like shall also comply with the standards set forth within this Article for Commercial and/or Private Recreational Uses.

**1703.03** The front side of any motion picture screen within five hundred (500) feet of a Residential Zoning District, Planned Residential District, or adjacent Streets shall not face said Zoning Districts or Streets.

**1703.04** Permanent restroom facilities located within a Building and connected to a sanitary sewer or other approved on-site disposal system approved by the Delaware Public Health District, must be provided.

**1703.05 Noise Control.**

- A) Amphitheater facilities within five hundred (500) feet of any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 10:00 p.m. and 7:00 a.m. Eastern Time.
- B) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
- C) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
- D) Exceptions to the above shall be permitted for announcements necessary to address immediate public safety concerns.

**1703.06** Outdoor operations of any such facility within five hundred (500) feet of any Residential or Planned Residential Zoning District shall cease between the overnight hours of 11:00 p.m. and 6:00 a.m. Eastern Time. This provision shall not apply to incidental activities or routine maintenance of such facilities.

**1703.07** The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

**1703.08** Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS

**Section 1704: Amusement Park**

- 1704.01 Minimum Lot Area or Tract size for such Use shall be no less than twenty-five (25) acres.
- 1704.02 Vehicular Access.
- A) Amusement Parks shall have one direct vehicular access per twenty (20) acres of Lot or Tract size.
- 1) At least one such access point shall connect directly to an Arterial Street.
- 2) The minimum required separation distance between access points to the same Street shall be three hundred (300) feet, subject to the approval of the Delaware County Engineer.
- B) Direct vehicular access to a Local Street shall be prohibited.
- 1704.03 Permanent restroom facilities located within a Building and connected to a sanitary sewer or other approved on-site disposal system approved by the Delaware Public Health District, must be provided.
- 1704.04 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1704.05 The ground surface of any parking, driving, loading, or Outdoor Storage areas, other than those for livestock, shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1704.06 Noise Control.
- A) Amusement Park facilities within five hundred (500) feet of any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time.
- B) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
- C) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
- D) Exceptions to the above shall be permitted for announcements necessary to address immediate public safety concerns.
- 1704.07 Outdoor operations of any such facility within five hundred (500) feet of any Residential or Planned Residential Zoning District shall cease between the overnight hours of 10:00 p.m. and 6:00 a.m. Eastern Time. This provision shall not apply to incidental activities or routine maintenance of such facilities.
- 1704.08 A list of materials or products that could decompose by detonation shall be provided to the Genoa Township Fire Department. Such materials shall include, but need not be limited to, all primary explosives including lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl, and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium.
- 1704.09 If a Swimming Pool is proposed as part of the Use, the Standards set forth within this Article for Swimming Pools shall apply.

**Section 1705: Amusement Resort**

- 1705.01 Minimum Lot Area or Tract size for such Use shall be no less than fifty (50) acres.
- 1705.02 Vehicular Access.
- A) Amusement Resorts shall have one direct vehicular access per twenty (20) acres of Lot or Tract size.
    - 1) At least one such access point shall connect directly to an Arterial Street.
    - 2) The minimum required separation distance between access points to the same Street shall be three hundred (300) feet, subject to the approval of the Delaware County Engineer.
  - B) Direct vehicular access to a Local Street shall be prohibited.
- 1705.03 The standards set forth within this Article for the Uses below shall apply where applicable subject to Article 1, Section 104 unless otherwise specified. This provision shall not preclude the standards of other applicable Uses from also being applied.
- A) Amphitheater
  - B) Amusement Park
  - C) Animal Park
  - D) Arena
  - E) Campground
  - F) Commercial and/or Private Recreation Facility
  - G) Conference or Convention Center
  - H) Golf Course
  - I) Hotel/Motel
  - J) Parking Facility
  - K) Recreation and/or Instructional Facility, Outdoor
  - L) Retail Establishment, Large
  - M) Shopping Center, Regional
  - N) Stadium
  - O) Swimming Pools
  - P) Vacation Rental Complex
- 1705.04 Noise Control:
- A) Such facilities within five hundred (500) feet of any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time.
  - B) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - C) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - D) Exceptions to the above shall be permitted for announcements necessary to address immediate public safety concerns.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS

- 1705.05 Outdoor operations of any such facility within five hundred (500) feet of any Residential or Planned Residential Zoning District shall cease between the overnight hours of 10:00 p.m. and 6:00 a.m. Eastern Time. This provision shall not apply to incidental activities or routine maintenance of such facilities.
- 1705.06 A list of materials or products that could decompose by detonation shall be provided to the Genoa Township Fire Department. Such materials shall include, but need not be limited to, all primary explosives including lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl, and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium.

**Section 1706: Animal Park**

- 1706.01 This Use shall be subject to Section 1702.05.
- 1706.02 The Lot containing such Use shall be at least ten (10) acres in size.
- 1706.03 Vehicular Access.
- A) Animal Parks situated on Lots or Tracts less than twenty (20) acres in area shall have direct vehicular access to at least one (1) Arterial Street.
  - B) Animal Parks situated on Lots or Tracts twenty (20) acres or more in area shall have direct vehicular access to one (1) Arterial Street and one (1) Collector Street or two (2) access points on an Arterial Street. The minimum required separation distance of the latter shall be three hundred (300) feet between access points, subject to the approval of the Delaware County Engineer.
  - C) Direct vehicular access to a Local Street shall be prohibited.
- 1706.04 Setbacks.
- A) Structures, enclosures, pens, and any other facilities used to house and/or treat animals, permanently or temporarily, shall be set back as follows:
    - 1) Five hundred (500) feet from any adjacent Residential Zoning District or Planned Residential Zoning District.
    - 2) Two hundred and fifty (250) feet from any other Zoning District not already specified herein.
  - B) Collected animal waste shall not be stored within five hundred (500) feet of the perimeter of the subject Lot or Tract.
  - C) All other Structures shall be set back at least one hundred (100) feet from any Side or Rear Lot Line.
  - D) All parking areas shall be set back at least seventy-five (75) feet from any Side or Rear Lot Line.
- 1706.05 A solid decorative wall and/or decorative fence, eight (8) feet in Height, shall be erected around a non-exhibit exterior area where animals are kept, fed, trained, transferred, loaded/unloaded, and/or treated, permanently or temporarily.
- 1706.06 Permanent restroom facilities located within a Building and connected to a sanitary sewer or other approved on-site disposal system approved by the Delaware Public Health District, must be provided.
- 1706.07 The ground surface of any parking, driving, loading, or Outdoor Storage areas, other than those for livestock, shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

## 1706.08 Noise Control.

- A) Amphitheater facilities within five hundred (500) feet of any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time.
- B) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
- C) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
- D) Exceptions to the above shall be permitted for wildlife and announcements necessary to address immediate public safety concerns.

## 1706.09 Outdoor operations of any such facility within five hundred (500) feet of any Residential or Planned Residential Zoning District shall cease between the overnight hours of 10:00 p.m. and 6:00 a.m. Eastern Time. This provision shall not apply to incidental activities or routine maintenance of such facilities.

**Section 1707: Animal Shelter**

## 1707.01 Standards set forth within this Article for Kennel shall apply.

**Section 1708: Arena**

## 1708.01 The site shall have Frontage on and direct vehicular access to a Major Arterial Street as further designated by the current Delaware County Thoroughfare Plan.

- A) The minimum required separation distance between access points to the same Street shall be three hundred (300) feet, subject to the approval of the Delaware County Engineer.
- B) Direct vehicular access to a Local Street shall be prohibited.

## 1708.02 Ingress, egress, and internal traffic circulation shall be designed to minimize congestion during peak usage of the facility.

## 1708.03 A traffic report shall be submitted with the application for development which identifies traffic control measures within the site and at the points of ingress and egress warranted at peak usage of the facility.

## 1708.04 In addition to Article 19, parking shall also comply with the following:

- A) Where Off-Street Parking is arranged perpendicular to aisle ways collecting traffic, a planting or landscaped island shall be required at the intersection of interior collector aisle ways. Such an island shall begin parallel with the last parking space or spaces at the end of a row of parking spaces and not occupy space assigned to the aisle way itself.

## 1708.05 The private living areas and associated Open Spaces of all adjacent residential properties shall be effectively screened from Off-Street Parking Lots, Parking Facilities, and service areas, as well as from any other portion of the development site that is actively used.

## 1708.06 Access for the development site shall be provided from Arterial Streets and/or Freeway and shall not require the use of any Collector or Local Streets.

## 1708.07 Noise Control:

- A) Facilities within five hundred (500) feet of any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time.
- B) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.

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- C) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
- D) Exceptions to the above shall be permitted for announcements necessary to address immediate public safety concerns.
- E) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
- F) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- G) Events shall not be broadcast to the exterior of the Use.
- 1708.08 The location of Buildings and Structures, traffic circulation, and parking areas shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment.
- 1708.09 The storage of equipment or materials in close proximity to the Principal Use shall be permitted in a roofed Structure with either opaque vertical walls or heavy vegetative planting around the perimeter which provides an effective screen from adjacent properties.
- 1708.11 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1708.11 Facility entrances and exits (excluding emergency exits) facing a Residential or Planned Residential Zoning District shall have a vestibule with a second door to minimize noise.
- 1708.12 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1708.13 Off-Street loading areas shall be provided in accordance with the following requirements:

Square Feet of Gross Floor Area	Number of Berths Required
Under 30,000	1
30,000 – 60,000	1
60,000+ – 100,000	2
100,000+ – 150,000	3
150,000+	3 plus 1 additional for each 50,000 increment, or portion thereof, above 150,000

**Section 1709: Antennas, Aerial or Satellite Dish**

- 1709.01 Standards set forth within Article 22, Section 2203 for Aerial Antennas and Satellite Dish Antennas shall apply.

**Section 1710: Auction House**

- 1710.01 Standards set forth within this Article for Bulk Storage Warehouse shall apply.

**ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS**

- 1710.02 If aircraft, watercraft, Heavy Equipment, Commercial Motor Vehicles, automobiles, Off-Road Motorized Vehicles, and/or recreational vehicles of any type are auctioned, stored, maintained, and/or repaired on the property, the standards set forth within this Article for Automobile Salvage shall also apply subject to Article 1, Section 104 of this Resolution. In such instance reference to the word Automobile shall also encompass all craft, equipment, and vehicles referenced within this Section.
- 1710.03 Noise Control:
- A) Facilities within five hundred (500) feet of any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time.
  - B) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - C) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - D) Exceptions to the above shall be permitted for announcements necessary to address immediate public safety concerns.
  - E) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - F) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
  - G) Events shall not be broadcast to the exterior of the Use.

**Section 1711: Auditorium**

- 1711.01 Unless expressly approved as part of a Mixed-Use Building or as part of a Planned Development in a Planned Zoning District, the Lot containing any standalone Auditorium shall have Frontage on and direct vehicular access to an Arterial Street or Collector Street as further designated by the current Delaware County Thoroughfare Plan.
- A) The minimum required separation distance between access points to the same Street shall be three hundred (300) feet, subject to the approval of the Delaware County Engineer.
  - B) Direct vehicular access to a Local Street shall be prohibited.
- 1711.02 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1711.03 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1711.04 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.

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- B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- C) Events shall not be broadcast to the exterior of the Auditorium.

**Section 1712: Automobile Detail**

- 1712.01 The Use shall not be located on a Lot with frontage on an Arterial Street unless it is in conjunction with an approved Automobile Fueling/Charging Station on the same Lot.
- 1712.02 All detail and service work shall be done inside an enclosed Building. No outdoor dismantling, wrecking, or storage of automotive vehicles or parts shall be permitted unless otherwise expressly permitted by this Resolution.
- 1712.03 A designated storage area that shall not include required parking for the site shall be provided for vehicles that are on the site awaiting detailing and service.
- 1712.04 No work defined as Automobile Repair shall be permitted to be performed at the site unless otherwise expressly authorized by a valid Legal Approval.
- 1712.05 Garage and repair bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless screened or separated from such by another Building or an opaque, decorative Fence eight (8) feet in Height.
- 1712.05 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1712.06 Noise Control:
  - A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
- 1712.07 Any operation meeting the definition of Vehicle Sales, Rental, and Service shall adhere to the standards established for such Use within this Article.

**Section 1713: Automobile Fueling/Charging Station**

- 1713.01 Separation between Automobile Fueling/Charging Stations:
  - A) No such Use shall be located within two-thousand five hundred (2,500) radial feet of any other existing, approved, or proposed Automobile Fueling/Charging Station on the same directional side of an Arterial, Collector, or Local Street. This radius buffer shall also apply to all Lots located on secondary Streets that intersect and/or abut an existing, approved, or proposed Automobile Fueling/Charging Station.
  - B) Automotive Fueling/Charging Stations shall be limited to Arterial Streets as designated by the Delaware County Thoroughfare Plan.
- 1713.02 The minimum Lot Area requirement for such an establishment shall be half (0.5) an acre.
- 1713.03 Design Standards.
  - A) The Principal Building's front shall face whichever adjacent Street has the most intense classification in the current Delaware County Thoroughfare Plan but under no circumstance

**ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS**

shall it face a Freeway. The scale of intensity shall be, from most to least: Major Arterial, Minor Arterial, Major Collector, Minor Collector, Local Street, and Private Street.

- B) The Principal Building shall be physically connected to any existing, proposed, or required sidewalk and/or trail on the same Lot or Tract.
- C) All pumps, chargers, canopies, tanks, vacuums, Accessory Uses, and Accessory Structures shall be:
  - 1) Located behind the Principal Building; and
  - 2) Set back at least fifty (50) feet from any Front Lot Line.
  - 3) Set back at least ten (10) feet from any Side or Rear Lot Line.
- D) The design of fuel pump canopies and charging stations, including the columns, shall match the design and exterior Building materials of the Principal Building.
- E) Electric Vehicle Chargers.
  - 1) Each port shall count as an individual charger.
  - 2) Chargers and associated equipment shall not exceed eight (8) feet in Height.
  - 3) Chargers shall not be erected within, intrude upon, or interfere with any Street Right-of-Way or public Pedestrianway.
- F) Outdoor sales displays shall be set back at least fifty (50) feet from any Front Lot Line and at least twenty (20) feet from any Side or Rear Lot Line.

**1713.04 Additional Uses.**

- A) Ancillary Retail Establishment, Automobile Wash, Small Retail, and/or Restaurants shall be permitted as an additional Principal or Accessory Use to an Automobile Fueling/Charging Station contra to any conflicting provisions of Article 5. These Uses shall be subject to any applicable provisions set forth within this Article for such Use.
- B) The following Uses shall not be expressly prohibited on the same site as an Automobile Fueling/Charging Station unless such Use is permitted by the Zoning District(s) to which the property is subject: Auction House, Automobile Detail, Automobile Repair, Automobile Salvage, Bulk Fuel Storage, Commercial Motor Vehicle Sales, Rental, and Service, Drive-Through Facility, Large Retail, Outdoor Collection, Racetrack, Storage Yard, Transportation Services and Facilities, Truck Terminal, Private Utilities, or Vehicle Sales, Rental, and Service.

**1713.05** The ingress and egress shall not create hazardous conditions or undue congestion of traffic circulation in the immediate area.

**1713.06** No outdoor dismantling, wrecking, or storage of automotive vehicle or parts shall be permitted.

**1713.07** The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

**1713.09** In addition to Article 21, lighting shall also conform to the following provisions:

- A) All lighting installed to light the areas beneath the canopy must be fully recessed within the subject canopy.
- B) Interior illumination of the canopy Structure shall be prohibited.

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## ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS

## 1713.10 Noise Control:

- D) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
- E) On-site exterior video displays, such as those incorporated into gas pumps, shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

1713.11 Drive-through/up/in operations shall comply with the standards set forth for Drive-Through Facilities in this Article.

1713.12 Any operation meeting the definition of Vehicle Sales, Rental, and Service shall adhere to the standards established for such Use within this Article.

**Section 1714: Automobile Repair**

1714.01 The Use shall not be located on a Lot with frontage on an Arterial Street unless it is in conjunction with an approved Automobile Fueling/Charging Station on the same Lot.

1714.02 All service work and repair shall be done inside an enclosed Building. No outdoor dismantling, wrecking, or storage of automotive vehicles or parts shall be permitted unless otherwise expressly permitted by this Resolution.

1714.03 Garage and repair bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless screened or separated from such by another Building or an opaque, decorative Fence eight (8) feet in Height.

1714.03 Such Use shall not be permitted to operate as an Automobile Salvage or a Junkyard. No derelict, damaged, unlicensed vehicles, or Junk Vehicles shall be stored on the premises for more than forty-eight (48) hours.

1714.04 Vehicles awaiting repair outside, as well as wrecked vehicles and Junk Vehicles, shall be screened and a view of them from adjacent Lots and Streets obscured with a solid vegetative landscape buffer or opaque fencing of at least six (6) feet in height.

1714.05 When vehicles are to be stored on the site awaiting repair, there shall be a designated storage area that shall not include required parking for the site and such that traffic hazards or blocking of traffic flow shall occur.

1714.06 All storage of new, used, or discarded parts or materials shall be within a fully enclosed Structure.

1714.07 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

## 1714.08 Noise Control:

- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.

1714.09 Any operation meeting the definition of Vehicle Sales, Rental, and Service shall adhere to the standards established for such Use within this Article.

**Section 1715: Automobile Salvage**

- 1715.01 The Use shall not be located on a Lot with Frontage on an Arterial but shall be located on a Lot accessed from a Street with direct access to an Arterial Street.
- 1715.02 The minimum size of the Lot or Tract (i.e., the site) housing such Use shall be ten (10) acres.
- 1715.03 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1715.03 The site shall be maintained in a manner to not constitute a public Nuisance as further described and regulated in Article 16, Section 1611 of this Zoning Resolution.
- 1715.04 No garbage, hazardous waste, Junk, organic waste, or petroleum products shall be stored, buried, or disposed of on the site.
- 1715.05 The manner of storage of Junk shall be arranged in such a fashion that aisles of a minimum width of twenty-five (25) feet between rows of Junk are maintained in order to facilitate access for firefighting and prevent the accumulation of stagnant water. The proposed layout shall be indicated on a site plan.
- 1715.06 No Junk shall be stored or accumulated, and no Structure shall be constructed within one hundred (100) feet of any Dwelling or within fifty (50) feet of any other Lot Line or public Street Right-of-Way.
- 1715.07 The site shall be enclosed by an opaque, decorative Fence not less than six (6) feet in height supported on steel posts with a self-latching gate.
- 1715.08 Required fencing shall be supplemented with screening material which creates a visual barrier that is at least eighty percent (80%) opaque.
- 1715.09 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1715.10 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.

**Section 1716: Automobile Wash**

- 1716.01 No such Use shall be located within two-thousand five hundred (2,500) radial feet of any other existing, approved, or proposed Automobile Wash on the same directional side of an Arterial, Collector, or Local Street. This radius buffer shall also apply to all Lots located on secondary Streets that intersect and/or abut an existing, approved, or proposed Automobile Wash.
- 1716.02 All washing facilities shall be included entirely within an enclosed building except that entrance and exit doors may be left open during the hours of operation.
- 1716.03 Garage doors for the entry and exit of vehicles shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless screened or separated from such by another Building or an opaque, decorative Fence eight (8) feet in Height.
- 1716.04 Automobile Wash lanes, order boxes, menus, and service windows shall be located to the side or rear of the Building unless such areas are adjacent to a Lot within a Residential or Planned Residential Zoning District.
- 1716.05 A separate circulation drive shall be provided for passage around and escape from the outermost Automobile Wash lane.

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- 1716.06 Automobile Wash lanes shall be designed and located to not conflict with pedestrian or vehicular movement.
- 1716.07 Automobile Wash lanes shall be screened from view by landscaping, grading treatments, architectural features, or a combination of the above. Such items shall be located immediately adjacent to them or as close as otherwise practical.
- 1716.08 A hard-surfaced exit drive not less than forty (40) feet in length shall be provided between the exit doors and the Street.
- 1716.09 The following hard-surfaced, dust-free, off-street parking shall be provided:
- A) Six (6) waiting spaces and two (2) storage spaces for each car washing device or stall; or ten (10) off-street waiting spaces for an assembly line type washing establishment where vehicles await entrance to the washing process;
  - B) Two (2) employee parking spaces for every three (3) employees; and
  - C) Two (2) parking spaces at the exit end of each washing bay for drying and hand finishing of vehicles.
- 1716.10 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1716.11 Speakers shall be set back at least two hundred (200) feet from any Lot located within a Residential or Planned Residential Zoning District. This requirement may be reduced to one hundred (100) feet if the speaker is located on the side of the Building or Structure that is opposite of such Zoning District
- 1716.12 Vacuuming and/or steam cleaning equipment may be located outside but shall not be placed in any Front Yard or in any Yard adjoining a Residential or Planned Residential Zoning District. Mechanical drying equipment and/or hand drying of motor vehicles must be performed on the premises.
- 1716.13 Canopies erected over drive-through lanes shall be architecturally compatible with the Principal Building(s) on-site.

**Section 1717: Aviation Facility**

- 1717.01 The proposed facility shall meet the appropriate standards and requirements of the Federal Aviation Administration.
- 1717.02 The facility, in accordance with the standards and requirements of the Federal Aviation Administration, will not require the Heights of Structures on adjacent land to be less than the Height limit specifically prescribed for the Zoning District in which such land is situated.
- 1717.03 All runways, landing pads, and service aprons shall have a dustless surface.
- 1717.04 Areas used by aircraft under its own power shall be set back a distance of:
- A) Two hundred (200) feet from any Lot Line.
  - B) One thousand (1,000) feet from any:
    - 1) Any Dwelling within a Residential or Planned Residential Zoning District;
    - 2) Any other Aviation Facility;
    - 3) Cemetery, Crematorium, Funeral Home, or Mortuary;
    - 4) Cultural Center
    - 5) Day Care Centers (all types);

- 6) Educational Institutions (grades 12 or lower);
  - 7) Hospital;
  - 8) Natural Resource Protection area;
  - 9) Public library or museum;
  - 10) Public park or playground; or
  - 11) Religious Establishment.
- C) One thousand (1,000) feet from any Planned Residential or Residential Zoning District on the approach and departure ends of the runway/landing pad.
- 1717.05 Buildings, including hangars, or other Structures shall be set back at least two hundred (200) feet from any Lot Line.
- 1717.06 Fuel pumps and vacuums shall be set back at least fifty (50) feet from all Lot Lines.
- 1717.07 No parking of vehicles or aircraft shall be allowed within one hundred (100) feet of any Lot Line.
- 1717.08 Hangars, loading bays, garages, and repair bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1717.09 A Fence not less than six (6) feet in height, with a lockable gate(s) shall be provided around the perimeter of such facility and shall be designed and installed to effectively control access to such area.
- 1717.10 Landscaping and buffering otherwise required by this Zoning Resolution shall not be required if it can be demonstrated and documented that such plantings would create a hazard by interfering with flight paths, visibility, clearances, and/or other such safety matters.
- 1717.11 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1717.12 Exterior lighting shall conform with the provisions of Article 21 with the exception of any lighting required by the Federal Aviation Administration or any other governmental agency having authority over such matters.
- 1717.13 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

#### **Section 1718: Bed and Breakfast**

- 1718.01 Such facilities shall only be permitted in a Residential District when the Lot containing the Use is situated immediately adjacent to a Lot within a Non-Residential Zoning District.
- 1718.02 Such facilities shall only be permitted in a Planned Residential District when they are listed as an expressly permitted Use in a specifically designated and authorized location within an approved Planned Development. In such instances, each bedroom shall be counted as a Dwelling for the purposes of calculating the Density (Gross or Net) of the Planned Development.

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- 1718.03 Unless expressly approved as part of Planned Development in a Planned Residential District, the Lot containing the facility shall have Frontage on and direct vehicular access to an Arterial Street or Collector Street as further designated by the current Delaware County Thoroughfare Plan.
- 1718.04 The owner and/or manager of the facility shall reside on the premises.
- 1718.05 The number of bedrooms available or used for lodging in any Building shall be limited to no more than five (5).
- 1718.06 Service meals shall be limited to only overnight guests of the facility.
- 1718.07 Overnight guests shall not occupy the facility for more than thirty (30) consecutive days.
- 1718.08 Exterior lighting shall conform with the provisions of Article 21 with the exception of exterior Porch, patio, garage, and/or garden lighting fixtures, including carriage lights and yard lamps, that are customary to Single-Family Dwellings.
- 1718.09 If a Swimming Pool is proposed as part of the Use, the Standards set forth within this Article for Swimming Pools shall apply.

**Section 1719: Biodiesel Production**

- 1719.01 Standards set forth within this Article for Landfill/Incinerator shall apply.

**Section 1720: Biologically Derived Methane Gas**

- 1720.01 Standards set forth within this Article for Landfill/Incinerator shall apply.

**Section 1721: Biomass Energy Production**

- 1721.01 Standards set forth within this Article for Landfill/Incinerator shall apply.

**Section 1722: Boarding House**

- 1722.01 Such facilities shall only be permitted in a Planned Zoning District when they are listed as an expressly permitted Use in a specifically designated and authorized location within an approved Planned Development. In such instances, each bedroom shall be counted as a Dwelling for the purposes of calculating the Density (Gross or Net) of the Planned Development.
- 1722.02 Unless expressly approved as part of Planned Development in a Planned Zoning District, the Lot containing the facility shall have Frontage on and direct vehicular access to an Arterial Street or Collector Street as further designated by the current Delaware County Thoroughfare Plan.
- 1722.03 The owner and/or manager of the facility shall reside on the premises.
- 1722.04 The number of residents shall not exceed ten (10) individuals at any one time.
- 1722.05 Service meals shall be limited to residents only.
- 1722.06 A loading/unloading area separate from any designated parking areas shall be provided that the parking of vehicles being used for such purpose can occur adjacent to the Building without blocking any parking spaces, ingress/egress points, emergency access ways, mail delivery locations, or waste collection service areas.
- 1722.07 Exterior lighting shall conform with the provisions of Article 21 with the exception of exterior Porch, patio, garage, and/or garden lighting fixtures, including carriage lights and yard lamps, that are customary to Single-Family Dwellings.
- 1722.08 If a Swimming Pool is proposed as part of the Use, the Standards set forth herein this Article for Swimming Pools shall apply.

**Section 1723: Building Materials Sales and Storage**

- 1723.01 The Use shall not be located on a Lot with Frontage on an Arterial Street unless in conjunction with a Retail operation.
- 1723.02 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1723.03 Fuel pumps and vacuums shall be set back at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line.
- 1723.04 All storage that is not totally enclosed within a Building shall be fully enclosed with a secure and opaque Fence and/or wall standing eight (8) feet in Height.
- 1723.05 Stored materials shall not project from or be visible beyond the top of the enclosure required herein.
- 1723.06 Where Outdoor Storage is located adjacent to a Residential or Planned Residential District, there shall be planted along the outside face of the required screening evergreen trees adhering to the provisions of Section 2006 at thirty (30) foot intervals.
- 1723.07 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1723.08 A list of materials or products that could decompose by detonation shall be provided to the Genoa Township Fire Department. Such materials shall include, but need not be limited to, all primary explosives including lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl, and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium.
- 1723.10 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.

**Section 1724: Bulk Fuel Storage**

- 1724.01 The Use shall not be located on a Lot with Frontage on an Arterial Street but shall be located on a Lot accessed from a Street with direct access to an Arterial Street.
- 1724.02 This Use shall be subject to Section 1702.05.
- 1724.03 The fuel storage area shall be capable of containing at least one and a half (1 ½) times the amount of the largest storage tank.
- 1724.04 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1724.05 Fuel pumps and vacuums shall be set back at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line.
- 1724.06 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another

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suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

1724.07 A list of materials or products that could decompose by detonation shall be provided to the Genoa Township Fire Department. Such materials shall include, but need not be limited to, all primary explosives including lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl, and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium.

1724.08 An explicit plan for emergency procedures and fire prevention and containment shall be provided.

**Section 1725: Campground**

1725.01 In the case of a camp or campground in which multiple units, including tents, travel trailers, and other forms of living accommodations, are placed on one site, a twenty-five (25) foot buffer area shall be required to separate commonly accessed camping areas to provide for a mud-free, dust-free condition, and shall be designed for safe and convenient access to camping spaces and to facilities for common use by the occupants. Direct access to individual camping spaces from public Streets shall not be permitted.

1725.02 All camps and campgrounds shall comply with all applicable regulations of the State of Ohio, including, but not limited to, regulations covering food service, water supply, sewage disposal, bathing places, vector control, toilet facilities, sanitary stations, and garbage disposal.

1725.03 Vacation cottages, rental cabins, and other Dwellings with permanent foundations shall comply with the minimum Lot Area and associated dimensional standards of the Zoning District in which they are located.

1725.04 Pumps, including those for fuel, wastewater, and/or greywater, shall be set back at least fifty (50) feet from any Lot Line.

1725.05 Permanent restroom facilities located within a Building and connected to a sanitary sewer or other approved on-site disposal system approved by the Delaware Public Health District, must be provided.

1725.06 The ground surface of any parking, driving, loading, or Outdoor Storage areas, other than those for livestock, shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

1725.07 Exterior lighting shall conform with the provisions of Article 21 with the exception of exterior Porch, patio, garage, and/or garden lighting fixtures, including carriage lights and yard lamps, that are customary to Single-Family Dwellings.

1725.08 Noise Control:

A) Facilities within five hundred (500) feet of any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time.

B) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.

C) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.

- D) Exceptions to the above shall be permitted for announcements necessary to address immediate public safety concerns.
  - E) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - F) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- 1725.09 Commercial and/or Private Recreational Facilities, Commercial Stables/Riding Academies, Event Facilities, Private Educational Institutions, Recreation and/or Instructional Facilities, Religious Establishments, and Swimming Pools shall comply with the provisions set forth for such Use(s) within this Article.

#### **Section 1726: Cashing and/or Lending Business**

- 1726.01 This Use shall be subject to Section 1702.05.
- 1726.02 Cashing and/or Lending Businesses are permitted only in the Zoning Districts expressly specified within this Zoning Resolution and shall be subject to the following restrictions:
- A) Cashing and/or Lending Businesses shall not be permitted within one thousand (1,000) feet, as measured from the closest Lot Line of each Use, unless otherwise specified, of:
    - 1) Any Dwelling within a Residential or Planned Residential Zoning District;
    - 2) Any other Cashing and/or Lending Business;
    - 3) Cemetery, Crematorium, Funeral Home, or Mortuary;
    - 4) Cultural Center;
    - 5) Day Care Centers (all types);
    - 6) Educational Institutions (grades 12 or lower);
    - 7) Hospital;
    - 8) Natural Resource Protection area;
    - 9) Public library or Museum;
    - 10) Public park or playground; or
    - 11) Religious Establishment.
  - B) Only one (1) Cashing and/or Lending Business is permitted in a single Structure. No co-location of such Uses shall be permitted within one (1) Structure.

#### **Section 1727: Cemetery**

- 1727.01 The site shall have direct access to an Arterial or Collector Street.
- 1727.02 Any new Cemetery shall be located on a site containing twenty (20) or more acres and adjacent to or part of an existing Cemetery or Religious Establishment.
- 1727.03 Interment shall not be within three hundred (300) feet of a Dwelling unless the entire area of land appropriated is a necessary addition to or enlargement of a Cemetery already in use, as further provided in Ohio Revised Code (ORC) Section 1721.03, as may be amended.
- 1727.04 A mausoleum or catafalque shall not be within three hundred (300) feet of any Lot Line.
- 1727.05 A Crematorium or other Structure shall not be within one thousand (1,000) feet of any Lot Line.

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- 1727.06 Every Cemetery company or association shall cause a plat of its grounds and of the lots laid out by it to be made and recorded or filed in the offices of the Delaware County Recorder in accordance with ORC Section 1721.09, as may be amended.
- 1727.07 All required yards shall be landscaped and maintained in good order. A plan for perpetual care of the grounds shall be required.
- 1727.08 All equipment and materials shall be properly stored within a Structure when not in use.
- 1727.09 Parking areas and drive-aisles shall be designed to accommodate the queuing of vehicles for processions on site. Vehicles shall not be permitted to queue or park on a Street.
- 1727.10 Parking areas and drive-aisles shall be designed so that the queuing of vehicles for a procession do not impede emergency vehicles from accessing the site or any area or Structure within the site.
- 1727.11 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1727.12 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for ceremonies, emergency announcements, and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

**Section 1728: Clubhouse**

- 1728.01 Clubhouses in Residential or Planned Residential Zoning Districts shall only be permitted when they are subsidiary to the primary residential Use of the property.
- 1728.02 Restaurant shall be a permitted accessory Use of any Clubhouse established in conjunction with a Country Club or Golf Course.
- 1728.03 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1728.07 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
  - C) Events shall not be broadcast to the exterior of the Clubhouse.
- 1728.08 If a Swimming Pool is proposed as part of the Use, the Standards set forth herein this Article for Swimming Pools shall apply.

**Section 1729: Commercial and/or Private Recreation Facility**

- 1729.01 Minimum Lot Area or Tract size for such Use shall be no less than five (5) acres.
- 1729.02 Vehicular Access.
- A) Any such Use situated on Lots or Tracts less than twenty (20) acres in area shall have direct vehicular access to at least one (1) Arterial Street.
  - B) Any such Use situated on Lots or Tracts twenty (20) acres or more in area shall have direct vehicular access to one (1) Arterial Street and one (1) Collector Street or two (2) access points on an Arterial Street. The minimum required separation distance of the latter shall be three hundred (300) feet between access points, subject to the approval of the Delaware County Engineer.
- 1729.02 Setbacks:
- A) Front: 100 feet for Structures and 75 feet for parking.
  - B) Rear: 75 feet.
  - C) Side: 75 feet.
  - D) All Structures and playing fields for outdoor recreation shall be located at least two hundred (200) feet and drives and parking areas shall be at least fifty (50) feet from any adjacent Lots where Dwellings are a permitted Use; and
  - E) 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.
- 1729.03 All outdoor playing fields, courts, and other similar outdoor recreation facilities must be secured at night to prevent unauthorized access.
- 1729.04 Exterior lighting shall conform with the provisions of Article 21.
- 1729.05 No more than eighty percent (80%) of the Lot or Tract area may comprise of outdoor fields, courts, rinks, and the like.
- 1729.06 A minimum eight (8) foot high landscaped screen or combination mound and plant material with a ninety percent (90%) year-round opacity shall be provided on any side of the site containing an outdoor amenity that is adjacent to Lots within a Residential or Planned Residential Zoning District. If a mound is used it shall be constructed with no more than a 4 to 1 slope. Mounds shall not be constructed to restrict the natural flow of surface water to or from the site.
- 1729.07 Permanent restroom facilities located within a Building and connected to a sanitary sewer or other approved on-site disposal system approved by the Delaware Public Health District, must be provided.
- 1729.08 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1729.09 The ground surface of any parking, driving, loading, or Outdoor Storage areas, other than those for livestock, shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1729.10 Ranges and courses used for shooting and throwing sports (ex: guns, bows, darts, axes, knives, paintball, airsoft, archery tag, laser tag, etc.) shall be further subject to the following:

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- A) Such facilities shall comply with any applicable provisions of Ohio Revised Code (ORC) 1533.84, Ohio Administrative Code 1501:31-29-03, and any other pertinent state or federal regulations.
- B) When such facilities are located wholly or partially outdoors, they shall also comply with the following standards:
  - 1) Such facilities shall be located no less than three-thousand five hundred (3,500) feet, measured Lot Line to Lot Line, from any of the following:
    - a) Any Residential or Planned Residential Zoning District;
    - b) Cemetery, Crematorium, Funeral Home, or Mortuary;
    - c) Cultural Center;
    - d) Day Care Centers (all types)
    - e) Educational Institutions;
    - f) Hospitals;
    - g) Nature Resource Protection Area;
    - h) Public library or Museum;
    - i) Public park or playground; or
    - j) Religious Establishments.
    - k) Any other such facility.
  - 2) Such facilities shall be set back at least five hundred (500) feet from the perimeter Lot Line of the Lot or Tract on which it is situated.
  - 3) Such facilities shall be generally oriented north to south to minimize interference from sun glare. The aforementioned shall not apply to facilities used only for paintball, airsoft, and/or laser tag.
  - 4) Such facilities shall be enclosed by a minimum six (6) foot tall fence.
  - 5) Such facilities shall be accessible only via controlled access points via lockable gates.
  - 6) Such facilities shall contain backstops at least three (3) feet in thickness within the enclosed perimeter behind each target area in order to safely contain errant shots and ricochets. The aforementioned shall not apply to facilities used only for paintball, airsoft, and/or laser tag.
  - 7) Unless essential to safe operations, necessary to provide emergency services, and/or required by law, the following shall not be located within nine hundred (900) feet of such facility: Buildings; Streets; parking lots; service drives; Pedestrianways; pedestrian gathering areas; fields, courts, rinks, and the like; Structures, tanks, or containers containing explosive or highly combustibles materials, including ammunition; above ground utility infrastructure; or any other such facility.
    - a) Facilities exclusively used for paintball, airsoft, and/or laser tag may reduce this required set back to five hundred (500) feet.
  - 8) The presence and perimeter of such facilities shall be communicated by the posting of ten-inch by fourteen-inch (10" x 14") Signs clearly identifying the area as a shooting range at intervals not less than one hundred (100) feet from one another.
  - 9) All targets shall be constructed of material that generally does not shatter.
  - 10) Alternative designs and/or layouts recognized as safe and acceptable by a state or federal agency may also be permitted. Proof and documentation of such shall be provided prior to approval.

## 1729.12 Noise Control:

- A) Facilities within five hundred (500) feet of any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time.
- B) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
- C) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
- D) Exceptions to the above shall be permitted for announcements necessary to address immediate public safety concerns.
- E) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
- F) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- G) Events shall not be broadcast to the exterior of the Use.

## 1729.13 Swimming Pools shall comply with the provisions set forth for such Use(s) within this Article.

**Section 1730: Community Centers**

## 1730.01 Community Centers – All

- A) The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- B) Noise Control:
  - 1) Facilities within five hundred (500) feet of any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time.
  - 2) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - 3) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - 4) Exceptions to the above shall be permitted for announcements necessary to address immediate public safety concerns.
  - 5) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - 6) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- C) If a Swimming Pool is proposed as part of the Use, the Standards set forth within this Article for Swimming Pools shall apply.

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## 1730.01 Community Center – Non-Residential

A) Unless expressly approved as part of a Mixed-Use Building or as part of a Planned Development in a Planned Zoning District, the Lot containing any standalone Community Center shall have Frontage on and direct vehicular access to an Arterial Street or Collector Street as further designated by the current Delaware County Thoroughfare Plan.

1) The minimum required separation distance between access points to the same Street shall be three hundred (300) feet, subject to the approval of the Delaware County Engineer.

B) Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.

## 1730.02 Community Center – Residential

A) Loading bays shall not face any Lot containing a Dwelling unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.

**Section 1731: Community Storage Lot**

1731.01 All storage that is not totally enclosed within a Building shall be fully enclosed with a secure and opaque Fence and/or wall standing eight (8) feet in Height.

1731.02 Stored materials shall not project from or be visible beyond the top of the enclosure required herein.

1732.03 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.

1733.04 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

1734.05 No activities involving the storage, utilization, or manufacture of materials or products that could decompose by detonation shall be permitted except as specifically authorized by the Township. Such materials shall include, but need not be limited to, all primary explosives including lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl, and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium. A list of such materials shall be provided to the Genoa Township Fire Department.

## 1735.07 Noise Control:

A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.

**Section 1732: Composting Facility**

1732.01 This Use shall be subject to Section 1702.05.

1732.02 The Use shall not be located on a Lot with Frontage on an Arterial Street but shall be located on a Lot accessed from a Street with direct access to an Arterial Street.

1732.03 The composting activity shall be located a minimum of one hundred (100) feet from any Lot Line abutting a Non-Residential Type Use or Zoning District.

- 1732.04 The composting activity shall be located a minimum of two hundred (200) feet from any Lot Line abutting a Residential Type Use or Zoning District.
- 1732.05 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1732.06 The ground surface of any parking, driving, loading, or Outdoor Storage areas, other than those for composting, shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

**Section 1733: Concrete or Asphalt Batch Plant**

- 1733.01 The Use shall not be located on a Lot with Frontage on an Arterial Street but shall be located on a Lot accessed from a Street with direct access to an Arterial Street.
- 1733.02 If materials are to be stored, they shall be screened sufficiently from adjacent properties and the public Right-of-Way.
- 1733.03 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1733.04 Fuel pumps and vacuums shall be set back at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line.
- 1733.05 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1733.06 All batch plants (permanent or temporary) shall have an effective dust collection system.
- 1733.07 Wheel washers or other means of cleaning trucks/vehicles before entering public Streets shall be provided.
- 1733.08 Batch plants shall have a sediment pond before wash-out water is discharged into any waterway if allowed and approved by the Delaware County Engineer and/or the State of Ohio.

**Section 1734: Conference or Convention Center**

- 1734.01 Standards set forth within this Article for Arena shall apply.

**Section 1735: Contractor's Yard**

- 1735.01 Standards set forth within this Article for Building Materials Sales and Storage shall apply.

**Section 1736: Correctional Facility**

- 1736.01 This Use shall be subject to Section 1702.05.
- 1736.02 The Use shall not be located on a Lot with Frontage on an Arterial Street but shall be located on a Lot accessed from a Street with direct access to an Arterial Street.
- 1736.03 The Lot containing such Use shall be at least ten (10) acres in size.

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- 1736.04 Correctional Facilities are permitted only in the Zoning Districts expressly specified within this Zoning Resolution and shall be subject to the following restrictions:
- A) Correctional Facility Structures shall not be permitted within one thousand (1,000) feet, as measured from the closest Lot Line of each Use, unless otherwise specified, of:
    - 1) Any Dwelling within a Residential or Planned Residential District;
    - 2) Any other Correctional Facility;
    - 3) Cemetery, Crematorium, Funeral Home, or Mortuary;
    - 4) Cultural Center
    - 5) Day Care Centers (all types);
    - 6) Educational Institutions (grades 12 or lower);
    - 7) Hospital;
    - 8) Natural Resource Protection Area;
    - 9) Public library or Museum;
    - 10) Public park or playground;
    - 11) Religious Establishments; or
    - 12) Transportation Services and Facilities.
- 1736.05 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1736.06 Fuel pumps and vacuums shall be set back at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line.
- 1736.07 Vehicle repair, service, and/or maintenance facilities shall comply with the standards set forth within this Article for Vehicle Sales, Rental, and Service.
- 1736.08 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1736.09 The Lot or Tract containing a Correctional Facility shall be screened in the following manner:
- A) A continuous row of evergreen trees shall be planted in a linear manner around the entire perimeter of the developed portion(s) of the site pursuant to Section 2006.
  - B) A solid masonry wall eight (8) feet in Height shall be erected around the perimeter of the developed portion(s) of the site but no closer than six (6) feet to the evergreen trees required herein.
- 1736.10 Exterior lighting shall conform with the provisions of Article 21 with the exception of lighting necessary to monitor the security of the grounds.

**Section 1737: Country Club**

- 1737.01 Standards set forth within this Article for Commercial and/or Private Recreation shall apply.

**Section 1738: Crematorium**

- 1738.01 Facilities shall only be permitted in conjunction with a permitted Cemetery or Funeral Home/Mortuary.
- 1738.02 Standards set forth within this Article for Cemetery shall apply.
- 1738.03 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.

**Section 1739: Cultural Center**

- 1739.01 Unless expressly approved as part of a Mixed-Use Building or as part of a Planned Development in a Planned Zoning District, the Lot containing any standalone Cultural Center shall have Frontage on and direct vehicular access to an Arterial Street or Collector Street as further designated by the current Delaware County Thoroughfare Plan.
- A) The minimum required separation distance between access points to the same Street shall be three hundred (300) feet, subject to the approval of the Delaware County Engineer.
- 1739.02 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1739.03 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1739.04 Noise Control:
- A) Facilities within five hundred (500) feet of any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time.
- B) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
- C) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
- D) Exceptions to the above shall be permitted for announcements necessary to address immediate public safety concerns.
- E) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
- F) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- G) Events shall not be broadcast to the exterior of the Use.
- 1739.05 If a Religious Establishment is proposed as part of the Use, the Standards set forth herein this Article for Religious Establishments shall also apply.

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS****Section 1740: Day Care Centers**

## 1740.01 Day Care Center Establishments.

- A) This Use shall be subject to Section 1702.05.
- B) The Building occupied by the Use shall be compatible with neighborhood Structures in dimension, size, and architecture.
- C) There shall be an outdoor play area of sixty (60) square feet or more per child using such space at any one time.
  - 1) Such play area shall be enclosed with a chain link Fence or its equivalent in strength and protective character to a Height of five (5) feet to control the accessibility of children to adjoining hazardous conditions such as Streets, ponds, adjacent yards, etc.
- D) A drop-off/pick-up area separate from any designated parking areas shall be provided that the parking of vehicles being used for such purpose can occur adjacent to the Building site without requiring children to walk through a parking lot or the blocking of any parking spaces, ingress/egress points, emergency access ways, mail delivery locations, or waste collection service areas.

## 1740.02 Standards set forth within this Article for Day Care Center Establishments shall apply for any such Use not otherwise operated as an in-home facility.

## 1740.03 Standards set forth within this Article for Day Care Center Establishments shall apply for any such Use not otherwise operated as an in-home facility.

**Section 1741: Donation Center**

## 1741.01 Loading/unloading areas shall be set back at least one hundred (100) feet from any Residential or Planned Residential Zoning District.

## 1741.02 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.

## 1741.03 All donated goods shall be stored in a completely enclosed Structure.

**Section 1742: Drive-Through Facilities**

## 1742.01 All Drive-Through Facilities shall comply with the following:

- A) Drive-through lanes, order boxes, menus, and service windows shall be located on the non-Street facing side (or rear) of Buildings unless such areas are adjacent to a Lot within a Residential or Planned Residential Zoning District.
- B) No more than two (2) drive-through lanes shall be permitted unless the associated Principal Use is a Financial Institution in which case three (3) drive-through lanes shall be permitted.
- C) A separate circulation drive shall be provided for passage around and escape from the outermost drive-through lane.
- D) Drive-through lanes shall be designed and located to not conflict with pedestrian or vehicular movement.
- E) Five (5) reservoir stacking spaces shall be provided per drive-through lane. Said spaces shall not encroach into any other crosswalks, sidewalks, drive aisles, parking spaces, stacking spaces, and/or the like.
- F) Speakers shall be set back at least two hundred (200) feet from any Lot located within a Residential or Planned Residential Zoning District. This requirement may be reduced to one hundred (100) feet if the speaker is located on the side of the Building or Structure that is opposite of such Zoning District.

- G) Canopies erected over drive-through lanes shall be architecturally compatible with the Principal Building(s) on-site.
  - H) Drive-through lanes shall be screened from view by landscaping, grading treatments, architectural features, or a combination of the above. Such items shall be located immediately adjacent to them or as close as otherwise practical.
  - I) The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1742.02 Restaurants and Retail Establishments that also function as Drive-Through Facilities shall adhere to the following provisions in addition to Section 1742.01 herein.
- A) Such Uses shall only be permitted in conjunction with a Community Shopping Center or a Regional Shopping Center with vehicular access only being provided by the internal circulation network of said Shopping Center.
  - B) All canopy lighting must be fully recessed within said canopy.
  - C) Vehicular and pedestrian connectivity must be provided to any adjacent Lots.
  - D) Any outdoor seating provided must be separated and screened from any adjacent parking lot, Street, or driveway with fencing and a continuous row of shrubs.

#### **Section 1743: Dry-Cleaning Plant**

- 1743.01 Standards set forth within this Article for Heavy Manufacturing shall apply.

#### **Section 1744: Dwelling, Accessory**

- 1744.01 Accessory Dwellings shall only be established on Lots that are one (1) acre or greater in size. This standard shall not apply to Accessory Dwellings established and operating in conjunction with a Religious Establishment.
- 1744.02 The number of Accessory Buildings containing an Accessory Dwelling shall be limited to one (1) per Lot or Tract.
- 1744.03 Only one (1) Accessory Dwelling shall be permitted within an Accessory Building.
- 1744.04 An Accessory Dwelling may comprise up to one hundred percent (100%) of an Accessory Building.
- 1744.05 The Floor Area of an Accessory Dwelling shall not exceed the Floor Area of the principal Dwelling it is accessory to. This standard shall not apply to Accessory Dwellings established and operating in conjunction with a Religious Establishment.
- 1744.06 Accessory Buildings containing an Accessory Dwelling shall comply with all provisions established in Section 1609 as well as all other standards applicable to the Zoning District in which it is located. In instances of conflict, the provisions within this Section shall prevail.
- 1744.07 Accessory Dwellings shall not be permitted in any Accessory Structure exempted from zoning control in Section 1609.01.

#### **Section 1745: Dwelling(s), Live/Work**

- 1745.01 Where permitted in Straight Zoning Districts, the minimum required Lot Area for the subject Use shall be thirty thousand (30,000) square feet.
- 1745.02 The Density of Planned Development containing a Mixed-Use Building shall not exceed 1.0 Dwellings per Net Developable Acre unless otherwise authorized within this Resolution or via a Divergence that has been reviewed and approved in accordance with the standards set forth in Section 2707 of this Resolution.

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS**

- 1745.03 The ground floor of the Structure shall be used exclusively for a Non-Residential Type Use that is owned and operated by the resident. Such Uses shall be restricted to the following:
- 1) Gallery
  - 2) Office, Small
  - 3) Restaurant, Limited Service
  - 4) Retail, Ancillary or Small
  - 5) Service Business, Education
  - 6) Service Business, Personal Care
  - 7) Service Business, Pet
  - 8) Service Business, Professional
  - 9) Service Business, Repair
- 1745.04 The upper floor (s) shall consist of only one (1) Dwelling.
- 1745.05 Off-street parking, including attached garages, shall be located to the rear of the Building.
- 1745.06 The Building shall have direct access to a Pedestrianway.
- 1745.09 Live/Work Dwellings which also meet the definition of Row Dwellings shall comply with any and all applicable standards established for such Use.

**Section 1746: Dwelling(s), Row**

- 1746.01 A Row Dwelling shall contain no less than four (4) and no more than six (6) Dwellings attached in a row.
- 1746.02 Off-street parking, including attached garages, shall be located at the rear of the Building.
- 1746.03 At bare minimum, each Dwelling shall have its own portico with a minimum depth of six (6) feet and a minimum width of six (6) feet.

**Section 1747: Educational Institution, Private**

- 1747.01 The following standards shall apply to Early Childhood Private Educational Institutions:
- A) Adhere to all provisions set forth herein this Article for Day Care Establishments.
- 1747.02 The following standards shall apply to Primary, Intermediate, and/or Secondary Private Educational Institutions:
- A) Minimum Lot or Tract Size Requirement:
    - 1) Residential and Planned Residential Zoning Districts: Twenty (20) acres.
    - 2) All other Zoning Districts not otherwise specified herein: Ten (10) acres.
  - B) The site shall have access to an Arterial or Collector Street. The minimum required separation distance between access points to the same Street shall be three hundred (300) feet, subject to the approval of the Delaware County Engineer.
  - C) A drop-off/pick-up area separate from any designated parking areas shall be provided that the parking of vehicles being used for such purpose can occur adjacent to the Building site without requiring pedestrians to walk through a parking lot or the blocking of any Streets, parking spaces, ingress/egress points, emergency access ways, mail delivery locations, or waste collection service areas.
  - D) Noise Control:

**ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS**

- 1) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
- 2) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

1747.03 The following standards shall apply to Post-Secondary and/or Technical Private Educational Institutions:

A) Minimum Lot or Tract Size Requirement:

- 1) Residential and Planned Residential Zoning Districts: Twenty (20) acres.
- 2) All other Zoning Districts not otherwise specified herein: Ten (10) acres.

B) The Street providing access to such Use shall not traverse through a Planned Residential Zoning District or Residential Zoning District unless said Street is classified as an Arterial or Collector Street by the current Delaware County Thoroughfare Plan. The minimum required separation distance between access points to the same Street shall be three hundred (300) feet, subject to the approval of the Delaware County Engineer.

C) Noise Control:

- 1) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
- 2) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- 3) Events shall not be broadcast to the exterior of the Use.

1747.04 The following standards shall apply to all Private Educational Institutions and shall supplement the other regulations set forth within this Section:

- A) If buses are utilized, a bus loading/unloading area separate from any designated parking areas shall be provided that the parking of vehicles being used for such purpose can occur adjacent to the Building site without requiring pedestrians to walk through a parking lot or the blocking of any Streets, parking spaces, ingress/egress points, emergency access ways, mail delivery locations, or waste collection service areas.
- B) Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- C) The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- D) Noise Control:
  - 1) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS

- 2) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- 3) Events shall not be broadcast to the exterior of the Use.
- 4) Any such Use that contains an Early Childhood Private Educational Institution or a Day Care Center shall also comply with the standards set forth herein for Day Care Center Establishments.
- 5) Arenas, Auditoriums, Cultural Centers, Event Facilities, Golf Courses, Hospitals, Parking Facilities, Off-Street Parking Lots, Racetracks, Religious Establishments, Stadiums, Swimming Pools, and any other Uses regulated herein Article shall comply with the standards set forth within said Article.

**Section 1748: Electric or Heat Production**

1748.01 Standards set forth within this Article for Fuel Generation Plant shall apply.

**Section 1749: Emergency Service, Private**

- 1749.01 Garage and repair bays shall not face any Lot within the Residential or Planned Residential Zoning District unless screened or separated from such by another Building or an opaque, decorative Fence eight (8) feet in Height.
- 1749.02 Fuel pumps and vacuums shall be set back at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line.
- 1749.03 Noise Control:
  - A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

**Section 1750: Event Facility**

- 1750.01 Unless expressly approved as part of a Mixed-Use Building or as part of a Planned Development in a Planned Zoning District, the Lot containing any standalone Event Facility shall have Frontage on and direct vehicular access to an Arterial Street or Collector Street as further designated by the current Delaware County Thoroughfare Plan.
  - A) The minimum required separation distance between access points to the same Street shall be three hundred (300) feet, subject to the approval of the Delaware County Engineer.
  - B) Direct vehicular access to a Local Street shall be prohibited.
- 1750.02 Permanent restroom facilities located within a Building and connected to a sanitary sewer or other approved on-site disposal system approved by the Delaware Public Health District, must be provided.
- 1750.03 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1750.04 The ground surface of any parking, driving, loading, or Outdoor Storage areas, other than those for livestock, shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

## 1750.05 Noise Control:

- A) Facilities within five hundred (500) feet of any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time.
- B) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
- C) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
- D) Exceptions to the above shall be permitted for announcements necessary to address immediate public safety concerns.
- E) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
- F) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- G) Events shall not be broadcast to the exterior of the Use.

## 1750.06 Campgrounds, Commercial and/or Private Recreational Facilities, Commercial Stables/Riding Academies, Private Educational Institutions, Recreation and/or Instructional Facilities, Religious Establishments, Swimming Pools, and Vacation Rental Complexes shall comply with the provisions set forth for such Use(s) within this Article.

**Section 1751: Fairground**

## 1751.01 Vehicular Access.

- A) Fairgrounds shall have one direct vehicular access per twenty (20) acres of Lot or Tract size.
  - 1) At least one such access point shall connect directly to an Arterial Street.
  - 2) The minimum required separation distance between access points to the same Street shall be three hundred (300) feet, subject to the approval of the Delaware County Engineer.
- B) Direct vehicular access to a Local Street shall be prohibited.

## 1751.02 The exterior perimeter of the facility, excluding parking lots, shall be screened and secured by a Fence no less than six (6) feet in Height. Access points shall be gated and locked when not in use.

## 1751.03 Permanent restroom facilities located within a Building and connected to a sanitary sewer or other approved on-site disposal system approved by the Delaware Public Health District, must be provided.

## 1751.04 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.

## 1751.05 The ground surface of any parking, driving, loading, or Outdoor Storage areas, other than those for livestock, shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

## 1751.06 Noise Control.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS

- A) Fairground facilities within five hundred (500) feet of any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time.
  - B) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - C) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - D) Exceptions to the above shall be permitted for announcements necessary to address immediate public safety concerns.
  - E) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
  - F) Events shall not be broadcast to the exterior of the Use.
- 1751.07 Planned Residential Zoning District shall cease between the overnight hours of 10:00 p.m. and 6:00 a.m. Eastern Time. This provision shall not apply to incidental activities or routine maintenance of such facilities.
- 1751.08 If a Swimming Pool is proposed as part of the Use, the Standards set forth within this Article for Swimming Pools shall apply.

**Section 1752: Fleet Maintenance Facility**

- 1752.01 This Use shall only be permitted in the Rural Residential District (RR), Suburban Residential District (SR), and Planned Residential District (PRD) with or without Conservation Development Standards when it is accessory to a lawful Educational Institution.
- 1752.02 All service work and repair shall be done inside an enclosed Building. No outdoor dismantling, wrecking, or storage of automotive vehicles or parts shall be permitted unless otherwise expressly permitted by this Resolution.
- 1752.03 Fuel pumps and vacuums shall be set back at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line.
- 1752.04 When such Use is located within a Residential Zoning District (where permitted), garage, repair bays, fuel pumps, and vacuums shall be screened by an opaque, decorative Fence six (6) feet in Height.
- 1752.05 When such Use is located within a Non-Residential Zoning District, garages, repair bays, fuel pumps, and vacuums shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless screened or separated from such by another Building or an opaque, decorative Fence six (6) feet in Height.
- 1752.06 Such Use shall not be permitted to operate as an Automobile Salvage or a Junkyard. No derelict, damaged, unlicensed vehicles, or Junk Vehicles shall be stored on the premises for more than forty-eight (48) hours.
- 1752.07 Vehicles awaiting repair outside, as well as wrecked vehicles and Junk Vehicles, shall be screened and a view of them from adjacent Lots and Streets obscured with a solid vegetative landscape buffer or opaque fencing of at least six (6) feet in height.
- 1752.08 When vehicles are to be stored on the site awaiting repair, there shall be a designated storage area that shall not include required parking for the site and such that traffic hazards or blocking of traffic flow shall occur.

- 1752.09 All storage of new, used, or discarded parts or materials shall be within a fully enclosed Structure.
- 1752.10 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

#### **Section 1753: Flex Space, Commercial or Industrial**

- 1753.01 The Use shall not be located on a Lot with Frontage on an Arterial Street but shall be located on a Lot accessed from a Street with direct access to an Arterial Street.
- 1753.02 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1753.03 All storage that is not totally enclosed within a Building shall be fully enclosed with a secure and opaque Fence and/or wall standing eight (8) feet in Height.
- 1753.04 Stored materials shall not project from or be visible beyond the top of the enclosure required herein.
- 1753.05 Where Outdoor Storage is located adjacent to a Residential or Planned Residential District, there shall be planted along the outside face of the required screening evergreen trees adhering to the provisions of Section 2006 at thirty (30) foot intervals.
- 1753.06 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1753.07 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- 1753.08 Uses within the Flex Space shall be limited to those authorized for the Zoning District(s) to which the property is subject. Applicable provisions for such Use shall similarly apply.

#### **Section 1754: Food Hall**

- 1754.01 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1754.02 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS**

- 1754.03 Any Mobile Enterprise, Mobile Enterprise Court, Mobile Service Business, and Mobile Vending Business established in conjunction or association with the Food Hall or on the same premise as the Food Hall shall comply with all standards set forth for such Uses within this Article.

**Section 1755: Food Preparation/Wholesale Plant**

- 1755.01 The Use shall not be located on a Lot with Frontage on an Arterial Street but shall be located on a Lot accessed from a Street with direct access to an Arterial Street.
- 1755.02 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.

**Section 1756: Food Processing and Packaging Plant**

- 1756.01 The Use shall not be located on a Lot with Frontage on an Arterial Street but shall be located on a Lot accessed from a Street with direct access to an Arterial Street.
- 1756.02 The minimum required Lot size for such a Use shall be five (5) acres.
- 1756.03 Yard requirements shall be as follows:
- A) Front Yard: Fifty (50) feet.
  - B) Side Yard: Seventy-five (75) feet.
  - C) Rear Yard: Seventy-five (75) feet.
- 1756.04 All Structures shall be set back at least one hundred and fifty (150) feet from any Lot Line shared with a Residential or Planned Residential Zoning District.
- 1756.05 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1756.06 All materials and equipment shall be stored within a completely enclosed Building. For the purpose of this section, covered decks, covered patios, covered Porches, three-season rooms, and other such spaces shall not be considered a fully enclosed Building.
- 1756.07 All processing, slaughtering, packaging, etc. activities, with the exception of loading and unloading freight and materials, shall occur indoors and shall not be visible from any adjacent Lot or Street.
- 1756.08 All equipment used in the operation shall be disassembled and/or repaired indoors; such activities shall not be visible from any adjacent Lot or Street.

**Section 1757: Fuel Generation Plant**

- 1757.01 Fuel Generation Plants shall be located at least one thousand (1,000) feet from any adjoining Residential Type Use, Planned Residential Zoning District, or Residential Zoning District and five hundred (500) feet from any other adjoining Use type or Zoning District.
- 1757.02 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1757.03 Fuel pumps and vacuums shall be set back at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line.
- 1757.04 Vehicle repair, service, and/or maintenance facilities shall comply with the standards set forth within this Article for Vehicle Sales, Rental, and Service.
- 1757.05 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another

suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

- 1757.06 The perimeter of the Lot or Tract containing such Use shall be screened in accordance with Section 2003.
- 1757.07 A description of the nature, character, logistics, timing, duration, and impacts of the proposed operation, including:
- A) The location of areas on site that will be utilized for storage of materials and/or waste as well as the manner in which storage shall occur.
  - B) The location of any facilities that will be utilized for the processing, loading, and/or transportation of materials or waste.
  - C) How lighting and/or glare will be mitigated to the greatest extent possible to protect public health, safety, and general welfare. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.
  - D) How dust and/or debris will be mitigated to the greatest extent possible to protect public health, safety, and general welfare.
  - E) How noise and/or vibrations will be mitigated to the greatest extent possible to protect public health, safety, and general welfare.
  - F) How fumes and/or odors will be mitigated to the greatest extent possible to protect public health, safety, and general welfare.
  - G) How diminution and pollution of air, land, and/or water, including above and below ground water supplies, will be prevented to the greatest extent possible to protect the public health, safety, and general welfare.
- 1757.08 A list of materials or products that could decompose by detonation shall be provided to the Genoa Township Fire Department. Such materials shall include, but need not be limited to, all primary explosives including lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl, and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium.

#### **Section 1758: Funeral Home/Mortuary**

- 1758.01 The site shall have direct access to an Arterial or Collector Street.
- 1758.02 All business-related vehicles, other than standard passenger vehicles, shall be within an enclosed Building when not in Use.
- 1758.03 Parking areas and drive-aisles shall be designed to accommodate the queuing of vehicles for processions on site. Vehicles shall not be permitted to queue or park on a Street.
- 1758.04 Parking areas and drive-aisles shall be designed so that the queuing of vehicles for a procession do not impede emergency vehicles from accessing the site or any area or Structure within the site.
- 1758.05 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004. This provision shall not apply to porte-cocheres utilized during services.
- 1758.06 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS**

## 1758.07 Noise Control:

- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
- B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

**Section 1759: Gambling Establishment**

1759.01 This Use shall be subject to Section 1702.05.

1759.02 Gambling Establishments are permitted as a Principal Use only in the Zoning Districts expressly specified within this Zoning Resolution and shall be subject to the following restrictions:

- A) Gambling Establishments shall not be permitted within one thousand (1,000) feet, as measured from the closest Lot Line of each Use, unless otherwise specified, of:
  - 1) Any Dwelling within a Residential or Planned Residential Zoning District;
  - 2) Any other Gambling Establishment;
  - 3) Cemetery, Crematorium, Funeral Home, or Mortuary;
  - 4) Cultural Center;
  - 5) Day Care Centers (all types);
  - 6) Educational Institutions (grades 12 or lower);
  - 7) Hospital;
  - 8) Natural Resource Protection area;
  - 9) Public library or Museum;
  - 10) Public park or playground; or
  - 11) Religious Establishment.
- B) Only one (1) Gambling Establishment is permitted in a single Structure when such Use is established as Principal Use. No co-location of principal Gambling Establishments shall be permitted within one (1) Structure.
- C) All gambling activity shall occur within the confines of a fully enclosed Building. For the purpose of this section, covered decks, covered patios, covered Porches, three-season rooms, and other such spaces shall not be considered a fully enclosed Building.
- D) Illicit material shall not be displayed publicly.

**Section 1760: Golf Course**

1760.01 Golf Courses in Residential or Planned Residential Zoning Districts shall only be permitted when they are subsidiary to the primary residential Use of the property.

1760.02 All Structures, Game Fields/Courts, Swimming Pools, and other such facilities that are not solely used for storage or mechanics (ex: electricity, plumbing, etc.) shall be set back at least one hundred (100) feet from the Front Lot Line and fifty (50) feet from all other Lot Lines adjacent to the subject Lot or Tract. All other Structures shall be set back at least twenty-five (25) feet from any Lot Line adjacent to the subject Lot or Tract.

1760.03 All maintenance equipment shall be stored in sheds or other Structures and away from view.

- 1760.04 No hole or green shall be located within two hundred (200) feet of an existing Residential Type Use unless otherwise approved as part of a larger Planned Development District so long as said residences are also part of the Planned Development.
- 1760.05 Permanent restroom facilities located within a Building and connected to a sanitary sewer or other approved on-site disposal system approved by the Delaware Public Health District, must be provided.
- 1760.06 The minimum Floor Area requirements for the clubhouse or management Structure shall be five thousand (5,000) square feet.
- 1760.07 Any golf courses hereinafter constructed within designated areas of Genoa Township shall occupy not less than one hundred fifty (150) acres.
- 1760.08 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1760.09 Noise Control.
- A) Golf Courses within, or within five hundred (500) feet of, any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time.
  - B) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - C) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - D) Exceptions to the above shall be permitted for announcements necessary to address immediate public safety concerns.
- 1760.10 Outdoor operations of any such facility within five hundred (500) feet of any Residential or Planned Residential Zoning District shall cease between the overnight hours of 10:00 p.m. and 6:00 a.m. Eastern Time. This provision shall not apply to incidental activities or routine maintenance of such facilities.

**Section 1761: Home Occupation, Low Impact**

- 1761.01 When Conditional Use approval is desired or required by this Resolution for a Home Occupation, the following standards shall apply:
- A) There shall be no more than two (2) non-residential employees or volunteers to be engaged in the proposed Use;
  - B) Sales of commodities not produced on the premises may be permitted provided that the commodities are specified in the application, are reasonably related to the Home Occupation, and are sold within the interior of a Building (i.e., Outdoor Displays are prohibited) or a Structure as permitted in Sections 2303.03 and 2303.04;
  - C) Outside Storage related to the Home Occupation may be permitted if totally screened from adjacent residential Lots pursuant to Section 1610.05, provided the application so specifies;
  - D) Not more than thirty percent (30%) of the gross Floor Area of any residence shall be devoted to the proposed Home Occupation;
  - E) The external appearance of the Structure in which the Use is to be conducted shall not be altered and not more than one (1) Sign no larger than two (2) square feet shall be mounted flush to the wall of the Structure;

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- F) Minor or moderate Alterations in accordance with other provisions of this Resolution may be permitted to accommodate the proposed Use but there shall be no substantial construction or reconstruction;
- G) No equipment process, materials, or chemicals shall be used that create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances; and
- H) No more than two (2) additional parking places may be proposed in conjunction with the Home Occupation. Such spaces shall not be located in the required Front Yard.
- I) Exterior lighting related to the Home Occupation shall conform with the provisions of Article 21 with the exception of exterior Porch, patio, garage, and/or garden lighting fixtures, including carriage lights and yard lamps, that are customary to Single-Family Dwellings.

**Section 1762: Hospital**

1762.01 This Use shall be subject to Section 1702.05.

1762.02 Vehicular Access.

- A) Hospitals situated on Lots or Tracts less than twenty (20) acres in area shall have direct vehicular access to at least one (1) Arterial Street.
- B) Hospitals situated on Lots or Tracts twenty (20) acres or more in area shall have direct vehicular access to one (1) Arterial Street and one (1) Collector Street or two (2) access points on an Arterial Street. The minimum required separation distance of the latter shall be three hundred (300) feet between access points, subject to the approval of the Delaware County Engineer.
- C) Direct vehicular access to a Local Street shall be prohibited.

1762.03 A drop-off/pick-up area separate from any designated parking areas shall be provided that the parking of vehicles being used for such purpose can occur adjacent to the Building site without requiring pedestrians to walk through a parking lot or the blocking of any parking spaces, ingress/egress points, emergency access ways, mail delivery locations, or waste collection service areas.

1762.04 Internal Access Street System. A looping internal access Street system shall be provided. All Uses shall have access by means of the internal access Street system. The internal Street system shall be arranged to allow proper development of the surrounding properties and a continuous network with the internal Street systems of surrounding properties.

1762.05 Pedestrian Circulation. A system of Pedestrianways, sidewalks, crossing and the like shall be provided for access to the center along and across access Streets and from adjacent residential Uses, as well as for access within the center.

1762.06 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.

1762.07 Noise Control:

- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only and crowd control; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
- B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

1762.08 Any such Use that contains a Landing Pad/Strip shall also comply with the standards set forth herein for Aviation Facilities.

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- 1762.09 Any such Use that contains a Day Care Center shall also comply with the standards set forth herein for Day Care Center Establishments.
- 1762.10 Any such Use containing a Landing Pad/Strip shall also comply with the standards set forth herein for such Use.

**Section 1763: Hotel/Motel**

- 1763.01 This Use shall be subject to Section 1702.05.
- 1763.02 A drop-off/pick-up area separate from any designated parking areas shall be provided that the parking of vehicles being used for such purpose can occur adjacent to the Building site without requiring pedestrians to walk through a parking lot or the blocking of any parking spaces, ingress/egress points, emergency access ways, mail delivery locations, or waste collection service areas.
- 1763.03 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1763.04 The service of meals and/or beverages shall be secondary to the primary use of room or suite rental.
- 1763.05 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- 1763.06 Any such Use that contains a Day Care Center shall also comply with the standards set forth herein for Day Care Center Establishments.
- 1763.07 If a Swimming Pool is proposed as part of the Use, the Standards set forth herein this Article for Swimming Pools shall apply.
- 1763.08 Hotels/Motels shall not operate in a manner that meets the definition of a Sexually Oriented Business.

**Section 1764: Junkyard**

- 1764.01 Standards set forth within this Article for Automobile Salvage shall apply.

**Section 1765: Kennel**

- 1765.01 This Use shall be subject to Section 1702.05.
- 1765.02 When such Use is established within an authorized Residential or Planned Residential Zoning District, the following shall apply:
- A) The minimum required Lot Area for a Kennel established in an authorized Residential or Planned Residential Zoning District shall be five (5) acres.
- 1765.03 Buildings shall be set back at least five hundred (500) feet from any Residential or Planned Residential Zoning District and a minimum of two hundred (200) feet from any Side or Rear Lot Line regardless of zoning classification.
- 1765.04 Any area wherein animals exercise, relieve themselves, and/or are otherwise temporarily kept shall be located on site. Any such area that is located wholly or partially outdoors shall be fenced in and

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set back at least one hundred and fifty (150) feet from any Principal Structure on an adjacent Lot or Tract, measured from any point of the perimeter of such area.

- A) Fencing shall be no more than five (5) and no more than eight (8) feet in height, consist of waterproof material, and shall contain a self-latching gate.
- 1765.05 Housing for animals kept overnight shall be located indoors within the confines of a fully enclosed Building. For the purpose of this section, covered decks, covered patios, covered Porches, three-season rooms, and other such spaces shall not be considered a fully enclosed Building.
- 1765.06 Collected animal waste shall not be stored within five hundred (500) feet of the perimeter of the subject Lot or Tract.
- 1765.07 The ground surface of any parking, driving, loading, or Outdoor Storage areas, other than those for the keeping of animals, shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1765.08 Facility entrances and exits (excluding emergency exits) facing a Residential or Planned Residential Zoning District shall have a vestibule with a second door to minimize noise.
- 1765.09 Kennels shall be subject to the provisions and restrictions of Article 16, Section 1617.
- 1765.10 Exterior lighting shall conform with the provisions of Article 21 with the exception of exterior Porch, patio, garage, and/or garden lighting fixtures, including carriage lights and yard lamps, that are customary to Single-Family Dwellings.
- 1765.11 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- 1765.12 If a Swimming Pool is proposed as part of the Use, the Standards set forth within this Article for Swimming Pools shall apply.

**Section 1766: Landfill/Incinerator**

- 1766.01 This Use shall be subject to Section 1702.05.
- 1766.02 The Use shall not be located on a Lot with Frontage on an Arterial Street but shall be located on a Lot accessed from a Street with direct access to an Arterial Street.
- 1766.03 Landfills/Incinerators shall be located at least one thousand (1,000) feet from any adjoining Residential Type Use, Planned Residential Zoning District, or Residential Zoning District.
- 1766.04 The perimeter of the Lot or Tract containing such Use shall be screened in accordance with Section 2003.
- 1766.05 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1766.06 A description of the nature, character, logistics, timing, duration, and impacts of the proposed operation, including:

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- A) The location of areas on site which will be utilized for storage of materials and/or waste as well as the manner in which storage shall occur.
  - B) The location of any facilities that will be utilized for the processing, loading, and/or transportation of materials or waste.
  - C) How lighting and/or glare will be mitigated to the greatest extent possible to protect public health, safety, and general welfare. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.
  - D) How dust and/or debris will be mitigated to the greatest extent possible to protect public health, safety, and general welfare.
  - E) How noise and/or vibrations will be mitigated to the greatest extent possible to protect public health, safety, and general welfare.
  - F) How fumes and/or odor will be mitigated to the greatest extent possible to protect public health, safety, and general welfare.
  - G) How diminution and pollution of air, land, and/or water, including above and below ground water supplies, will be prevented to the greatest extent possible to protect the public health, safety, and general welfare.
- 1766.07 A list of materials or products that could decompose by detonation shall be provided to the Genoa Township Fire Department. Such materials shall include, but need not be limited to, all primary explosives including lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl, and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium.
- 1766.08 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

**Section 1767: Landing Pad/Strip**

- 1767.01 Standards set forth within+ this Article for Aviation Facility shall apply.

**Section 1768: Manufacturing, Heavy**

- 1768.01 Vehicular Access.

- A) Any such Use situated on Lots or Tracts less than twenty (20) acres in area shall have direct vehicular access to at least one (1) Arterial Street.
- B) Any such Use situated on Lots or Tracts twenty (20) acres or more in area shall have direct vehicular access to one (1) Arterial Street and one (1) Collector Street or two (2) access points on an Arterial Street. The minimum required separation distance of the latter shall be three hundred (300) feet between access points, subject to the approval of the Delaware County Engineer.
- C) Direct vehicular access to a Local Street shall be prohibited.

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- 1768.02 All materials and equipment shall be stored within a completely enclosed Building and in compliance with any other storage-related provisions within this Zoning Resolution. For the purpose of this section, covered decks, covered patios, covered Porches, three-season rooms, and other such spaces shall not be considered a fully enclosed Building.
- 1768.03 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1768.04 Fuel pumps and vacuums shall be set back at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line.
- 1768.05 Vehicle repair, service, and/or maintenance facilities shall comply with the standards set forth within this Article for Vehicle Sales, Rental, and Service.
- 1768.06 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1768.07 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- 1768.08 Outdoor operations of any such facility within five hundred (500) feet of any Residential or Planned Residential Zoning District shall cease between the overnight hours of 10:00 p.m. and 6:00 a.m. Eastern Time. This provision shall not apply to incidental activities or routine maintenance of such facilities.

**Section 1769: Marina**

- 1769.01 Permanent restroom facilities located within a Building and connected to a sanitary sewer or other approved on-site disposal system approved by the Delaware Public Health District, must be provided.
- 1769.02 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1769.03 Fuel pumps and vacuums shall be set back at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line.
- 1769.04 Vehicle repair, service, and/or maintenance facilities shall comply with the standards set forth within this Article for Vehicle Sales, Rental, and Service.
- 1769.05 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1769.07 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for

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on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.

- B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

**Section 1770: Marketplace (Indoor or Outdoor)**

- 1770.01 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1770.02 Any such Use with outdoor operations shall comply with the standards set forth herein this Article for Mobile Enterprise Courts. Similarly, if a Mobile Enterprise, Mobile Enterprise Court, Mobile Service Business, and/or Mobile Vending Business is proposed or included as part of the Use, the Standards set forth herein this Article for such Uses shall apply.
- 1770.03 Any such Use whose total operational area, exclusive of parking, exceeds twenty thousand (20,000) square feet in size shall also comply with the standards set forth within this Article for Large Retail.

**Section 1771: Medical Clinic, Large**

- 1771.01 The Use shall comply with all standards established for Hospitals set forth within this Article.

**Section 1772: Mixed-Use Building**

- 1772.01 The Density of Planned Development containing a Mixed-Use Building shall not exceed 1.0 Dwellings per Net Developable Acre unless otherwise authorized within this Resolution or via a Divergence that has been reviewed and approved in accordance with the standards set forth in Section 2707 of this Resolution.
- 1772.02 Principal Uses permitted within a Mixed-Use Building shall be expressly limited to the following, subject to any conditions, exemptions, provisions, restrictions, standards and/or prohibitions stipulated elsewhere within this Zoning Resolution, including Articles 1, 5, 16, and 17: Amusement Arcade; Arena; Auditorium, Bakery; Brewery – Brewpub, Micro; Brewery – Microbrewery (with or without Tap Room); Drinking Establishment; Club; Commercial and/or Private Recreation Facility; Community Center – Non-Residential; Conference or Convention Center; Cultural Center, Day Care Center Establishment; Distillery – Distillery Pub, Micro, Distillery – Microdistillery (with or without Tap Room); Educational Institution (Private or Public); Public Emergency Services; Event Facility; Flex Space – Commercial; Food Hall; Gallery; Governmental Facilities; Health Spa; Hotel/Motel; Live/Work Dwellings; Self-Service Kiosk Facility; Laundromat; Makerspace; Marketplace; Medical Clinic; Multi-Family Dwellings; Museum; Nightclub; Office; Open Space; Parking Facility; Public Service Facility; Indoor Recreation and/or Instructional Facility; Religious Establishment; any type of Restaurant; any type of Retail Use; any type of Service Business Use; any type of Shopping Center Use; any type of Studio Use other than Production Studio; Public Utilities; Vacation Rental; Veterinary Clinics that do not also operate as a Kennel; Winery – Winepub, Micro and/or Winery – Microwinery (with or without Tap Room).
- 1772.03 Primary Building facades and entrances shall front adjacent Streets or Pedestrianways. Off-street parking and garages (attached or detached) shall be located at the rear of the Building.
- 1772.04 Unless otherwise expressed herein, Dwellings shall only be permitted on the upper floors of such Building, i.e., not permitted on the ground level (aka street level) of a Mixed-Use Building. This restriction shall not apply to Live/Work Dwellings and as such said Use shall be permitted on the ground level of a Mixed-Use Building.

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- 1772.05 No more than fifty percent (50%) of the Floor Area of the ground floor (aka street level) of a Mixed-Use Building shall be utilized as an Arena; Auditorium; Conference or Convention Center; Event Facility; Medical Clinic; and/or Office. This restriction shall not apply to Office when and where it exists as an Accessory Use.
- 1772.06 No more than fifty percent (50%) of the Floor Area of the entire Mixed-Use Building shall be utilized as a Parking Facility or Off-Street Parking Lot when such operations are being conducted as a Principal Use.
- 1772.07 All dumpster, waste collection, and/or trash compactor areas servicing a Dwelling shall be located at least fifty (50) from said Dwelling.
- 1772.08 All dumpster, waste collection, and/or trash compactor areas enclosed by a solid, decorative masonry wall at least six (6) feet in Height. The number and size of such areas shall be enough to service the entire Building without creating a hazard to public health or safety. The vehicular access needed to service such area(s) shall be designed so that no servicing vehicle blocks any parking spaces, ingress/egress points, emergency accessways, primary Pedestrianways, or mail delivery locations.
- 1772.09 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1772.10 Accessory Uses permitted within a Mixed-Use Building shall be expressly limited to the following, subject to any conditions, exemptions, provisions, restrictions, standards, and/or prohibitions stipulated elsewhere within this Zoning Resolution, including Articles 1, 5, 16, and 17: any Principal Use listed in Section 1772.02; Accessory Buildings and Structures; Accessory Storage; Clubhouse; Entry Features; Game Fields/Courts; Home Occupation (No or Low Impact); Landscaping Features; Outdoor Display; Outdoor Storage; Off-Street Parking Lot; Open Space, Parking Facility, Swimming Pool (Commercial or Residential); Temporary Uses and Special Events; Vehicle Chargers; Mechanical Vending; Self-Service Vending; Accessory Wall; and/or Retaining Wall. The foregoing shall not preclude any incidental activities necessary for maintenance or to ensure public health or safety.
- 1772.11 If a Swimming Pool is proposed as part of the Use, the Standards set forth within this Article for Swimming Pools shall apply.
- 1772.12 Sexually Oriented Businesses shall not be a permitted Use (Principal or Accessory) within a Mixed-Use Building.

**Section 1773: Mixed-Use Center**

- 1773.01 The Density of Planned Development containing a Mixed-Use Center shall not exceed 1.0 Dwellings per Net Developable Acre unless otherwise authorized within this Resolution or via a Divergence that has been reviewed and approved in accordance with the standards set forth in Section 2707 of this Resolution.
- 1773.02 Principal Uses permitted within a Mixed-Use Center shall be expressly limited to the following, subject to any conditions, exemptions, provisions, restrictions, standards and/or prohibitions stipulated elsewhere within this Zoning Resolution, including Articles 1, 5, 16, and 17: Amusement Arcade; Arena; Auditorium, Bakery; Brewery – Brewpub, Micro; Brewery – Microbrewery (with or without Tap Room); Drinking Establishment; Club; Commercial and/or Private Recreation Facility; Community Center – Non-Residential; Conference or Convention Center; Cultural Center, Day Care Center Establishment; Distillery – Distillery Pub, Micro, Distillery – Microdistillery (with or without Tap Room); Educational Institution (Private or Public); Public Emergency Services; Event Facility; Flex Space – Commercial; Food Hall; Gallery; Governmental Facilities; Health Spa; Hotel/Motel; Live/Work Dwellings; Self-Service Kiosk Facility; Laundromat; Makerspace; Marketplace; Medical Clinic; Multi-Family Dwellings (Building or Complex); Museum; Nightclub; Office; Open Space; Parking Facility; Public Service Facility; Indoor Recreation and/or Instructional Facility; Religious Establishment; any type of Restaurant; any type of Retail Use; any type of Service Business Use; any type of Shopping Center Use; any type of Studio Use other than Production Studio; Public Utilities; Vacation Rental; Vacation Rental Complex; Veterinary Clinics that do not also operate as a Kennel; Winery – Winepub, Micro and/or Winery – Microwinery (with or without Tap Room).
- 1773.03 Primary Building facades and entrances shall front adjacent Streets or Pedestrianways.
- 1773.04 All dumpster, waste collection, and/or trash compactor areas servicing a Dwelling shall be located at least fifty (50) feet from said Dwelling.
- 1773.05 All dumpster, waste collection, and/or trash compactor areas enclosed by a solid, decorative masonry wall at least six (6) feet in Height. The number and size of such areas shall be enough to service the entire Building without creating a hazard to public health or safety. The vehicular access needed to service such area(s) shall be designed so that no servicing vehicle blocks any parking spaces, ingress/egress points, emergency accessways, primary Pedestrianways, or mail delivery locations.
- 1773.06 Accessory Uses permitted within a Mixed-Use Center shall be expressly limited to the following, subject to any conditions, exemptions, provisions, restrictions, standards and/or prohibitions stipulated elsewhere within this Zoning Resolution, including Articles 1, 5, 16, and 17: any Principal Use listed in Section 1773.02; Accessory Buildings and Structures; Accessory Storage; Clubhouse; Entry Features; Game Fields/Courts; Home Occupation (No or Low Impact); Landscaping Features; Outdoor Display; Outdoor Storage; Off-Street Parking Lot; Open Space; Parking Facility; Signs; Swimming Pool (Commercial or Residential); Temporary Uses and Special Events; Vehicle Chargers; Mechanical Vending; Self-Service Vending; Accessory Wall; and/or Retaining Wall. The foregoing shall not preclude any incidental activities necessary for maintenance or to ensure public health or safety.

**Section 1774: Mobile Enterprise**

- 1774.01 This Use shall be subject to Section 1702.05.
- 1774.02 The Use shall have the permission of the property owner to operate. Documentation of such proof shall be provided when a Legal Approval is required. This standard shall not apply to Mobile Enterprises operating in a public Street, those operating as part of a larger Temporary Event, and those occupying spaces designated for such Use in an approved Final Development Plan.
- 1774.03 With the exception of lawful Temporary Events, no more than two (2) Mobile Enterprises may operate on a Lot in a Straight Zoning District at any one time.

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- 1774.04 Mobile Enterprises on private property shall be set back at least fifty (50) feet from any Residential or Planned Residential Zoning District unless screened by an on-site Fence at least five (5) in height in which case the setback shall be reduced to ten (10) feet. This standard shall not apply to Mobile Service Businesses providing services on-site to a singular client.
- 1774.05 Mobile Enterprises shall not be parked on any non-paved area within a designated Open Space area or required Front Yard.
- 1774.06 The Use, including any of its associated components, amenities, or activities, shall not block any Streets, Right-of-Ways, accessible parking spaces, emergency access routes, clear sight triangles, road or utility easements, Pedestrianways, or any other clearance zones that may be required by other governmental agencies. This restriction shall not apply to any such features located within a conventional parking space, driveway, or other similar type of area that could equally be blocked by a standard motorized vehicle.
- 1774.07 Electrical cords, water hoses, etc., crossing such areas shall be securely covered to prevent tripping, hazards, and damage to vehicles.
- 1774.08 Supplies and any other items related to the operation of the Mobile Enterprise shall be stored within the interior of the vehicle or trailer where the operation is occurring or within an enclosed Building. No such items shall be stored outside.
- 1774.09 A letter from the Genoa Township Fire Department approving the proposed location of the Mobile Enterprise shall be provided prior to the issuance of a Legal Approval.
- 1774.10 Noise Control.
- A) Mobile Enterprises within five hundred (500) feet of any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time.
  - B) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - C) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - D) Exceptions to the above shall be permitted for announcements necessary to address immediate public safety concerns.
- 1774.11 Outdoor operations of any such facility within five hundred (500) feet of any Residential or Planned Residential Zoning District shall cease between the overnight hours of 10:00 p.m. and 6:00 a.m. Eastern Time. This standard shall not apply to Mobile Service Businesses providing services on-site to a singular client.
- 1774.12 Trash, Junk, and litter, including grease and grey water, shall be controlled, stored in proper containers, handled, and disposed of in accordance with the requirements of the Delaware Public Health District and any other agency having jurisdiction over such matters.
- 1774.13 Mobile Vending Businesses shall be subject to the regulations and/or restrictions of any Legal Approval applicable to the Lot or Tract on which they are operating. In the instance of conflict, the stricter shall apply.

**Section 1775: Mobile Enterprise Court**

- 1775.01 Permanent restroom facilities located within a Building and connected to a sanitary sewer or other approved on-site disposal system approved by the Delaware Public Health District, must be provided. No such facility shall be located within one hundred (100) feet of a Lot or Tract located within a Residential or Planned Residential Zoning District.
- 1775.02 A centralized dumpster, four (4) cubic yards in size, shall be provided.

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- A) The dumpster shall not be located within one hundred (100) feet of a Lot or Tract located within a Residential or Planned Residential Zoning District.
- B) Screening of the dumpster shall be provided in accordance with Article 20, Section 2004.03.
- 1775.03 Outdoor operations of any such facility within five hundred (500) feet of any Residential or Planned Residential Zoning District shall cease between the overnight hours of 10:00 p.m. and 6:00 a.m. Eastern Time. This provision shall not apply to incidental activities or routine maintenance of such facilities.
- 1775.04 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1775.05 Noise Control.
  - A) Facilities within five hundred (500) feet of any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time.
  - B) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - C) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - D) Exceptions to the above shall be permitted for announcements necessary to address immediate public safety concerns.

**Section 1776: Mobile Home**

- 1776.01 Mobile Homes shall only be permitted in an approved Mobile Home Park.
- 1776.02 Mobile Homes shall comply with all applicable standards set forth herein for Mobile Home Parks.
- 1776.03 The placement of a Mobile Home within an approved Mobile Home Park shall be considered a Use by right and shall not require Conditional Use approval.

**Section 1777: Mobile Home Park**

- 1777.01 This Use shall be subject to Section 1702.05.
- 1777.02 The location of all Mobile Home Parks shall comply with the following minimum requirements:
  - A) Minim Lot or Tract size: Ten (10) Contiguous acres.
  - B) Such a Use shall not be established wholly or partially on an existing wetland even if mitigation is proposed.
  - C) Such a Use shall not be located in a Regulatory Flood Plain.
- 1777.03 Mobile Home Park Design Requirements.
  - A) All required landscaping shall comply with the provisions of Article 20, Section 2002.
  - B) The perimeter of the Mobile Home Park shall be screened in accordance with Article 20, Section 2003.02.
  - C) Stormwater infrastructure shall be screened in accordance with Article 20, Section 2003.06
  - D) Off-Street Parking lots shall be screened in accordance with Article 20, Section 2004.01.
  - E) Buildings shall be landscaped in accordance with Article 20, Section 2004.02.
  - F) Dumpsters and the like shall be screened in accordance with Article 20, Section 2004.03.

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- G) Building mechanicals shall be landscaped in accordance with Article 20, Section 2004.04.
  - H) Grades and slopes shall be landscaped in accordance with Article 20, Section 2004.05.
  - I) All required plantings shall comply with the species and size requirements set forth in Article 20, Sections 2005 and 2006.
- 1777.04 Mobile Home Lot Design Requirements.
- A) All Mobile Home Lots shall be set back at least fifty (50) feet from the exterior boundaries of the Mobile Home Park.
  - B) The minimum area of any Mobile Home Lot shall be at least six thousand (6,000) square feet.
  - C) The subject area of the Mobile Home Lot shall be improved to provide an adequate foundation for the placement of the Mobile Home in such a position as to allow a minimum of fifteen (15) feet between the Mobile Home and any adjacent Street Right-of-Way.
  - D) Individual Mobile Homes, including Accessory Structures attached thereto, shall be set back at least thirty (30) feet from one another. This requirement shall not restrict attachments as long as a minimum separation of twenty (20) feet
  - E) Individual Mobile Homes, including Accessory Structures attached thereto, shall be set back at least fifteen (15) feet from internal Streets or common areas.
- 1777.05 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1777.06 No part of any Mobile Home Park shall be used for a Non-Residential Type Use except for such Uses required for the direct servicing of the public health and safety of the park's residents or the management and maintenance of the park.
- 1777.07 No central toilet or washroom facilities shall be permitted.
- 1777.08 Pumps, including those for fuel, wastewater, and/or greywater, shall be set back at least fifty (50) feet from any Lot Line.
- 1777.09 Vehicle repair, service, and/or maintenance facilities shall comply with the standards set forth within this Article for Vehicle Sales, Rental, and Service.
- 1777.10 Nothing contained in this section shall be deemed as prohibiting the sale of a Mobile Home located on a Mobile Home Lot connected to utilities.
- 1777.11 Exterior lighting shall conform with the provisions of Article 21 with the exception of exterior Porch, patio, garage, and/or garden lighting fixtures, including carriage lights and yard lamps, that are customary to Single-Family Dwellings.
- 1777.12 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

**Section 1778: Mobile Service Business**

- 1778.01 The Use shall comply with all standards established for Mobile Enterprise set forth within this Article.

**Section 1779: Mobile Vending Business**

1779.01 The Use shall comply with all standards established for Mobile Enterprise set forth within this Article.

**Section 1780: Multi-Family Building - Complex**

1780.01 The site shall have vehicular access to an Arterial and/or Collector Street.

- A) The minimum required separation distance between access points to the same Street shall be three hundred (300) feet, subject to the approval of the Delaware County Engineer.
- B) Direct vehicular access to a Local Street shall be prohibited.

1780.02 In addition to Article 19, the following parking standards shall apply:

- A) Parking lots shall be designed so that at least one standard semi-trailer can be parked off-street adjacent to any Building containing a Dwelling without blocking any parking spaces, ingress/egress points, emergency access ways, mail delivery locations, or waste collection service areas.
- B) Parking spaces shall be located no more than three hundred (300) feet from the entrance of the Building the spaces are intended to serve.

1780.03 All dumpster, waste collection, and/or trash compactor areas shall be located at least fifty (50) feet from the closest Dwelling and enclosed by a solid, decorative masonry wall at least six (6) feet in Height. The number and size of such areas shall be enough to service the entire complex without creating a hazard to public health or safety. The vehicular access needed to service such area(s) shall be designed so that no servicing vehicle blocks any parking spaces, ingress/egress points, emergency accessways, primary Pedestrianways, or mail delivery locations.

1780.04 A paved pedestrian network of sidewalks, trails, paths, and designated crosswalks shall be provided to provide connected, non-motorized routes between all Buildings within the complex.

1780.05 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

1780.06 Exterior lighting shall conform with the provisions of Article 21 with the exception of exterior Porch, patio, garage, and/or garden lighting fixtures, including carriage lights and yard lamps, that are customary to Single-Family Dwellings.

1780.07 If a Swimming Pool is proposed as part of the Use, the Standards set forth herein this Article for Swimming Pools shall apply.

**Section 1781: Multi-Family Building - Multiplex**

1781.01 In addition to Article 19, the following parking standards shall apply:

- A) Parking spaces shall be located no more than one hundred (100) feet from the entrance of the Building the spaces are intended to serve.

1781.02 All dumpster, waste collection, and/or trash compactor areas shall be located at least fifty (50) feet from the closest Dwelling and enclosed by a solid, decorative masonry wall at least six (6) feet in Height. The number and size of such areas shall be enough to service the entire complex without creating a hazard to public health or safety. The vehicular access needed to service such area(s) shall be designed so that no servicing vehicle blocks any parking spaces, ingress/egress points, emergency accessways, primary Pedestrianways, or mail delivery locations.

1781.03 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

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- 1781.04 Exterior lighting shall conform with the provisions of Article 21 with the exception of exterior Porch, patio, garage, and/or garden lighting fixtures, including carriage lights and yard lamps, that are customary to Single-Family Dwellings.
- 1781.05 If a Swimming Pool is proposed as part of the Use, the Standards set forth within this Article for Swimming Pools shall apply.

**Section 1782: Natural Resource Extraction**

- 1782.01 Surface mining activities authorized via Conditional Use in this Zoning Resolution shall be processed, reviewed, and considered in accordance with ORC 519.141.
- 1782.02 This Use shall be subject to Section 1702.05.
- 1782.03 A description of the nature, character, logistics, timing, duration, and impacts of the proposed operation, including:
- A) The material(s) being extracted.
  - B) The purpose(s) for extraction.
  - C) A map(s) identifying the area and extent of the proposed activity.
  - D) A site plan(s) illustrating the area and extent of the proposed activity as well as the location and design of all proposed Structures and equipment regardless of whether they are permanent, temporary, or transient).
  - E) The proposed depth(s) of exaction.
  - F) The location of areas on site which will be utilized for storage of materials and/or waste as well as the manner in which storage shall occur.
  - G) The location of any facilities that will be utilized for the processing, loading, and/or transportation of materials or waste.
  - H) How materials and waste will be transported on and/or off-site including:
    - a) Anticipated route(s) of travel.
    - b) Number of vehicles to be used for transport.
    - c) Arid weight of vehicles to be used for transport.
    - d) Maintenance plans for any Street used for transport.
  - I) How lighting and/or glare will be mitigated to the greatest extent possible to protect public health, safety, and general welfare. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.
  - J) How dust and/or debris will be mitigated to the greatest extent possible to protect public health, safety, and general welfare.
  - K) How noise and/or vibrations will be mitigated to the greatest extent possible to protect public health, safety, and general welfare.
  - L) How fumes and/or odor will be mitigated to the greatest extent possible to protect public health, safety, and general welfare.
  - M) How diminution and pollution of air, land, and/or water, including above and below ground water supplies, will be prevented to the greatest extent possible to protect the public health, safety, and general welfare.
  - N) Plans and intentions for the restoration and reclamation of all land affected by the operation to a condition that will support reasonable utilization of the site by any Use permitted by the applicable Zoning District as set forth in Article 5.

**ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS**

- O) Primary contact information for the operation.
- P) Emergency contact information for the operation.
- 1782.04 The processing of extracted materials in any manner on-site shall be prohibited unless such processing is necessary for proper transport and/or to ensure public safety.
- 1782.05 In order to grant Conditional Use approval for this Use, the Board of Zoning Appeals shall require sufficient information to determine that:
  - A) The scale, pace, and duration of the proposed activity are reasonable in relation to the ability of other portions of Genoa Township to maintain normal patterns of activity while extraction is occurring.
  - B) Adequate safeguards are provided to ensure that damage will not be done to property elsewhere in Genoa Township or the natural environment.
  - C) The proposed plan for reclamation and reuse of land is acceptable and in compliance with this Zoning Resolution. If the proposed reclamation is for Agriculture, forestry, Natural Resource Protection, and/or any other type of undeveloped Use, grading, drainage, and vegetation shall be compatible with other similar Uses in Genoa Township.
- 1782.06 In order to grant Conditional Use approval or a modified Conditional Use approval for the expansion or change of such a Use, the Board of Zoning Appeals shall require sufficient information to determine that:
  - A) The performance of the applicant and/or Use has been in conformance with all Legal Approvals, including any prior Conditional Use approval(s).
  - B) No expansion in the area of such Use shall be permitted until extraction activities have been completed on an equivalent area of land and said land shall have been graded, vegetation, and otherwise established in accordance with any Legal Approvals pertaining to the reclamation of the site, including any prior Conditional Use approval(s).
- 1782.07 The scope, area(s), and method(s) of extraction shall not exceed or be larger and/or more intense than those licensed and/or permitted by any applicable state and/or federal permitting authorities for such Use.
- 1782.08 A permanently placed Sign identifying the name of the operator, materials being extracted, contact information of the operator, and emergency contact information of the operator shall be posted at each access point into the site. Such signage shall not count towards signage otherwise permitted by Article 18. The following provisions shall also apply:
  - A) The Sign shall be reasonably visible and legible from adjacent Internal Streets.
  - B) The Sign shall be set back no less than ten (10) and no more than twenty (20) from any adjoining Street.
  - C) The Sign(s) shall have a Sign Area of no less than ten (10) and no more than twenty (20) square feet.
  - D) The total width of the Sign shall not exceed seven and one-half (7 ½) feet.
  - E) The Sign shall have a total height of no less than four (4) feet and no taller than eight (8) feet.
- 1782.09 A list of materials or products that could decompose by detonation shall be provided to the Genoa Township Fire Department. Such materials shall include, but need not be limited to, all primary explosives including lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl, and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium.

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## ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS

- 1782.10 Permanent restroom facilities located within a Building and connected to a sanitary sewer or other approved on-site disposal system approved by the Delaware Public Health District, must be provided.
- 1782.11 Should any provisions herein conflict with any applicable state and/or federal law or agency, the more strict shall apply.

**Section 1783: Nightclub**

- 1783.01 No Nightclub shall be established within five hundred (500) feet, measured Lot Line to Lot Line, from another Nightclub or from a:
- A) Any Dwelling within a Residential or Planned Residential Zoning District;
  - B) Cemetery, Crematorium, Funeral Home, or Mortuary;
  - C) Cultural Center;
  - D) Day Care Centers (all types);
  - E) Educational Institutions (grades 12 or lower);
  - F) Hospital;
  - G) Natural Resource Protection area;
  - H) Public library or museum;
  - I) Public park or playground;
  - J) Religious Establishment;
  - K) Sexually Oriented Business; or
  - L) Substance Abuse Treatment Clinic.
- 1783.02 Facility entrances and exits (excluding emergency exits) facing a Residential or Planned Residential Zoning District shall have a vestibule with a second door to minimize noise.
- 1783.03 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1783.04 The owner and operator must provide adequate private security licensed under the laws of the State of Ohio during events that attract maximum permitted occupancy.
- 1783.05 All operations must be conducted within an enclosed Building; doors and windows shall remain closed during hours of operation. For the purpose of this section, covered decks, covered patios, covered Porches, three-season rooms, and other such spaces shall not be considered a fully enclosed Building.
- 1783.06 Noise Control:
- A) Such facilities within five hundred (500) feet of any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time.
  - B) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - C) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - D) Exceptions to the above shall be permitted for announcements necessary to address immediate public safety concerns.

1783.07 No Nightclub shall feature any components meeting the definition of a Sexually Oriented Business.

**Section 1784: Nursery, Retail or Wholesale**

1784.01 Impervious Surfaces shall not exceed twenty percent (20%) of the Lot Area.

1784.02 Greenhouse Structures shall be set back at least one hundred (100) feet from any Lot Line adjoining the subject Lot or Tract.

1784.03 Permanent restroom facilities located within a Building and connected to a sanitary sewer or other approved on-site disposal system approved by the Delaware Public Health District, must be provided.

1784.03 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.

1784.04 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances. This standard shall not apply to aiseways between rows of plantings.

1784.05 Noise Control:

A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.

B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

1784.06 Nurseries, Retail or Wholesale, with a Building of over twenty thousand (20,000) square feet, a mixture of Buildings and Structures totaling more than twenty thousand (20,000) square feet, and/or on a Lot or Tract one (1) or more acre in size shall also adhere to the standards set forth for Large Retail Establishments set forth herein this Article.

**Section 1785: Off-Road Motorized Vehicle Track**

1785.01 Standards set forth within this Article for Recreation and/or Instructional Facility, Outdoor shall apply.

1785.02 Fuel pumps and vacuums shall be set back at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line.

1785.03 Vehicle repair, service, and/or maintenance facilities shall comply with the standards set forth within this Article for Vehicle Sales, Rental, and Service.

1785.04 Permanent restroom facilities located within a Building and connected to a sanitary sewer or other approved on-site disposal system approved by the Delaware Public Health District, must be provided.

1785.05 Noise Control.

A) Off-Road Motorized Vehicle Tracks within five hundred (500) feet of any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time.

B) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.

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- C) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
- D) Exceptions to the above shall be permitted for announcements necessary to address immediate public safety concerns.

1785.06 Outdoor operations of any such facility within five hundred (500) feet of any Residential or Planned Residential Zoning District shall cease between the overnight hours of 10:00 p.m. and 6:00 a.m. Eastern Time. This provision shall not apply to incidental activities or routine maintenance of such facilities.

**Section 1786: Office - Large**

1786.01 Vehicular Access.

- A) Any such Use situated on Lots or Tracts less than twenty (20) acres in area shall have direct vehicular access to at least one (1) Arterial Street.
- B) Any such Use situated on Lots or Tracts twenty (20) acres or more in area shall have direct vehicular access to one (1) Arterial Street and one (1) Collector Street or two (2) access points on an Arterial Street. The minimum required separation distance of the latter shall be three hundred (300) feet between access points, subject to the approval of the Delaware County Engineer.
- C) Direct vehicular access to a Local Street shall be prohibited.

1786.02 Internal Access Street System. A looping internal access Street system shall be provided. All Uses shall have access by means of the internal access Street system. The internal Street system shall be arranged to allow proper development of the surrounding properties and a continuous network with the internal Street systems of surrounding properties.

1786.03 Pedestrian Circulation. A Pedestrianway system shall be provided for access to the center along and across access Streets and from adjacent residential Uses, as well as for access within the center.

1786.04 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

1786.05 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.

1786.06 Noise Control:

- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
- B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

**Section 1787: Oil and Gas Production**

1787.01 Standards set forth within this Article for Natural Resource Extraction shall apply unless otherwise exempt as further specified in Article 1, Section 102.10 of this Resolution.

**Section 1788: Outdoor Collection**

- 1788.01 The provisions within this Section shall not apply to Outdoor Collection receptacles placed temporarily or seasonally for a period of thirty (30) consecutive days or less. Such receptacles may be placed by right without obtaining Legal Approval.
- 1788.02 The Use shall have the permission of the property owner to operate. Documentation of such proof shall be provided when a Legal Approval is required. This standard shall not apply to Mobile Enterprises operating on a public Street or as part of a larger Temporary Event.
- 1788.03 No more than one (1) Outdoor Collection receptacle shall be permitted on a Lot or Tract.
- 1788.04 Outdoor Collection receptacles shall not be permitted within a designated Open Space area or a required Front Yard.
- 1788.05 Outdoor Collection receptacles shall only be permitted on paved surfaces such as asphaltic concrete or Portland cement concrete pavement.
- 1788.06 Outdoor Collection receptacles shall be set back at least fifty (50) feet from any Residential or Planned Residential Zoning District.
- 1788.07 Outdoor Collection receptacles shall not block any Streets, Right-of-Ways, required parking spaces, required parking drive aisles, emergency access routes, clear sight triangles, road or utility easements, Pedestrianways, or any other clearance zones that may be required by other governmental agencies. If such receptacle is placed along a Pedestrianway, five (5) feet of clearance shall be maintained all times.
- 1788.08 Outdoor Collection receptacles that are not placed adjacent to a Building shall be screened from the view of neighboring properties and Streets pursuant to the standards set forth in Section 2004 of this Resolution.
- 1788.09 Maintenance.
- A) Outdoor Collection receptacles shall be designed to prevent the overflow or blowing away of materials.
  - B) Any materials left outside of the overflow receptacle shall be deposited within the receptacle or collected from the site within seven (7) days.
  - C) Outdoor Collection receptacles shall be maintained in good physical condition no broken, chipped, fading, loose, missing, peeling, or rusted fading exteriors or components and otherwise free of Deterioration, decomposition, and/or decay.
  - D) The failure to adhere to these standards shall be grounds for the revocation of the Legal Approval permitting the Use and/or grounds for enforcement pursuant to Article 1 Section 116 of this Resolution.
- 1788.10 The name and contact information of the owner of the Outdoor Collection receptacle shall be clearly and legibly displayed on the receptacle.
- 1788.11 Outdoor Collection receptacles shall be subject to the regulations and/or restrictions of any Legal Approval applicable to the Lot or Tract on which they are operating. In the instance of conflict, the stricter shall apply.

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**Section 1789: Parking Facility**

- 1789.01 The site shall have direct vehicular access to an Arterial and/or Collector Street.
- A) The minimum required separation distance between access points to the same Street shall be three hundred (300) feet, subject to the approval of the Delaware County Engineer.
  - B) Direct vehicular access to a Local Street shall be prohibited.
- 1789.02 The maximum grade of parking floors shall not exceed six percent (6%).
- 1789.03 The maximum grade of ramps shall be:
- A) Covered; Fifteen percent (15%).
  - B) Uncovered: Twelve percent (12%).
- 1789.04 For multilevel facilities, at least one (1) elevator shall be provided for each two hundred and fifty (250) parking spaces.
- 1789.05 Parking space and associated drive aisle dimensions shall comply with the provisions of Article 19.
- 1789.06 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1789.07 The facility shall be designed so that pedestrians utilizing the primary entrance/exit do not have to step into or traverse through any designated parking space, drive aisle, or vehicular access point.
- 1789.08 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- 1789.09 Any outdoor, surface-level parking area shall also comply with the standards set forth within this Article for Off-Street Parking Lot.

**Section 1790: Parking Lot, Off-Street**

- 1790.01 The following standards shall only apply when an Off-Street Parking Lot is being proposed as a Principal Use:
- A) The Use shall not be located on a Lot with Frontage on an Arterial or Collector Street when being proposed or established as a Principal Use.
  - B) The facility shall be designed so that pedestrians utilizing the primary entrance/exit do not have to step into or traverse through any designated parking space, drive aisle, or vehicular access point.
  - C) The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

## D) Noise Control:

- 1) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
- 2) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

**Section 1791: Racetrack**

- 1791.01 Standards set forth within this Article for Recreation and/or Instructional Facility, Outdoor shall apply.
- 1791.02 Fuel pumps and vacuums shall be set back at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line.
- 1791.03 Vehicle repair, service, and/or maintenance facilities shall comply with the standards set forth within this Article for Vehicle Sales, Rental, and Service.
- 1791.04 Facilities housing, training, or caring for animals shall comply with the standards set forth within this Article for Recreation and/or Instructional Facilities, Outdoor.
- 1791.05 Collected animal waste shall not be stored within five hundred (500) feet of the perimeter of the subject Lot or Tract.
- 1791.06 Permanent restroom facilities located within a Building and connected to a sanitary sewer or other approved on-site disposal system approved by the Delaware Public Health District, must be provided.
- 1791.07 Noise Control.
- A) Racetracks within five hundred (500) feet of any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time.
  - B) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - C) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - D) Exceptions to the above shall be permitted for announcements necessary to address immediate public safety concerns.
  - E) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
  - F) Events shall not be broadcast to the exterior of the Use.
- 1791.08 Outdoor operations of any such facility within five hundred (500) feet of any Residential or Planned Residential Zoning District shall cease between the overnight hours of 10:00 p.m. and 6:00 a.m. Eastern Time. This provision shall not apply to incidental activities or routine maintenance of such facilities.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS

**Section 1792: Recreation and/or Instructional Facility, Outdoor**

- 1792.01 Minimum Lot Area or Tract size shall be no less than five (5) acres.
- 1792.02 Access and Traffic Impact - Access shall be from an Arterial Street, a Collector Street. The minimum required separation distance between access points to the same Street shall be three hundred (300) feet, subject to the approval of the Delaware County Engineer.
- 1792.03 Setbacks:
- A) Front: 100 feet for structures and 75 feet for parking;
  - B) Rear: 75 feet; and
  - C) Side: 75 feet.
  - C) Driveways and parking areas shall be set back at least fifty (50) feet from any Residential or Planned Residential Zoning District.
- 1792.04 All outdoor playing fields, courts and other similar outdoor recreation facilities must be secured at night to prevent unauthorized access.
- 1792.05 Exterior lighting shall conform with the provisions of Article 21.
- 1792.06 No more than eighty percent (80%) of the Lot or Tract area may comprise of outdoor fields, courts, rinks, and the like.
- 1792.07 A minimum eight (8) foot high landscaped screen or combination mound and plant material with a ninety percent (90%) year-round opacity shall be provided on any side of the site containing an outdoor amenity that is adjacent to Lots within a Residential or Planned Residential Zoning District. If a mound is used it shall be constructed with no more than a 4 to 1 slope. Mounds shall not be constructed to restrict the natural flow of surface water to or from the site.
- 1792.08 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1792.09 Permanent restroom facilities located within a Building and connected to a sanitary sewer or other approved on-site disposal system approved by the Delaware Public Health District, must be provided.
- 1792.10 The ground surface of any parking, driving, loading, or Outdoor Storage areas, other than those intended to house animals, shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1792.11 Ranges and courses used for shooting and throwing sports (ex: guns, bows, darts, axes, knives, paintball, airsoft, archery tag, laser tag, etc.) shall comply with all provisions established for such within Section 1729 (Commercial and/or Private Recreational Facilities) of this Article.
- 1792.12 Noise Control.
- A) Facilities within five hundred (500) feet of any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time.
  - B) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - C) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - D) Exceptions to the above shall be permitted for announcements necessary to address immediate public safety concerns.

- E) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - F) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- 1792.13 Outdoor operations of any such facility within five hundred (500) feet of any Residential or Planned Residential Zoning District shall cease between the overnight hours of 10:00 p.m. and 6:00 a.m. Eastern Time. This provision shall not apply to incidental activities or routine maintenance of such facilities.
- 1792.14 Racetracks and Swimming Pools shall comply with the provisions set forth for such Use(s) within this Article.

**Section 1793: Recycling Collection Facility**

- 1793.01 This Use shall be subject to Section 1702.05.
- 1793.02 The Use shall not be located on a Lot with Frontage on an Arterial Street but shall be located on a Lot accessed from a Street with direct access to an Arterial Street.
- 1793.03 Recycling Collection Facilities shall be located at least one thousand (1,000) feet from any adjoining Residential Type Use, Planned Residential Zoning District, or Residential Zoning District.
- 1793.04 The perimeter of the Lot or Tract containing such Use shall be screened in accordance with Section 2003.
- 1793.05 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1793.06 A description of the nature, character, logistics, timing, duration, and impacts of the proposed operation, including:
- A) The location of areas on site which will be utilized for storage of materials and/or waste as well as the manner in which storage shall occur.
  - B) The location of any facilities that will be utilized for the processing, loading, and/or transportation of materials or waste.
  - C) How lighting and/or glare will be mitigated to the greatest extent possible to protect public health, safety, and general welfare. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.
  - D) How dust and/or debris will be mitigated to the greatest extent possible to protect public health, safety, and general welfare.
  - E) How noise and/or vibrations will be mitigated to the greatest extent possible to protect public health, safety, and general welfare.
  - F) How fumes and/or odors will be mitigated to the greatest extent possible to protect public health, safety, and general welfare.
  - G) How diminution and pollution of air, land, and/or water, including above and below ground water supplies, will be prevented to the greatest extent possible to protect the public health, safety, and general welfare.

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS**

## 1793.07 Noise Control:

- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
- B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

**Section 1794: Religious Establishment**

1794.01 Unless expressly approved as part of a Mixed-Use Building or as part of a Planned Development in a Planned Zoning District, the Lot containing any standalone Religious Establishment shall have Frontage on and direct vehicular access to an Arterial Street or Collector Street as further designated by the current Delaware County Thoroughfare Plan.

- A) The minimum required separation distance between access points to the same Street shall be three hundred (300) feet, subject to the approval of the Delaware County Engineer.
- B) Direct vehicular access to a Local Street shall be prohibited.

1794.02 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.

1794.03 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

## 1794.04 Noise Control:

- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for ceremonies, emergency announcements, and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
- B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

1794.05 A Private Educational Institution(s) shall be permitted on the same Lot or Tract as a Religious Establishment so long as such Use(s) does not comprise more than twenty (20) acres of the subject Lot or Tract, inclusive of any associated parking area. The following standards shall also apply:

- A) When the associated Religious Establishment is located within a Straight District, Conditional Use approval pursuant to Article 3 shall be obtained.
- B) When the associated Religious Establishment is located within a Planned Zoning District, it shall be subject to the provisions of Article 27.
- C) Accessory Dwellings in all Zoning Districts shall also comply with the standards set forth herein for Accessory Dwellings.

1794.06 No more than one (1) Accessory Dwelling shall be permitted on the same Lot or Tract as a Religious Establishment. The following standards shall also apply:

- A) When the associated Religious Establishment is located within a Straight District, Conditional Use approval pursuant to Article 3 shall be obtained.

- B) When the associated Religious Establishment is located within a Planned Zoning District, it shall be subject to the provisions of Article 27.
  - C) Accessory Dwellings in all Zoning Districts shall also comply with the standards set forth herein for Accessory Dwellings.
- 1794.07 Any such Use that contains a Day Care Center shall also comply with the standards set forth herein for such Use.
- 1794.08 Any such Use that contains a Cemetery shall also comply with the standards set forth herein for such Use.

#### **Section 1795: Residential Care Facilities**

- 1795.01 Pursuant to ORC 5119.341(B), Residential Care Facilities of six (6) or more residents (excluding caregivers) are prohibited in certain Zoning Districts as further identified in Article 5, Section 505: Table of Authorized Principal Uses.
- 1795.02 Residential Care Facilities shall obtain a Zoning Permit prior to commencing the use of a property as a Residential Care Facility.
- 1795.03 In order to promote the benefits of residential surroundings for the residents of Residential Care Facilities and to further the goal of deinstitutionalization of persons whose disabilities or status limit their ability to live independently and to foster their integration into the mainstream of society, no Residential Care Facility housing six (6) or more residents (excluding caregivers) shall be located within 1,320 feet of any other such Residential Care Facility.
- A) Genoa Township may, in accordance with the procedures and provisions of this Zoning Resolution, issue a Conditional Use Permit, or, in the case of a Planned Development, grant a Divergence, for such a facility to locate within 1,320 feet of another facility upon a finding that:
- 1) The residents of said facility will benefit from normal residential surroundings;
  - 2) The placement within 1,320 feet of another Residential Care Facility does not hinder the goal of deinstitutionalization;
  - 3) The placement of the Residential Care Facility furthers the goal of integrating the residents into the mainstream of society;
  - 4) A hardship exists in that suitable housing is unavailable elsewhere in the community that meets the 1,320-foot spacing requirement;
  - 5) The architectural design and site layout of the proposed facility and the location, nature, and Height of any walls, screens, and Fences shall be compatible with adjoining land uses and the character of the neighborhood; and
  - 6) The proposed facility shall fully comply with all Yard, parking, and sign regulations and shall comply with all health, fire, and safety regulations and building standards.
- 1795.04 Service meals shall be limited to residents only.
- 1795.05 A loading/unloading area separate from any designated parking areas shall be provided that the parking of vehicles being used for such purpose can occur adjacent to the Building without blocking any parking spaces, ingress/egress points, emergency access ways, mail delivery locations, or waste collection service areas.
- 1795.06 Exterior lighting shall conform with the provisions of Article 21 with the exception of exterior Porch, patio, garage, and/or garden lighting fixtures, including carriage lights and yard lamps, that are customary to Single-Family Dwellings.
- 1795.07 If a Swimming Pool is proposed as part of the Use, the Standards set forth within this Article for Swimming Pools shall apply.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS

**Section 1796: Retail Establishment, Large**

- 1796.01 The site shall have Frontage on and direct vehicular access to a Major Arterial Street as further designated by the current Delaware County Thoroughfare Plan.
- A) Any such Use situated on Lots or Tracts less than twenty (20) acres in area shall have direct vehicular access to at least one (1) Arterial Street.
  - B) Any such Use situated on Lots or Tracts twenty (20) acres or more in area shall have direct vehicular access to one (1) Arterial Street and one (1) Collector Street or two (2) access points on an Arterial Street. The minimum required separation distance of the latter shall be three hundred (300) feet between access points, subject to the approval of the Delaware County Engineer.
  - C) Direct vehicular access to a Local Street shall be prohibited.
- 1796.02 A traffic report shall be submitted with the application for development which identifies traffic control measures within the site and at the points of ingress and egress warranted at peak usage of the facility.
- 1796.03 Site Layout Standards.
- A) Where adjacent Internal Streets, driveway connections, and/or Pedestrianways are existing, approved, or proposed by a public, quasi-public, and/or private entity, connection to such features in kind shall be required.
  - B) Where Off-Street Parking is arranged perpendicular to aisle ways collecting traffic, a planting or landscaped island shall be required at the intersection of interior collector aisle ways. Such an island shall begin parallel with the last parking space or spaces at the end of a row of parking spaces and not occupy space assigned to the aisle way itself.
  - C) A circuitous network of Pedestrianways shall be provided. Such ways shall also provide connection to any existing or proposed Pedestrianways along or adjacent to the development.
  - D) Landscaped curb bulb-outs shall be provided wherever a Pedestrianway crosses an Internal Street or parking drive aisle.
- 1796.05 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1796.06 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1796.07 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
  - C) Events shall not be broadcast to the exterior of the Use.
- 1796.08 Building Design Standards.
- A) There shall be no blank or bare exterior walls for more than thirty-five (35) linear feet (measured horizontally) where the wall is visible from a Street, parking lot, or Pedestrianway. Blank or bare

walls shall have an element constructed within them that creates a visual break in the wall; examples are faux windows, pilasters, or other such permanent architectural features achieving the aforementioned effect.

- B) Designated loading and delivery areas shall be separate from parking lots and associated vehicular circulation.
- C) Loading and delivery for such Uses that do not have designated loading and delivery areas shall be allowed from any side of the Building.

#### **Section 1797: Sales, Rental, and Service, Commercial Motor Vehicle**

- 1797.01 The Use shall not be located on a Lot with Frontage on an Arterial Street but shall be located on a Lot accessed from a Street with direct access to an Arterial Street.
- 1797.02 All use and equipment for commercial motor vehicle repair shall be conducted entirely within a Building.
- 1797.03 Garage and repair bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless screened or separated from such by another Building or an opaque, decorative Fence eight (8) feet in Height.
- 1797.04 Fuel pumps and vacuums shall be set back at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line.
- 1797.05 No derelict, damaged, Junk Vehicles, or unlicensed vehicles shall be stored outside on the premises for more than forty-eight (48) hours.
- 1797.06 Buffer areas shall be provided in accordance with the following:
  - A) Perimeter Landscaping. A minimum forty (40) foot wide landscape strip shall be provided around the perimeter of the site with five (5) evergreen trees having a height of not less than six (6) feet per thirty-five (35) linear feet of perimeter. In addition, an elevated earth berm a minimum of five (5) feet higher than the finished elevation of the parking lot(s) shall be provided. Where existing vegetation occurs along the perimeter of the lot line, a fifty (50) foot wide undisturbed preservation strip having existing mature trees may be substituted for the required planting(s).
- 1797.07 All Structures shall be set back a minimum of one hundred (100) feet from the Front Lot Line.
- 1797.08 No portion of the lot shall be paved with asphalt, concrete, or other substance within seventy-five (75) feet from the Right(s)-of-Way adjoining such Lot or Tract.
- 1797.09 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 1797.10 Noise Control:
  - A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

#### **Section 1798: Sales, Rental, and Service, Event**

- 1798.01 Standards set forth within this Article for Heavy Equipment Sales, Rental, and Service shall apply.

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS****Section 1799: Sales, Rental, and Service, Heavy Equipment**

- 1799.01 The Use shall not be located on a Lot with Frontage on an Arterial Street but shall be located on a Lot accessed from a Street with direct access to an Arterial Street.
- 1799.02 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 1799.03 Fuel pumps and vacuums shall be set back at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line.
- 1799.04 Vehicle repair, service, and/or maintenance facilities shall comply with the standards set forth within this Article for Vehicle Sales, Rental, and Service.
- 1799.05 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

**Section 17100: Sales, Rental, and Service, Machine**

- 17100.01 The Use shall not be located on a Lot with Frontage on an Arterial Street but shall be located on a Lot accessed from a Street with direct access to an Arterial Street.
- 17100.02 Garage and repair bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless screened or separated from such by another Building or an opaque, decorative Fence eight (8) feet in Height.
- 17100.03 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 17100.04 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

**Section 17101: Sales, Rental, and Service, Manufactured, Mobile, or Recreational Building/Vehicle**

- 17101.01 The Use shall not be located on a Lot with Frontage on an Arterial Street but shall be located on a Lot accessed from a Street with direct access to an Arterial Street.
- 17101.02 Garage and repair bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless screened or separated from such by another Building or an opaque, decorative Fence eight (8) feet in Height.
- 17101.03 Fuel pumps and vacuums shall be set back at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line.

**ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS**

- 17101.04 Vehicle repair, service, and/or maintenance facilities shall comply with the standards set forth within this Article for Vehicle Sales, Rental, and Service.
- 17101.05 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 17101.06 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

**Section 17102: Sales, Rental, and Service, Vehicle**

- 17102.01 The Use shall not be located on a Lot with Frontage on an Arterial Street but shall be located on a Lot accessed from a Street with direct access to an Arterial Street.
- 17102.02 All operations other than parking, display, and fueling exclusively for vehicles being sold, rented, or and/or displayed, shall occur within a fully enclosed Building. No outdoor dismantling, wrecking, or storage of automotive vehicle or parts shall be permitted unless otherwise expressly permitted by this Resolution. These provisions include but are not necessarily limited to detailing and repair.
- 17102.03 Fuel pumps and vacuums shall be set back at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line.
- 17102.04 All materials and equipment must be stored within a fully enclosed Building when not in use.
- 17102.05 The site shall be enclosed by an opaque, decorative Fence not less than six (6) feet in height supported on steel posts with a self-latching gate.
- 17102.06 Such Use shall not be permitted to operate as an Automobile Salvage or a Junkyard. No derelict, damaged, Junk Vehicles, or unlicensed vehicles shall be stored outside on the premises for more than forty-eight (48) hours.
- 17102.07 Operations meeting the definition of Automobile Detail, Automobile Repair, and/or Automobile Wash shall comply with the applicable standards set for such Use within this Article.
- 17102.08 A designated storage area that shall not include required parking for the site shall be provided for vehicles that are on the site awaiting detailing and service.
- 17102.09 Garage doors and repair bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless screened or separated from such by another Building or an opaque, decorative Fence eight (8) feet in Height.
- 17102.10 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 17102.11 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS

- B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

**Section 17103: Sales, Rental, and Service, Watercraft**

17103.01 Standards set forth within this Article for Vehicle Sales, Rental, and Service shall apply.

17103.02 Standards set forth within this Article for Outdoor Recreation and/or Instructional Facility shall apply.

**Section 17104: Service Business - Pet**

17104.01 Any area wherein animals exercise, relieve themselves, and/or are otherwise temporarily kept shall be located on-site. Any such area that is located wholly or partially outdoors shall be fenced in and set back at least one hundred and fifty (150) feet from any Principal Structure on an adjacent Lot or Tract, measured from any point of the perimeter of such area.

- A) Fencing shall be no more than five (5) and no more than eight (8) feet in height, consist of waterproof material, and shall contain a self-latching gate.

17104.02 Collected animal waste shall not be stored within five hundred (500) feet of the perimeter of the subject Lot or Tract.

17104.03 The ground surface of any parking, driving, loading, or Outdoor Storage areas, other than those for the keeping of animals, shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

17104.04 Facility entrances and exits (excluding emergency exits) facing a Residential or Planned Residential Zoning District shall have a vestibule with a second door to minimize noise.

17104.05 Exterior lighting shall conform with the provisions of Article 21 with the exception of exterior Porch, patio, garage, and/or garden lighting fixtures, including carriage lights and yard lamps, that are customary to Single-Family Dwellings.

17104.06 Noise Control:

- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.

- B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

17104.07 If a Swimming Pool is proposed as part of the Use, the Standards set forth within this Article for Swimming Pools shall apply.

**Section 17105: Sexually Oriented Business**

17105.01 Sexually Oriented Businesses are permitted only in the Zoning Districts expressly specified within this Zoning Resolution and shall be subject to the following restrictions:

- A) Sexually Oriented Businesses shall not be permitted within one thousand (1,000) feet, as measured from the closest Lot Line of each Use, unless otherwise specified, of an existing:
- 1) Any Dwelling within a Residential or Planned Residential Zoning District;
  - 2) Any other Sexually Oriented Business;
  - 3) Cemetery, Crematorium, Funeral Home, or Mortuary;
  - 4) Cultural Center;

**ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS**

- 5) Day Care Centers (all types)
  - 6) Educational Institutions (grades 12 or lower)
  - 7) Hospital;
  - 8) Hotel/Motel
  - 9) Natural Resource Protection area;
  - 10) Nightclubs;
  - 11) Public library or museum;
  - 12) Public park or playground;
  - 13) Religious Establishment; or
  - 14) Substance Abuse Treatment Clinic.
- B) Sexually Oriented Businesses shall not be permitted on any Lot or Tract which:
- 1) Adjoins a Planned Residential or Residential Zoning District;
  - 2) Has Frontage on an Arterial Street, Collector Street, or Freeway;
  - 3) Requires access via a Street that traverses through a Planned Residential or Residential Zoning District.
- C) Only one (1) Sexually Oriented Business is permitted in a single Structure. No co-location of Sexually Oriented Businesses shall be permitted within one (1) Structure.
- D) The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- E) All activities other than parking must occur within the confines of a fully enclosed Building. For the purpose of this section, covered decks, covered patios, covered Porches, three-season rooms, and other such spaces shall not be considered a fully enclosed Building.
- F) Exterior windows of any Building or Structure housing a Sexually Oriented Business shall be designed so that the interior of the business cannot be seen from outside.
- G) Any outdoor area utilized by employees of the Sexually Oriented Business shall be fully enclosed with and screened by a decorative six (6) foot-tall opaque fence. This standard shall not apply to designated parking areas.
- H) Parking shall conform with the provisions of Article 19.
- I) Exterior lighting shall conform with the provisions of Article 21
- J) Facility entrances and exits (excluding emergency exits) facing a Residential or Planned Residential Zoning District shall have a vestibule with a second door to minimize noise.
- K) Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- L) Illicit material shall not be displayed publicly.
- M) No Sexually Oriented Business shall be open for business prior to 10:00 a.m. or later than 11:00 p.m.
- N) Viewing booths shall not be used in conjunction with any “touching business” that results in the touching of clients by employees or employees by clients.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS

- O) Sexually Oriented Businesses that sell both mainstream media and Illicit material shall do so in accordance with the following:
- 1) Illicit material shall be physically and visually separated from mainstream media and shall not be displayed publicly.
  - 2) Separation of Illicit material shall be by a solid opaque-walled enclosure at least eight (8) feet high or reaching to the ceiling.
  - 3) Inventory marketed to and predominantly consumed by minors shall not be displayed within fifteen (15) feet of the entrance to the Illicit material section.
  - 4) Access to the Illicit material section shall be controlled by electronic or other means to provide assurance that a person under eighteen (18) years of age will not obtain access, and the general public will not accidentally enter this section.
  - 5) The Illicit material section shall provide Signs at its entrance warning that persons under the age of eighteen (18) are not permitted inside.
  - 6) No Adult Arcades are permitted in Sexually Oriented Businesses selling mainstream media.
  - 7) There shall be no more than one (1) designated area for Illicit material per store.
  - 8) There shall be no exterior Signs that advertise Illicit material or media.
- P) Prohibited Sexually Oriented Businesses. "Touching Businesses" such as Non-Therapeutic Massage Establishments, lap dancing, and Nude Model Studios that involve employee-client touching are not permitted and thus prohibited in all of Genoa Township.

**Section 17106: Shopping Center, Community or Regional**

17106.01 The Use shall comply with all standards established for Large Retail Establishment set forth within this Article.

17106.02 Parking lots shall be designed to collect traffic and have focused entry points onto internal Streets. Parking aisle curb cut access to internal Streets shall be avoided and such access shall be designed to limit curb cuts to the minimum number possible.

17106.03 An Internal Street system shall be provided.

- A) Internal Streets shall be designed to provide a vehicular connection from one Street to another Street while providing for through-traffic movement. Paved ways through the shopping center that do not provide connections from one Street to another Street shall be considered a drive aisle or driveway.
  - B) Internal Streets shall be accompanied by a parallel sidewalk at least six (6) feet in width on one side.
  - C) Adjacent parking and other such paved vehicular areas shall be separated and buffered from Internal Streets by a planting strip at least four (4) feet in width. The required planting strip shall be further protected by vertical concrete curbing.
  - D) Only parallel parking spaces designed in accordance with Article 19 will be permitted along Internal Streets. All other types of parking spaces shall be prohibited.
  - E) Street trees shall be planted along both sides of Internal Streets at a rate of one per thirty-five (35) feet on center using "solider" spacing (i.e., one tree every 35 feet on center, in a continuous row).
- 3) Street tree species shall be limited to those set forth in Article 20, Section 2005.
  - 4) Street tree planting size requirements shall be as set forth in Article 20, Section 2006.

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- 5) Exceptions for the location and/or planting of trees altogether in certain areas may be permitted to avoid interference with existing utilities, easements, intersection sight triangles, environmental constraints, or any other such practical difficulty.
  - F) Consistent decorative street lighting shall be required along all internal Streets.
    - 1) Fixtures shall stand no taller than twenty (20) feet in total height inclusive of any protective base.
    - 2) Lighting fixtures shall be provided along both sides of each internal Street at intervals of ninety (90) feet on center as well as at each Street intersection and adjacent to any pedestrian gathering areas, pocket parks, etc.
    - 3) Street lighting shall also comply with the requirements of Article 21, Section 2102.05.
    - 4) Exceptions for the placement of street lights in certain areas may be permitted to avoid interference with existing utilities, easements, intersection sight triangles, environmental constraints, or any other such practical difficulty.
- 17106.04 Buildings that contain Retail Uses within their footprint shall not exceed the following with the understanding that Buildings shall be considered to be separate when there is thirty (30) or more feet between them and that multi-tenant Buildings that contain Retail Uses that are adjacent to each other or within thirty (30) feet shall be considered as a single Building for these purposes:
- A) Community Shopping Centers shall comply with the following:
    - 1) The shopping center shall not have more than one (1) Retail Building with a footprint larger than fifty-five (55,000) square feet.
    - 2) No other Retail Building shall have a footprint larger than thirty-five thousand (35,000) square feet.
  - B) Regional Shopping Centers shall comply with the following:
    - 1) The shopping center shall not have more than one (1) Retail Building with a footprint larger than one hundred and fifty thousand (150,000) square feet.
    - 2) No other Retail Building shall have a footprint larger than one hundred thousand (100,000) square feet.
- 17106.05 Pedestrian Circulation.
- A) A concrete sidewalk system that provides pedestrian connections to all Buildings, plazas, parks, etc., within the development shall be provided. All such sidewalks shall be at least six (6) feet in width.
  - B) Protected Pedestrianways shall provide a means of safe pedestrian circulation through parking lots to the entrance/exit points of Buildings. Such protected Pedestrianways shall be provided for every two hundred (200) parking spaces and on sidewalks that connect Buildings through parking lots.
    - 1) Protected Pedestrianways shall be concrete, shall be at least six (6) feet in width, and shall have a four (4) foot landscape strip on both sides of the entire length of the way, with the exception of entry and exit points.
    - 2) Trees satisfying the requirements of Article 20, Section 2005 shall be provided on each side of the sidewalk in the landscape strip at intervals of thirty-five (35) feet on center, staggered side to side.
    - 3) Protected Pedestrianways shall lead to crosswalks that connect to Building entry points, parks, plazas, etc.

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- C) Crosswalks shall be provided wherever a pedestrian route crosses a Street (any type), drive aisle, driveway, parking lot, loading area, or any other such vehicular space. Crosswalks shall be constructed of a material that differs from the vehicular pavement and striped on both sides with white, reflective paint.

17106.06 Park and/or plaza space shall be provided pursuant to the following:

A) Size and number:

- 1) Community Shopping Centers shall contain at least one (1) such space at least six thousand (6,000) square feet in size.
- 2) Regional Shopping Centers shall contain at least two (2) such spaces, at least six thousand (6,000) square feet in size each.

B) The required space(s) shall be bounded by parking lots on no more than two (2) sides.

C) The required space(s) shall contain, at a minimum, Context-Sensitive lighting, a decorative bench, a decorative waste receptacle, lawn space, a paved pedestrian network connecting to the development's Pedestrianway network, and four trees of a species permitted by Article 20, Section 2005 spaced at least thirty-five (35) feet away from one another.

D) The required space(s) may also include other pedestrian-oriented amenities including bike racks, fitness equipment, water features, public art, gazebos, transit shelters, and the like.

E) Such space(s) shall be open to the public and not be exclusive or restricted to only certain tenants.

F) The space(s) and all amenities within shall be privately owned and maintained and shall similarly be kept free of waste or litter, kept in sound shape, and kept in good, working order, structurally and cosmetically.

G) Pet parks (i.e., dog parks) spaces shall not count towards these requirements.

17106.07 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.

17106.08 Directional and wayfinding and signage that is uniform throughout the development shall be provided.

17106.09 Drive-through/in/up facilities shall comply with the provisions set forth in this Article for Drive-Through Facilities.

17106.10 Architecture.

A) The designs of Buildings and Structures shall be Context-Sensitive.

B) There shall be no blank or bare exterior walls for more than thirty-five (35) linear feet (measured horizontally) where the wall is visible from a Street, parking lot, or Pedestrianway. Blank or bare walls shall have an element constructed within them that creates a visual break in the wall; examples include faux windows, pilasters, and other such permanent architectural features that achieve the aforementioned effect.

C) Buildings shall have roofline variation.

**Section 17107: Shopping Center, Neighborhood**

17107.01 The Use shall comply with all standards established for Large Retail Establishment set forth within this Article.

17107.02 Parking lots shall be designed to collect traffic and have focused entry points onto internal Streets. Parking aisle curb cut access to internal Streets shall be avoided and such access shall be designed to limit curb cuts to the minimum number possible.

**ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS**

17107.03 Buildings that contain Retail Uses within their footprint shall not exceed the following with the understanding that Buildings shall be considered to be separate when there is thirty (30) or more feet between them and that multi-tenant Buildings that contain Retail Uses that are adjacent to each other or within thirty (30) feet shall be considered as a single Building for these purposes:

- A) The shopping center shall not have more than one (1) Retail Building with a footprint larger than twenty thousand (20,000) square feet).

17107.04 Pedestrian Circulation.

- A) A concrete sidewalk system that provides pedestrian connections to all Buildings, plazas, parks, etc., within the development shall be provided. All such sidewalks shall be at least six (6) feet in width.
- B) Protected Pedestrianways shall provide a means of safe pedestrian circulation through parking lots to the entrance/exit points of Buildings. Such protected Pedestrianways shall be provided for every two hundred (200) parking spaces and on sidewalks that connect Buildings through parking lots.
  - 1) Protected Pedestrianways shall be concrete, shall be at least six (6) feet in width, and shall have a four (4) foot landscape strip on both sides of the entire length of the way, with the exception of entry and exit points.
  - 2) Trees satisfying the requirements of Article 20, Section 2005 shall be provided on each side of the sidewalk in the landscape strip at intervals of thirty-five (35) feet on center, staggered side to side.
  - 3) Protected Pedestrianways shall lead to crosswalks that connect to Building entry points, parks, plazas, etc.
- C) Crosswalks shall be provided wherever a pedestrian route crosses a Street (any type), drive aisle, driveway, parking lot, loading area, or any other such vehicular space. Crosswalks shall be constructed of a material that differs from the vehicular pavement and striped on both sides with white, reflective paint.

17107.05 Park and/or plaza space shall be provided pursuant to the following:

- A) Size and number:
  - 1) Community Shopping Centers shall contain at least one (1) such space at least six thousand (6,000) square feet in size.
  - 2) Regional Shopping Centers shall contain at least two (2) such spaces, at least six thousand (6,000) square feet in size each.
- B) The required space(s) shall be bounded by parking lots on no more than two (2) sides.
- C) The required space(s) shall contain, at a minimum, Context-Sensitive lighting, a decorative bench, a decorative waste receptacle, lawn space, a paved pedestrian network connecting to the development's Pedestrianway network, and four trees of a species permitted by Article 20, Section 2005 spaced at least thirty-five (35) feet away from one another.
- D) The required space(s) may also include other pedestrian-oriented amenities including bike racks, fitness equipment, water features, public art, gazebos, transit shelters, and the like.
- E) Such space(s) shall be open to the public and not be exclusive or restricted to only certain tenants.
- F) The space(s) and all amenities within shall be privately owned and maintained and shall similarly be kept free of waste or litter, kept in sound shape, and kept in good, working order, structurally and cosmetically.
- G) Pet parks (i.e., dog parks) spaces shall not count towards these requirements.

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- 17107.06 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 17107.07 Directional and wayfinding and signage that is uniform throughout the development shall be provided.
- 17107.08 Drive-through/in/up facilities shall comply with the provisions set forth in this Article for Drive-Through Facilities.
- 17107.09 Architecture.
- A) The designs of Buildings and Structures shall be Context-Sensitive.
  - B) There shall be no blank or bare exterior walls for more than thirty-five (35) linear feet (measured horizontally) where the wall is visible from a Street, parking lot, or Pedestrianway. Blank or bare walls shall have an element constructed within them that creates a visual break in the wall; examples include faux windows, pilasters, and other such permanent architectural features that achieve the aforementioned effect.
  - C) Buildings shall have roofline variation.

**Section 17108: Solar Facilities**

17108.01 Standards set forth within Article 22, Section 2206 for Small Solar Facilities shall apply.

17108.02 Standards set forth within Article 22, Section 2206 for Large Solar Facilities shall apply.

**Section 17109: Stables, Commercial/Riding Academy**

17109.01 Standards set forth within this Article for Recreation and/or Instructional Facility, Outdoor shall apply.

**Section 17110: Stadium**

17110.01 Standards set forth within this Article for Amphitheater shall apply.

17110.02 Standards set forth within this Article for Arena shall apply.

17110.03 The minimum distance from the end of any Building to the end of any adjacent Building shall be twenty (20) feet unless a greater distance is required by an applicable building code.

17110.04 The maximum length of any Building shall be five hundred (500) feet excluding bleachers or seating areas.

**Section 17111: Storage Terminal**

17111.01 Standards set forth within this Article for Bulk Storage Warehouse shall apply.

**Section 17112: Storage Yard**

17112.01 The Use shall not be located on a Lot with Frontage on an Arterial Street but shall be located on a Lot accessed from a Street with direct access to an Arterial Street.

17112.02 All storage that is not totally enclosed within a Building shall be fully enclosed with a secure and opaque Fence and/or wall standing eight (8) feet in Height.

17112.03 Stored materials shall not project from or be visible beyond the top of the enclosure required herein.

17112.04 Where Outdoor Storage is located adjacent to a Residential or Planned Residential District, there shall be planted along the outside face of the required screening evergreen trees adhering to the provisions of Section 2006 at thirty (30) foot intervals.

17112.05 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another

suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

- 17112.06 A list of materials or products that could decompose by detonation shall be provided to the Genoa Township Fire Department. Such materials shall include, but need not be limited to, all primary explosives including lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl, and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium.

#### **Section 17113: Studio, Production**

- 17113.01 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 17113.02 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 17113.03 Exterior lighting shall conform with the provisions of Article 21 with the exception of temporary lighting used for productions during the permitted hours of outdoor operations set forth within this Section.
- 17113.04 Noise Control.
- A) Facilities within five hundred (500) feet of any Residential or Planned Zoning District shall not utilize any outdoor speaker systems between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time.
  - B) Between the daytime hours of 7:00 a.m. and 9:00 p.m. Eastern Time, no noise shall exceed eighty decibels (80 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - C) Between the overnight hours of 9:00 p.m. and 7:00 a.m. Eastern Time, no noise shall exceed seventy decibels (70 db) at any Lot Line adjacent to the Lot or Tract containing the Use.
  - D) Exceptions to the above shall be permitted for announcements necessary to address immediate public safety concerns.
- 17113.05 Outdoor operations of any such facility within five hundred (500) feet of any Residential or Planned Residential Zoning District shall cease between the overnight hours of 10:00 p.m. and 6:00 a.m. Eastern Time. This provision shall not apply to incidental activities or routine maintenance of such facilities.

#### **Section 17114: Substance Abuse Treatment Clinic**

- 17114.01 This Use shall be subject to Section 1702.05.
- 17114.02 Substance Abuse Treatment Clinics are permitted only in the Zoning Districts expressly specified within this Zoning Resolution and shall be subject to the following restrictions:
- A) The Use shall not be located on a Lot with Frontage on an Arterial Street or Collector Street.
  - B) Substance Abuse Treatment Clinics shall not be permitted within one thousand (1,000) feet, as measured from the closest Lot Line of each Use, unless otherwise specified, of:
    - 1) Any Dwelling within a Residential or Planned Residential Zoning District;
    - 2) Any other Substance Abuse Treatment Clinic;
    - 3) Cemetery, Crematorium, Funeral Home, or Mortuary;

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- 4) Cultural Center;
  - 5) Day Care Centers (all types);
  - 6) Educational Institutions (grades 12 or lower);
  - 7) Hospital;
  - 8) Hotel/Motel;
  - 9) Natural Resource Protection area;
  - 10) Nightclubs;
  - 11) Public library or museum;
  - 12) Public park or playground; or
  - 13) Religious Establishment.
- C) Only one (1) Substance Abuse Treatment Clinic is permitted in a single Structure. No co-location of Substance Abuse Treatment Clinics shall be permitted within one (1) Structure.
- 17114.03 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 17114.04 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

**Section 17115: Telecommunications – Towers and Accessory**

- 17115.01 Standards set forth within Article 22, Section 2204 for Telecommunications Towers shall apply.

**Section 17116: Transportation Services and Facilities**

- 17116.01 The Use shall not be located on a Lot with Frontage on an Arterial Street but shall be located on a Lot accessed from a Street with direct access to an Arterial Street.
- 17116.02 Garage and repair bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless screened or separated from such by another Building or an opaque, decorative Fence eight (8) feet in Height.
- 17116.03 Fuel pumps and vacuums shall be set back at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line.
- 17116.04 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

**Section 17117: Truck Terminal**

- 17117.01 The Street providing access to such Use shall not traverse through a Planned Residential Zoning District or Residential Zoning District unless said Street is classified as an Arterial or Collector Street by the current Delaware County Thoroughfare Plan.
- A) Vehicular access to the shall be located within two-thousand five hundred (2,500) feet of access to an Arterial Street.
  - B) Driveway access shall be limited to a single two-way or two single one-way driveways from each Street on which access is permitted. Shared access with adjacent properties is encouraged.

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- C) All driveways, both exterior and interior, as well as exterior storage areas/pads and Off-Street Parking Lots shall be paved with asphaltic concrete, Portland cement concrete pavement, or permeable pavement. Gravel shall not be permitted.
- 17117.02 Ingress, egress, and internal traffic circulation shall be designed to minimize congestion during peak usage of the facility.
- 17117.03 All Buildings on site shall be set back at least fifty (50) feet from any Lot Line shared with a Planned Residential Zoning District or Residential Zoning District.
- 17117.04 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 17117.05 Fuel pumps and vacuums shall be set back at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line.
- 17117.06 All operations, including maintenance but excluding parking, shall occur within a fully enclosed Building. Such Buildings shall be permitted to have doors necessary for the entering and exiting of vehicles as well as for the loading and unloading of freight. Such doors shall remain closed when not being used for one or more of the aforementioned purposes unless keeping them closed would endanger public health or safety (ex: ventilation of noxious fumes).
- 17117.07 All materials and equipment must be stored within a fully enclosed Building when not in use.
- 17117.08 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 17117.09 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
  - C) Events shall not be broadcast to the exterior of the Use.
- 17117.10 No Structure on the premise shall be used as a Dwelling.
- 17117.11 No activities involving the storage, utilization, or manufacture of materials or products that could decompose by detonation shall be permitted except as authorized by the Genoa Township Fire Department. Such materials shall include, but need not be limited to, all primary explosives such as lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl, and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate; and nuclear fuels and reactor elements such as uranium 235 and plutonium. A list of such materials shall be provided to the Genoa Township Fire Department.

**Section 17118: Utilities, Private**

- 17118.01 The architectural design, landscaping, layout, lighting, screening, and signage must be Context-Sensitive.
- 17118.02 All materials and equipment must be stored within a fully enclosed Building when not in use.

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17118.03 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

17118.04 Noise Control:

- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
- B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

**Section 17119: Vacation Rental**

17119.01 When proposed as an Accessory Use the following standards shall apply:

- A) Vacation Rentals shall only be permitted in Zoning Districts in which they have been expressly authorized within this Resolution. Conditional Use approval shall be required unless otherwise specified.
- B) Such facilities shall only be permitted in a Planned Residential District when they are listed as an expressly permitted Use in a specifically designated and authorized location within an approved Planned Development. In such instances, each bedroom shall be counted as a Dwelling for the purposes of calculating the Density (Gross or Net) of the Planned Development.
- C) Vacation Rentals shall only be established on Lots that are one (1) acre or greater in size.
- D) The number of Vacation Rentals shall be limited to one (1) Building per Lot unless such Use is proposed in conjunction with, and the same Lot or Tract as, an Event Facility in which case the number of Vacation Rentals shall be one (1) per two (2) acres.
- E) Only one (1) Vacation Rental shall be permitted within a Building.
- F) A Vacation Rental shall comprise no more than fifty percent (50%) of the Principal Building.
- G) A Vacation Rental shall be permitted to comprise one hundred percent (100%) of an Accessory Building.
- H) The Floor Area of a Vacation Rental located in an Accessory Building shall not exceed the Floor Area of the principal Dwelling it is accessory to.
- I) Accessory Buildings containing a Vacation Rental shall comply with all provisions established in Section 1609 as well as all other standards applicable to the Zoning District in which it is located. In instances of conflict, the provisions within this Section shall prevail.
- J) Vacation Rentals shall not be permitted in any Accessory Structure exempted from zoning control in Section 1609.01.
- K) Exterior lighting shall conform with the provisions of Article 21 with the exception of exterior Porch, patio, garage, and/or garden lighting fixtures, including carriage lights and yard lamps, that are customary to Single-Family Dwellings.

17119.02 When proposed as a Principal Use, the following standards shall apply:

- A) Vacation Rentals shall only be permitted in Zoning Districts in which they have been expressly authorized within this Resolution. Conditional Use approval shall be required unless otherwise specified.

**ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS**

- B) Such facilities shall only be permitted in a Planned Residential District when they are listed as an expressly permitted Use in a specifically designated and authorized location within an approved Planned Development. In such instances, each bedroom shall be counted as a Dwelling for the purposes of calculating the Density (Gross or Net) of the Planned Development.
- C) Vacation Rentals shall only be established on Lots that are one (1) acre or greater in size.
- D) The number of Vacation Rentals shall be limited to one (1) Building per Lot.
- E) Only one (1) Vacation Rental shall be permitted within a Building.
- F) A Vacation Rental shall be permitted to comprise one hundred percent (100%) of an Accessory Building.
- G) Exterior lighting shall conform with the provisions of Article 21 with the exception of exterior Porch, patio, garage, and/or garden lighting fixtures, including carriage lights and yard lamps, that are customary to Single-Family Dwellings.
- H) If a Swimming Pool is proposed as part of the Use, the Standards set forth within this Article for Swimming Pools shall apply.

**Section 17120: Vacation Rental Complex**

- 17120.01 Vacation Rental Complexes shall only be permitted in Zoning Districts in which they have been expressly authorized within this Resolution. Conditional Use approval shall be required unless otherwise specified.
- 17120.02 Such facilities shall only be permitted in a Planned Residential District when they are listed as an expressly permitted Use in a specifically designated and authorized location within an approved Planned Development. In such instances, each bedroom shall be counted as a Dwelling for the purposes of calculating the Density (Gross or Net) of the Planned Development.
- 17120.03 The number of rental units shall not exceed the maximum Density permitted in the Zoning District that the complex is located within. For the purposes of this standard, one (1) Vacation Rental unit shall be equal to one (1) Dwelling.
- 17120.04 The site shall have direct vehicular access to an Arterial and/or Collector Street.
  - A) The minimum required separation distance between access points to the same Street shall be three hundred (300) feet, subject to the approval of the Delaware County Engineer.
  - B) Direct vehicular access to a Local Street shall be prohibited.
- 17120.05 Vacation Rental Complexes shall only be established on Lots that are one (1) acre or greater in size.
- 17120.06 All dumpster, waste collection, and/or trash compactor areas shall be located at least fifty (50) feet from the closest Dwelling and enclosed by a solid, decorative masonry wall at least six (6) feet in Height. The number and size of such areas shall be enough to service the entire complex without creating a hazard to public health or safety. The vehicular access needed to service such area(s) shall be designed so that no servicing vehicle blocks any parking spaces, ingress/egress points, emergency access ways, primary Pedestrianways, or mail delivery locations.
- 17120.07 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.
- 17120.08 Exterior lighting shall conform with the provisions of Article 21 with the exception of exterior Porch, patio, garage, and/or garden lighting fixtures, including carriage lights and yard lamps, that are customary to Single-Family Dwellings.
- 17120.09 A paved pedestrian network of sidewalks, trails, paths, and designated crosswalks shall be provided to provide connected, non-motorized routes between all Buildings within the complex.

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17120.10 If a Swimming Pool is proposed as part of the Use, the Standards set forth within this Article for Swimming Pools shall apply.

**Section 17121: Warehouse, Bulk Storage**

17121.01 The Street providing access to such Use shall not traverse through a Planned Residential Zoning District or Residential Zoning District unless said Street is classified as an Arterial or Collector Street by the current Delaware County Thoroughfare Plan.

17121.02 The minimum Lot Area requirement for such a facility shall be ten (10) acres.

17121.03 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.

17121.04 Buffer areas shall be provided as follows for any perimeter adjacent to any Lot containing a Dwelling:

A) Perimeter Landscaping. A minimum thirty (30) foot wide landscape strip shall be provided around the perimeter of the site, except along Streets, with four (4) evergreen trees having a height of not less than six (6) feet and six (6) shrubs per thirty-five (35) linear feet of perimeter. In addition, an elevated earth berm a minimum of three (3) feet higher than the finished elevation of the parking lot(s) shall be provided. Where existing vegetation occurs along the perimeter of the Lot Line, a forty (40) foot wide preservation strip having existing mature trees may be substituted.

17121.05 In addition to any other necessary measures, buffer areas shall be adequate to limit the impacts of sound, vibration, and light to provide an appropriate visual screen between incompatible land Uses.

17121.06 The emissions of dust, dirt, fly ash, fumes, vapors, or gases which can cause any damage to human health, to animals, vegetation, or to property, or which can cause any soiling, or staining of persons or property at any point beyond the Lot Line of the use creating the emission is prohibited.

17121.07 Noise Control:

A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.

B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

17121.08 No materials or waste matter of any kind shall be deposited upon a lot in such form or manner that it may be transported off the lot by natural causes or forces.

17121.09 No materials or other substances that can contaminate wells, watercourses, or potable water supplies shall be deposited on the site.

17121.10 No activities involving the storage, utilization, or manufacture of materials or products that could decompose by detonation shall be permitted except as specifically authorized by the Township. Such materials shall include, but need not be limited to, all primary explosives including lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl, and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium. A list of such materials shall be provided to the Genoa Township Fire Department.

17121.11 No Warehouse or storage Building, or part thereof, may be used for a Dwelling purpose at any time.

17121.12 All maintenance operations and storage of materials shall be conducted inside a Building, except as otherwise provided for herein.

17121.13 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

17121.14 Architecture:

- A) The Street-side walls of any Building shall be Context-Sensitive and utilize finished materials that incorporate architectural design elements that create continuity with adjacent Buildings. Metal siding and uniform, plain split face blocks shall not be used on Street-side walls of Buildings. Brick, stone, glass, and other similar high-quality materials are encouraged on such walls.
- B) Street-side Building facades shall incorporate wall plane projections of a recessing nature having a depth of at least three percent (3%) of the length of the façade and extending no more than twenty percent (20%) of the length of the façade.

#### **Section 17122: Warehouse, Distribution Center**

17122.01 Standards set forth within this Article for Bulk Storage Warehouse shall apply.

#### **Section 17123: Warehouse, Mini and/or Self-Storage**

17123.01 The Street providing access to such Use shall not traverse through a Planned Residential Zoning District or Residential Zoning District unless said Street is classified as an Arterial or Collector Street by the current Delaware County Thoroughfare Plan.

17123.02 The minimum Lot Area requirement for such a facility shall be ten (10) acres.

17123.03 Building Dimensions and Coverage:

- A) The maximum permitted Height of any Building shall be twenty (20) feet.
- B) The minimum distance from the face of any storage Building to the face of any adjacent storage Building shall be twenty-eight (28) feet for storage units that are less than fifteen (15) feet in depth. For storage units greater with a depth of fifteen (15) feet or greater, the required separation shall be increased to forty-two (42) feet.
- C) The minimum distance from the end of any storage Building to the end of another storage Building shall be at least twenty (20) feet.
- D) The maximum length of any storage Building shall be two hundred (200) feet.
- E) The maximum size of any single storage unit shall be fourteen (14) feet wide, forty (40) feet deep, and one (1) story. In instances where storage units are placed back-to-back, the maximum width of the Building shall not exceed forty (40) feet.
- F) No more than forty percent (40%) of the Lot or Tract shall comprise of Buildings containing storage.
- G) No more than twenty-five percent (25%) of the Lot or Tract shall comprise of outdoor areas reserved and/or designated for storage.
- H) All outdoor areas reserved and/or designated for Outdoor Storage shall be located behind a Building in a manner that completely screens it from any adjacent Street or from any property within a Residential or Planned Residential Zoning District.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS

- 17123.04 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.
- 17123.05 Fuel pumps and vacuums shall be set back at least fifty (50) feet from the Front Lot Line and ten (10) feet from any Side or Rear Lot Line.
- 17123.06 Buffer areas shall be provided as follows for any perimeter adjacent to any Lot containing a Dwelling:
- A) Perimeter Landscaping. A minimum thirty (30) foot wide landscape strip shall be provided around the perimeter of the site, except along Streets, with four (4) evergreen trees having a height of not less than six (6) feet and six (6) shrubs per thirty-five (35) linear feet of perimeter. In addition, an elevated earth berm a minimum of three (3) feet higher than the finished elevation of the parking lot(s) shall be provided. Where existing vegetation occurs along the perimeter of the Lot Line, a forty (40) foot wide preservation strip having existing mature trees may be substituted.
- 17123.07 Noise Control:
- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
  - B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- 17123.08 No materials or waste matter of any kind shall be deposited upon a lot in such form or manner that it may be transported off the lot by natural causes or forces.
- 17123.09 No materials or other substances that can contaminate wells, watercourses, or potable water supplies shall be deposited on the site.
- 17123.10 No activities involving the storage, utilization, or manufacture of materials or products that could decompose by detonation shall be permitted except as specifically authorized by the Township. Such materials shall include, but need not be limited to, all primary explosives including lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl, and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium. A list of such materials shall be provided to the Genoa Township Fire Department.
- 17123.11 Storage on top of any Building or Structure shall not be permitted.
- 17123.12 No business activity other than rental and utilization of storage units shall be conducted on the premises.
- 17123.13 No Warehouse or storage Building, or part thereof, may be used for a Dwelling purpose at any time.
- 17123.14 All maintenance operations and storage of materials shall be conducted inside a Building, except as otherwise provided for herein.
- 17123.15 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another

suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

17123.16 Architecture:

- A) The Street-side walls of any Building shall be Context-Sensitive and utilize finished materials that incorporate architectural design elements that create continuity with adjacent Buildings. Metal siding and uniform, plain split face blocks shall not be used on Street-side walls of Buildings. Brick, stone, glass, and other similar high-quality materials are encouraged on such walls.
- B) Street-side Building facades shall incorporate wall plane projections of a recessing nature having a depth of at least three percent (3%) of the length of the façade and extending no more than twenty percent (20%) of the length of the façade.

**Section 17124: Warehouse, Records**

17124.01 The Street providing access to such Use shall not traverse through a Planned Residential Zoning District or Residential Zoning District unless said Street is classified as an Arterial or Collector Street by the current Delaware County Thoroughfare Plan.

17124.02 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.

17124.03 Noise Control:

- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
- B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.

17124.04 No activities involving the storage, utilization, or manufacture of materials or products that could decompose by detonation shall be permitted except as specifically authorized by the Township. Such materials shall include, but need not be limited to, all primary explosives including lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl, and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium. A list of such materials shall be provided to the Genoa Township Fire Department.

17124.05 No Warehouse or storage Building, or part thereof, may be used for a Dwelling purpose at any time.

17124.06 All business operations, including maintenance, shall be conducted inside a Building.

1724.07 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

17124.08 Architecture:

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS

- A) The following provisions shall apply to any Building exceeding ten thousand (10,000) square feet in size:
- 1) The Street-side walls of any Building shall be Context-Sensitive and utilize finished materials that incorporate architectural design elements that create continuity with adjacent Buildings. Metal siding and uniform, plain split face blocks shall not be used on Street-side walls of Buildings. Brick, stone, glass, and other similar high-quality materials are encouraged on such walls.
  - 2) Street-side Building facades shall incorporate wall plane projections of a recessing nature having a depth of at least three percent (3%) of the length of the façade and extending no more than twenty percent (20%) of the length of the façade.

**Section 17125: Warehouse, Retail**

17125.01 The site shall have Frontage on and direct vehicular access to a Major Arterial Street as further designated by the current Delaware County Thoroughfare Plan.

- A) Any such Use situated on Lots or Tracts less than twenty (20) acres in area shall have direct vehicular access to at least one (1) Arterial Street.
- B) Any such Use situated on Lots or Tracts twenty (20) acres or more in area shall have direct vehicular access to one (1) Arterial Street and one (1) Collector Street or two (2) access points on an Arterial Street. The minimum required separation distance of the latter shall be three hundred (300) feet between access points, subject to the approval of the Delaware County Engineer.
- C) Direct vehicular access to a Local Street shall be prohibited.

17125.02 Ingress, egress, and internal traffic circulation shall be designed to minimize congestion during peak usage of the facility.

17125.03 A traffic report shall be submitted with the application for development which identifies traffic control measures within the site and at the points of ingress and egress warranted at peak usage of the facility.

17125.04 The location of Buildings and Structures, traffic circulation, and parking areas shall be designed to provide adequate access for emergency medical vehicles and firefighting equipment.

17125.05 No direct beams or rays of light from exterior lighting fixtures, Signs, or vehicles maneuvering on the development site shall be permitted to shine into the private living areas and associated Open Spaces of adjacent residential properties.

17125.06 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

17125.07 Noise Control:

- A) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
- B) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- C) Events shall not be broadcast to the exterior of the Use.

17125.08 No activities involving the storage, utilization, or manufacture of materials or products that could decompose by detonation shall be permitted except as specifically authorized by the Township. Such materials shall include, but need not be limited to, all primary explosives including lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl, and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium. A list of such materials shall be provided to the Genoa Township Fire Department.

17125.09 Building Design Standards.

- A) Designated loading and delivery areas shall be separate from parking lots and associated vehicular circulation.
- B) Loading and delivery for such Uses that do not have designated loading and delivery areas shall be allowed from any side of the Building.
- C) Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.

#### **Section 17126: Waste Transfer Facility**

17126.01 This Use shall be subject to Section 1702.05.

17126.02 The Street providing access to such Use shall not traverse through a Planned Residential Zoning District or Residential Zoning District.

- A) Driveway access shall be limited to a single two-way or two single one-way driveways from each Street on which access is permitted. Shared access with adjacent properties is encouraged.
- B) All driveways, both exterior and interior, as well as exterior storage areas/pads and Off-Street Parking Lots shall be paved with asphaltic concrete, Portland cement concrete pavement, or permeable pavement. Gravel shall not be permitted.

17126.03 Waste Transfer Facilities shall be set back at least three hundred (300) feet from any Planned Residential Zoning District or Residential Zoning District.

17126.04 A fifty (50) foot landscape buffer shall be provided around the entire perimeter of the Lot or Tract. Landscaping shall be provided in accordance with Article 20.

17126.05 Loading, unloading, storage, compaction, and related activities shall be conducted within a fully enclosed Building.

17126.06 Loading bays shall not face any Street or Lot within the Residential or Planned Residential Zoning District unless separated from such by another Building or screened in accordance with Sections 2003 and 2004.

17126.07 The ground surface of any parking, driving, loading, or Outdoor Storage areas shall be hard surfaced with asphaltic concrete, Portland cement concrete pavement, permeable pavement, or another suitable alternative that is proven to protect surrounding properties and activity from dust and other disturbances.

#### **Section 17127: Wind Farm, Small**

17127.01 Standards set forth within Article 22, Section 2205 for Wind Farms shall apply.

**GENOA TOWNSHIP ZONING RESOLUTION**

**ARTICLE 17: CONDITIONAL AND SPECIAL USE STANDARDS**

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**ARTICLE 18: SIGN STANDARDS****Section 1801: Intent and Purpose**

- 1801.01 Signs obstruct views, may distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. In addition to causing distractions and obstructions that may contribute to traffic and pedestrian accidents, Signs are as much subject to control as noise, odors, debris, and like characteristics of a use that, if not controlled and regulated, may become a Nuisance to adjacent properties or the community in general.
- 1801.02 The intent and purpose of this Article is to regulate the size, color, illumination, movement, materials, location, Height, and condition of all Signs for exterior observation and to balance the protection of public health, safety, and general welfare of Genoa Township with the need to adequately identify, communicate, and advertise via Signs, by:
- A) preserving the noncommercial character of residential neighborhoods;
  - B) providing reasonable, yet appropriate, conditions for identifying businesses and services rendered in commercial districts;
  - C) reducing traffic and pedestrian hazards by restricting Signs, including Signs with lights and/or motion, which may exceed the viewers' capacity to receive information or which increase the probability of accidents created by distracting attention or obstructing vision;
  - D) promoting expeditious and safe navigation and wayfinding for pedestrian and vehicular traffic through legible and appropriate Signs;
  - E) preserving order, attractiveness, and cleanliness; maintaining open spaces, avoiding the appearance of clutter, and preventing Nuisances and invitations to vandalism;
  - F) requiring Signs be constructed and maintained in a structurally sound and attractive condition;
  - G) maintaining property values and ensuring compatibility with surrounding landscape and architecture including, but not limited to, areas of historical significance;
  - H) encouraging aesthetic quality in the design, location, and size of all Signs; and
  - I) protecting and encouraging a more attractive economic, business, and overall physical appearance of the community.
- 1801.03 This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article which can be given effect without the invalid provision.
- 1801.04 Genoa Township does not have jurisdiction to regulate Signs on property of the United States Government, the State of Ohio, Delaware County, or those Signs erected pursuant to, and in furtherance of, a governmental function thereof.

**Section 1802: General Requirements**

- 1802.01 Scope and Applicability.
- A) The requirements of this Article apply to all Signs, Sign Structures, Awnings, and other types of Sign devices located within Genoa Township, as defined within this Resolution, except as may be exempted or otherwise specified.
  - B) All Government Signs are hereby exempted from the restrictions of this Article and need not comply with any restriction contained hereinafter. The inclusion of "government" in describing some Signs does not intend to subject any of the aforementioned entities to regulation but, instead, is intended to help clarify the type of Sign that falls within the immunities of government from regulation.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 18: SIGN STANDARDS

1802.02 No Zoning Permit shall be issued for an existing or proposed Sign requiring such permit pursuant to this Zoning Resolution unless said Sign is found to be consistent with the requirements of this Resolution as well as with any Legal Approval applicable to said Sign.

- A) Content of the message displayed on the Sign, whether it be Commercial Speech or Non-Commercial Speech, shall not be reviewed or considered in determining whether to approve or deny a Zoning Permit for a Sign unless said speech is found to be Illicit.
- B) Any conflicting or more restrictive Sign provision located within any Legal Approval granted prior to the adoption of this Article shall supersede this Article unless said provision is found to be illegal or content-based, in which case this Article shall prevail.
- C) Modifications or Alterations to a Sign with pre-existing Legal Approval may require new or amended Legal Approval as established within, and in accordance with, this Zoning Resolution.

1802.03 Measurement.

- A) With regard to any existing or proposed Sign, the Zoning Inspector shall be authorized to determine each of the following:
  - 1) The type of Sign (including the type of Temporary Sign) within the definitions contained within this Resolution; or
  - 2) Whether a Sign Structure has a communicative element to it and is therefore part of the Sign Area; or
  - 3) The Height, Width, or other measurable characteristics of a Sign or component thereof; and
  - 4) Whether a Sign is Abandoned or Deteriorated as defined herein.
- B) For Signs with Internal Illumination, the entire lighted surface shall be considered part of the Sign Area.
- C) For spherical Sign Structures or portion(s) thereof, the sphere shall be dissected by an imaginary line through the center of the sphere and the surface area of the half sphere shall be counted as the Sign Face. The Zoning Inspector shall have discretion to use similar methods.
- D) For cubical Sign Structures or portion(s) thereof, the area of all display faces (all faces not parallel to the ground) shall be included in determining the Sign Area. The Zoning Inspector shall have discretion to use similar methods.
- E) The Zoning Inspector shall have the discretion to use a similar method of calculation identified in Sections 1803.02.C and 1803.02.D for Sign Structures that are not flat but have non-cubical or non-spherical shapes.
- F) Where a Sign has two (2) or more display faces, the area of all faces of the Sign shall be included in determining the Sign Area unless:
  - 1) Two (2) display faces join back-to-back, parallel to each other, and are not more than twenty-four (24) inches apart; or
  - 2) Such faces meet and form a V-angle of less than forty-five (45) degrees.

1802.04 Prior to occupancy, each Building within Genoa Township shall be identified with street address numbers in Arabic numeral form.

- A) Residential Buildings shall be identified with reflective address numbers, not less than three (3) inches in Height, posted on both sides of the mailbox for that Building. Address numbers may also be posted on the principal residential Structure.
  - 1) For residences located on a Common Access Driveway (CAD), address numbers shall be located at the split of the drive and at the Street.

- 2) For Residential Buildings whose mailboxes are located on the opposite side of the street or serviced by Cluster Box Units, address numbers shall be placed on the fronts of the Building facing the street to show unit numbers contained within that Building.
    - a) If the Building is set back more than one hundred (100) feet from the road and/or rendered difficult to see from the Street due to vegetation, terrain, etc., in which case a separate address Sign shall be placed as close to the Street as possible but outside of the Right-of-Way.
    - b) The address shall still be required on the mailbox if it is located across the Street from the Building.
  - B) Non-Residential Buildings shall be identified with street numbers not less than six (6) inches in Height, which shall be posted on the Structure no more than three (3) feet from the main entrance. Large Buildings containing multiple units shall place the address on the fronts of the Building facing the street to show unit numbers contained within that Building. These addresses will also be located on the mailbox(es).
- 1802.05 All Signs erected or located within Genoa Township shall be in conformance with the following requirements unless otherwise exempted and/or regulated by this Resolution:
- A) Sign Structures, and any Sign affixed to a Sign Structure, shall not be erected within, nor project into, any public Right-of-Way unless otherwise specified within this Article or authorized by the entity owning said Right-of-Way. Written proof of such authorization shall be required at the time of permit application.
  - B) Signs shall not be erected on, or project over, any public property unless otherwise authorized by the public entity owning said property. Written proof of such authorization shall be required at the time of permit application.
  - C) Signs shall not prevent free ingress to or free egress from any door, window, or fire escape.
  - D) Signs shall not obstruct free and clear visibility at any intersection.
  - E) Signs shall not be located or designed to interfere with or obstruct the view of, any authorized traffic control Sign, signal, or device.
  - F) No Sign shall be designed to mimic, or cause a reasonable person to confuse said Sign, with, a Government Sign or any public safety, warning, or notice Sign or device.
  - G) Illumination.
    - 1) External Illumination. External Illumination of a Sign shall be permitted by a white, steady, stationary light of reasonable intensity directed solely at the Sign and/or otherwise prevented from beaming directly onto adjacent properties or Right-of-Ways. Light fixtures shall be screened from view by site grading or evergreen shrubs. No exposed light sources are permitted.
    - 2) Internal Illumination. Internal Illumination of a Sign shall be permitted by white interior light of reasonable intensity with primary and secondary images lit or silhouetted on an opaque background. No additional background lighting or illuminated borders shall be permitted. This standard shall not apply to Electronic Message Center (EMC) Signs or Changeable Copy signs, where permitted.
    - 3) The level of illumination emitted or reflected from a Sign shall not be of intensity sufficient to constitute a demonstrable hazard to vehicular or pedestrian traffic on any Right-of-Way, Lot, easement, or parking lot from which the Sign may be viewed.
    - 4) No Sign shall make use of rotating, fluctuating, blinking, flashing, or intermittent lights. All lighting, indirect or internal, shall consist of constant illumination which is uniform in intensity.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 18: SIGN STANDARDS

- 5) All lighting shall be properly directed and shielded to not create a Nuisance to surrounding properties or Right-of-Ways because of glare.
  - 6) Illumination of Signs via band or strip lighting shall be prohibited.
  - 7) Illumination shall not exceed one (1) Foot-candle at any Lot Line located immediately adjacent to a Planned Residential or Residential Zoning District.
  - 8) No Sign within a Planned Residential or Residential Zoning District, or within one-hundred and fifty (150) feet of a Residential Zoning District, shall be illuminated between the hours of 12:00 a.m. midnight and 6:00 a.m.
  - H) Signs shall not be posted, Attached, or otherwise applied to; trees, vegetation, rocks, traffic control Signs, bus shelters, utility poles, benches, street lights, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting Structure, unless otherwise permitted by this Resolution.
  - I) Signs shall not be erected or located upon any property or Building without the consent of the owner(s) or an authorized representative. Written proof of such authorization shall be required at the time of application for Signs requiring a Zoning Permit.
  - J) All Signs shall be placed so that at least six (6) feet of sidewalk, walkway, bikeway, pathway, or trail width clearance is provided and maintained at all times to allow for safe and convenient movement of pedestrians and bicyclists. No Signs shall be placed within a sidewalk, walkway, bikeway, pathway, or trail improvement less than six (6) feet wide.
  - K) The maximum permitted Sign Height of a Sign shall be eight (8) feet unless otherwise regulated or exempted by this Article.
  - L) No Sign shall extend or project above or beyond the roof line of a Building, Awning, Canopy, or Marquee.
  - M) The minimum vertical clearance for all Building Mounted Signs shall be ten (10) feet, measured from the bottom of the Sign Structure to the finished grade immediately below the Sign. Such Signs erected over an area inaccessible to pedestrians or vehicles shall have no minimum vertical clearance requirement.
  - N) The maximum projection distance from a Building for any Building Mounted Sign shall be four (4) feet.
  - O) Signs shall not contain movement, the appearance of optical illusion or movement, or varying light intensity.
- 1802.06 All Signs shall be designed, constructed, and maintained in accordance with the following standards:
- A) Any and all applicable building, electrical, or other such third-party permits shall be obtained from Delaware County or any other public agency having authority prior to Erection of a Sign.
  - B) All Signs shall be maintained in good structural condition and in compliance with this Resolution as well as all applicable building codes, electrical codes, or other such codes, standards, or resolutions adopted by a legitimate public entity.
  - C) All Signs shall be maintained in good physical condition with no chipped, peeling, or fading faces or structures and no loose or missing material or lettering. Metal surfaces shall be maintained free of rust. All Signs shall be maintained free of Deterioration, decomposition, and/or decay.
  - D) Maintenance of Signs and associated Landscaping shall be assumed to be the responsibility of the owner of the property or Building where the Sign is located unless a legally executed easement, covenant, maintenance agreement, contract, or other such document stating otherwise is provided to the township as evidence proving otherwise.

- 1802.07 The standards, restrictions, provisions, or requirements of any legitimate and recognized public government entity, agency, law, act, or order, having jurisdiction, such as, but not limited to, the Americans with Disabilities Act (ADA), shall supersede any conflicting standards, restrictions, provisions, or requirements within this Zoning Resolution. Approval of a Zoning Permit for a Sign by Genoa Township shall not constitute verification of compliance with the Americans with Disabilities Act (ADA) or any other standard, restriction, provision, or requirement of any non-Township entity, agency, law, act, or order.
- 1802.08 Refacing or repainting of any existing Sign, whether it be a legal Non-conforming Sign or erected under an approved Zoning Permit, shall be permitted without obtaining a Zoning Permit so long as said Sign has no open or pending zoning violations and is one hundred (100%) consistent with the existing Sign that is being replaced in regards to; Sign Area, Sign Structure, Sign Height, type, location, spacing, number, dimensions, Setbacks, vertical clearance, projection distance, illumination, and brightness. Such Signs will still be required to comply with all other applicable provisions or standards of this Zoning Resolution. The Zoning Inspector shall have discretion to determine whether the Refacing or repainting of a Sign complies with the spirit and intent of this sub-section.
- 1802.09 Any Refacing of a Sign that requires the modification, Alteration, or expansion of said Sign shall not be eligible for Zoning Permit exemption and shall be required to comply with all applicable standards of this Resolution. Such a Sign must be brought into compliance with all provisions of this Resolution within thirty (30) days.

### **Section 1803: Authorized Signs for All Zoning Districts**

- 1803.01 The following Signs are authorized in every Zoning District without a Zoning Permit, unless otherwise restricted or prohibited by Section 1811, Table of Permitted Sign Types by Zoning District:
- A) Government Signs in accordance with Section 1802.01.B of this Article.
  - B) Any Sign required to be posted by the Federal government, the State of Ohio, Delaware County, Genoa Township, or sub-entity thereof.
  - C) Traffic control devices on private or public property erected and maintained to comply with the Manual on Uniform Traffic Control Devices (MUTCD) adopted by the Federal Highway Administration (FHA) as well as:
    - 1) Signs located at the enclosed end of a designated parking space or at the side of a parallel parking space that stand no taller than seven (7) feet in Height with a Sign Area not to exceed eight (8) square feet.
    - 2) Pavement markings in drive aisles, parking spaces, and other such areas.
  - D) Any non-Temporary Sign permitted by Section 1811, Table of Permitted Sign Types by Zoning District whose Sign Area equals eight (8) square feet or less and whose Sign Height measures four (4) feet or less. Any Sign with a Sign Area of two (2) square feet or less which is also two (2) feet or less in Height, regardless of type, shall also be permitted unless said type is outright prohibited in Section 1808.
  - E) Any Sign permitted by Section 1811, Table of Permitted Sign Types by Zoning District whose Sign Area is sixty (60) square feet or less in size, is set back one hundred (100) feet or more from any Lot Line and is not intended to be visible from any immediately adjacent Right-of-Way.
  - F) Address Signs subject to the size and location restrictions contained in this Article.
  - G) Awning Signs.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 18: SIGN STANDARDS

- H) Billboard Signs
  - 1) Minimum Acreage required: One (1) acre.
  - 2) Maximum Number permitted: One (1) per Lot or Tract.
    - a) No Billboard Sign shall be located within two thousand six hundred and forty (2,640) feet in any direction of any other existing or proposed Billboard Sign.
    - b) No Billboard Sign shall be permitted on any Lot or Tract which already contains a Sign.
    - c) No other Sign shall be permitted on any Lot or Tract containing a Billboard Sign.
  - 3) Maximum Sign Area permitted:
    - a) Non-Residential Zoning Districts: Three hundred (300) square feet.
    - b) Planned Residential and Residential Zoning Districts: Sixty-four (64) square feet.
    - c) No Billboard Sign shall have more than two (2) sides or surfaces and the display area of any one (1) side or surface shall not exceed one-half of the total display area permitted.
    - d) The length of a Billboard Sign shall not exceed four (4) times the Height of the Sign Area.
  - 4) Maximum Sign Height permitted:
    - a) Non-Residential Zoning Districts: Thirty-five (35) feet.
    - b) Planned Residential and Residential Zoning Districts: Fifteen (15) feet.
  - 5) Minimum Setbacks:
    - a) Seventy-five (75) feet from any right-of-way or Lot Line adjacent, in part or in whole, to a Non-Residential Zoning District.
    - b) One hundred (100) feet from Lot Lines which are immediately adjacent, in part or in whole, to a Planned Residential or Residential Zoning District.
    - c) One thousand (1,000) feet from any Residential Dwelling.
  - 6) Illumination permitted: External Illumination in accordance with Section 1802.05.G. No direct ray of light shall extend above or beyond the face of the Sign.
  - 7) No Billboard, or portion thereof, shall consist of an Electronic Message Center (EMC) Sign or an Animation or Video Display Sign.
- I) Bulletin Boards of twelve (12) square feet or less.
- J) Flags. Sign Height restrictions within this Article shall not apply to Flags. Flags may encroach into a public Right-of-Way so long as:
  - 1) The Flag's supporting Structure does not encroach into the public Right-of-Way pursuant to Section 1802.05.A; and
  - 2) The minimum vertical clearance of the bottom of the Flag over the public Right-of-Way is at least ten (10) feet.
- K) Human Signs.
- L) Integral Ground Signs.
- M) Landscape Signs.
- N) Light Pole Signs.
- O) Monuments, sculptures, and other similar forms of public or private artwork.

- P) Sidewalk Signs;
  - 1) Any such Sign shall not exceed ten (10) square feet in area per side.
  - 2) Any such Sign shall not exceed four (4) feet in total Height, including the Sign Structure.
  - 3) Location:
    - a) Any such Signs shall only be placed within two (2) feet of a sidewalk, walkway, bikeway, trail, or other similar non-motorized Pedestrianway.
    - b) Any such Signs shall be located no closer than two (2) feet to any public or private street Right-of-Way.
- Q) Vehicle Signs and other Signs and/or graphics that are printed, wrapped, painted, or otherwise permanently or semi-permanently adhered or incidental to machinery, computers, pumps, and/or other similar pieces of equipment.
- R) Window Signs located on the interior side of said window.
- S) Any Sign located inside a Building or a Structure.
- T) Signs specifically related to the practice of Agriculture, Agritourism, or the operation of a Farm Market pursuant to ORC 512.21, as may be amended.
- U) Any existing Sign, whether it be a legal Non-conforming Use or erected under an approved Zoning Permit, that has no open or pending zoning violations may be replaced with a new Sign, regardless of content, without having to obtain a new Zoning Permit so long as the new Sign is one-hundred percent (100%) consistent with the existing Sign that is being replaced in regards to type, location, spacing, number, Sign Area, dimensions, Sign Height, setbacks, vertical clearance, projection distance, illumination, and brightness. Such Signs will still be required to comply with all other applicable provisions or standards of this Zoning Resolution. Any replacement Sign that requires the modification, Alteration, or expansion of the structure(s) or components supporting the Sign shall not be eligible for Zoning Permit exemption and shall be required to obtain a Zoning Permit and comply with all applicable standards of this Zoning Resolution. The Zoning Inspector shall have the discretion to determine whether the replacement of a Sign complies with the spirit and intent of this subsection.

1803.02 Temporary Signs are authorized in every Zoning District without a Zoning Permit unless otherwise restricted or prohibited by Section 1811, Table of Permitted Sign Types by Zoning District.

A) Temporary Signs, Large.

- 1) Such Signs shall not require a Zoning Permit so long as they are erected for no more than seventy-two (72) consecutive hours in a thirty (30) day period.
- 2) Such Signs shall still be required to comply with the standards established in Section 1803.02.C below.

B) Temporary Signs, Small.

- 1) The maximum number permitted on a Lot shall be as follows:
  - a) Non-Residential Zoning Districts: One (1) per Lot plus one (1) per every two hundred (200) feet of Lot Frontage on a public or private Street.
  - b) Planned Residential and Residential Zoning Districts: One (1) per Tract plus one (1) per every one-hundred and fifty (150) feet of Frontage on a public or private Street.
  - c) Small Temporary Signs located seventy-five (75) feet or more away from a Right-of-Way, regardless of Zoning District, shall not count towards the aforementioned maximums.
- 2) Such Sign shall have no minimum spacing requirements.

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- 3) Such Sign shall be placed no closer than two (2) feet to any Lot Line or street Right-of-Way.
  - 4) Such Signs shall be permitted to be erected without a Zoning Permit for no more than ninety (90) consecutive days. Small Temporary Signs erected for more than ninety (90) consecutive days shall require a Zoning Permit and shall be subject to the restrictions set forth under Section 1803.01.Q3) below.
- C) All Temporary Signs which are not exempt from permit, as identified above, shall adhere to the following:
- 1) Maximum number permitted: One (1) per each Lot or each Limited Common Element Area, which must be situated on said Lot or Limited Common Element Area, and one (1) per Tract.
    - a) Small Temporary Signs not requiring a Zoning Permit pursuant to Section 1803.01.Q shall not count towards this requirement.
    - b) Temporary Signs that are erected in lieu of a permitted Sign that is being repaired or replaced shall not count towards this requirement so long as said Sign is erected in the exact same location and is equal to or smaller than the Sign it is temporarily replacing.
    - c) The number of Signs on any single given Lot, Limited Common Element Area, or Tract shall not count toward the permitted maximum on any other Lot, Limited Common Element Area, or Tract.
    - d) The number of Signs permitted, in whole or in part, on any Lot, Limited Common Element Area, or Tract shall not be transferrable to any other Lot, Limited Common Element Area, or Tract.
  - 2) Maximum Sign Area permitted per Lot, Limited Common Element Area, or Tract:
    - a) Non-Residential Zoning Districts: Sixty (60) square feet.
    - b) Planned Residential and Residential Zoning Districts: Thirty (30) square feet.
    - c) Temporary Signs erected in lieu of a permitted Sign that is being repaired or replaced, for a period less than ninety (90) consecutive days, shall be permitted to be as large as the Sign it is temporarily replacing so long as it is erected in the exact same location as the Sign being repaired or replaced.
    - d) Permitted square footage on any single given Lot, Limited Common Element Area, or Tract shall not count towards the permitted maximum on any other Lot, Limited Common Element Area, or Tract.
    - e) Permitted square footage or portions thereof, shall not be transferrable to any other Lot, Limited Common Element Area, or Tract.
  - 3) Maximum Sign Height permitted: Six (6) feet.
  - 4) Minimum Setbacks: Ten (10) feet from any Right-of-Way or Lot Line.
  - 5) Such Signs shall not be permitted to be affixed to and/or between one or more of the following: other Signs, trees/shrubs, utility poles/boxes, lighting fixtures, boulders, flag poles, vehicles, recreational equipment, trailers, merchandise displays (pools, hot tubs, recreational equipment, construction equipment, material piles, etc.), automatic teller/vending machines, newspaper stands, phone booths, kiosks, traffic control signs, Cluster Box Units, bus shelters, and the like.
  - 6) Illumination permitted: External Illumination in accordance with Section 1802.05.G.
  - 7) Zoning Permits for such Signs shall be renewed by the applicant of record for the Sign, or their designee, once a year. For the purposes of this provision, a year shall be measured from the date the original Zoning Permit was issued.

1803.03 Any Sign permitted by Section 1811, Table of Permitted Sign Types by Zoning District, but not specifically identified as being exempt from obtaining a Zoning Permit in Sections 1803.01 and 1803.02 above, shall require a Zoning Permit be obtained prior to installation unless otherwise specified herein.

#### Section 1804: Non-Residential Zoning District Regulations

1804.01 The following restrictions shall apply to all Lots and Tracts within a Non-Residential Zoning District.

1804.02 Explanation and Rationale. The purpose of these Non-Residential Zoning District Regulations is to allow for commercial character of non-residential neighborhoods in accordance with Section 1801 of this Article. As such, the regulation of Sign types, sizes, colors, illumination, movements, materials, location, Height, and other non-content related matters related to Signs on Lots or Tracts located within Non-Residential Zoning Districts will be different than those established for Signs located on Lots within Planned Residential or Residential or Zoning Districts.

1804.03 Authorized Signs and Prohibited Signs. Signs within Non-Residential Zoning Districts shall be authorized or prohibited in accordance with Section 1811, Table of Permitted Sign Types by Zoning District, and Sections 1802 and 1808 of this Article.

1804.04 Base Restrictions on Signage. The amount of signage permitted shall be determined by the amount of Frontage of each Lot or Tract.

Frontage	Max. # of Signs	Sign Structure			Max. Sign Area	Max. Chngbl. Copy/EMC Area <sup>2</sup>
		Total Permitted Size (sq. ft.)	Max. Height	Max. Width		
≤ 99.99 feet	One (1) Building Mounted One (1) Freestanding <sup>1</sup>	n/a	Eight (8) feet	n/a	Building Mounted = One-quarter (0.25) of a square foot per one (1) linear foot of Lot or Tract Frontage (cumulative)  Freestanding = Twenty-six (26) square feet per side	Fifty percent (50%) of the Max Message Area or fifty (50) square feet, whichever is smaller
100 – 299.99 feet	Two (2) Building Mounted One (1) Freestanding <sup>1</sup>					
≥ 300	Two (2) Building Mounted, Two (2) Freestanding <sup>1</sup>					

<sup>1</sup> See Section 1803.01.H for Billboard Sign regulations.

<sup>2</sup>See Section 1804.10 for Electronic Message Center (EMC) Sign regulations.

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1804.05 Adjustments to Base Restrictions. The Base Restrictions on Signage permitted in Section 1804.04 hereinabove may be adjusted based upon the following (where any calculation results in a partial number, the calculation's result shall be rounded to the nearest usable unit, with any calculation of 0.500 or lower being rounded down, and any calculation of 0.501 or higher being rounded up):

- A) Lot or Tract Size. Lots or Tracts of the following sizes shall be entitled to increase any or all Base Restrictions of Signage stated in Section 1804.04 as defined below:

LOT OR TRACT SIZE	PERCENTAGE
≤ 1.99 acres	No Bonus
2 – 9.99 acres	Five percent (5%)
≥ 10 acres	Ten percent (10%)

- B) Width of Right-of-Way. Any or all Base Restrictions of Signage stated in Section 1804.04 may be increased based on the width of the Right-of-Way that abuts the Lot or Tract. For purposes of this subsection, the width shall be measured at the narrowest point directly adjacent to the Lot or Tract.

WIDTH	PERCENTAGE
≤ 74.99 feet	No Bonus
75 – 99.99 feet	Five percent (5%)
≥ 100 feet	Ten percent (10%)

- C) Speed Limit on Roadway. Any or all Base Restrictions of Signage stated in Section 1804.04 may be increased based on the speed limit upon the Right-of-Way that abuts the Lot or Tract. The speed limit shall be measured at the slowest permitted speed directly adjacent to the Lot or Tract.

SPEED LIMIT	PERCENTAGE
≤ 34.99 MPH	No Bonus
35 – 44.99 MPH	Five percent (5%)
45 – 54.99 MPH	Ten percent (10%)
55+ MPH	Fifteen percent (15%)

- D) Height of Building. Any or all Base Restrictions on Signage stated in Section 1804.04 may be increased based upon the Height of the largest Building which is visible from the public Right-of-Way on the Lot or Tract.

HEIGHT	PERCENTAGE
≤ 19.99 feet	No Bonus
20 – 34.99 feet	Five percent (5%)
≥ 35 feet	Ten percent (10%)

- E) Square footage of Building on Property. Any or all maximum signage requirements stated in Section 1804.04 may be increased based on the Floor Area of all permitted Principal Structures on the Lot or Tract.

TOTAL SQUARE FOOTAGE	PERCENTAGE
≤ 9,999 square feet	No Bonus
10,000 – 64,999 square feet	Five percent (5%)
≥ 65,000 square feet	Ten percent (10%)

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- F) Square footage on a façade. Any or all maximum signage requirements stated in Section 1804.04 may be increased based on the total square footage of the façade of the largest Building which faces the public Right-of-Way on the Lot or Tract.

TOTAL SQUARE FOOTAGE	PERCENTAGE
≤ 1,999 square feet	No Bonus
2,000 – 5,000 square feet	Five percent (5%)
≥ 5,000 square feet	Ten percent (10%)

**1804.06 Maximum Sign Restrictions Regardless of Adjustment.**

- A) All applicable Signs shall comply with the following restrictions, which may not be adjusted according to the Adjustments to Base Restrictions in Section 1804.05.

Frontage	Max. # of Signs	Sign Structure			Max. Sign Area	Max. Chngbl. Copy/EMC Area <sup>2</sup>
		Total Permitted Size (sq. ft.)	Max. Height	Max. Width		
≤ 99.99 feet	Two (2) Building Mounted, Two (2) Freestanding <sup>1</sup>	n/a	Ten (10) feet	n/a	Building Mounted = One-third (0.33) of a square foot per linear foot of Lot or Tract Frontage (cumulative)  Freestanding = Thirty-nine (39) square feet per side	Sixty percent (60%) of the Max Message Area or sixty (60) square feet, whichever is smaller
100 – 299.99 feet	Three (3) Building Mounted, Two (2) Freestanding <sup>1</sup>					
≥ 300	Three (3) Building Mounted, Three (3) Freestanding <sup>1</sup>					

<sup>1</sup> See Section 1803.01.H for Billboard Sign regulations.

<sup>2</sup> See Section 1804.10 for Electronic Message Center (EMC) Sign regulations.

**1804.07 Setbacks.** All Signs shall be set back a minimum of ten (10) feet from the Right-of-Way unless otherwise permitted by this Resolution.

**1804.08 Illumination of Signs** shall be as specified in Section 1802.05.G.

**1804.09 Temporary Signs** shall be permitted in accordance with Section 1803.02.

**1804.10 Electronic Message Center (EMC) Signs**

- A) Such Signs shall not be permitted on any property that contains an existing or proposed Changeable Copy Sign unless the latter Sign is being completely removed in favor of the former.
- B) Such Signs shall be incorporated into a Ground Monument or Wall Sign.
- C) Maximum number permitted: One (1) per Lot.
- D) All images, messages, and graphics displayed shall be static. Animation and Video Displays are prohibited as is the use of streaming or full-motion video.
- E) Each individual message or display shall be displayed for a minimum of fifteen (15) consecutive seconds.

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- F) The transition from one static display to another shall be instantaneous without any effects including, but not necessarily limited to the following transition types; fading, flashing, spinning, revolving, scrolling, slot machine, splice, mesh, radar, kaleidoscope, spin, swipe, or any other such transition.
- G) The entire Sign display shall be solid black or blank for a minimum period of three (3) seconds between each message.
- H) The images and message displayed shall be complete in themselves without continuation in content to the next image or message or to any other Sign.
- I) Displays shall be equipped with a means to immediately discontinue the display in the case of malfunction.
- J) Such Signs shall not contain movement, the appearance or optical illusion of movement, or varying light intensity.
- K) Brightness.
  - 1) Any such Sign shall have a mechanism that automatically adjusts the illuminative brightness of the display.
  - 2) No Sign shall be brighter than five thousand (5,000) Nits between sunrise and sunset.
  - 3) No Sign shall be brighter than two-hundred and fifty (250) Nits between sunset and sunrise.
  - 4) The intensity of the Sign light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety, or general welfare.
  - 5) The brightness of a Sign may not interfere with nearby traffic control devices, regardless of whether the Sign in question was in place prior to said device.
  - 6) Brightness shall be measured in accordance with industry standards.

**Section 1805: Planned Residential Zoning District Regulations**

- 1805.01 The following restrictions shall apply to all Tracts within a Planned Residential Zoning District. Individual Lots within a Planned Residential Zoning District shall be subject to the regulations set forth in Section 1806, Residential Zoning District Regulations.
- 1805.02 Explanation and Rationale. The purpose of these Planned Residential Zoning District Regulations is to preserve the non-commercial character of planned residential neighborhoods in accordance with Section 1801 of this Article and to allow for and promote the development of neighborhoods with a cohesive and consistent aesthetic. As such, the regulation Sign types, sizes, colors, illumination, movements, materials, location, Height, and other non-content related matters related to Signs on Lots located within Planned Residential Zoning Districts will be different than those established for Signs located on Lots within Residential or Non-Residential Zoning Districts.
- 1805.03 Authorized Signs and Prohibited Signs. Signs within Planned Residential Zoning Districts shall be authorized or prohibited in accordance with Section 1811, Table of Permitted Sign Types by Zoning District, and Sections 1802 and 1808 of this Article.

## 1805.04 Base Restrictions on Signage.

Frontage	Max. # of Signs	Sign Structure			Max. Sign Area	Max. Chngbl. Copy/EMC Area
		Total Permitted Size (sq. ft.)	Max. Height	Max. Width		
Any	One (1) Building Mounted Sign per Tract  One (1) Freestanding Sign per direct public vehicular access point onto an Arterial or Collector Street plus one (1) per Tract <sup>1</sup>	n/a	Six (6) feet	n/a	Building Mounted = Twenty (20) square feet (cumulative)  Freestanding = Twenty-six (26) square feet per side	Not permitted
<sup>1</sup> See Section 1803.01.H for Billboard Sign regulations.						

1805.05 Adjustments to Base Restrictions. The Base Restrictions on Signage permitted in Section 1805.04 hereinabove may be adjusted based upon the following (where any calculation results in a partial number, the calculation's result shall be rounded to the nearest usable unit, with any calculation of 0.500 or lower being rounded down, and any calculation of 0.501 or higher being rounded up):

- A) Tract Size. Tracts of the following sizes shall be entitled to increase any or all Base Restrictions of Signage stated in Section 1805.04 as defined below:

TRACT SIZE	PERCENTAGE
≤ 24.99 acres	No Bonus
25 – 49.99 acres	Five percent (5%)
50 – 74.99 acres	Ten percent (10%)
≥ 75 acres	Fifteen percent (15%)

- B) Width of Right-of-Way. Any or all Base Restrictions of Signage stated in Section 1805.04 may be increased based on the width of the Right-of-Way that abuts the Tract. For purposes of this subsection, the width shall be measured at the narrowest point directly adjacent to the Tract.

WIDTH	PERCENTAGE
≤ 74.99 feet	No Bonus
75 – 99.99 feet	Five percent (5%)
≥ 100 feet	Ten percent (10%)

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- C) Speed Limit on Roadway. Any or all Base Restrictions of Signage stated in Section 1805.04 may be increased based on the speed limit upon the Right-of-Way that abuts the Tract. The speed limit shall be measured at the slowest permitted speed directly adjacent to the Tract.

SPEED LIMIT	PERCENTAGE
≤ 34.99 MPH	No Bonus
35 – 44.99 MPH	Five percent (5%)
45 – 54.99 MPH	Ten percent (10%)
55+ MPH	Fifteen percent (15%)

## 1805.06 Maximum Sign Restrictions Regardless of Adjustment.

- A) All applicable Signs shall comply with the following restrictions, which may not be adjusted according to the Adjustments to Base Restrictions in Section 1805.05.

Frontage	Max. # of Signs	Sign Structure			Max. Sign Area	Max. Chngbl. Copy/EMC Area
		Total Permitted Size (sq. ft.)	Max. Height	Max. Width		
Any	Two (2) Building Mounted Signs per Tract	n/a	Eight (8) feet	n/a	Building Mounted = Twenty-six (26) square feet (cumulative)	Not permitted
	Two (2) Freestanding Signs per direct public vehicular access point onto an Arterial or Collector Street plus two (2) per Tract <sup>1</sup>				Freestanding = Thirty-nine (39) square feet per side	

<sup>1</sup> See Section 1803.01.H for Billboard Sign regulations.

1805.07 Setbacks. All Signs shall be set back a minimum of ten (10) feet from the Right-of-Way unless otherwise permitted by this Resolution.

1805.08 Illumination of Signs shall be as specified in Section 1802.05.G.

1805.09 Temporary Signs shall be permitted in accordance with Section 1803.02.

**Section 1806: Residential Zoning District Regulations**

1806.01 The following restrictions shall apply to all Lots within a Residential Zoning District.

1806.02 Explanation and Rationale. The purpose of these Residential Zoning District Regulations is to preserve the non-commercial character of residential neighborhoods in accordance with Section 1801 of this Article. As such, the regulation of Sign types, sizes, colors, illumination, movements, materials, location, Height, and other non-content related matters related to Signs on Lots located within Residential Zoning Districts will be different than those established for Signs located on Lots or Tracts within the Non-Residential or Planned Residential Zoning Districts.

1806.03 Authorized Signs and Prohibited Signs. Signs within Residential Zoning Districts shall be authorized or prohibited in accordance with Section 1811, Table of Permitted Sign Types by Zoning District, and Sections 1802 and 1808 of this Article.

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1806.04 Base Restrictions on Signage. The signage permitted shall be determined by the amount of Frontage of each Lot.

Frontage	Max. # of signs	Sign Structure			Max. Sign Area	Max. Chngbl. Copy/EMC Area	
		Total Permitted Size (sq. ft.)	Max. Height	Max. Width			
≤ 84.99 feet	One (1) Building Mounted, One (1) Freestanding <sup>1</sup>	n/a	Four (4) feet	n/a	Building Mounted = Eight (8) square feet  Freestanding = Eight (8) square feet	Not permitted	
85 to 149.99 feet					Building Mounted = Eight (8) square feet  Freestanding = Fourteen (14) square feet		
150 feet to 299.99 feet			Six (6) feet		Building Mounted = Twelve (12) square feet  Freestanding = Twenty (20) square feet		
300+ feet					Building Mounted = Twelve (12) square feet  Freestanding = Twenty-six (26) square feet		

<sup>1</sup> See Section 1803.01.H for Billboard Sign regulations.

<sup>1</sup> See Section 1803.01.H for Billboard Sign regulations.

1806.05 Adjustments to Base Restrictions. The Base Restrictions on Signage permitted in Section 1806.04 hereinabove may be adjusted based upon the following (where any calculation results in a partial number, the calculation's result shall be rounded to the nearest usable unit, with any calculation of 0.500 or lower being rounded down, and any calculation of 0.501 or higher being rounded up):

- A) Lot Area. Lots of the following sizes shall be entitled to increase any or all Base Restrictions of Signage stated in Section 1806.04 as defined below:

LOT AREA	PERCENTAGE
≤ 0.49 acres	No Bonus
0.5 – 2.49 acres	Five percent (5%)
2.5 – 4.99 acres	Ten percent (10%)
≥ 5 acres	Fifteen percent (15%)

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- B) Width of Right-of-Way. Any or all Base Restrictions of Signage stated in Section 1806.04 may be increased based on the width of the Right-of-Way that abuts the Lot. For purposes of this subsection, the width shall be measured at the narrowest point directly adjacent to the Lot.

WIDTH	PERCENTAGE
≤ 74.99 feet	No Bonus
75 – 99.99 feet	Five percent (5%)
≥ 100 feet	Ten percent (10%)

- C) Speed Limit on Roadway. Any or all Base Restrictions of Signage stated in Section 1806.04 may be increased based on the speed limit upon the Right-of-Way that abuts the Lot. The speed limit shall be measured at the slowest permitted speed directly adjacent to the Lot.

SPEED LIMIT	PERCENTAGE
≤ 34.99 MPH	No Bonus
35 – 44.99 MPH	Five percent (5%)
45 – 54.99 MPH	Ten percent (10%)
55+ MPH	Fifteen percent (15%)

- D) Height of Building. Any or all Base Restrictions on Signage stated in Section 1806.04 may be increased based upon the Height of the largest Building which is visible from the public Right-of-Way on the Lot.

HEIGHT	PERCENTAGE
≤ 19.99 feet	No Bonus
20 – 34.99 feet	Five percent (5%)
≥ 35 feet	Ten percent (10%)

- E) Square footage of Building on Property. Any or all maximum signage requirements stated in Section 1806.04 may be increased based on the Floor Area of the Principal Structures on the Lot.

TOTAL SQUARE FOOTAGE	PERCENTAGE
≤ 1,099 square feet	No Bonus
1,011 – 2,499 square feet	Five percent (5%)
≥ 2,500 square feet	Ten percent (10%)

## 1806.06 Maximum Sign Restrictions Regardless of Adjustment.

- A) All applicable Signs shall comply with the following restrictions, which may not be adjusted according to the Adjustments to Base Restrictions in Section 1806.05.

Frontage	Max. # of Signs	Sign Structure			Max. Sign Area	Max. Chngbl. Copy/EMC Area
		Total Permitted Size (sq. ft.)	Max. Height	Max. Width		
≤ 84.99 feet	Two (2) Building Mounted, Two (2) Freestanding	n/a	Six (6) feet	n/a	Building Mounted = Twelve (12) square feet	Not permitted
85 to 149.99 feet					Freestanding Twelve (12) square feet	
150 feet to 299.99 feet			Building Mounted = Twelve (12) square feet			
300+ feet			Freestanding = Twenty-one (21) square feet			
					Building Mounted = Eighteen (18) square feet	
					Freestanding = Thirty (30) square feet	
					Building Mounted = Eighteen (18) square feet	
					Freestanding = Thirty-nine (39) square feet	

<sup>1</sup> See Section 1803.01.H for Billboard Sign regulations.

1806.07 Setbacks. All Signs shall be set back a minimum of ten (10) feet from the Right-of-Way unless otherwise permitted by this Resolution.

1806.08 Illumination of Signs shall be as specified in Section 1802.05.G.

1806.09 Temporary Signs shall be permitted in accordance with Section 1803.02.

### Section 1807: Non-conforming Signs

1807.01 The continuance of an existing Sign that does not meet the regulations and requirements of this Resolution shall be deemed a Non-conforming Sign that shall terminate upon becoming an Abandoned Sign.

1807.02 A Sign that is deemed a Non-conforming Sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this section.

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1807.03 A Sign that is deemed a Non-conforming Sign shall be maintained or repaired in accordance with the following provisions:

- A) The size and structural shape shall not be changed or altered.
- B) In case damage occurs to the Sign to the extent of fifty percent (50%) or more of either the Structure or the replacement value of the Sign, said Sign shall be brought into one hundred percent (100%) compliance with this Zoning Resolution. Where damage to the Sign is less than fifty percent (50%) of the Structure or its replacement value, the Sign shall be repaired within sixty (60) days. If the Sign is not repaired, it shall be removed in accordance with Section 1809.

**Section 1808: Prohibited Signs**

1808.01 The following Signs are prohibited within the Township:

- A) All Signs not expressly authorized or exempted from regulation in accordance with this Resolution, including those identified as being prohibited in Section 1811, Table of Permitted Sign Types by Zoning District.
- B) Any Sign that has been constructed or installed without obtaining all required permits or is otherwise in violation of the provisions of this Resolution.
- C) Abandoned Signs.
- D) Non-Government Signs erected on public property without consent of the owner of said property.
- E) Any Sign containing content that is considered Illicit unless said content is a permissible expression under the First Amendment of the United States Constitution and therefore not subject to regulation by Genoa Township.
- F) Animation or Video Displays on any Sign requiring a Zoning Permit or that is intended to be viewed from the Right-of-Way.
- G) Window Signs located on the exterior side of said window and larger than eight (8) square feet in size unless otherwise exempted or expressly permitted within this Resolution; and
- H) Temporary Signs exceeding sixty (60) square feet in total Sign Area, unless otherwise expressly permitted by this Resolution.

**Section 1809: Removal of Signs**

1809.01 All Signs erected within Genoa Township under this Zoning Resolution are subject to inspection, whether a Zoning Permit is required or not.

1809.02 The Zoning Inspector, or their designee, may revoke a Zoning Permit for the following reasons:

- A) Information provided in the Zoning Permit application is found to be materially false or misleading;
- B) The Sign as installed does not conform to its Legal Approval;
- C) The Sign is in violation of this Resolution or any other applicable laws or codes adopted by a legitimate government agency having jurisdiction;
- D) The Sign has not been maintained in accordance with the provisions of this Article;
- E) The Sign has been determined to be a Nuisance pursuant to Section 1611;
- F) The Sign has been determined to be objectionable pursuant to Section 1612;
- G) The Sign has not been adequately maintained pursuant to Section 1802.06.D.
- H) The Sign is prohibited by Section 1808 and/or 1811.
- I) The Sign is otherwise found to be non-compliant with this Zoning Resolution.

- 1809.03 Unattended Signs on public property, including, but not necessarily limited to, parks and Rights-of-Way shall be considered Abandoned Signs and may be disposed of or destroyed without notice. Such disposal or destruction is not subject to appeal.
- 1809.04 Signs found to be in violation of this Article shall be subject to the provisions of Section 116 of this Resolution.
- 1809.05 Abandoned Signs shall be removed, replaced, or repaired within thirty (30) days of notification by the Zoning Inspector or their designee.

**Section 1810: Substitution**

- 1810.01 Signs containing Non-Commercial Speech are permitted anywhere that Signs containing Commercial Speech are permitted, subject to the same regulations applicable to any such Sign.

**Section 1811: Table of Permitted Sign Types by Zoning District**

Y = Permitted by Right, Zoning Permit(s) may or may not be required, additional restrictions may apply

N = Prohibited

<u>Sign Type</u>	<u>Residential Zoning Districts</u>	<u>Planned Residential Zoning Districts</u>	<u>Non-Residential Zoning Districts</u>
<b>Building Mounted</b>			
Blade	N	N	Y
Bulletin Board	N	Y	Y
Canopy	N	N	Y
Channel Letter	Y	Y	Y
Integral, Building	Y	Y	Y
Marquee	N	N	Y
Original Art Display	Y	Y	Y
Roof	N	N	N
Roof Integral	N	N	Y
Suspended	Y	Y	Y
Wall	Y	Y	Y
Window	Y	Y	Y
<b>Freestanding</b>			
Feather Banner	N	N	N
Ground Mounted	Y	Y	Y
Kiosk	N	N	Y
Pole or Pylon	Y	Y	Y
Post and Panel	Y	Y	Y
Sidewalk	Y	Y	Y

<u>Sign Type</u>	<u>Residential Zoning Districts</u>	<u>Planned Residential Zoning Districts</u>	<u>Non-Residential Zoning Districts</u>
<b>Miscellaneous</b>			
<b>Billboard</b>	N <sup>1</sup>	N <sup>1</sup>	Y
<b>Changeable Copy, Manual</b>	N	N	Y <sup>2</sup>
<b>Changeable Copy, Mechanical</b>	N	N	N
<b>Electronic Message Center (EMC)</b>	N	N	Y <sup>3</sup>
<b>Flag</b>	Y	Y	Y
<b>Flashing</b>	N	N	N
<b>Government</b>	Y	Y	Y
<b>Human</b>	N	N	Y
<b>Inflatable</b>	N	N	N
<b>Integral, Ground</b>	Y	Y	Y
<b>Landscape</b>	Y	Y	Y
<b>Light Box</b>	N	N	Y
<b>Light Pole</b>	N	N	Y
<b>Projection</b>	N	N	N
<b>Temporary (Large or Small)<sup>4</sup></b>	Y	Y	Y
<b>Trailer</b>	N	N	N
<b>Vehicle</b>	Y	Y	Y
<b>Windblown Device</b>	N	N	N

<sup>1</sup> In Planned Residential and Residential Zoning Districts, Billboard Signs shall only be permitted on Lots or Tracts utilized for Agriculture, pursuant to ORC 519.20. See Section 1803.01.H for further regulations.

<sup>2</sup> Manual Changeable Copy Signs shall not be permitted on an existing or proposed Electronic Message Center Sign and shall only be permitted when incorporated into a Ground Mounted or Wall Sign.

<sup>3</sup> See Section 1804.10 for specific regulations.

<sup>4</sup> See Section 1803.02 for specific regulations.

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**ZC 2024-05**

**Initiated 11/12/2024**

**GENOA TOWNSHIP ZONING RESOLUTION**

**ARTICLE 18: SIGN STANDARDS**

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**ARTICLE 19: PARKING STANDARDS****Section 1901: Intent and Purpose**

1901.01 The intent and purpose of these parking standards is to establish requirements that provide for safety along roadways and within Off-Street Parking Lots for vehicles, bicyclists, and pedestrians, to prevent hazards and conflicts to the greatest extent possible, to provide for adequate loading areas, to minimize risk to the natural environment, to promote efficient and sustainable utilization of land, to create an aesthetic standard, and to promote and protect the health, safety, and general welfare of the community.

**Section 1902: General Requirements**

1902.01 No Building or Structure shall be erected, substantially altered, or changed in Use, nor shall any land be Used or changed in Use, unless adequately maintained Off-Street Parking Spaces, either in Garages or open parking areas, have been provided in accordance with the provisions of this Article.

A) The foregoing shall not apply to any prior Legal Approval nor to any Building, Structure, or land Use existing before the effective date of this Section or any amendment hereto subject to the following conditions:

- 1) The number of Off-Street Parking Spaces or loading spaces shall not be reduced to an amount less than required for a new land Use as specified in this Article unless a Divergence or Variance is otherwise granted pursuant to the terms of this Resolution.
- 2) If a Building or Structure existing prior to the effective date of this Section is enlarged to the extent of fifty percent (50%) or more in Floor Area or number of Dwellings, it shall then and thereafter comply with the full parking requirements set forth herein.

B) Should the number of existing parking spaces be less than current requirements prior to the effective date of this Section, further reduction of parking spaces shall be prohibited.

1902.02 A parking plan shall be required to obtain a Legal Approval subject to the provisions stated elsewhere within this Article. Such a plan, however, shall not be required for Duplexes, Manufactured Homes (permanently sited), Mobile Homes, Row Dwellings, Residential Care Facilities (5 or less individuals), or Single-Family Dwellings.

A) A required parking plan shall show boundaries of the property, setback lines, parking spaces, driveways, circulation patterns, drainage plans, construction plans for any boundary Accessory Walls or Fences, a screening plan, and the location of adjacent Structures.

1902.03 Unless otherwise specified within this Resolution, all parking facilities, including entrances, exits, maneuvering areas, parking spaces, and loading areas shall comply with the provisions herein.

1902.04 All parking areas shall be designed to avoid undue interference with public use of Streets.

1902.05 The Zoning Resolution shall have no authority regarding the parking of vehicles on Streets, however, the Resolution reserves the right to require certain design standards for such parking subject to approval by the Delaware County Engineer, City of Westerville Engineer, and/or the Ohio Department of Transportation.

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 19: PARKING STANDARDS**

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

1903.01 The requirements of this Section shall apply to all Uses not otherwise exempted from providing a parking plan as further identified in Section 1902.02.

1903.02 Dimensional Requirements for Off-Street Parking Lots and Parking Facilities, including access driveways.

A) Width and Length:

	No Spaces (Parking Access Aisle/Driveway only)	45-degree <sup>1</sup>	60-degree	90-degree	Other (Non- Parallel)	Parallel
Width of Parking Space	n/a	14'	11' 5"	10'	12'	9'
Length of Parking Space	n/a	21'6"	22'	20'	22'	23'
Width of Parking Aisle/Driveway	One Way Traffic = 13'  Two Way Traffic = 22'	13'	17' 6"	25'	22'	13'

<sup>1</sup>Minimum angle permitted.

B) The minimum parking Setback from the Lot Line on the Side and Rear shall be six (6) feet unless specified otherwise within the specific District requirements.

C) ADA-accessible parking spaces shall be exempt from the dimension requirements of this Section so long as they comply with design standards set forth or adopted by Delaware County, the State of Ohio, and/or the federal government.

1903.03 All parking spaces shall have access to a Street in such a manner that any vehicle leaving or entering the parking area from or into a Street or private interior drive shall be traveling in a forward motion.

1903.04 Unless otherwise permitted within this Resolution, all required parking spaces including driveways and other circulation shall be hard-surfaced with asphaltic concrete, Portland cement concrete pavement, or permeable pavement.

1903.05 All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained to dispose of surface water that might accumulate within or upon such area and shall be designed to prevent the excess drainage of surface water onto adjacent properties or Pedestrianways and damage to public streets in accordance with Delaware County and/or National Flood Insurance Program (NFIP) standards.

1903.06 The following standards shall apply to any Off-Street Parking Lot that contains five (5) and not otherwise exempted by Section 1902.02:

A) The minimum parking Setback from the Lot Line on the Side and Rear shall be six (6) feet unless specified otherwise within the specific District requirements.

- B) Parking lots and spaces shall be designed so that the head (i.e., top or terminus) of a parking space is not directed towards (i.e., generally perpendicular to) the side of an adjacent parking or loading space nor shall it be directed towards any area where vehicular traffic may occur (ex: parking aisle, driveway, storage area) without buffer or protection providing separation.
    - 1) Required separation shall be in the form a landscaped area, planting island/end cap, raised curb, and/or raised Pedestrianway totaling a minimum of four (4) feet in width.
    - 2) Any landscape area, planting island, or end cap provided to comply with this standard shall be planted with trees and/or shrubs. Sizes of such plantings shall comply with Article 20, Section 2006.
  - C) All parking lots shall be curbed subject to approval by the Delaware County Engineer.
  - D) Sidewalks at least six (6) feet in width shall be provided along the full length of a Building along any Building façade adjacent to a parking area or drive aisle.
  - E) Landscape buffering, screening, and enhancements shall be required as provided in Article 20, Sections 2003 and 2004. All landscaping shall be continuously be maintained.
  - F) Pedestrianways that are perpendicular and directly adjacent to parking spaces shall have parking blocks installed that reduce vehicle overhang onto Pedestrianways.
- 1903.07 Parking areas servicing Agricultural and Non-Residential Type Uses shall be used for the parking of vehicle occupants, patrons, visitors, employees, and the like and shall not be used for any kind of loading, sales, servicing, or continuous storage of a vehicle for more than forty-eight (48) hours unless otherwise permitted within this Zoning Resolution or a valid Legal Approval. Similarly, and furthermore:
- A) No motor vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or associated with any Off-Street Parking Lot or Parking Facility.
  - B) Display or sales of any merchandise within any parking area shall be permitted only in accordance with Sections 2403 and 2405.
- 1903.08 Parking areas servicing Residential Type Uses shall be used for the parking of vehicles occupants, patrons, visitors, employees, and the like and shall not be utilized for a commercial purpose, including loading, sales, and servicing unless otherwise permitted within this Zoning Resolution or a valid Legal Approval.
- 1903.09 Wherever a parking lot extends to a Lot Line, a suitable barrier such as fencing, wheel stops, or curbs, shall be provided to prevent any part of a parked vehicle from extending beyond the Lot Line.
- 1903.10 Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private Street.
- 1903.11 No Structure, Fill or vegetation shall be erected, placed, planted, or allowed to grow on at the intersection of a parking drive aisle or Internal Street within a parking lot so as to create a sight impediment within seventy-five (75) feet of the intersecting center lines of any two or more such features. In determining if any sight impediment exists, absent of an official determination by the Delaware County Engineer or a representative thereof, the Zoning Inspector or their designee, shall measure the sight distance between the center lines of such Streets at a Height of three feet, nine inches (3'9") above the actual grades of the Streets.
- 1903.12 All required parking spaces shall be marked with paint lines or curb stones and maintained in a clearly visible condition.
- 1903.13 The owner of property used for parking areas, including associated aisles and driveways, shall maintain such areas in good condition without holes or hazards and shall be kept free of dust, trash, or other debris.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 19: PARKING STANDARDS

- 1903.14 Any parking area that is intended to be used during non-daylight hours shall be properly illuminated as to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.
- 1903.15 Entrances, exits, and intended circulation patterns of parking areas shall be clearly marked.
- 1903.16 Unless otherwise specified herein, no more than twenty percent (20%) of parking spaces within a contiguous Off-Street Parking Lot on the surface-level parking area of a Parking Facility on the same Lot or Tract may be expressly designated for related on-site services (carry out, curbside delivery, pick-up/drop-off), Mobile Vending, Outdoor Display, vehicle charging stations, or temporary storage. Required accessible parking spaces shall not count towards this standard.

**Section 1904: Parking Space Requirements**

## 1904.01 All Non-Residential Type Uses:

- A) The minimum number of parking spaces required shall be One (1) parking space per three hundred and fifty (350) square feet of Floor Area plus:
- 1) Outdoor recreational fields, playgrounds, and rinks – Thirty-five (35) parking spaces per such area shall be provided. This standard shall not apply to Educational Institutions or Day Care Centers unless such amenity is open to spectators.
  - 2) Outdoor recreational courts, including tennis, racquetball, and pickleball – Two (2) parking spaces for every three (3) playing areas and one (1) for every employee shall be provided. This standard shall not apply to Educational Institutions or Day Care Centers unless such amenity is open to spectators.
  - 3) Outdoor Swimming Pools open to the public – one parking space (1) for every three (3) persons the pool is designed to serve and one (1) for every employee shall be provided. This standard shall not apply to Educational Institutions or Day Care Centers unless such amenity is open to spectators.
  - 4) Outdoor Golf Courses open to the general public – Five (5) parking spaces for every hole and one (1) parking space for every employee shall be provided.
  - 5) Outdoor Amphitheatres, Amusement Parks, Animal Parks, Campgrounds, Fairgrounds, Marinas, Off-Road Motorized Vehicle Tracks, Stadiums, and other such outdoor non-residential facilities not otherwise regulated herein, including Agriculture, Agritourism, and Farm Markets not otherwise exempt from local zoning control – One (1) parking space per every three (3) persons the facility is designed to accommodate when utilized to maximum capacity shall be provided. This standard shall not apply to Educational Institutions or Day Care Centers unless such amenity is open to spectators.
  - 6) Building Materials Sales and Storage establishments, Contractor's Yards, Junkyards, Nurseries, and the like: One (1) parking space per one thousand (1,000) square feet of Outdoor Storage area open to the public shall be provided.
  - 7) Sales, Rental, and Storage Uses: One (1) parking space per five hundred (500) square feet of outdoor sales area shall be provided.
  - 8) Mobile Enterprise Court: One (1) parking space per three hundred and fifty (350) square feet of paved area utilized for the parking of Mobile Enterprises, Mobile Service Businesses, and/or Mobile Vending Businesses shall be provided.
  - 9) Cemetery: One (1) per employee shall be provided.
  - 10) Outdoor utility sub-stations, Telecommunication Towers, non-residential Solar Facilities, non-residential Wind Farms, and the like: Three (3) parking spaces shall be provided.

- B) The maximum number of parking spaces permitted shall be one (1) parking space per two hundred (200) square feet of Floor Area exclusive of those required by Section 1904.01.A.1 – 10 above.
- C) The calculated number of required/permitted parking spaces, minimum or maximum, shall be rounded up to the nearest whole number.
- D) For the purposes of only, Floor Area shall not include:
  - 1) Any Data Center or Warehouse space not regularly occupied by employees.
  - 2) Garages, bays, or carport space not regularly occupied by employees.

**1904.02 Residential Type Uses:**

- A) The minimum number of parking spaces required shall be:
  - 1) Single-Family Dwellings, including Vacation Rentals: Two (2) parking spaces per Dwelling shall be provided.
  - 2) All other Dwellings including Mobile Home Parks, Multi-Family Buildings, and Vacation Rental Complexes: One (1) parking space per Dwelling or Mobile Home site shall be provided.
  - 3) Residential Care Facilities for six (6) or more individuals, care homes of all types, and the like: One (1) parking space for every three (3) beds shall be provided. The number of required spaces shall be rounded up to the nearest whole number.
  - 4) Clubhouses and Residential Community Centers: One (1) parking space per two hundred (200) square feet of Floor Area shall be provided.
- B) Parking spaces for detached residential Uses shall be located on the same Lot as the Use which they are intended to serve, and such parking area(s) shall have access to a Street.
- C) Parking spaces for Multi-Family Dwellings and other similar types of residential Uses shall be located not more than three (300) feet from the subject Principal Use.

**1904.03 Mixed-Use Buildings, Mixed-Use Centers, and Live-Work Dwellings shall be required to provide the minimum number of parking spaces for both their non-residential and residential Uses with the former being subject to the permitted parking maximum set forth herein.**

**1904.04 When an Off-Street Parking Lot includes more than two hundred (200) parking spaces, the following shall apply:**

- A) An Internal Street system to facilitate pedestrian and vehicular circulation, creating an interconnected circulation network shall be provided. Internal Streets shall be designed to stub into adjacent properties, where practical, within any necessary easements.
- B) The lot shall be broken into parking areas of no more than one hundred (100) vehicles bounded by a Street, Building, or planting median.

**1904.05 When two (2) or more Uses are located within the same Building or Structure, off-street parking spaces equal in number to the sum of the separate requirements for each Use shall be provided subject to Section 1902.01 herein.**

**1904.06 The required off-street parking spaces for any number of separate Buildings, Structures, or Uses within a subdivision or development shall be permitted to be provided collectively on one (1) Lot, provided that the total number of such spaces shall not be less than the sum of the requirements for the various individual Buildings, Structures, or Uses computed separately in accordance with this Section.**

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 19: PARKING STANDARDS

- 1904.07 Common shared parking areas are preferred and encouraged. The required off-street parking spaces for two (2) or more Uses may be provided collectively on one (1) Lot if the total number of spaces is not less than the sum of the spaces required for each Use individually.
- A) In such instances, a reciprocal parking agreement and corresponding access easement(s) agreements between the owners and operators of the facilities generating the need for common shared parking shall be provided to qualify for the aforementioned exception.
- B) Any modification to the required number of parking spaces shall be supported by a parking needs analysis on the combined utilization of all facilities on site simultaneously or demonstrating that the hours or days of peak parking needed for the Uses are so different that a lower total will adequately provide for all Uses served by the facility. This analysis shall be performed by an individual or firm certified to perform such task
- 1904.08 On-street parking within the same subdivision, Lot, or Tract may count towards parking requirements, without the need for a Variance or Divergence, for Conditional Uses and Planned Developments. Such areas must be permitted by, and adhere to the design requirements of, the Delaware County Engineer to qualify.
- 1904.09 Shared and/or reciprocal parking agreements and corresponding access easement(s) may be accepted in lieu of required on-site parking spaces, without the need for a Variance or Divergence, for Conditional Uses and Planned Developments. Documentation of such an agreement shall be provided to the township prior to the granting of a Legal Approval.
- 1904.10 On development sites where a combination of large-scale assembly Uses requiring parking for two-thousand (2,000) vehicles or more are permitted, parking requirements may be for each Use pursuant to Section 1904.07 herein with the caveat that each facility shall provide onsite a minimum of fifty percent (50%) of the required number of off-street parking spaces determined at peak utilization for each Use as identified within a parking study conducted by an individual or firm certified to perform such task. In addition, a parking needs analysis also performed by a similarly certified individual or firm shall also be submitted which documents anticipated parking needs based on the combined utilization of facilities on site simultaneously.

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

- 1905.01 Any proposed off-street loading area(s) shall be located at the side or rear of all Buildings and shall not face a Street, Planned Residential Zoning District, or Residential Zoning District.
- 1905.02 Each loading space shall have minimum dimensions not less than twelve (12) feet in width, fifty (50) feet in length, and a vertical clearance of not less than fifteen (15) feet.
- 1905.03 Off-street loading spaces shall not project into any Front Yard.
- 1905.04 Off-street loading spaces shall have access to a public street in such a manner that any vehicle leaving or entering the premises shall be traveling in a forward motion. Similarly, such areas shall be designed to not block or interfere with the flow of traffic within a parking lot.
- 1905.05 Loading spaces, together with driveways, aisles, and other circulation areas, shall be surfaced with an asphaltic concrete or Portland cement concrete pavement to provide a durable and dust-free surface.
- 1905.06 Loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the drainage of surface water onto adjacent properties or Pedestrianways and damage to public streets.
- 1905.07 Landscape buffering, screening, and enhancements of such areas shall be provided pursuant to applicable provisions within Article 20.
- 1905.08 Any loading area that is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents and shall comply with the provisions of Article 21.

- 1905.09 No loading ramp, dock, door, or space, nor any portion thereof, shall be located closer than fifty (50) feet from any Lot within a Residential or Planned Residential Zoning District.
- 1905.10 The minimum number of spaces provided shall be as follows:
- A) Ten thousand (10,000) square feet or less of gross Floor Area: One (1) loading space.
  - B) Over ten thousand (10,000) square feet of gross Floor Area: One (1) plus one (1) for each additional twenty thousand (20,000) square feet of gross Floor Area or fraction thereof.

**Section 1906: Parking and Storage of Non-Passenger Vehicles**

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

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**GENOA TOWNSHIP ZONING RESOLUTION**

**ARTICLE 19: PARKING STANDARDS**

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## ARTICLE 20: LANDSCAPING STANDARDS

### Section 2001: Intent and Purpose

2001.01 The intent and purpose of these landscaping standards are to provide a visual barrier to partially, or completely, obstruct the view of Structures or activities, (e.g., parking and loading areas) from off-site to the greatest extent practical and possible; serve as an acoustic screen to aid in absorbing or deflecting noise, (e.g., HVAC units); assist in the containment of debris and litter, (e.g., trash containment receptacles); enhance the aesthetics and natural beauty of the region by providing for Context-Sensitive landscape provisions; protect and improve the environmental quality of the township to the greatest extent possible; and to promote and protect the health, safety, and general welfare of the community.

### Section 2002: General Requirements

- 2002.01 The regulations within this Article are applicable, when cited, to the Zoning Districts within which they are specified unless otherwise stipulated or modified within this Zoning Resolution.
- 2002.02 All landscaping improvements required by this Zoning Resolution shall be properly trimmed and maintained in good condition subject to Article 16, Section 1611. Dead and dying plants shall be replaced no later than the subsequent planting season.
- 2002.03 All areas of a Lot not covered by Structures or Impervious Surfaces shall be maintained as landscaped or natural areas.
- 2002.04 Whenever landscaping is adjacent to parking areas or driveways, plantings shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles.

### Section 2003: Landscaped Buffers

- 2003.01 No-Pave Setback Buffer.
- A) Off-Street Parking Lots servicing Non-Residential Type Uses, non-exempt Agricultural Type Uses, Mobile Home Parks, Multi-Family Buildings, and Residential Care Facilities (6 or more individuals) shall not be located within twenty-five (25) feet of an adjoining public Street unless otherwise authorized within this Resolution. Such areas shall also comply with any Setbacks established elsewhere in this Resolution.
    - 1) No portion of this Setback shall be paved for any reason except for access drives, Internal Streets that are perpendicular to the Setback area, Pedestrianways, Pedestrian-Oriented amenities, or utilities.
  - B) The required No-Pave Setback Buffer shall be planted with a minimum of one (1) deciduous canopy tree and three (3) shrubs or, in the alternative, two (2) ornamental trees and three (3) shrubs per thirty (30) linear feet of Setback area.
  - C) Spacing of required trees within the No-Pave Setback Buffer may be soldier-type spacing (i.e., one (1) tree every thirty (30) feet, on center, in a row) or clustered spacing (one (1) tree for each thirty (30) feet, spaced irregularly or in groups).
  - D) No-Pave Setback Buffer plantings are not required wherever a Principal Building is proposed to be set back thirty-five (35) feet or less from an adjacent Street so long as such Setback is otherwise permitted by this Zoning Resolution. The foregoing shall not apply to any such Setback reduced via an approved Divergence or Variance.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 20: LANDSCAPING STANDARDS

F) The following, or combination of the following, may be accepted in lieu, in whole or in part, of the required No-Pave Setback plantings:

- 1) A solid masonry wall five and one-half (5 ½) feet in Height.
- 2) A solidly constructed decorative Fence five and one-half (5 ½) feet in Height.
- 3) A louvered fence five and one-half (5 ½) feet in Height.
- 4) A landscaped berm designed in accordance with the provisions set forth in Sections 2003.04.A.1 – 2003.04.A.2.

2003.02 Site Perimeter Buffer.

A) A minimum ten (10) foot wide perimeter landscaping buffer (i.e., Setback) shall be provided around the perimeter of the Lot or Tract, except along Streets.

1) No portion of this Setback shall be paved for any reason except for access drives, Internal Street that are perpendicular to the setback area, Pedestrianways, Pedestrian-Oriented amenities, or utilities. B) The required buffer shall include one (1) deciduous canopy tree and three (3) shrubs or, in the alternative, two (2) evergreen trees and three (3) shrubs, per thirty (30) linear feet.

C) In areas where existing woody vegetation, which is 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 subject planting requirements.

D) This buffer is not superseded by the Landscape Berm Setback requirements within this Article.

E) This buffer is not required where the development of two (2) or more adjoining Lots is being master planned together and the Lot Line to be buffered falls within a logical location for a parking lot, drive aisle, or other such paved area.

F) The following, or combination of the following, may be accepted in lieu, in whole or in part, of the required buffer area plantings:

- 1) A solid masonry wall five and one-half (5 ½) feet in Height.
- 2) A solidly constructed decorative Fence five and one-half (5 ½) feet in Height.
- 3) A louvered fence five and one-half (5 ½) feet in Height.
- 4) A landscaped berm designed in accordance with the provisions set forth in Sections 2003.04.A.1 – 2003.04.A.2.

2003.03 Non-Residential Buffer and Development Setback.

A) All development of Non-Residential Zoning Districts that are contiguous, abutting, or adjacent to any Residential Zoning District or Planned Residential Zoning District shall maintain a seventy-five (75) foot wide non-disturbance development setback from the Lot Line abutting any Residential Zoning District or Planned Residential Zoning District.

1) The required Setback area shall not be cleared of vegetation or graded, except that vegetation may be disturbed to the extent that additional landscaping within the non-disturbance Setback will enhance the subject buffer area.

B) The required Setback area shall be planted with the following plants for every one hundred (100) feet of Lot Line to be buffer: eight (8) evergreen trees, two (2) ornamental trees, two (2) canopy trees, and ten (10) shrubs.

C) The required Setback area shall be planted within plants arranged in staggered rows to provide an effective visual screen.

- D) Existing topographic conditions, such as embankments, berms, or existing vegetation may be substituted for part or all of the required buffer so long as the minimum visual effect is equal to or exceeds that of the required screening buffer vegetation.
- E) The subject buffer, when required, supersedes the Site Perimeter Buffer requirements of this Article.
- F) The subject buffer is not superseded by the Landscape Berm Setback requirements of this Article.

#### 2003.04 Landscape Berm Setback.

- A) Where parking, interior drive aisles, loading areas, Building service entrances, trash enclosures, or loading docks in a Non-Residential Zoning District adjoin a Residential Zoning District or Planned Residential Zoning District, they shall be set back a minimum of one hundred (100) feet from the Lot Line adjoining the Residential Zoning District or Planned Residential Zoning District.
  - 1) The required setback shall include an elevated earth berm that is a minimum of five and one-half (5 ½) feet higher than the finished elevation of the area to be screened. The berm shall have a crown width of at least three (3) feet and shall not have a slope steeper than a three-to-one (3:1) ratio.
  - 2) The required berm shall contain one (1) deciduous canopy tree and one (1) evergreen tree per ten (10) linear feet of earthen berm or two (2) evergreen trees per ten (10) linear feet of earthen berm. A minimum of seventy-five percent (75%) of the plantings shall be on both sides of the berm and crown area.
- B) The subject berm requirements do not supersede the Site Perimeter Buffer or the Non-Residential Buffer and Development Setback provisions within this Article.
- C) The following, or combination of the following, may be accepted in lieu, in whole or in part, of the required berm and plantings:
  - 1) A solid masonry wall five and one-half (5 ½) feet in Height.
  - 2) A solidly constructed decorative Fence five and one-half (5 ½) feet in Height.
  - 3) A louvered fence five and one-half (5 ½) feet in Height.

#### 2003.05 Off-Street Parking Perimeter Buffer.

- A) All Off-Street Parking lots shall be screened around the perimeter abutting a Street, entrance drive, Internal Street, or adjacent parking lot by a planting area that is a minimum of ten (10) feet wide and located immediately adjacent to the parking area.
- B) The subject perimeter buffer shall include one (1) deciduous tree, planted thirty-five (35) feet on center, combined with one (1) of the following options:
  - 1) Option A: A continuous row of deciduous shrubs, planted a maximum of three (3) feet on center with heights not to exceed forty-two inches at maturity.
  - 2) Option B: A decorative masonry wall not less than three (3) feet and not more than four (4) feet in Height. Such a wall shall contain openings at intervals of no more than ten (10) feet that permit visibility from one side of the wall to the other. Each opening shall be a minimum of ten (1) square feet in size.
  - 3) Option C: A combination of Option A and Option B above, alternating between the shrub row and wall, such that the combination makes a continuous visual screen.

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2003.06 Stormwater Buffers. Each stormwater basin and/or pond shall be screened as follows:

A) Dry Basin:

- 1) For every one hundred (100) linear feet of basin perimeter, the following minimum quantities and types of plant materials shall be required:
  - a) Five (5) evergreen trees.
  - b) Two (2) ornamental trees.
  - c) Three (3) canopy trees.

B) Naturalized Basin or Wet Pond:

- 1) For every one hundred (100) linear feet of basin perimeter, the following minimum quantities and types of plant materials shall be required:
  - a) Two (2) evergreen trees.
  - b) Two (2) ornamental trees.
  - c) One (1) canopy tree.

C) Plantings shall be installed to not interfere with the proper function of the basin.

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

2003.07 Plantings required by this Section shall comply with species and size requirements set forth within Sections 2005 and 2006, respectively.

**Section 2004: Screening and Enhancement**

2004.01 Off-Street Parking, Interior. The following provisions shall be complied with in all Off-Street parking lots that accommodate fifteen (15) or more parking spaces:

A) One planting island shall be provided for each fifteen (15) parking spaces, a minimum, and at the end of each parking row unless an end cape island is required.

- 1) The pervious surface area of each island shall be seventeen (17) feet long as a minimum of twelve (12) feet wide.
- 2) Where two (2) or more islands are required in a parking row, they shall be placed so that in no instance are the islands separated by more than fifteen (15) spaces.
- 3) All planting islands shall contain, at a minimum, one (1) deciduous tree per planting island. The tree shall have a clear trunk at least six (6) feet above the finished grade to allow vehicular circulation and visibility beneath the canopy.

B) An end cap planting island shall be required at the end of each row of parking to separate the rows of parking and drive aisles.

- 1) The end cap planting islands shall meet all of the minimum requirements for planting islands specified above.
- 2) The pervious surface area of each end cap island shall be a minimum of twelve (12) feet wide and shall be fifteen (15) feet in length for each row of parking, measured along the length of the adjacent parking space.

C) Above-grade footers/concrete foundations for light poles located in parking lot landscaping areas shall be screened with evergreen shrubs.

- D) A planting median shall be placed between every third parking bay of adjacent parking bays, at a minimum, to prevent traffic movement across parking lots.
- 1) The planting median shall be a minimum of fifteen (15) feet wide and may include a sidewalk, where necessary for pedestrian circulation.
  - 2) The planting median shall contain the following vegetation, at a minimum:
    - a) One (1) deciduous tree planted thirty-five (35) feet on center, in a continuous staggered row.
    - b) Ten (10) shrubs for every tree required, planted in rows or clustered groups.
  - 3) The required parking median shall contain defined breaks, as necessary, to provide pedestrian circulation between bays of parking. The breaks shall also allow for accessibility from one side of the planting to the other and onto the sidewalk within the planting median if a sidewalk is located within the median.
- E) In addition to any other required plantings, all parking lot planting areas shall be planted with turf grass, ornamental grasses (not exceeding twenty-four (24) inches at maturity), or other ground cover plant material. Mulch, stone, or similar materials may be used sparingly.
- F) A minimum of ten percent (10%) of an Off-Street Parking lot area is required to be pervious within the interior of the parking lot.
- 1) The pervious surface calculation shall include all pervious area within planting islands, end cap islands, and planting medians.
    - a) Pedestrianways and pedestrian-oriented amenities may be included in the pervious surface calculation for the median.
  - 2) When calculating the amount of required pervious surface area, the impervious surface area shall include all parking spaces and drive aisles that access parking spaces.
  - 3) If the required minimum number and size of parking lot landscaping areas do not result in ten percent (10%) of pervious surface, the requirement shall be met by increasing the size and/or number of the required planting islands, end cap islands, and/or planting medians. Irregularly shaped areas or pervious surfaces shall not be permitted to achieve this requirement.

#### 2004.02 Building Foundation Plantings.

- A) Principal Buildings containing Non-Residential Type Uses, non-exempt Agricultural Type Uses, Mobile Home Parks, Multi-Family Buildings, and Residential Care Facilities (6 or more individuals) as well as those within Mobile Home Parks, excluding Mobile Homes, shall be screened as follows:
- 1) Fifty percent (50%) of the length of such Building facades that face a Street, Internal Street, parking lot, or parking lot drive aisle shall include a foundation planting area immediately adjacent to the Building. If there are two (20 or more such facades, planting areas shall be provided along a minimum of two (2) facades.
    - a) The required plantings may be reduced to a minimum of twenty-five percent (25%) of the length along a front Building façade with two (2) or more public Building entrances.
    - b) Along a front Building façade, raised planter boxes may be used in lieu of the minimum required foundation plantings along that façade, such that the planters provide the same square footage of planting area as the required foundation plantings would provide. The planters must be placed within the width of the façade.
  - 2) The required foundation planning area shall be a minimum of six (6) feet wide.

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- 3) The required foundation planting area shall include, at a minimum, ornamental trees, evergreen trees, and shrubs, in addition to any annual or perennial vegetation.
  - 4) In addition to other required plantings, all Building foundation planting areas shall be planted with turf grass, ornamental grasses, or other ground over plant material. Mulch, stone, or similar ground cover materials are to be used sparingly.
- 2004.03 Dumpsters and other similar types of large waste containers that are typically not moved by Manual means and that are not otherwise considered Portable Storage Units, shall:
- A) Be screened by one (1) or more of the following:
    - 1) Dense evergreen plantings five and one-half (5 ½) feet in Height.
    - 2) A solid masonry wall five and one-half (5 ½) feet in Height.
    - 3) A solidly constructed decorative Fence five and one-half (5 ½) feet in Height.
    - 4) A louvered fence five and one-half (5 ½) feet in Height.
    - 5) A landscaped berm designed in accordance with the provisions set forth in Sections 2003.04.A.1 – 2003.04.A.2.
  - B) Be separated by any adjacent parking space by a landscaped parking lot island at least seventeen (17) feet long and twelve (12) feet wide.
- 2004.04 On all Non-Residential Type Uses, non-exempt Agricultural Type Uses, Mobile Home Parks, Multi-Family Buildings, and Residential Care Facilities (6 or more individuals), building mechanical systems, including, air conditioning units, exhaust systems, satellite dishes, fire escapes, elevator housing, and the like, whether on the Building roof or the ground, shall be integrated into the overall design and character of the Building and completely screened from view from adjoining properties and Streets, the extent screening is physically practical. Acceptable screening includes one or more of the following:
- A) Dense evergreen plantings five and one-half (5 ½) feet in Height.
  - B) A solid masonry wall five and one-half (5 ½) feet in Height.
  - C) A solidly constructed decorative Fence five and one-half (5 ½) feet in Height.
  - D) A louvered fence five and one-half (5 ½) feet in Height.
  - E) A landscaped berm designed in accordance with the provisions set forth in Sections 2003.04.A.1 – 2003.04.A.2.
- 2004.05 In order to protect hillsides and grades exceeding twenty-five percent (25%) in slope, no vegetative cover may be removed from an existing slope greater than twenty-five percent (25%), nor may a slope exceeding twenty-five percent (25%) be created unless it is planted in accordance with the following:
- A) At a minimum, one (1) tree shall be provided per three hundred (300) square feet.
  - B) Required trees shall be spaced so that they are evenly spread over the entire steep slope area.
  - C) All required trees shall be a minimum of one inch (1”) caliper in size, fast-growing, and native to Central Ohio. This provision shall supersede those found in Section 2006.
- 2004.06 Plantings required by this Section shall comply with species and size requirements set forth within Sections 2005 and 2006, respectively.

**Section 2005: Plant Species**

2005.01 All plantings, whether required or voluntarily installed, shall comply with the requirements of this Section.

2005.02 Street trees installed within a tree lawn along any Street shall be restricted to the following species:

A) In lawn strips two (2) to four (4) feet in width:

American Hornbeam - aka Musclewood (*Carpinus caroliniana*)  
Eastern Redbud (*Cercis canadensis*)  
Serviceberry (*Amelanchier* sp.)  
Thornless Cockspur Hawthorn (*Crataegus crusgalli inermis*)

B) In lawn strips exceeding four (4) feet in width:

American Hophornbeam - aka Ironwood  
Black Tupelo (*Nyssa sylvatica*)  
Chickapin Oak (*Quercus muehlenbergii*)  
Elm hybrids (*Ulmus* sp.)  
Freeman Maple (*Acer x freemanii*)  
Kentucky Coffeetree (*Gymnocladus dioicus*)  
Lindens (*Tilia* sp.)  
Northern Red Oak (*Quercus rubra*)  
Thornless Honeylocust (*Gleditsia triacanthos inermis*)  
Shingle Oak (*Quercus imbricaria*)  
Shumard Oak (*Quercus shumardii*)  
Swamp White Oak (*Quercus bicolor*)

2005.02 The following tree species are strongly recommended and preferred for any non-street tree plantings but are not a requirement:

A) Deciduous:

American Sycamore (*Platanus occidentalis*)  
Bur Oak (*Quercus macrocarpa*)  
Cucumbertree (*Magnolia acuminata*)  
Hackberry (*Celtis occidentalis*)  
Overcup Oak (*Quercus lyrata*)  
Persimmon (*Diospyros virginiana*)  
Pin Oak (*Quercus palustris*)  
Sugar Maple (*Acer saccharum*)  
Sweetgum (*Liquidambar styraciflua*)  
Tuliptree (*Liriodendron tulipifera*)  
White Oak (*Quercus alba*)

B) Coniferous:

Baldcypress (*Taxodium distichum*)  
Canaan Fir (*Abies balsamea* var *phanerolepis*)  
Concolor Fir (*Abies concolor*)  
Dawn Redwood (*Metasequoia glyptostroboides*)  
Eastern Arborvitae (*Thuja occidentalis*)  
Eastern Red Cedar (*Juniperus virginiana*)  
Eastern White Pine (*Pinus strobus*)  
Siberian Spruce (*Picea omorika*)  
White Spruce (*Picea glauca*)

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**Section 2006: Size Requirements**

- 2006.01 The following regulations are applicable wherever specified by this Resolution unless otherwise stipulated or modified.
- 2006.02 All deciduous trees required by this Zoning Resolution shall be a minimum of two and one-half (2 ½) inch caliper in size, measured six (6) inches above the ground.
- 2006.03 All evergreen trees required by this Zoning Resolution shall be a minimum of five and one-half (5 ½) feet in height, measured from finished grade.
- 2006.04 All shrubs required by this Zoning Resolution shall be a minimum twenty-four (24) inches in Height at the time of planting, measured from finished grade.

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

2101.01 Lighting that is well-designed, correctly installed, and appropriately utilized promotes safety, increases security, and assists wayfinding, by enhancing the visibility of Lots, Buildings, Structures, Streets, parking lots, sidewalks, bikeways, Open Spaces, landscape features, and the like. In the same vein, proper lighting can also greatly improve aesthetics, beautify neighborhoods, and add value to a community. Lighting which is poorly designed, incorrectly installed, and/or inappropriately utilized is, at best, a Nuisance, and, at worst, a hazard. The intent and purpose of this Article is to reasonably regulate lighting in a manner that protects public, health, safety, and general welfare, by:

- A) establishing standards for brightness, spread, and intensity of light;
- B) creating dimensional restrictions for poles and supports;
- C) providing restrictions related to the orientation of fixtures;
- D) preserving order, attractiveness, and cleanliness; maintaining Open Spaces, avoiding the appearance of clutter, and preventing Nuisances and invitations to vandalism;
- E) maintaining property values and ensuring compatibility with surrounding landscape and architecture including, but not limited to, areas of historical significance;
- F) protecting and encouraging a more attractive economic, business, and overall physical appearance of the community; and
- G) protecting the environment from light pollution which not only can be visually disruptive but can have a negative impact and detrimental effect on vegetation and wildlife.

2101.02 All exterior parking lots, non-residential driveways, Streets, Pedestrian-Oriented amenities, and loading areas shall be illuminated in a contextually sensible manner to provide safe movement on site, where necessary.

2101.03 The regulations within this Article are applicable to the Districts within which they are specified unless otherwise stipulated, supplemented, and/or modified by the regulations within a specified Zoning District.

**Section 2102: General Requirements**

2102.01 Parking lot lighting:

- A) Parking lot lights shall be designed so that the source of illumination is concealed within the housing of the light fixture.
- B) All parking lot light fixtures shall be equipped with lenses that are flat and installed parallel to the ground.
- C) Lighting shall not be provided via floodlight, spotlight, or any fixture that does not direct light downward.
- D) Parking lot light dispersal from a Lot within a Non-Residential Zoning District shall not exceed one (1) Footcandle at any Lot Line that is Contiguous with a Lot or Tract within a Residential or Planned Residential Zoning District.
- E) Parking lot lights located within fifty (50) feet of any Lot Line Contiguous to a Residential or Planned Residential District shall be designed to not direct any light towards said Lot Line. This shall be achieved by:
  - 1) Shields affixed to the source of illumination: and/or
  - 2) Directing LEDs away from said Lot Line; and/or

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## ARTICLE 21: LIGHTING STANDARDS

- 3) Other innovative forms of control which achieve this requirement.
  - F) Parking lot lights may be attached to poles, Buildings, or other Structures, but shall still comply with the provisions herein.
  - G) Parking lot lights shall not exceed a maximum Height of twenty-five (25) feet. The measurement shall be taken from the finished grade established not closer than fifteen (15) feet to the pole.
  - H) The correlated color temperature (CCT) of any LED fixture shall not exceed 3,000° Kelvin.
- 2102.02 Pedestrian-Oriented lighting not located in parking lots:
- A) Pedestrian-Oriented lights on poles shall be designed so that the source of illumination is housed within the housing of the light fixture.
  - B) Pedestrian-Oriented lighting shall not be via floodlight or spotlight.
  - C) Pedestrian-Oriented lighting may be achieved by exposed light bulb strings or similar types of fixtures. Such fixtures are intended for lighting of Pedestrian-Oriented areas and may be placed on Buildings or Structures.
  - D) Illumination shall only be permitted via LED.
  - E) Pedestrian-Oriented lighting shall not exceed a maximum Height of fifteen (15) feet measured from the adjacent grade.
  - F) Pedestrian-Oriented lighting installed integral within sidewalks or other similar types of paved areas shall be installed flush with said surface.
  - G) The correlated color temperature (CCT) of any LED fixture shall not exceed 3,000° Kelvin.
- 2102.03 Building-mounted lighting, including canopies:
- A) Building-mounted lights shall be designed so that the source of illumination is concealed within the housing of the light fixture.
  - B) All building-mounted fixtures shall be equipped with lenses that are flat and installed parallel to the ground.
  - C) Lighting shall not be provided via floodlight, spotlight, or any fixture that does not direct light downward. Lighting designs or specifications required by applicable building or fire codes shall be exempt from this standard.
  - D) Light dispersal from a Lot within a Non-Residential Zoning District shall not exceed one (1) Footcandle at any Lot Line that is Contiguous with a Lot or Tract within a Residential or Planned Residential Zoning District.
  - E) The correlated color temperature (CCT) of any LED fixture shall not exceed 3,000° Kelvin.
- 2102.04 Architectural lighting intended to highlight architectural features:
- A) Architectural lighting shall not allow the source of light to be directly viewed from any Lot Line's standard line of sight.
  - B) Architectural lighting shall be permitted to have colors or shades that change but shall not be permitted to flash, change, and/or pulse in a rapid manner.
- 2102.05 Streetlighting:
- A) Streetlights shall be designed so that the source of illumination is a top-down diode concealed within the housing of the light fixture.
  - B) Fixtures shall be equipped with lenses that are flat and installed parallel to the ground.
  - C) Streetlights installed integral within sidewalks or other similar types of paved areas shall be installed flush with said surface.

- D) The correlated color temperature (CCT) of any LED fixture shall not exceed 3,000° Kelvin.
- E) The maximum wattage output shall be 75 watts which shall be achieved by utilizing a wattage selector.

2102.06 In addition to the provisions of this Article, all outdoor light fixtures shall be installed in conformity with all other applicable provisions of this Resolution.

**DRAFT**

**ZC 2024-05**

**Initiated 11/12/2024**

**GENOA TOWNSHIP ZONING RESOLUTION**

**ARTICLE 21: LIGHTING STANDARDS**

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**ARTICLE 22: UTILITIES AND RELATED USES****Section 2201: Intent and Purpose**

2201.01 The intent and purpose of this Article is to establish, where permissible by Ohio law, reasonable regulations for utilities as well as other such related Uses, Structures, and activities, that apply equally and universally across all unincorporated areas of Genoa Township regardless of Zoning District classification, unless otherwise specified within this Zoning Resolution, to promote and protect the health, safety, and general welfare of the community.

**Section 2202: General Requirements**

- 2202.01 Utilities shall conform to the standards and provisions within this Article unless otherwise exempted, protected, and/or superseded by the state or federal law.
- 2202.02 Planned Developments shall have an adequate source of potable water. All water lines constructed within a Planned Development shall be the financial responsibility of the owner or developer.
- 2202.03 No construction of Buildings within any segment of a Planned Development shall be commenced until after the extension of sanitary sewage lines or approved sanitary treatment facilities required with alternative sewage disposal systems have been completed.
- 2202.04 The following utility equipment shall be provided, constructed, and installed underground within a Planned Development: gas lines, sanitary and storm sewer lines, water lines, electrical lines, telephone lines, and cable television lines.
- 2202.05 All utility systems shall be located and designed in such a manner and method as to preserve the natural features of the land such as streams, rock outcropping, topsoil, trees, and shrubs to the greatest extent practical and possible. The same shall be incorporated into and with the Landscaping of said lands.
- 2202.06 Easements of adequate size relative to their purpose across Lots or centered on Lot Lines shall be provided and maintained for utilities where necessary and required by agencies having jurisdiction over such matters.

**Section 2203: Aerial Antennas and Satellite Dish Antennas**

- 2203.01 The purpose of this section is to minimize the adverse visual effects of antenna and satellite devices through design and Landscaping standards. It protects properties that are adjacent and within the general vicinity from the potential damage of antenna failure and falling ice and debris. Telecommunication towers, as defined in Ohio Revised Code (ORC) Section 519.211, as may be amended, shall be regulated pursuant to the provisions of Section 2204 of this Resolution.
- 2203.02 Antennas and Aerial Antennas. Aerial Antennas not otherwise regulated as a Telecommunication Tower in Section 2204, shall comply with the following requirements:
- A) All antennas that are thirty-six (36) inches or less in Height or completely within a Building or Structure shall not require a Zoning Permit prior to installation in any Zoning District. The measurement of an antenna's Height shall include any mounting to which it is affixed.
  - B) All antennas exceeding thirty-six (36) inches in Height, or not otherwise exempt, shall require a Zoning Permit prior to installation in any Zoning District and shall comply with the following:
    - 1) Installations shall only be permitted to:
      - a) the rear of a Principal Structure; or
      - b) Attached to the side or top of a Principal Structure.
    - 2) No antenna requiring a Zoning Permit shall be constructed to a Height greater than the distance from the center of the base thereof to the nearest property line less ten percent (10%) of the Height of the antenna, unless the design of the antenna foundation and guying system have been designed by, and the plans and computations imprinted with the seal of,

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 22: UTILITIES AND RELATED USES

a Professional Engineer registered to practice in the State of Ohio, and these plans and computations are placed on file with the Zoning Inspector.

3) In no instance shall an antenna be erected within a required minimum Setback.

2203.03 Satellite Dish Antenna. Installation of Satellite Dish Antennas not otherwise regulated as a Telecommunication Tower in Section 2204 shall comply with the following:

- A) No Zoning Permit for installation of a disk or dish shall be required for a dish measuring 39.37" (one (1) meter) in diameter or less. A Zoning Permit shall be required for any dishes greater than 39.37" (one (1) meter) in diameter.
- B) No installation shall be made forward of the Front Building Line of the Principal Structure.
- C) No installation shall be placed closer than twenty (20) feet to any Lot Line.
- D) No disk or dish having a diameter of greater than 39.37" (one (1) meter) shall be located on the roof of any residential Structure or Accessory Building on a Lot within a Residential or Planned Residential Zoning District.
- E) The top of the disk or dish shall stand no more than twelve (12) feet above ground level or a finished grade elevation.
- F) No disk or dish having a diameter of greater than 39.37" (one (1) meter) shall be installed on the roof or other mounting more than six (6) feet above ground level or finished grade elevation in a Non-Residential Zoning District unless the mounting of the same is designed to withstand a wind force of eighty-five (85) miles per hour and a certificate is furnished to the Zoning Inspector, signed by a licensed and qualified engineer, that the installation conforms with said restriction.
- G) No disk or dish shall be permitted which exceeds twelve (12) feet in diameter unless the same is specifically approved as part of a Planned Development.

2203.04 Should any provisions within this Zoning Resolution impair the ability to operate Amateur Radio Communications pursuant to ORC 519.12, ORC 5502.031, the Federal Communications Act of 1996, Federal Communications Commission regulations, or any other similar rules or regulations, or should they be found to impair the operation of such pursuant to the aforementioned, said laws, regulations, and/or agencies shall control and an exception shall be made to the provision by the Zoning Inspector without the need to obtain a Variance or Conditional Use approval from the Board of Zoning Appeals.

**Section 2204: Telecommunications Towers**

2204.01 Public Utilities or other functionally equivalent providers may site a telecommunications tower as a permitted Use in Non-Residential Zoning Districts. Local zoning authority shall not extend to the regulation of maintenance or use of such a tower or to any change or Alteration that would not substantially increase the tower's Height. Local zoning authority over proposed telecommunications towers shall apply only to a tower, only upon the provision of a notice of objection to that particular tower. No blanket zoning authority exists over telecommunication towers in Residential or Planned Residential Districts unless and until a written objection has been timely filed.

2204.02 Telecommunication towers may be regulated in areas zoned for residential Use, those areas being classified by this Resolution as Residential and Planned Residential Zoning Districts, upon receipt of an objection pursuant to ORC 519.211(B)(2). The provisions of this Resolution concerning telecommunication towers are not intended to replace or modify ORC 519.211, but instead are intended to incorporate ORC 519.211 and its terms into this Resolution. Any notice of an objection shall comply with the provisions of ORC 519.211(B)(3). Upon timely receipt by the Township Trustees of an objection to a proposed telecommunication tower, the Trustees shall proceed as provided in ORC 519.211(B)(4)(a). Telecommunication towers shall be permitted as a Use exempt from any local zoning authority in residential zoned areas if no objections are timely filed as provided in ORC 519.211(B)(4)(b). If objections are timely filed consistent with ORC 519.211(B) for a proposed

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ARTICLE 22: UTILITIES AND RELATED USES**

telecommunications tower in a District zoned for residential Use then the telecommunications may only be permitted as a Conditional Use by the Board of Zoning Appeals, provided that all of the following conditions of this Section are met. An application for Conditional Use shall be filed with the Board of Zoning Appeals.

A) Conditional Use Application Requirements. In addition to the requirements of Section 302, the application shall include:

- 1) A preliminary development plan must be submitted at the time the application for the Conditional Use Permit is submitted. The preliminary development plan shall contain the following:
  - a) The location of all the applicant's existing facilities both within the Township and within one (1) mile of the proposed site.
  - b) The general location of planned future facilities, if known.
  - c) For each location shown on the plan, there shall be listed:
    - i) The type and size of tower at each location;
    - ii) The type of equipment located or proposed on each tower;
    - iii) The space available on the tower for additional equipment;
    - iv) The ground network, if any, served by the tower; and
    - v) A site plan showing the Lot on which any existing or proposed tower, antenna, or equipment is located.
  - d) A site plan for the facility which is being applied for shall also be submitted containing:
    - i) The location, type, and size of existing and proposed towers, antennas, and equipment located at the site;
    - ii) The location of existing and proposed buildings and structures, access easements and parking areas;
    - iii) Detailed drawings of the screening plan and related design standards; and
  - e) A written certification from a Professional Engineer registered in accordance with the laws of the State of Ohio certifying the following:
    - i) That the tower's design is structurally sound and in compliance with all applicable federal, state, and local building laws including, without limitation, the Ohio Basic Building Code and the National Electric Code;
    - ii) That the tower complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER); and
    - iii) That the tower will, to the extent possible, accommodate co-location of additional wireless communication antennas for future use, with a statement as to the number of antennas capable of being accommodated and the ultimate Height needed for the stated co-location capacity; or, alternatively, an explanation as to the reasons why the tower will not be constructed to accommodate co-location.
  - f) The contact information of the owner/operator so that any issues with the Telecommunications Tower and/or accessory facilities may be reported. Any subsequent or future change to the owner/operator of the tower shall be communicated to the township immediately.

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- g) Documentation that notice has been provided in accordance with Section 519.211 of the ORC, as may be amended.
    - h) A signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna facilities to the extent possible until said tower has reached full antenna capacity.
  - B) General Requirements for Telecommunication Towers.
    - 1) Location, Co-location, or Shared Use. In order to minimize tower proliferation, the applicant or tower provider shall demonstrate that the Telecommunications Tower must be located where it is proposed to service the applicant's service area and that there are no alternative sites reasonably available in any area. This shall include an explanation and accompanying documentation as to why a tower on this proposed site is technically necessary; a description of the suitability of the use of existing towers, other structures or technology not requiring the use of the proposed new tower; and a demonstration that a technically suitable location is not reasonably available on an existing tower, Building or Structure. If another tower is technically suitable, the applicant must show that a request to co-locate was made and that such request was rejected.
    - 2) All towers shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the state or federal government with the authority to regulate such towers. Proof of review and compliance with such shall be provided to the township at the time township zoning approval is being sought. If the applicable standards and regulations are changed, then the owners/operators of the towers shall, if required by the applicable governmental authority, bring such towers into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the applicable governmental authority.
    - 3) Any Telecommunications Tower is deemed abandoned by operation of law if it is not used for telecommunication purposes for twelve (12) consecutive months. The owner/operator shall remove a tower within one hundred eighty (180) days after the tower's use is discontinued or deemed abandoned. All costs associated with the demolition of the Telecommunications Tower, equipment, Buildings, and other associated Structures shall be borne by the property owner of record, lessor, lessee, and/or operation of the Telecommunications Tower.
    - 4) The owner/operator shall annually file a declaration with the Zoning Inspector which certifies that the radio frequency transmission and/or reception equipment attached to the tower is in use and is operational.
  - C) Development Standards for all Telecommunication Towers.
    - 1) No telecommunications tower shall be permitted to be located in any platted subdivision approved under Sections 711.05, 711.09, or 711.10 of the ORC, as may be amended, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the ORC (as may be amended) that are Contiguous to one another, or some of which are Contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are Contiguous to one another and adjacent to the opposite side of the same dedicated public road, when at least thirty-five percent (35%) of the lots within such subdivision or area are developed with at least one (1) dwelling unit.
    - 2) Site Requirements.
      - a) The minimum Lot Area for which a tower is to be placed shall be two (2) acres.

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- b) The Lot on which the tower is to be located shall meet the minimum Frontage requirements of the Zoning District in which it is located.
- 3) Heights:
- a) The maximum allowable Height for any freestanding or attached Structure proposed to have attached to it radio frequency transmission or reception equipment, which is located in a Residential or Planned Residential Zoning District and owned or to be principally used by a public utility engaged in the provision of telecommunications services, shall be eight (8) feet. Telecommunications Towers may exceed eight (8) feet in Height if it is in compliance with all of the regulations set forth within this Section.
  - b) The maximum permitted Height of a Telecommunications Tower not otherwise referenced above shall be one hundred fifty (150) feet. For the purposes of this standard, Height shall be measured from the base of the Telecommunications Tower to the top point of said tower, including any antennas. The foregoing shall supersede any other Height restrictions or measurement methodologies set forth in this Zoning Resolution.
  - c) The maximum Height of any other Accessory Structures shall not exceed twelve (12) feet.
  - d) The maximum Height of any Accessory Buildings shall not exceed twenty-four (24) feet.
- 4) Setbacks.
- a) The tower shall not be placed closer than one hundred fifty (150) feet from any existing residential Dwelling unit.
  - b) The tower shall be Setback at least eighty (80) feet from the Front Lot Line.
  - c) A tower shall be set back from any adjoining Lot Line a distance which is equal to the Height of the tower as measured from its base.
  - d) Any stabilization Structures or guy wires shall not be placed closer than fifty (50) feet from any Lot Line.
- 5) Layout.
- a) Parking for the tower shall be limited to two (2) spaces unless a need for more can be demonstrated at the time of application.
  - b) Where there is co-location of equipment upon Telecommunication Towers, no single provider of telecommunication services shall have more than one (1) equipment Building on site. Equipment buildings of different providers shall be arranged to appear as a single Building as nearly as practical and possible.
  - c) Underground equipment structures are strongly encouraged.
- 6) Security and Screening.
- a) Fencing shall be provided to prevent uncontrolled access to the tower site which includes any equipment, Buildings, parking, etc.
  - b) The tower shall be screened by an eight (8) foot high Fence or barrier and shall include a locked gate. All chain link fencing shall be coated with a green or black vinyl material.
  - c) The outside perimeter of the security fence shall be planted with a staggered row of evergreen trees, a minimum of six (6) feet in Height, at time of planting, spaced not more than ten (10) feet on center.

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- d) A “NO TRESPASSING” Sign shall be provided and prominently posted.
- e) The storage of any equipment must be contained inside the screened area.
- f) Anti-climbing devices may be utilized which add an additional foot to the fence Height, however, razor or barbed wire is not permitted.
- g) Any screening, including vegetation and landscaping, shall be maintained in good condition by the owner/operator. The applicant is responsible for ensuring that the area on which the tower is to be located is kept free of weeds and trash. The outside storage of vehicles or equipment must be contained within the screened area.
- h) Existing vegetation shall be maintained to the greatest extent possible. Dead and dying vegetation shall be replaced no later than the subsequent planting season by a similar species and/or native equivalent subject to Section 2006 of this Zoning Resolution as well as the review and approval of the Zoning Inspector.

## 7) Design.

- a) The tower and related screening shall be designed to be aesthetically and architecturally compatible with the surrounding environment. The tower may be painted in non-contrasting gray or similar color minimizing its visibility and shall not contain, or be illuminated by, artificial lights, beacons or strobes, unless otherwise required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC). All surfaces shall be maintained in good condition, absent of flaking or peeling paint, and rust. Unless otherwise approved by the Board of Zoning Appeals, the tower shall be of a non-corrosive monopole design.
  - i) For any Telecommunications Tower that is in a highly visible location, it is strongly encouraged to employ alternative tower designs (“no-impact design”) or locations that mimic the surrounding environment, such as artificial trees, modified clock towers, church spires, flag poles, or Building modifications. The following provisions shall be met in order to be considered no-impact design:
    - (a) The latest technology that is available for the purpose of blending the Structure into the environment shall be utilized.
    - (b) The tower’s design shall render it minimally observable to the casual observer.
    - (c) Towers attached to an existing Structure shall integrate seamlessly into said Structure as it pertains to architecture, materials, color, etc. The overall design shall not substantially increase the Height of the Structure on which the tower is located, nor shall it substantially project off the face of the Structure.
    - (d) Towers erected as new, freestanding Structures shall be designed to be consistent and complimentary to the surrounding Structures and area by incorporating similar architecture, materials, color, Height, scale, etc.
    - (e) Freestanding towers intended to mimic other features that are present in the immediate vicinity such as streetlights, trees, etc., shall be virtually identical to the feature that it is mimicking and shall maintain the same Height, size, pole diameter, fixture type, tree species, etc.

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- (f) All related equipment, electrical boxes, conduits, wiring, mounting equipment, and the like shall not be visible.
- b) On any Lot or Tract adjacent to a Planned Residential Zoning District or Residential Zoning District, the use of residentially compatible paint colors and materials, such as wood, brick, or stucco, shall be required for associated Accessory Structures so that they architecturally blend with existing residential Structures in the vicinity. If the site is located within a Planned Development, the materials shall meet the standards of such, if applicable, as well as the procedural review process set forth for Planned Developments established within this Zoning Resolution.
- c) Stealth Designs for Telecommunication Towers may be considered as an alternative to the requirements of this Section in all areas of the Township as a Conditional Use by the Board of Zoning Appeals in accordance with Article 3. In addition, if utilizing Stealth Design, the following requirements shall be satisfied:
  - i) All Stealth Designs shall utilize the latest technology that is available for the purpose of blending the Structure into the environment.
  - ii) The Stealth Design shall render it minimally visible to the casual observer.
  - iii) The tower may be attached to an existing Structure, if it is designed to integrate seamlessly into the Structure that it is attached to in regard to architecture, materials, color, etc. The overall design shall not substantially increase the Height of the Structure on which it is located, nor shall it substantially project off the face of the Structure.
- 8) No advertising is permitted anywhere on the telecommunications tower facility except for the 'NO TRESPASSING' Sign required herein and one (1) identification sign not to exceed one (1) square foot in size.
- 9) Operations.
  - a) The tower shall be fully automated and unattended daily and shall be visited only for periodic and necessary maintenance. Also, all utility service to the tower shall be underground in accordance with applicable federal, state, and local codes.
  - b) Buildings shall not include business offices, long-term vehicle storage, Outdoor Storage, other uses not necessary for transmission or reception, or broadcast studios, except for emergency purposes.
- 10) Where the tower is located on a property that is not owned by the tower operator, the applicant shall present documentation that the owner of the property has approved the application and that vehicular access is provided to the property. Reasonable access and circulation shall be provided to the tower.
- 11) Antenna towers are not permitted to be built to a Height which exceeds the applicant's service need as substantiated by the testimony and certification of the applicant's engineer. If the tower must be extended in the future to accommodate co-location, the initial tower foundation must be designed to accommodate this extension capability. This ultimate Height shall be specified on the drawings submitted with the application. Unless otherwise approved, the tower Height shall not be extended until co-locators are installed.

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- 12) A tower may be Attached to a residential or nonresidential Building or Structure that is a permitted Use and Structure in the District, provided that the tower's Height does not exceed twenty (20) feet above the existing Building or Structure to which the tower is Attached; and further provided that all requirements except those found in Sections 2204.02.C.3.b and 2204.02.C.6.a through 2204.02.C.6.h herein are met. All roof-mounted towers shall be screened from view to the extent possible. The outside storage of vehicles or equipment, if not located inside the Building or Structure on which the tower is located, shall be screened by a minimum eight (8) foot high solid masonry or concrete wall and, outside of and along the wall, a continuous evergreen hedge, trees or similar landscape materials of a size and type deemed appropriate by the Board of Zoning Appeals. The screening shall be maintained in good condition. Any solid wall shall contain no advertising but may contain one small identification Sign not to exceed one (1) square foot in size. The applicant is responsible for ensuring that the tower area is kept free of Junk, trash, and weeds.
- 13) Telecommunications Towers shall not be artificially lit unless required by the Federal Aviation Administration (FAA) or other applicable Federal or State authority. When so required, a detailed lighting plan shall be submitted with the application, which shall demonstrate it is required by the FAA, FCC, or any other governmental agency that has jurisdiction. In addition to the applicable provisions of Article 21, the lighting plan shall also meet the following requirements:
- a) All lighting by the FAA shall be installed on the Telecommunications Tower immediately and must be fully operational at all times.
  - b) When required by the FAA, white strobe lights during the day will be permitted with red flashing lights required from dusk to dawn.
  - c) Ground-level security lighting may be permitted, including freestanding and building-mounted lighting. Such lighting shall be oriented inward, utilize full cut-off fixtures no more than twelve (12) feet in Height, and shall be designed to minimize impacts on adjacent properties.
  - d) In any case, overall site illumination shall be such that measurements along the perimeter of the security fencing shall not exceed 0.20-foot candles (aka 0.20 fc).
- 14) Safety and Structural Integrity.
- a) All new Telecommunications Towers or existing Telecommunications Towers are to be certified by a structural engineer who is licensed in the State of Ohio to be in compliance with all current standards and requirements of the American National Standards Institute (ANSI) and the Telecommunications Industry Association (TIA), including, but not limited to, specification RS 222-F, and the Electronic Industries Association (EIA).
  - b) In order to ensure the structural integrity of Telecommunications Towers and to protect the public health, safety, and morals, Telecommunications Towers shall be subject to periodic inspections for continued compliance with the above Subsection as follows:
    - ii) Monopole towers shall be subject to inspections every ten (10) years.
    - iii) Self-support (Lattice) towers shall be subject to inspections every five (5) years.
    - iv) Guyed Towers shall be subject to inspections every three (3) years.

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- c) Inspections are the sole responsibility of the Telecommunications Tower operator of record and shall be performed by a structural engineer licensed in the State of Ohio. Results of inspections shall be provided in writing to the Zoning Inspector. Based upon such results, the repair or removal of a Telecommunications Tower may be required.
  - d) All Telecommunications Towers shall be designed to accommodate the primary user's antennas and comparable antennas for at least two (2) additional users.
  - e) Maintenance of Telecommunications Tower sites shall adhere to the terms and conditions of this Resolution.
- D) Exception to Conditional Use Permit. Telecommunications towers meeting the following conditions shall not be required to obtain a Conditional Use Permit but shall be deemed to be permitted Uses requiring a Certificate of Zoning Compliance.
  - 1) Should the owner/operator of a telecommunications tower desire to site a tower on property that falls under their direct ownership and with the consent of the Township Trustees, then a Certificate of Zoning Compliance may be obtained in lieu of a Conditional Use Permit, provided that the requirements founding the following provisions are met: A.1.e.i and ii; B.2, 3, and 4; and C.5, 7, 10, 11, 13, and 14; herein.
  - 2) Should the owner/operator of a telecommunications tower desire to co-locate a tower on another existing telecommunications tower or on another utility Structure (i.e., water tower) and such co-location will result in a substantial change in the Height of the tower, then a Certificate of Zoning Compliance may be obtained in lieu of a Conditional Use Permit, provided that the requirements found in the following sub-sections of Section 2204.02 are met: A.1.e.i and ii; B.2, 3, and 4; and C.4.b, C.6, C.7.a, C.8, C.10, and C.12; herein. A substantial change in Height shall mean the addition of more than forty (40) feet to the existing tower or Structure.
  - 3) Should the owner/operator of a telecommunications tower desire to site a tower using a no-impact design (specifically meaning that the tower will be completely invisible to the casual observer by incorporating the tower within an existing Structure such as inside a steeple), then a Certificate of Zoning Compliance may be obtained in lieu of a Conditional Use Permit, provided that the requirements found in the following provisions are met: A.1.e.i and ii; B.2, 3, and 4; and C.10, 11, 12, and 13; herein.
- E) Accessory Telecommunications. Accessory Telecommunications shall be permitted within a Right-of-Way, a utility easement, or on private property, provided the criteria of this Section are met.
  - 1) Accessory Telecommunications up to fifteen (15) feet in height shall be permitted in areas where all utilities are underground, provided that:
    - a) A no-impact design shall be utilized subject to the process and requirements of Section 2204.02.7.c herein.
    - b) For the purpose of this Section, smaller ground mounted electrical boxes shall not be considered an aboveground utility.
  - 2) Accessory Telecommunications up to thirty-five (35) feet in height shall be permitted inside of a Right-of-Way or a recorded utility easement, in areas where overhead utilities are present, subject to the following requirements:
    - a) The requirements of paragraph (2) of this Section, with regard to "Location, Co-location or Shared Use" shall apply.

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- b) The location is within one hundred (100) feet of an existing overhead utility line.
  - c) The preferred location is along Major Arterials, Minor Arterials and Major Collector Roads, as defined by the Delaware County Thoroughfare Plan. If it cannot be located in such an area, documentation shall be provided regarding the efforts that have been exhausted in attempts to meet these locations.
  - d) Accessory Telecommunications shall be located on existing utility poles where practical. If a new utility pole is required, it should to the extent reasonably practicable be located on the same side of the road as existing utility poles. If the new utility pole is required on the opposite side of the road as the existing utility poles, but there are no other overhead wires crossing the road, the crossover wires related to the Accessory Telecommunications shall be located underground, where practical. If the requirements of this paragraph are determined not to be practical, documentation shall be provided with the reasons stated.
  - e) If a new utility pole is required, it shall be designed to accommodate the primary user's antenna and a comparable antenna for at least one additional user.
  - f) Any ground-mounted equipment shall be completely screened with evergreen landscaping providing year-round screening.
  - g) Accessory Telecommunications shall not obstruct adequate sight distance at intersections.
  - h) Lighting shall not be permitted on Accessory Telecommunications unless it is integrated as a light pole that matches other light poles in the vicinity.
- 3) Accessory Telecommunications up to sixteen (16) feet in height shall be permitted outside of a Right-of-Way and outside of a recorded utility easement, in areas where overhead utilities are present, subject to the following requirements:
- a) The Accessory Telecommunications shall be regulated as an Accessory Structure with regard to location. Additionally, they shall also be set back from all Principal Structures on adjacent properties a minimum distance equal to the overall Height of the Accessory Telecommunications.
  - b) If located in a recorded subdivision, and at least one hundred (100) feet from any overhead utilities, all wiring and cable shall be buried underground. Additionally, if the Accessory Telecommunications is located on a tower, it shall be a decorative pole with the equipment disguised or screened from view.
- 4) All other Accessory Telecommunications are prohibited.

**Section 2205: Wind Farms**

- 2205.01 Large Wind Farms, which may also be known as large wind projects, shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.
- 2205.02 Small Wind Farms, which may also be known as small wind projects, used solely for Agriculture will be exempt from these zoning regulations as an Agricultural Use in accordance with Section 2302 herein and ORC 519.01 and 519.21, as may be amended.
- 2205.03 Any proposed construction, Erection, or siting of a Small Wind Farms, which may also be known as small wind projects, , including the wind turbine generator or Anemometer or any parts thereof shall be permitted in the Zoning Districts specified in Article 5 herein.
- 2205.04 The following conditions shall be met for both by-right and Conditional Use Zoning Permits;
- A) The maximum Height of any Wind Power Turbine Tower, which is considered the total Height of the of the turbine system including the tower and the maximum vertical Height of the turbine's blades, shall be:
    - 1) Small Wind Farms: Fifty (50) feet.
    - 2) All other Wind Farms: One hundred twenty-five (125) feet.
  - B) Setbacks: Any turbine erected on a Lot shall be setback 1.1 times the height, as measured per the methodology set forth in this section, of the tower, or established "Clear Fall Zone", from all road Right-of-Way lines and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located and would not strike any structures including the primary dwelling, and any inhabited Structures.
  - C) Maintenance: Wind turbines must be maintained in good working order. The owner shall within thirty (30) days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine or Small Wind Project may stand no longer than twelve (12) months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Wind turbines that become inoperable for more than twelve (12) months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.
  - D) Decibel levels shall not exceed those provided by the manufacturer as requested in Section 2205.05. All units collectively shall operate at not more than five (5) Decibels above the established ambient Decibel levels at Lot Lines. This information shall be included in the engineering report described in Section 2205.05. This information shall be obtained from the manufacturer of the turbine, and all Decibel readings, if necessary, shall be taken from the nearest neighboring Lot Lines. Those turbines that do not meet this requirement will be issued a zoning violation, in accordance with Section 116, and shall be required to shut down immediately until the required Decibel levels are met.
  - E) Wiring and electrical apparatuses: All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state and federal codes, including the County Building Regulations and Residential Building Code of Ohio.
  - F) Warning Signs: Appropriate warning signs to address voltage shall be posted.
  - G) Building Permits: All Small Wind Projects and parts thereof shall obtain all applicable building permits from the State of Ohio and Delaware County.

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2205.05 Permits: A permit shall be required before construction can commence on an individual wind turbine project. As part of the permit process, the applicant shall inquire with the Delaware County Department of Building Safety as to whether additional Height restrictions are applicable due to the unit's location in relation to any local airports. In addition to the items required by Section 115.01 of this Zoning Resolution, the Applicant shall also provide or include as part of the application packet:

- A) The location of all public and private airports in relation to the location of the wind turbine.
- B) The total Height and size of the unit.
- C) If applicable, the total size and depth of the unit's foundation structure, as well as soil and bedrock data.
- D) A list and/or depiction of all safety measures that will be on the unit, including anti-climb devices, grounding devices, lightning protection, braking systems, guy wiring, and anchors.
- E) Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
- F) The maximum Decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.
- G) Hazardous materials containment and disposal plan.
- H) A site drawing showing the location of the unit in relation to existing structures on the property, roads, and other public Right-of-Ways and neighboring property lines.
- I) Evidence of established setbacks of 1.1 times the Height of the turbine and "Clear Fall Zone". The manufacturer's recommendation must also be included.
- J) A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

**Section 2206: Solar Facilities**

2206.01 Small Solar Facilities.

- A) Small Solar Facilities of fifty (50) megawatts or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.
- B) The Zoning Districts in which Small Solar Facilities are permitted, as well as the type of approval (i.e., by right or conditional) shall be as established within Article 5, Section 505: Table of Authorized Principal Uses; and Article 5, Section 506: Table of Authorized Accessory Uses.
- C) General Requirements.
  - 1) Integrated or Rooftop Solar Energy Systems:
    - a) Height: An Integrated or Rooftop Solar Energy System shall not protrude more than two (2) feet above the roofline of a building on which they are mounted, not to exceed the maximum Building Height.
    - b) Coverage: An Integrated or Rooftop Solar Energy System shall be permitted to cover up to one hundred percent (100%) of a Structure's walls and/or roof, as applicable.
  - 2) Ground Mounted Solar Energy Systems:
    - a) Height: The maximum Height of any Ground Mounted Solar Energy System at any point shall not exceed twelve (12) feet.
    - b) Coverage: Ground Mounted Solar Energy Systems shall be subject to any applicable Building and/or Lot Coverage restrictions within this Resolution. In the event a Zoning District does not have such restrictions, all Ground Mounted Solar Energy

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System(s) shall not exceed in the aggregate ten percent (10%) of the total area of the Lot or Tract.

- c) Visual Buffer: A Ground Mounted Solar Energy System shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities on adjacent lots and from any public Right-of-Way. Ground Mounted Solar Energy Systems located on Corner Lots shall comply with the applicable requirements (including, but not limited to, those for Yards, buffering, and screening) for lots in the Zoning District where located.
- 3) All Other Small Solar Facilities:
- a) Height: The maximum Height of all other Small Solar Facilities at any point shall not exceed the lesser of twelve (12) feet or the maximum Height for Accessory Structures in the Zoning District where located.
  - b) Coverage: A Ground Mounted Solar Energy System shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities on adjacent Lots and from any public right-of-way. Ground Mounted Solar Energy Systems located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in the zoning district where located.
  - c) Visual Buffer: Visual Buffer: All Other Small Solar Facilities shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to reduce view of and noise from the Small Solar Facilities on adjacent Lots and from any public Right-of-Way. All Other Small Solar Facilities located on Corner Lots shall comply with the applicable requirements (including, but not limited to, those for Yards, buffering, and screening) for lots in the Zoning District where located.
- 4) Lighting. Any lighting for a Small Solar Facility shall meet any lighting restrictions applicable to the zoning district where located. In the event there are no applicable provisions regarding lighting, all lighting in, of, and associated with the Small Solar Facility must narrowly focus light inward toward the solar equipment, be downlit and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-candle. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
- 5) Noise. Any Small Solar Facility shall comply with the Genoa Township Noise Resolution and all applicable noise restrictions set forth within the Township, including, but not limited to, those applicable to the Zoning District where located. In the event there are no applicable provisions regarding noise, no Small Solar Facility shall emit sound to an adjacent lot at a level exceeding seventy decibels (70 dB) between the daytime hours of 7:00 a.m. and 9:00 p.m., Eastern Time, or forty decibels (40 dB) during all other hours.
- 6) Setbacks. Any Small Solar Facility must comply with the Setback requirements applicable to the Zoning District where located.
- 7) Maintenance. Small Solar Facilities must be maintained in good working order at all times. The owner of the property and owner of the Small Solar Facilities shall, within thirty (30) days of permanently ceasing operation of a Small Solar Facility, provide written notice of abandonment to the Zoning Inspector. An unused Small Solar Facility may stand no longer than three (3) months following abandonment. All costs associated with the dismantling/demolition of the Small Solar Facility and associated equipment

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shall be borne by the property owner. A Small Solar Facility is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing Small Solar Facility and, in the case of Ground Mounted Solar Energy Systems installed returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation.

- 8) Building Permits. All Small Solar Facilities and parts thereof shall obtain all applicable required Building Permits from the State of Ohio, Delaware County, and/or other agencies having jurisdiction.
- 9) Advertising. Small Solar Facilities and the property where located shall not be used for the display of advertising. For the purposes of this Section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.
- 10) Other Restrictions. A Small Solar Facility shall comply with all applicable federal, state, and local laws, rules, and regulations.

D) Criterial for Conditional Uses.

- 1) A Small Solar Facility to be located in a Zoning District in which it is identified as a Conditional Use is subject to and shall follow the application process for a Conditional Use Permit provided under this Zoning Resolution.
- 2) Where identified as a conditionally permitted Use, any Small Solar Facility shall comply with the following specific requirements:
  - a) Road Use Maintenance Agreement: The property owner shall provide for the adequate maintenance and protection of Township maintained, protected, or managed infrastructure (including, but not limited to roadways, Rights-of-Way, and easements) to be used in connection with the Small Solar Facility as detailed further in a road use and maintenance agreement ("RUMA") with the Township. Any damaged public roads, culverts, and bridges shall be repaired promptly to their previous or better condition by the property owner or their designee under the guidance of the appropriate regulatory authority.
  - b) Safety Services: The property owner shall provide sufficient evidence that the property can be adequately served by the appropriate safety services, for example, a letter from the applicable fire department verifying that emergency response personnel and vehicles can safely reach and service the property, including the area where the Small Solar Facility is located.
- 3) Location:
  - a) Any Small Solar Facility other than an Integrated or Rooftop Solar Energy System (except components located entirely underground) shall be located entirely in the Rear Yard.
  - b) No Small Solar Facility shall be located on the front façade of any structure or on any façade facing a public Right-of-Way.
  - c) No Small Solar Facility shall be located in front of a Principal Building or Structure. In the case of Corner Lots, no Small Solar Facility shall be located between a Principal Building or Structure and a Public Right-of-Way.
- 4) Height: the maximum Height of any Small Solar Facility shall not exceed twelve (12) feet.

- 5) Buffers and Setback:
- a) Where a Small Solar Facility is located on property adjacent to or in close proximity to a Planned Residential Zoning District or Residential Zoning District, no part of the Small Solar Facility (other than components located entirely underground) shall be located within five hundred (500) feet of an existing residential Dwelling.
  - b) No Small Solar Facility (other than components located entirely underground) shall be located within two-hundred and fifty (250) feet of a Side or Rear Lot Line.
  - c) No Small Solar Facility (other than components located entirely underground) shall be located within one hundred (100) feet of a Front Lot Line.
- 6) Visual Buffer: A Small Solar Facility shall have a visual buffer of natural vegetation, plantings, and/or fencing designed to and does all of the following:
- a) Enhances the view from any existing residential Dwelling and from any public Right-of-Way;
  - b) Is in harmony with the existing vegetation and viewshed in the area; and
  - c) Provides reasonable visual screening to minimize the view of and noise from the Small Solar Facilities to adjacent Lots and from any public Right-of-Way.
- 7) Glare: Solar panels shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent Buildings, properties, or roadways.
- 8) Lighting: All lights associated with the Small Solar Facility must narrowly focus light inward toward the equipment, be downlit and shielded, and prohibit any spillover onto any adjacent property.
- 9) Fencing: Any fencing and/or screening installed in connection with the Small Solar Facility shall be harmonious and compatible with the surrounding properties and uses. Fencing shall be maintained in good repair and in an aesthetic manner at all times.
- 10) Conditions: Any conditions or other requirements as determined by the Board of Zoning Appeals in connection with the issuance of a Conditional Use Permit.

E) Permit:

- 1) A Zoning Permit shall be required before any construction is commenced on a Small Solar Facility.
- 2) In addition to the requirements of Article 1, an applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a Zoning Permit:
  - a) An engineering report that shows:
    - i) The total size and Height of the proposed Small Solar Facility.
    - ii) Data specifying the megawatt size and generating capacity in megawatts of the particular Small Solar Facility.
    - iii) Hazardous materials containment and disposal plan.
  - b) A site drawing showing the location of the Small Solar Facility including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads, and other public Rights-of-Way, and neighboring Lot Lines.
  - c) Evidence of compliance with applicable Setbacks and all other applicable zoning restrictions.

**GENOA TOWNSHIP ZONING RESOLUTION****ARTICLE 22: UTILITIES AND RELATED USES**

d) A maintenance schedule as well as a dismantling plan that outlines how the Small Solar Facility including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.

e) Any other information or materials reasonably requested by the Zoning Inspector.

2206.02 Large Solar Facilities shall be exempt from the Genoa Township Zoning Resolution pursuant to ORC 519.213, as may be amended or supplemented. Should such a Use not or cease to be exempted by the ORC, or should such a Use fall under the authority of Genoa Township zoning, such a facility shall only be permitted in the Zoning Districts authorized by Article 5, Section 505: Table of Authorized Principal Uses and shall otherwise be treated as, and regulated by the provisions pertinent to, a Small Solar Facility as established herein this Zoning Resolution for 'All Other Solar Facilities', including those located within Section 2206.

**ARTICLE 23: AGRICULTURE AND RELATED USES****Section 2301: Intent and Purpose**

2301.01 The intent and purpose of this Article is to acknowledge the right of residents within township to engage in agricultural activities with limited restrictions as provided for by the laws of the State of Ohio and to establish, where permissible, reasonable regulations for such activities that apply equally and universally across all unincorporated areas of Genoa Township regardless of Zoning District classification, unless otherwise specified within this Zoning Resolution, to promote and protect the health, safety, and general welfare of the community.

**Section 2302: Agriculture**

2302.01 In accordance with ORC 519.21, as may be amended, Agriculture shall not be prohibited on Lots greater than five (5) acres. The use of any land for agricultural purposes or the construction or use of Buildings or Structures incidental to the agricultural Use of the land on which such Buildings or Structures are located shall not be prohibited on lots greater than five (5) acres and no Zoning Permit shall be required for any such Building, Structure, Use, or Sign.

Notwithstanding the foregoing, in any platted subdivision approved under Sections 711.05, 711.09 or 711.10 of the ORC, as may be amended, or in any area consisting of fifteen (15) or more Lots approved under Section 711.13.1 of the ORC (as may be amended) that are Contiguous to one another, or some of which are Contiguous to one another and adjacent to one side of a dedicated public Road, and the balance of which are Contiguous to one another and adjacent to the opposite side of the same dedicated public Road, agricultural Uses and Structures are subject to the terms and conditions of this Resolution in the following manner:

- A) Agricultural Uses, except for well-maintained gardens for a resident's personal enjoyment and/or consumption, are prohibited on Lots of one (1) acre or less unless such Use(s) is/are otherwise made to be compliant with the standards set forth in Section 2302.02.
- B) Buildings or Structures incidental to the use of land for agricultural purposes on Lots greater than one (1) acre but not greater than five (5) acres must conform to all Setback, size, and Height requirements that apply in the underlying Zoning District.
- C) Dairying and animal and poultry husbandry on Lots greater than one (1) acre but less than five (5) acres when at least thirty-five percent (35%) of the Lots in the subdivision are developed with at least one (1) Building, Structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the ORC, as may be amended, are subject to the provisions of this Zoning Resolution. After thirty-five percent (35%) of the Lots are so developed, lawfully existing dairying and animal and poultry husbandry shall be considered Non-conforming Use of land, and Buildings or Structures pursuant to Section 519.19 of the ORC, as may be amended, are thereafter prohibited.

2302.02 Agriculture on a Lot that is one (1) acre in size or less and/or which is not exempted from zoning by the Ohio Revised Code (ORC) shall still comply with all applicable provisions within Section 2302, any other standards or prohibitions within this Resolution, and the following:

- A) Buildings housing animals and/or fowl as pets or for domestic use, excluding swine and goats, shall be set back fifty (50) or more feet from any Lot Line. Buildings housing swine and goats as pets or for domestic use shall be set back at least 200 feet from any Lot Line. These restrictions shall not be construed to apply to individual pens, pastures, or fields of less than five (5) acres if part of a larger portion of land devoted to such Use.
- B) No animal being kept for agricultural purposes and weighing more than one hundred and fifty (150) pounds shall be permitted.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 23: AGRICULTURE AND RELATED USES

- C) Agritourism and Farm Markets shall comply with all provisions of the Zoning District in which it is located, including, but not necessarily limited to: Setbacks, Lot Coverage, dimensional requirements, Signs, district standards, Floor Area requirements, access, parking, Landscaping, and lighting, as well as Article 16, General Standards and Sections 2303 and 2304, respectively.

2302.03 When in conflict, the provisions of Section 1617, Dangerous Wild Animals, shall supersede Section 2302.02.

**Section 2303: Agritourism**

2303.01 Pursuant to ORC Section 519.21(C)(4), as may be amended, Agritourism is permitted in any Zoning District but is subject to the following regulations. Agritourism regulations do not apply to Farm Markets where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. Though no Zoning Permit is required for such Use or any associated improvements, certain standards are necessary to protect public health, safety, and general welfare. As such, the following shall apply:

- A) All Buildings and Structures utilized primarily for Agritourism shall adhere to the minimum Front, Side, and Rear Yard requirements established for the Zoning District in which it is located.
- B) All Buildings and Structures utilized primarily for Agritourism shall not exceed thirty-five (35) feet in Height.
- C) All Buildings and Structures utilized primarily for Agritourism shall not exceed the maximum Lot Coverage requirements established for the Zoning District in which it is located. Should no maximum Lot Coverage requirement be established, the maximum size permitted for said Building or Structure shall be one thousand four hundred (1,400) square feet.
- D) All Buildings and Structures utilized primarily for Agritourism shall conform to all applicable regulations established by the Delaware County Department of Building Safety.
- E) All parking demands created by this use shall be met off the Street.
- F) Parking areas shall adhere to the following Setback requirements:
  - 1) Fifty (50) feet from any Residential or Planned Residential Zoning District.
  - 2) Fifteen (15) feet from any Non-Residential Zoning District.
- G) Safe and adequate ingress and egress must always be provided and maintained.
- H) Waste materials, solid or liquid, shall not be created on or imported onto the premises at a level that creates a burden on adjoining property. Permanent or temporary sanitary waste disposal shall be provided as regulated by the Delaware Public Health District or Sanitary Engineer.

2303.02 Agritourism which is not exempted by the ORC shall still comply with all applicable provisions within Section 2303 as well as any other standards or prohibitions within this Resolution.

**Section 2304: Farm Markets**

- 2304.01 Farm Markets that derive at least fifty percent (50%) of their gross income from produce raised on Farms owned or operated by the Farm Market operator in a normal crop year are permitted in any Zoning District, subject to the following regulations:
- A) Temporary and seasonal Buildings, tents, trailers and other Structures associated with a seasonal and temporary Farm Market shall be placed outside of the road Right-of-Way and located at least twenty-five (25) feet from the edge of any road pavement so as to safely allow for adequate ingress and egress and for customer Off Street Parking. Seasonal and temporary Farm Markets may use marked grassed areas reasonably cleared and limited in size for parking. In no case shall any portion of any road pavement be used for or considered customer parking to serve a Farm Market. If a culvert is required to obtain access to a seasonal and temporary Farm Market, the Farm Market operator shall obtain a driveway permit from the appropriate governmental agency. Temporary and seasonal Farm Markets are Farm Markets that are open to the public and operate for no more than a total of ninety (90) calendar days in a calendar year. Any temporary and seasonal Buildings, tents, trailers and other Structures associated with a Farm Market remaining for more than ninety (90) days in a calendar year shall be considered Structures associated with a permanent Farm Market and shall comply with the provisions of Subsection 1716.03.B below.
  - B) All Buildings and Structures associated with a permanent Farm Market shall meet the applicable Setback requirements for the underlying Zoning District. Parking for permanent Farm Markets shall be graveled or paved. Operators of a permanent Farm Market shall obtain a driveway permit from the appropriate governmental agency. Off Street Parking shall be provided at a ratio of one (1) space for each one hundred (100) square feet of Farm Market. Permanent Farm Markets are Farm Markets that are open to the public and operate for more than ninety (90) calendar days in a calendar year.
  - C) Farm Market Signs shall comply with all the applicable provisions within Article 18 of this Zoning Resolution.
  - D) Exterior lighting shall conform with the provisions of Article 21.
  - E) Noise Control:
    - 1) Unless otherwise authorized as part of permitted Temporary Use, outdoor speakers shall be permitted for emergency announcements and crowd control only; however, low-volume music for on-site patrons may be permissible in accordance with any provisions of the applicable Zoning District.
    - 2) On-site exterior video displays shall not emit audio that is audible from property located within a Residential or Planned Residential Zoning District under normal conditions by a reasonable person.
- 2304.02 Farm Markets which are not exempted by the ORC shall still comply with all applicable provisions within Section 2304 as well as any other standards or prohibitions within this Resolution.
- 2304.03 Roadside Stands shall be subject to all applicable provisions established for Temporary Uses and Structures within Article 24 of this Zoning Resolution.

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**ZC 2024-05**

**Initiated 11/12/2024**

**GENOA TOWNSHIP ZONING RESOLUTION**

**ARTICLE 23: AGRICULTURE AND RELATED USES**

## ARTICLE 24: TEMPORARY USES AND STRUCTURES

### Section 2401: Intent and Purpose

- 2401.01 Because of the special characteristics and needs of Temporary Uses, Temporary Structures, and the like, it is the intent and purpose of this Article to establish reasonable and uniquely tailored standards applicable to all unincorporated areas of Genoa Township to secure and protect the public health, safety, and general welfare of the community.

### Section 2402: General Requirements

- 2402.01 An application for a Temporary Use permit shall be filed at least sixty (60) days prior to the commencement of the proposed Temporary Use. No Temporary Use shall commence until a Temporary Use permit has been issued by the Township Zoning Inspector or their designee.
- 2402.02 Temporary Use Permit. Each application for a Temporary Use permit shall contain a graphic of the property to be utilized, a description of the proposed use, and a site plan in triplicate, drawn to scale, which illustrates the following:
- A) The actual dimensions of the Lot, including easements.
  - B) The exact size, location, and Height of all existing and proposed Buildings and Structures, whether principal or accessory, on the Lot.
  - C) The existing and intended Use of all parts of the land and Buildings and Structures, whether principal or accessory, and all details of the event, including the location of activities that will be conducted as part of the event.
  - D) Existing zoning on the Lot in question and on all adjacent Lots.
  - E) Existing and/or proposed parking spaces, including Off Street Parking, traffic flow, access drives, Building and parking Setbacks, sanitary facilities, refuse control, security, traffic control, noise, and lighting.
  - F) Existing and proposed Signs, location, and size detail.
  - G) Such other information as may be required by the Zoning Inspector regarding the Temporary Use, Lot, and neighboring Lots as may be necessary to determine and provide for the enforcement of this Zoning Resolution.
- 2402.03 Fees. When making an application for a Temporary Use permit, the application fees shall be paid in accordance with the Schedule of Fees as may, from time to time, be adopted by the Township Trustees.
- 2402.04 Issuance of Permits. Temporary Use permits shall be issued, or refusal thereof given, within thirty (30) days of the completed application and fee. Written notice of such refusal and reason thereof shall be given to the applicant.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 24: TEMPORARY USES AND STRUCTURES

**Section 2403: Temporary Uses**

2403.01 Temporary Public Events. Temporary public events sponsored by a public or non-profit organization may be permitted within any Non-Residential Zoning District or upon a Religious Establishment, school or other similar sites primarily utilized for congregating or gathering within a Planned Residential or Residential Zoning District. The applicant shall, prior to applying for a Temporary Use permit, engage in consultations with staff from applicable governmental agencies, including the Genoa Township Zoning Inspector, Genoa Township Fire Department, Genoa Township Police Department, Delaware County Department of Building Safety, Delaware County Public Health District, Delaware County Engineer, and any other such agency or department to discuss and review the potential impacts of the event on the community. No statement or action by Township or County Officials during these consultations shall be construed to be a waiver of any legal obligation of the applicant or of any procedure or formal approval required by Township, County or State statutes or rules. When planning such an event, the applicant shall take into consideration the potential impacts to surrounding properties. In order to address the impact of the event on the public health, safety, and general welfare of the community, temporary public events shall meet the following requirements:

- 1) Adequate Off-Street Parking, including on-site and off-site (if applicable) shall be provided. A parking plan shall be provided delineating proposed parking areas. Parking shall be provided to accommodate the number of anticipated guests on any given day of an event.
- 2) All temporary Buildings and Structures associated with the event shall meet all applicable current building and fire codes, including but not limited to fire, building, mechanical, electrical, and plumbing Codes. Inspections and approvals shall be obtained from Delaware County Department of Building Safety and the Genoa Township Fire Department.
- 3) Adequate traffic control shall be provided. A traffic control plan shall be approved by the Genoa Township Police Department, Genoa Township Fire Department, and the Delaware County Engineer.
- 4) Adequate sanitary facilities and refuse control shall be provided. The sanitary and refuse plan shall delineate the number and location of such facilities and provisions for the removal of such. Sanitary facilities shall accommodate the number of anticipated guests on any given day of an event. Trash removal time restrictions shall be discussed during the pre-application consultation with the Township and be included as part of the application.
- 5) Adequate lighting, including security lighting, shall be provided. A lighting plan shall be provided delineating the location of all current and proposed lighting. All lighting shall be directed inward and away from any abutting Planned Residential or Residential Zoning Districts and/or Dwellings. Except for security lighting, all lighting shall be turned off no later than one (1) hour after the event closes.
- 6) Adequate security, fire, and emergency medical services shall be provided. A security plan shall be provided and approved by the Genoa Township Fire Department and the Genoa Township Police Department. Security shall be provided twenty-four (24) hours a day during both operational and non-operational hours of the event.
- 7) Operational hours of an event shall be limited to 9:00 a.m. to 11:00 p.m. Monday through Friday, 9:00 a.m. to midnight on Saturdays, 10:00 a.m. to 6:00 p.m. on Sundays.
- 8) Adequate noise control shall be provided. A noise control plan shall be provided showing the location of all amplification and noise-generating devices. All amplification and noise-generating devices shall be placed inward and away from any abutting Zoning District and/or Dwellings. Prior to applying for a Temporary Use permit, an applicant may obtain an exemption from the Township Trustees from the provisions of any applicable noise control resolutions. Otherwise, all events shall comply with the provisions of said resolutions.

**GENOA TOWNSHIP ZONING RESOLUTION**  
**ARTICLE 24: TEMPORARY USES AND STRUCTURES**

- 9) A signage plan shall be provided. All Signs shall conform to the standards and provisions of Article 18.
  - 10) An applicant shall be required to obtain any business license or any other permit that may be required by any other federal, state, or local statute, rule, or regulation.
  - 11) Temporary public events shall be limited to not more than four (4) consecutive operational days and no more than one (1) such event may be conducted in any one (1) calendar year by the same organization or any related business, entity or affiliate organized for the same or similar purpose.
  - 12) The event organizer must have a policy or policies of general liability insurance in the State of Ohio providing coverage for personal injury and property damage. This shall be in the amount, not less than \$1,000,000 for each person or occurrence and \$2,000,000 in aggregate for personal injuries or death or property damage suffered by any person or persons arising out of the temporary event. A certificate of insurance shall be included as part of the application.
- 2403.02 Temporary Uses permitted in this Section do not include outdoor, stand-alone music concerts or organized events for music concerts only but do include music concerts in conjunction with the temporary public event. Government-sponsored and approved events, and school-related activities, including sporting events, are exempt from the provisions of this Section. In addition, small temporary sales/fundraising events conducted by schools or Religious Establishments entirely at the school or Religious Establishment location are exempt from the provisions of this Section. Such small temporary sales/fundraising events include, but are not limited to bake sales, flower sales, bazaars, fish fries, spaghetti dinners, car washes, and the like. Small temporary sales/fundraising events that include live or amplified music, any temporary Structures, or other types of unrelated activities shall be required to obtain a Temporary Use permit in accordance with this Section.
- 2403.03 Private Garage Sales, yard sales, estate sales, and other such events that are time-specific and time-limited, occurring on an infrequent basis, and for non-commercial (i.e., business) purposes, shall be permitted on a residential property without a Zoning Permit so long as they do not constitute a Home Occupation or Retail Use and so long as they do not pose a threat to public health, safety, or general welfare. Such sales on residential properties exceeding the limited provisions of this standard shall otherwise be prohibited.
- 2403.04 Outdoor display of items for sale on residential properties, not otherwise regulated by 2403.03 or 2403.05, shall be limited to no more than seven (7) days per calendar year, regardless of the item(s) being sold. The storage or display of such items within a required Front Yard, or in the case of a legally Non-conforming Building, Building Line, shall be prohibited at all times
- 2403.05 Agritourism and Farm Markets shall further be regulated by Sections 2303 and 2304, respectively.
- 2403.06 Prohibited Temporary Uses. Temporary Retail sales conducted on parking lots, vacant Lots, or along roadsides by transient vendors and not otherwise qualifying as Mobile Enterprise, Mobile Service Business, or Mobile Vending Business, shall be prohibited unless conducted pursuant to a valid permit issued by the Township under Ohio Revised Code (ORC) Section 505.94, as may be amended.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 24: TEMPORARY USES AND STRUCTURES

**Section 2404: Temporary Structures**

- 2404.01 Temporary Real Estate Offices. Temporary real estate Offices including model homes, may be permitted within any District for any new subdivision, provided sales activities are limited to that subdivision only and such office is not used as a Dwelling. Unless otherwise provided for as part of a planned District, Signs shall comply with Article 18. Any Temporary Use permit issued for a temporary real estate office conducted out of a trailer under this Section is valid for one (1) year and must be renewed annually. Such office use shall cease upon completion of the sales of Lots within the subdivision. Rental or resales of Lots/and or units in the subdivision shall not be conducted from the temporary office.
- A) Parking: Temporary real estate offices shall provide Off-Street paved Parking Spaces for the public. Such Off-Street paved parking shall be located Contiguous to the model home. The parking lot shall be removed upon expiration of the permit for the model home. The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) of the required parking spaces.
  - B) Setbacks: Such Use shall adhere to the applicable Principal Building Setbacks established for the Zoning District in which the Use is located.
  - C) The maximum permitted Height of a Temporary Structure, shall be the maximum Principal Building Height established for the Zoning District in which it is located, subject to Section 1616 of this Article.
  - D) Screening and Trash Receptacles: Landscape drawings shall be required and shall show adequate Landscaping and screening from adjoining residential Lots, together with the clear marking of the boundaries of the model home Lot. Trash receptacles shall be provided around the model home for use by the public.
- 2404.02 Temporary Contractor's Offices. Temporary contractor's Offices including construction trailers (both licensed and unlicensed), for operations incidental to construction work on the property may be erected in any of the Zoning Districts herein established; however, such temporary Building or trailer shall be removed within sixty (60) days following the completion or abandonment of the construction work. Abandonment shall be presumed if no substantial work toward completion has occurred within ninety (90) consecutive days. Temporary Buildings, Accessory Buildings, construction trailers, Barns, tents, recreational vehicles, campers, etc. are not to be used as temporary or permanent Dwellings.
- 2404.03 Roadside Stands meeting the definition of a Temporary Structure shall be permitted on any residential property so long as they comply with the following:
- A) Roadside Stands shall not be placed within, or project into, a Right-of-Way nor shall they be placed in a manner which wholly or partially blocks a Pedestrianway, traffic signage, or Sight Distance as further regulated by Section 1615 herein.
  - B) Roadside Stands shall not be placed in a location that promotes the parking of vehicles in a hazardous or unlawful manner.
  - C) The maximum permitted width of a Roadside Stand shall be five (5) feet.
  - D) The maximum permitted depth of a Roadside Stand shall be five (5) feet.
  - E) The maximum permitted Height of a Roadside Stand shall be eight (8) feet.
  - F) The items being sold on a Roadside Stand shall be limited to agricultural products.
  - G) Utilization of trailers, vehicles, equipment of any type, or pallets as Roadside Stands shall be prohibited.
  - H) Signage on Roadside Stands shall be subject to Article 18.

GENOA TOWNSHIP ZONING RESOLUTION  
**ARTICLE 24: TEMPORARY USES AND STRUCTURES**

- I) Lighting of Roadside Stands shall comply with lighting standards applicable to the Zoning District in which it is located.
- J) All Roadside Stands shall be maintained in good physical and structural condition, free of Deterioration, decomposition, rust, or decay.

**Section 2405: Portable Storage Units**

2405.01 Portable Storage Units may be permitted as a Temporary Use in any Zoning District in conjunction with, and not to exceed the times listed for, the following activities:

- A) Temporary Use for construction sites as an accessory to and in association with an on-going construction project for an unoccupied Building or Structure at such site for a period of up to one hundred twenty (120) total days in any three hundred sixty-five (365) consecutive day period or upon the completion of the project, whichever occurs first.
- B) Temporary Use, including open-top dumpsters, when the occupant of the property on which the Portable Storage Unit is located is relocating, for a period not to exceed seven (7) consecutive days or for a period of fourteen (14) total days in any one hundred eighty (180) consecutive day period.
- C) Temporary Use to facilitate temporary activities not described in Sections 2405.01.A or 2405.01.B, above, for a period not to exceed seven (7) consecutive days or for a period of fourteen (14) total days in any one hundred eighty (180) consecutive day period.

2405.02 Portable Storage Units shall be subject to the following requirements:

- A) A Portable Storage Unit shall not exceed one hundred sixty-nine (169) square feet in size and eight (8) feet in Height.
- B) Not more than one (1) Portable Storage Unit shall be permitted on any property at any time.
- C) No Portable Storage Unit shall be located in a public Right-of-Way.
- D) Portable Storage Units shall be located no closer to an adjacent property than the greater of ten (10) feet or the required minimum Side or Rear Yard setback for Accessory Buildings in the District in which the unit is located unless placed upon an existing driveway in which case there shall be no required Side or Rear Yard Setback.
- E) Portable Storage Units shall only be used for the storage of personal property and for no other purpose whatsoever.
- F) The placement of Portable Storage Units shall be in such manner as not to create a public Nuisance.
- G) A Portable Storage Unit is not permitted as a permanent Accessory Structure for storage, or Dwelling, regardless of the proposed location on a property.
- H) A Temporary Use permit shall be obtained prior to the placement of a Portable Storage Unit on a property. For the activities listed in Sections 2405.01.A and 2405.01.B, above, no more than two (2) Temporary Use permits may be issued for the same property during any three hundred sixty-five (365) consecutive day period.

**GENOA TOWNSHIP ZONING RESOLUTION**

**ARTICLE 24: TEMPORARY USES AND STRUCTURES**

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**ARTICLE 25: NON-CONFORMITIES****Section 2501: Intent and Purpose**

2501.01 Within the Districts established by this Resolution or amendments that may later be adopted, there exist Lots, Structures, or Uses of land and Structures that were lawful before this Resolution was passed or amended, but which would be prohibited or more restricted under the terms of this Resolution or amendments thereto. It is the intent and purpose of this Resolution via this Article to permit these non-conformities to continue until they are removed pursuant to ORC 519.19 as may be amended.

**Section 2502: Non-conforming Lots**

2502.01 Any permitted Use by right in a given Zoning District may be erected or established on any single Lot of official record at the effective date of adoption of this amendment. This provision shall apply even if such Lot fails to meet the requirements for Lot Area or width, or both, that are generally applicable in the District. Yard dimensions and requirements other than those applying to area or width, or both, of the Lot shall conform to the regulations for the District in which such Lot is located. Variance of yard requirements from the required standards shall be obtained only through the action of the Board of Zoning Appeals.

**Section 2503: Non-conforming Uses of Land**

- 2503.01 Where, at the time of adoption or amendment of this Resolution, lawful Uses of land exist which would not be permitted by the regulations imposed by this Resolution, the Uses may be continued so long as they remain otherwise lawful, subject to the provisions of this Section.
- 2503.02 No such non-conforming nonresidential Uses shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
- 2503.03 Any Non-conforming Use may be extended throughout any parts of a Building, which were manifestly arranged or designed for such Use at the time of adoption of the amendment of this Resolution.
- 2503.04 No such Non-conforming Uses shall be moved in whole or in part to any portion of the Lot other than that occupied by such Uses at the effective date of adoption or amendment of this Resolution unless it increases conformity with these regulations.
- 2503.05 If any such Non-conforming Uses of land are voluntarily discontinued for a period of more than two (2) years, any subsequent Use of such land shall conform to the regulations specified by this Resolution for the District in which such land is located.
- 2503.06 Additional Structures not conforming to the requirements of this Resolution shall not be erected in connection with such Non-conforming Use of land.
- 2503.07 Nothing contained in this Section shall in any way prohibit a Non-conforming Use from acquiring additional Off-Street Parking Space.
- 2503.08 No non-conforming Accessory Use shall continue after the Principal Use to which it is necessary has been discontinued.

**Section 2504: Non-conforming Structures**

- 2504.01 Where a lawful Structure exists at the effective date of adoption of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, Height, Yards, its location on the Lot, or other requirements concerning the Structure, such Structure may be continued so long as it remains otherwise lawful, subject to provisions of this Section.
- 2504.02 No such Non-conforming Structure may be enlarged or altered in a way that increases its non-conformity, but any Structure or portion thereof may be altered to decrease its non-conformity.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 25: NON-CONFORMITIES

- 2504.03 Should a residential Non-conforming Structure be destroyed, either partially or totally, by any means the Structure or portion of the Structure may be reconstructed to the same size or larger Floor Area provided other applicable provisions of this Resolution are met.
- 2504.04 Should a nonresidential Non-conforming Structure be destroyed, either partially or totally, by any means the Structure or portion of the Structure may be reconstructed provided the bulk, Height, and Floor Area shall not be in excess of those which existed prior to said damage.
- 2504.05 Should such Structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the Zoning District in which it is located after it is moved.
- 2504.06 To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated Use of any Building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently.
- 2504.07 When a Non-conforming Use of a Structure, or Structure and premises in combination, is voluntarily discontinued or abandoned for more than two (2) years, the Structure or Structure and premises in combination shall not thereafter be used except in conformity with the regulations of the District in which it is located and all other applicable provisions of this Resolution.
- 2504.08 Nothing in this Article shall be deemed to prevent ordinary maintenance and repairs on walls, fixtures, wiring, or plumbing or the restoration to a safe condition of any Building or other Structure in accordance with the order of a public official who is charged with protecting the public safety and who declares such Building or other Structure to be unsafe and orders its restoration to a safe condition.

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

- 2505.01 Non-conformities are declared by this Ordinance to be incompatible with permitted Uses in the districts in which such Uses are located. A Non-conforming Use of a Structure, a Non-conforming Use of land, or a Non-conforming Use of a Structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a Building or premises of additional Signs intended to be seen from off the premises, or by the addition of other Uses of a nature which would be generally prohibited in the District in which such Use is located.

**Section 2506: Substitutions of Non-Conforming Uses**

- 2506.01 So long as no structural Alterations are made, except as required by enforcement of other codes or ordinances, any Non-conforming Use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another Non-conforming Use of the same classification or of a less intensive classification, or the Board shall find that the Use proposed for substitution is equally appropriate to the District than the existing Non-conforming Use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions shall be considered a punishable violation of this Ordinance. Whenever a Non-conforming Use has been changed to a less intensive Use or becomes a conforming Use, such Use shall thereafter not be changed to a more intensive use.

## GENOA TOWNSHIP ZONING RESOLUTION

**ARTICLE 25: NON-CONFORMITIES****Section 2507: Certificates for Non-Conforming Uses**

- 2507.01 The Zoning Inspector may upon their initiative, or shall upon the request of the owner, issue a certificate for any Lot, Structure, Use of land, Use of Structure, or Use of land and Structure in combination, that certifies that the Lot, Structure, or Use is a valid Non-conforming Use. The certificate shall specify the reason why the Use is a Non-conforming Use, including a description of the extent and kind of Use made of the property in question, the portion of the Structure or land used for the Non-conforming Use, and the extent that the dimensional requirements are non-conforming. The purpose of this Section is to protect the owners of lands or Structures that are or become non-conforming. No fee shall be charged for this certificate. One (1) copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

**DRAFT**

**ZC 2024-05**

**Initiated 11/12/2024**

**GENOA TOWNSHIP ZONING RESOLUTION**

**ARTICLE 25: NON-CONFORMITIES**

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

- 2601.01 Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may, by resolution after receipt of recommendations from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and District boundaries or classification of property.
- 2601.02 This Article shall only apply to:
- A) Amendments to the text within this Resolution; and
  - B) Amendments to the Zoning Map that seek to re-zone property (Rezoning) to a Straight Zoning District.
- 2601.03 This Article shall not apply to Legal Approvals, including Zoning Map Amendments, pertaining to Planned Zoning Districts. Said approvals shall be subject to the provisions of Article 27.

**Section 2602: General Requirements**

- 2602.01 All submissions shall be delivered to the Zoning Inspector or their designee for administrative review, public advertisement, and distribution.
- 2602.02 The Zoning Commission and/or Township Trustees may adopt a pre-determined and publicly available zoning application and meeting schedule to be administered by the Zoning Inspector or their designee in order to establish predictable dates for all parties and the public at large.
- 2602.03 The Chair of the Zoning Commission or the Chair of the Township Trustees may each reject a submission to their respective entity if the submission is found to be missing required components further detailed herein; otherwise known as being administratively incomplete. Should the Chair reject a submission due to administrative incompleteness; written notification, via certified letter or e-mail, shall be sent to the applicant of record within five (5) days of receipt of the original submission. The decision to reject a submission may be overruled by a majority vote of the remaining members of the applicable entity. Such deliberation shall only be held upon request of the applicant of the submission that was rejected and shall take place in a public meeting.
- 2602.04 The Chair of the Zoning Commission or the Chair of the Township Trustees each reserve the right to determine that an application to their respective entity will be heard during a special meeting as opposed to a regularly scheduled meeting so long as said meeting is scheduled and advertised in accordance with any applicable provisions of this Zoning Resolution and ORC 519.12.
- 2602.05 The Chair of the Zoning Commission or the Chair of the Township Trustees shall each determine the public hearing agendas for their respective entities in accordance with any established bylaws for their group. Each application shall be scheduled in the order in which they are received; however, each Chair reserves the right to, at their discretion, revise said order.
- 2602.06 If an excessive number of applications are received for any given meeting, as determined by the Chair of the entity hearing the application, said Chair reserves the right to postpone the hearing of an application for their respective entity so long as the postponed meeting is scheduled and advertised in accordance with any applicable provisions of this Zoning Resolution and ORC 519.12.
- 2602.07 Due process rights guaranteed to an applicant by this Zoning Resolution, ORC 519.12, and/or any other applicable law or provision may be waived by the applicant via written consent delivered to the Zoning Inspector, or their designee.

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

- A) Applicants may request a continuance of their application to a date, time, and place certain at any point during the Township's review process. Such a request shall be submitted in writing at any time or made verbally during the public hearing for said application. Applications continued to a date, time, and place certain do not have to be re-advertised in the newspaper as otherwise specified herein. Similarly, notices do not have to be re-mailed to neighboring property owners as otherwise specified herein.
- B) Applicants may request a tabling of their application to an uncertain date, time, and/or place at any time during the Township's review process. Such a request shall be submitted in writing at any time or made verbally during the public hearing for said application. Applications which are tabled to an uncertain date, time, and/or place shall be re-advertised in the newspaper in accordance with the applicable provisions herein. Similarly, new notices shall also be mailed to neighboring property owners in accordance with the applicable provisions herein.
- 1) In order to un-table an application, a request to do so must be made by the applicant and delivered to the Zoning Inspector.
  - 2) A fee in accordance with an adopted fee schedule may be charged to un-table an application.
  - 3) The hearing for an un-tabled application may be scheduled in accordance with a pre-determined zoning application and meeting schedule as detailed in Section 2602.02.
  - 4) An application shall be tabled for no longer than one (1) year measured from the date the motion to table the application was originally passed. If an application is not un-tabled or withdrawn pursuant to the provisions herein by the end of said year, the entity considering the application (Zoning Commission or Township Trustees) may un-table the application at any time. Subsequently, at the next available and properly noticed hearing date, said entity in its discretion may recommend denial or, if permitted, deny said application.
- C) Applicants wishing to withdraw their application shall submit their request in writing to the Zoning Inspector. Upon receipt, the Zoning Inspector or their designee shall inform the Zoning Commission and/or Township Trustees that the application has been withdrawn. Refunding of fees shall only be permitted in accordance with a separate schedule of fees adopted by the Township Trustees.

**Section 2603: Initiation of Amendments**

2603.01 Amendments specified in Section 2601.02 may be initiated in one of the following ways:

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

**Section 2604: Submission Requirements for Text Amendments**

2604.01 Application –A fully completed, signed, and dated application which shall include, at minimum, the following information:

- A) The affected and/or proposed section(s) of the Zoning Resolution;
- B) The name(s), address(es), and contact information of the applicant(s) of record;
- C) The name(s), address(es), and contact information of any engineers, architect(s), attorneys, and/or consultants of record, if any.
- D) If the proposed amendment comprises of a Zoning Map Amendment, the submission shall also include all applicable materials specified in Section 2605.01.
- E) Any additional information which may be requested on the official application form.

## 2604.02 Documentation:

- A) A single document containing all proposed text revisions.
  - 1) Said revisions shall be clearly identified and visually distinguishable;
  - 2) Said revisions shall be written and considered verbatim and shall not be approximated, abbreviated, paraphrased, and/or implied; and
  - 3) The document shall: provide a glossary identifying how each type of revision is visually represented, be dated, have its pages numbered, contain all correct and pertinent article/section numbers, and be formatted consistently with the existing Zoning Resolution.
- B) Notes explaining and/or justifying the proposed revisions, but not intended to be adopted as part of the proposed amendment, may be incorporated within the document, or submitted via a separate memorandum of explanation. Any notes incorporated within the document shall be easily distinguishable from the proposed revisions.
- C) If the proposed amendment comprises of a Zoning Map Amendment, the submission shall also include all applicable materials specified in Section 2605.02.

2604.03 Any additional materials that may be required by the Delaware County Regional Planning Commission for their statutorily required review.

2604.04 Any other applicable documentation, studies, plans, and/or exhibits necessary to demonstrate compliance, concepts, and/or address concerns related to the request.

2604.05 One (1) optical disc, Universal Serial Bus (USB) flash drive, or other similar type of readable storage device, containing the materials listed in Sections 2604.01 – 2604.04 in Portable Document Format (.PDF) and/or another similar type of widely-utilized, non-proprietary digital format approved by the Zoning Inspector or their designee. A new digital copy will be required with each submitted revision.

2604.06 A fee(s) as may be established by the Township Trustees in a fee schedule.

2604.07 A response to comments letter shall be provided with each submitted revision to identify and explain all the revisions made to the submission, and to identify how any comments or concerns raised by staff, the Zoning Commission, the Township Trustees, other agencies, and/or the general public have been addressed.

## 2604.08 Number of Copies:

- A) Ten (10) copies of the items listed herein, divided into sets, shall be provided when the proposal is submitted to the Zoning Commission for review unless otherwise noted.
- B) Six (6) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Township Trustees for their consideration unless otherwise noted.
- C) The Zoning Inspector, or their designee, is authorized to revise the number of required copies as necessary for administrative purposes.

**Section 2605: Submission Requirements for Map Amendments – Straight Zoning Districts**

2605.01 Application –A fully completed, signed, and dated application which shall include, at minimum, the following information:

- A) The address(es) and Parcel Identification Number(s) (PIN) of the affected Lot(s);
- B) The name(s), address(es), and contact information of the property owner(s) of record, as listed on the tax list of the Delaware County Auditor at the time of submission;
- C) The name(s), address(es), and contact information of the applicant(s) of record, if different than that of the property owner;

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 26: AMENDMENTS

- D) The name(s), address(es), and contact information of any engineers, architect(s), attorneys, and/or consultants of record, if any.
  - E) Exact, total acreage of the Lot(s);
  - F) The present Use(s) of the subject Lot(s);
  - G) The present Zoning District(s) comprising the subject Lot(s);
  - H) Proposed Zoning District(s) for the subject Lot(s);
  - I) Any additional information which may be requested on the official application form.
- 2605.02 Documentation:
- A) A legal description of the Lot(s);
  - B) A complete list of all Parcel Identification Number(s) (PIN);
  - C) A drawn to-scale Vicinity Map with a north arrow, on a sheet of paper no larger than 11" x 17", illustrating the size and location of the proposed Rezoning, existing Lot Lines, acreage, Parcel Identification Number(s) (PIN), existing streets, existing Structures and Signs on or within five hundred (500) feet of the property's boundary, existing Zoning District classifications and boundaries, and other such items;
  - D) If the applicant is not the current property owner of record, a letter from the property owner(s) authorizing the applicant to submit the subject application on their behalf and/or proof that the applicant has a legal interest in the property in the form of an executed sales agreement, option, transfer, or other similar type of legal instrument.
  - E) A list of all property owners within five hundred (500) feet of, Contiguous to, and directly across the street from the Lot(s), and others that may have a legitimate, legal interest in the case, as they appear on the tax list of the Delaware County Auditor at the time of submission.
    - 1) The applicant shall provide one (1) set of pre-addressed, stamped business-size envelopes with postage sufficient to send a notice via first-class mail for each property owner listed.
    - 2) A second set of envelopes shall be provided for the Township Trustees' hearing once the Zoning Commission has voted on their recommendation.
- 2605.03 Any additional materials that may be required by the Delaware County Regional Planning Commission for their statutorily required review.
- 2605.04 Any other applicable documentation, studies, plans, and/or exhibits necessary to demonstrate compliance, concepts, and/or address concerns related to the request.
- 2605.05 One (1) optical disc, Universal Serial Bus (USB) flash drive, or other similar type of readable storage device, containing the materials listed in Sections 2605.01 – 2605.04 in Portable Document Format (.PDF) and/or another similar type of widely-utilized, non-proprietary digital format approved by the Zoning Inspector or their designee. A new digital copy will be required with each submitted revision.
- 2605.06 A fee(s) as may be established by the Township Trustees in a fee schedule.
- 2605.07 A response to comments letter shall be provided with each submitted revision to identify and explain all the revisions made to the submission, and to identify how any comments or concerns raised by staff, the Zoning Commission, the Township Trustees, other agencies, and/or the general public have been addressed.
- 2605.08 Number of Copies:
- A) Ten (10) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Zoning Commission for review unless otherwise noted.

- B) Six (6) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Township Trustees for their consideration unless otherwise noted.
- C) The Zoning Inspector, or their designee, is authorized to revise the number of required copies as necessary for administrative purposes.

**Section 2606: Procedure for Amendments**

- 2606.01 In addition to any other procedures set out in this Resolution, all applications for amendments specified within Section 2601.02 shall follow the procedures herein and ORC 519.12, as may be amended.
- 2606.02 Within five (5) days after initiation pursuant to Section 2603, the Zoning Inspector or their designee shall transmit a copy of the amendment and all associated materials to the Delaware County Regional Planning Commission for a review as required by statute. The Delaware County Regional Planning Commission shall recommend the approval, denial, or modification of the amendment to the Zoning Commission. Such a recommendation shall be presented during the public hearing held by the Zoning Commission.
- 2606.03 In the event that a proposed amendment significantly affects, and/or is located adjacent to, another political jurisdiction, an additional copy of the amendment shall be provided and forwarded to the Chair of the planning commission or the zoning commission of that jurisdiction. Any comments provided by the adjoining jurisdiction shall be presented during the public hearing of the Zoning Commission.
- 2606.04 Reserved.
- 2606.05 The Zoning Commission shall schedule a public hearing upon initiation of an amendment in accordance with Section 2603. Said hearing shall not be less than twenty (20) nor, unless permitted by the initiator/applicant, more than forty (40) days from the filing of such application.
- 2606.06 Before the required public hearing, notice shall be given by the Zoning Inspector or their designee by any means authorized by the Ohio Revised Code (ORC). This notice shall set forth the time and place of the public hearing, the nature of the amendment, and a statement that after the conclusion of such public hearing, the matter will be referred to the Township Trustees for final consideration.
- 2606.07 If the proposed amendment intends to Rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Inspector or their designee by first class mail using pre-addressed, business-size envelopes provided by the initiator/applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from such area proposed to be Rezoned or redistricted, to the address of such owners appearing on the County Auditor's current tax list. The failure to deliver the notice, as provided in this Section, shall not invalidate any amendment. This notice shall set forth the time and place of the public hearing, the nature of the amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for final consideration.
- 2606.08 The Zoning Commission may continue a public hearing to a future meeting with the consent of the initiator/applicant. If said hearing is continued to a date, time, and place certain, re-advertisement of the hearing is not required, otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2606.06 and 2606.07.
- 2606.09 Revisions and/or supplemental materials shall be due on a date and time determined by the Zoning Commission and/or in accordance with a pre-determined schedule as authorized in Section 2602.02.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 26: AMENDMENTS

- 2606.10 Within thirty (30) days of the conclusion of the public hearing, the Zoning Commission shall:
- A) Vote, based upon findings of fact, to recommend approval or denial of the amendment, and subsequently submit said recommendation together with the application and all associated materials to the Township Trustees for their consideration.
  - B) Be allowed to take more than thirty (30) days to make their recommendations with the initiator's/applicant's consent.
- 2606.11 Following the recommendation(s) of the Zoning Commission, the Zoning Inspector, or their designee, shall forward the Commission's recommendation(s) and reasons for said recommendation(s) to the Township Trustees.
- 2606.12 The Township Trustees shall acknowledge receipt of the Zoning Commission's recommendation(s) via resolution, and shall schedule a public hearing date for the application, at the first regularly scheduled Township Trustee meeting to occur following the Zoning Commission's vote unless: said meeting is canceled, a special meeting is scheduled within the required thirty (30) day timeframe by the Township Trustees, or the initiator/applicant requests and is granted otherwise a continuance by the Township Trustees, in which case such action shall take place at the next subsequent regular or special meeting of the Township Trustees. Unless otherwise authorized on the record by the initiator/applicant, the date of said hearing shall be not more than thirty (30) days from the Township Trustees' receipt and acknowledgment of the recommendation from the Zoning Commission.
- 2606.13 Notice of the required public hearing shall be given by the Zoning Inspector or their designee by any means authorized by the ORC. Said notice shall be published at least ten (10) days before the date of the required hearing. This notice shall set forth the time and place of the public hearing and the nature of the application.
- 2606.14 If the proposed amendment intends to Rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Inspector or their designee, by first class mail using pre-addressed, business-size envelopes provided by the initiator/applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from such area proposed to be Rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate any amendment. This notice shall set forth the time and place of the public hearing and the nature of the amendment.
- 2606.15 The Township Trustees may continue a public hearing to a future meeting with the consent of the initiator/applicant. If said hearing is continued to a date, time, and place certain, re-advertisement of the hearing is not required, otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2606.13 and 2606.14.
- 2606.16 Revisions and/or supplemental materials shall be due on a date and time determined by the Township Trustees and/or in accordance with a pre-determined schedule as authorized in Section 2602.02.
- 2606.17 Within twenty (20) days of the conclusion of the public hearing, the Township Trustees shall:
- A) Vote, based upon the findings of fact, to: approve, approve with modifications, or deny the amendment. Said vote is subject to referendum pursuant to Section 3519.01 of the ORC, as may be amended.
  - B) Be allowed to take more than twenty (20) days to render their decisions with the initiator's/applicant's consent.

- 2606.18 An amendment adopted by the Township Trustees shall become effective thirty (30) days after the date of such adoption unless, within thirty (30) days after the adoption of said amendment, there is presented to the Township Trustees a referendum petition, in accordance with ORC 3519.01, requesting the Township Trustees submit said amendment to the electors of such area, for approval or rejection, at the next primary or general election.
- 2606.19 No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of said amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.
- 2606.20 An amendment, upon becoming effective, shall be permanent unless a subsequent amendment is initiated and approved in accordance with the terms of this Zoning Resolution and ORC 519.12. Under no circumstance shall an approved and effective amendment be required to seek renewal or re-approval.
- 2606.21 Once an amendment has become effective, the Zoning Inspector or their designee shall update the Genoa Township Zoning Resolution and/or Zoning Map accordingly.

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**ZC 2024-05**

**Initiated 11/12/2024**

**GENOA TOWNSHIP ZONING RESOLUTION**

**ARTICLE 26: AMENDMENTS**

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## ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES

### Section 2701: General Requirements

- 2701.01 Unless otherwise specified within this Zoning Resolution, Planned Developments shall require a two-step zoning review process. Each step shall be considered independent from one another and shall not run concurrently unless otherwise provided for herein.
- A) The first step shall consist of the filing of a Zoning Map Amendment application to re-zone a Tract to the desired Planned Development District in accordance with Sections 2702, 2703, and 2704 of this Zoning Resolution, as well as ORC 519.12, as may be amended. Said application shall also include a Preliminary Development Plan.
  - B) The second step shall consist of the filing of a Final Development Plan application in accordance with Sections 2705 and 2706 of this Zoning Resolution.
  - C) Revisions to an approved Final Development Plan may require approval of a Final Development Plan Amendment in accordance with Sections 2710, 2711, and 2712 of this Zoning Resolution.
- 2701.02 All submissions shall be delivered to the Zoning Inspector or their designee for administrative review, public advertisement, and distribution.
- 2701.03 The Zoning Commission and/or Township Trustees may adopt a pre-determined and publicly available zoning application and meeting schedule to be administered by the Zoning Inspector or their designee in order to establish predictable dates for all parties and the public at large.
- 2701.04 The Chair of the Zoning Commission or the Chair of the Township Trustees may each reject a submission to their respective entity if the submission is found to be missing required components further detailed herein; otherwise known as being administratively incomplete. Should the Chair reject a submission due to administrative incompleteness; written notification, via certified letter or e-mail, shall be sent to the applicant of record within five (5) days of receipt of the original submission. The decision to reject a submission may be overruled by a majority vote of the remaining members of the applicable entity. Such deliberation shall only be held upon request of the applicant of the submission that was rejected and shall take place in a public meeting.
- 2701.05 The Chair of the Zoning Commission or the Chair of the Township Trustees each reserve the right to determine that an application to their respective entity will be heard during a special meeting as opposed to a regularly scheduled meeting so long as said meeting is scheduled and advertised in accordance with any applicable provisions of this Zoning Resolution and ORC 519.12.
- 2701.06 The Chair of the Zoning Commission or the Chair of the Township Trustees shall each determine the Planned Development public hearing agendas for their respective entities in accordance with any established bylaws for their group. Each application shall be scheduled in the order in which they are received; however, each Chair reserves the right to, at their discretion, revise said order.
- 2701.07 If an excessive number of applications are received for any given meeting, as determined by the Chair of the group hearing the application, said Chair reserves the right to postpone the hearing of an application for their respective entity so long as the postponed meeting is scheduled and advertised in accordance with any applicable provisions of this Zoning Resolution and ORC 519.12.
- 2701.08 Due process rights guaranteed to an applicant by this Zoning Resolution, ORC 519.12, and/or any other applicable law or provision may be waived by the applicant via written consent delivered to the Zoning Inspector, or their designee.
- A) Applicants may request a continuance of their application to a date, time, and place certain at any point during the Township's review process. Such a request shall be submitted in writing at any time or made verbally during the public hearing for said application. Applications continued to a date, time, and place certain do not have to be re-advertised in the newspaper as otherwise specified herein. Similarly, notices do not have to be re-mailed to neighboring property owners as otherwise specified herein.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES

- B) Applicants may request a tabling of their application to an uncertain date, time, and/or place at any time during the Township's review process. Such a request shall be submitted in writing at any time or made verbally during the public hearing for said application. Applications that are tabled to an uncertain date, time, and/or place shall be re-advertised in the newspaper in accordance with the applicable provisions herein. Similarly, new notices shall also be mailed to neighboring property owners in accordance with the applicable provisions herein.
- 1) In order to un-table an application, a request to do so must be made by the applicant and delivered to the Zoning Inspector.
  - 2) A fee in accordance with an adopted fee schedule may be charged to un-table an application.
  - 3) The hearing for an un-tabled application may be scheduled in accordance with a pre-determined zoning application and meeting schedule as detailed in Section 2701.03.
  - 4) An application shall be tabled for no longer than one (1) year measured from the date the motion to table the application was originally passed. If an application is not un-tabled or withdrawn pursuant to the provisions herein by the end of said year, the entity considering the application (Zoning Commission or Township Trustees) may un-table the application at any time. Subsequently, at the next available and properly noticed hearing date, said entity in its discretion may recommend denial or, if permitted, deny said application.
- C) Applicants wishing to withdraw their application shall submit their request in writing to the Zoning Inspector. Upon receipt, the Zoning Inspector or their designee shall inform the Zoning Commission and/or Township Trustees that the application has been withdrawn. Refunding of fees shall only be permitted in accordance with a separate schedule of fees adopted by the Township Trustees.

**Section 2702: Pre-Application Process for Planned Residential Districts (PRD)**

2702.01 The following sequence of actions herein prescribed shall be followed solely when applying for a change in zoning to the Planned Residential District (PRD) classification. These steps should be followed sequentially.

- A) Pre-application Discussion. A pre-application discussion is required between the potential applicant and administrative staff. The purpose of this meeting is to introduce the applicant and their representatives to Township policies, regulations, procedures, and conservation concepts, and to discuss the potential applicant's intentions. A representative of the Zoning Commission may attend such meeting; however, in no instance shall a quorum of the Zoning Commission be present.
- B) On-Site Walkabout. A potential applicant may request to walk a tract with the Zoning Commission prior to applying for development plan approval so that the Zoning Commission may familiarize themselves with the property and so that the potential applicant may be provided feedback as part of their planning process.
- 1) Requests for an on-site walkabout shall be submitted to the Zoning Inspector in writing. On-site walkabout requests and meetings shall be subject to Section 2701.03.
  - 2) The potential applicant is not required to provide any plans or materials before or during the on-site walkabout. In order to maximize the benefit of the meeting, potential applicants are encouraged to disclose their desired concept to the greatest degree of specificity possible, as well as the location of Primary and Secondary Conservation Areas on the Tract.
  - 3) The Zoning Commission may provide non-binding comments and/or concerns during the on-site walkabout.
  - 4) The Zoning Commission shall not approve or pre-approve any potential proposal, or component thereof, during the on-site walkabout.

**ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES**

- 5) The On-Site Walkabout shall be noticed in the same manner as a special meeting, open to the public, and shall be documented in the form of official minutes even if a quorum of the Zoning Commission is not present.

**Section 2703: Zoning Map Amendment and Preliminary Development Plan Submission Requirements**

- 2703.01 Application –A fully completed, signed, and dated application which shall include, at minimum, the following information:
- A) The address(es) and Parcel Identification Number(s) (PIN) of the affected Lot(s) within the Tract;
  - B) The name(s), address(es), and contact information of the property owner(s) of record, as listed on the tax list of the Delaware County Auditor at the time of submission;
  - C) The name(s), address(es), and contact information of the applicant(s) of record, if different than that of the property owner;
  - D) The name(s), address(es), and contact information of any engineers, architect(s), attorneys, and/or consultants of record, if any.
  - E) Exact acreage of the Tract;
  - F) The present Use(s) of the subject Tract;
  - G) The present Zoning District(s) comprising the subject Tract;
  - H) Proposed Use(s) for the subject Tract;
  - I) Proposed Zoning District(s) for the subject Tract;
  - J) Proposed unit count and Density of the Planned Development, if applicable.
  - K) Any additional information which may be requested on the official application form.
- 2703.02 Documentation and Studies:
- A) A legal description of the Tract;
  - B) A complete list of all Parcel Identification Number(s) (PIN) within the Tract;
  - C) A Vicinity Map, on a sheet of paper no larger than 11" x 17", illustrating the size and location of the proposed Planned Development, existing Lot Lines, acreage, Parcel Identification Number(s) (PIN), existing streets, existing Structures and Signs on or within five hundred (500) feet of the property's boundary, existing Zoning District classifications and boundaries, and other such items;
  - D) If the applicant is not the current property owner of record, a letter from the property owner(s) authorizing the applicant to submit the subject application on their behalf and/or proof that the applicant has a legal interest in the property in the form of an executed sales agreement, option, transfer, or other similar type of legal instrument.
  - E) Letters from public utility providers confirming the availability of services;
  - F) A traffic study, analysis, or memo, as required by Delaware County, examining the impact of the development on existing infrastructure, modifications required to handle the increased traffic, and the mechanism(s) proposed to complete the necessary improvements. Genoa Township reserves the right to request a traffic study, analysis, or memo during its review of the application even if one is not required by Delaware County;
  - G) Any other materials proving that all other required permits, licenses, or approvals issued by a non-Township entity have been obtained, if applicable.

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- H) A list of all property owners within five hundred (500) feet of, Contiguous to, and directly across the street from, the Tract, and others that may have a legitimate, legal interest in the case, as they appear on the tax list of the Delaware County Auditor at the time of submission.
  - 1) The applicant shall provide one (1) set of pre-addressed, stamped business-size envelopes with postage sufficient to send a notice via first-class mail for each property owner listed.
  - 2) A second set of envelopes shall be provided for the Township Trustees' hearing once the Zoning Commission has voted on their recommendation.
- 2703.03 Zoning Map Amendment/Preliminary Development Plan Text – A written document containing the following:
  - A) A narrative describing the proposed Zoning Map Amendment and Planned Development, including all the information listed in Section 2703.01, as well as:
    - 1) The relationship and compatibility of the proposed Planned Development to existing and probable Uses of surrounding areas during the development timetable;
    - 2) The proposed, non-binding time schedule for the development of the site including Streets, Buildings, utilities, and other facilities;
      - a) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first shall be fully described to provide township officials guidelines for approval of future phases.
  - B) A review of the requested Planned Development District requirements and other applicable portions of the Zoning Resolution, including, but not necessarily limited to: Article 16 (General Standards), Article 17 (Conditional and Special Use Standards), Article 18 (Sign Standards), Article 19 (Parking Standards), Article 20 (Landscaping Standards), and Article 21 (Lighting Standards); with detailed responses explaining how the proposal complies with each standard;
  - C) Calculations demonstrating compliance with any required Density or Open Space provisions for the Planned Development.
  - D) Limitations and controls being established to regulate the development, Uses, Open Space management, and architecture. The text shall specify any controls which are to be administered by a private organization;
  - E) A specific list of all Divergences being requested, if any. Said list shall be itemized in numerical order and shall cite the specific section number(s) of the Zoning Resolution from which relief is desired, the verbatim requirement of said section, what is being proposed in lieu of said requirement, and the applicant's justification for said request, citing the standards found within Section 2707;
  - F) A review of the Genoa Township Comprehensive Plan with a detailed analysis of how the proposal adheres to the recommendations of said Plan. Should the proposal deviate from, or be inconsistent with, the Plan, an explanation as to why such a deviation is warranted shall be provided. Deviations from the Comprehensive Plan shall not be considered Divergences as defined within this Resolution and shall not be subject to the provisions of Section 2707;
  - G) The following statement(s):
    - 1) "This Preliminary Development Plan shall be subject to the provisions of Section 2704.18 – 2704.23 of the Genoa Township Zoning Resolution, as may be amended."
  - I) Any other pertinent information.

**ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES**

2703.04 Zoning Map Amendment/Preliminary Development Plan Drawings – The Zoning Map Amendment/Preliminary Development Plan set of drawings shall visually demonstrate compliance with the Zoning Resolution and shall include the drawings listed below on both 11" x 17" (or smaller) and 24" x 36" sheets of paper. All drawings shall include a north arrow. In addition, 24" x 36" drawings shall be drawn to-scale with a scale for reference provided. Two or more drawings may be combined into a single sheet so long as the features and information on said drawing are legible and discernible from one another. Phasing lines, if proposed, shall appear on each applicable drawing, all regulated dimensions shall be labeled with measurements, and a legend shall be provided identifying the meaning of any shapes, symbols, line types, colors, etc. appearing on the drawing. The following shall be required as part of a formal submittal:

- A) An Existing Features Plan-drawing which illustrates the following items within the Tract unless otherwise specified:
  - 1) Tract boundaries and acreage;
  - 2) Contours based upon the most recent U.S. Geological Survey;
  - 3) Primary Conservation Areas and Secondary Conservation Areas;
  - 4) Soil boundaries as shown on USDA Natural Resource Conservation Service maps;
  - 5) Streams, wetlands, and other similar types of natural water features on the Tract or within five hundred (500) feet of the Tract;
  - 6) Schools, parks, and other community facilities on the Tract or within five hundred (500) feet of the Tract;
  - 7) Historic and/or cultural features on the Tract or within five hundred (500) feet of the Tract;
  - 8) Buildings, Structures, or Signs on the Tract or within five hundred (500) feet of the Tract;
  - 9) Thoroughfares and/or rail tracks on the Tract or within five hundred (500) feet of the Tract;
  - 10) Sidewalks, Multi-Use Paths, or Trails on the Tract or within five hundred (500) feet of the Tract;
  - 11) Right-of-Ways and/or easements on the Tract or adjacent to the Tract; and
  - 12) An aerial photograph with USGS contours of the Tract and immediately surrounding area.
- B) A tree inventory plan-drawing identifying the locations, size, and type of each existing tree, 3 inches or larger in caliper, on the Tract and whether said tree will be preserved or removed as a result of the Planned Development;
- C) A grading plan-drawing illustrating conceptual grades, elevations, and stormwater management facilities; pending approval by Delaware County;
- D) A general site plan-drawing that clearly illustrates:
  - 1) The boundaries and Frontage(s) of the Tract;
  - 2) Conceptual location, dimensions, and sizes of all proposed Lots.
  - 3) All Setbacks, buffers, and conservation areas;
  - 4) The locations, dimensions, and, if applicable, intended Uses, of all proposed Buildings, and/or Structures;
  - 5) The locations and dimensions of all proposed Signs, parking lots, pavement markings, landscape areas, Open Spaces, pedestrian/bicycle amenities, stormwater management facilities, and other such site improvements;
  - 6) Clearly illustrated and labeled phasing lines, if applicable; and

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- 7) A table comparing applicable zoning requirements, including Density, to those which are proposed.
    - a) Calculations supporting the data in the table shall be provided.
    - b) Phased developments shall contain a column for each phase as well as for the development as a whole; and
  - 8) A list of all requested Divergences.
  - E) A utility plan-drawing illustrating the preliminary locations of all utilities and easements;
  - F) A lighting plan-drawing illustrating the preliminary locations of all proposed light fixtures, both freestanding and those mounted to a Building, Structure, or Sign;
  - G) A signage plan-drawing illustrating all potential Sign locations and conceptual designs;
  - H) An Open Space plan-drawing clearly identifying all areas to be designated as Common Open Space or Improved Common Open Space;
  - I) A landscape plan-drawing illustrating the general locations of all proposed plantings, buffers, and conservation areas;
  - J) A traffic control plan-drawing illustrating conceptual access points, traffic patterns, and controls; pending approval by Delaware County;
  - K) A pedestrian/bicycle circulation plan-drawing illustrating any proposed pedestrian/bicycle amenities, easements, and/or facilities, including: Sidewalks, Multi-Use Paths, Trails, and the like; and
  - L) An architecture plan-drawing illustrating all conceptual building designs.
- 2703.05 Any preliminary deed restrictions or covenants that may be part of the proposal.
- 2703.06 Any additional materials that may be required by the Delaware County Regional Planning Commission for their statutorily required review.
- 2703.07 Any other applicable documentation, studies, plans, and/or exhibits necessary to demonstrate compliance, concepts, and/or to address concerns related to the request.
- 2703.08 One (1) optical disc, Universal Serial Bus (USB) flash drive, or other similar type of readable storage device, containing the materials listed in Sections 2703.01 – 2703.07 in Portable Document Format (.PDF) and/or another similar type of widely-utilized, non-proprietary digital format approved by the Zoning Inspector or their designee. A new digital copy will be required with each submitted revision.
- 2703.09 A fee(s) as may be established by the Township Trustees in a fee schedule.
- 2703.10 A response to comments letter shall be provided with each submitted revision to identify and explain all the revisions made to the submission, and to identify how any comments or concerns raised by staff, the Zoning Commission, the Township Trustees, other agencies, and/or the general public have been addressed.
- 2703.11 Number of Copies:
- A) Ten (10) copies of the items listed herein, divided into sets, shall be provided when the proposal is submitted to the Zoning Commission for review unless otherwise noted.
  - B) Six (6) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Township Trustees for their consideration unless otherwise noted.
  - C) The Zoning Inspector, or their designee, is authorized to revise the number of required copies, as necessary, for administrative purposes.

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- 2703.12 The Township reserves the right to request additional information or materials as well as the right to request revisions of submittal materials for the purposes of demonstrating compliance, correction, accuracy, transparency, clarification, documentation, cross-referencing, administration, and/or enforcement,

**Section 2704: Zoning Map Amendment and Preliminary Development Plan Procedure**

- 2704.01 In addition to any other procedures set out in this Resolution, all applications for amendments to the Zoning Map to Rezone a Lot or Tract to a Planned Development Zoning District, including the Preliminary Development Plan, shall follow the procedures herein and ORC 519.12, as may be amended.
- 2704.02 Within five (5) days after the filing of a complete application, by at least one (1) owner or designee, the Zoning Inspector or their designee shall transmit a copy of such application and all associated materials to the Delaware County Regional Planning Commission for a review as required by statute. The Delaware County Regional Planning Commission shall recommend the approval, denial, or modification of the application to the Zoning Commission. Such a recommendation shall be presented during the public hearing held by the Zoning Commission.
- 2704.03 In the event that a proposed Zoning Map Amendment and Preliminary Development Plan are located adjacent to another political jurisdiction, an additional copy of the application shall be provided and forwarded to that jurisdiction. Any comments provided by the adjoining jurisdiction shall be presented during the public hearing of the Zoning Commission.
- 2704.04 Reserved.
- 2704.05 The Zoning Commission shall schedule a public hearing upon the filing of an application for a Zoning Map Amendment and Preliminary Development Plan. Said hearing shall not be less than twenty (20) nor, unless permitted by the applicant, more than forty (40) days from the filing of such application.
- 2704.06 Before the required public hearing, notice shall be given by the Zoning Inspector or their designee by any means authorized by the Ohio Revised Code (ORC). This notice shall set forth the time and place of the public hearing, the nature of the application, and a statement that after the conclusion of such public hearing, the matter will be referred to the Township Trustees for final consideration.
- 2704.07 If the proposed Zoning Map Amendment intends to Rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Inspector or their designee by first class mail using pre-addressed, business-size envelopes provided by the applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from such area proposed to be Rezoned or redistricted, to the address of such owners appearing on the County Auditor's current tax list. The failure to deliver the notice, as provided in this Section, shall not invalidate any application. This notice shall set forth the time and place of the public hearing, the nature of the application, and a statement that after the conclusion of such public hearing, the matter will be referred to the Township Trustees for final consideration.
- 2704.08 The Zoning Commission may continue a public hearing to a future meeting with the consent of the applicant. If said hearing is continued to a date, time, and place certain, re-advertisement of the hearing is not required. Otherwise, once a new meeting date, time, and place is determined, the advertisement shall occur again in accordance with Sections 2704.06 and 2704.07.
- 2704.09 Revisions and/or supplemental materials shall be due on a date and time determined by the Zoning Commission and/or in accordance with a pre-determined schedule as authorized in Section 2701.03.
- 2704.10 Within thirty (30) days of the conclusion of the public hearing, the Zoning Commission shall:
- A) Vote, based upon findings of fact, to recommend approval or denial of the Zoning Map Amendment, including any applicable Divergences; and subsequently submit said

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## ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES

recommendation together with the application and all associated materials to the Township Trustees for their consideration; and

- B) In a separate motion, vote to recommend approval or denial of the Preliminary Development Plan, including any applicable Divergences and/or conditions; and subsequently submit said recommendation together with the application and all associated materials to the Township Trustees for their consideration.
  - C) Be allowed to take more than thirty (30) days to make their recommendations with the applicant's consent.
- 2704.11 Following the recommendation(s) of the Zoning Commission, the Zoning Inspector, or their designee, shall forward the Commission's recommendation(s) and reasons for said recommendation(s) to the Township Trustees.
- 2704.12 The Township Trustees shall acknowledge receipt of the Zoning Commission's recommendation(s) via resolution, and shall schedule a public hearing date for the application, at the first regularly scheduled Township Trustee meeting to occur following the Zoning Commission's vote unless: said meeting is canceled, a special meeting is scheduled within the required thirty (30) day timeframe by the Township Trustees, or the initiator/applicant requests and is granted otherwise a continuance by the Township Trustees, in which case such action shall take place at the next subsequent regular or special meeting of the Township Trustees. Unless otherwise authorized on the record by the initiator/applicant, the date of said hearing shall be not more than thirty (30) days from the Township Trustees' receipt and acknowledgment of the recommendation from the Zoning Commission.
- 2704.13 Notice of the required public hearing shall be given by the Zoning Inspector or their designee by any means authorized by the ORC. Said notice shall be published at least ten (10) days before the date of the required hearing. This notice shall set forth the time and place of the public hearing and the nature of the application.
- 2704.14 If the proposed amendment intends to Rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Inspector or their designee, by first class mail using pre-addressed, business-size envelopes provided by the applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from such area proposed to be Rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate the application. This notice shall set forth the time and place of the public hearing and the nature of the application.
- 2704.15 The Township Trustees may continue a public hearing to a future meeting with the consent of the applicant. If said hearing is continued to a date, time, and place certain, re-advertisement of the hearing is not required. Otherwise, once a new meeting date, time, and place is determined, the advertisement shall occur again in accordance with Sections 2704.13 and 2704.14.
- 2704.16 Revisions and/or supplemental materials shall be due on a date and time determined by the Township Trustees and/or in accordance with a pre-determined schedule as authorized in Section 2701.03.
- 2704.17 Within twenty (20) days of the conclusion of the public hearing, the Township Trustees shall:
- A) Vote, based upon the findings of fact, to: approve, approve with modifications, or deny the Zoning Map Amendment, including any applicable Divergences. Said vote is subject to referendum pursuant to Section 3519.01 of the ORC, as may be amended.
  - B) In a separate, non-binding resolution, vote, based upon the findings of fact, to: approve, approve with modifications, or deny the Preliminary Development Plan, including any applicable Divergences and/or conditions.

**ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES**

- C) Be allowed to take more than twenty (20) days to render their decisions with the applicant's consent.
- 2704.18 A Zoning Map amendment adopted by the Township Trustees shall become effective thirty (30) days after the date of such adoption unless, within thirty (30) days after the adoption of said amendment, there is presented to the Township Trustees a referendum petition, in accordance with ORC 3519.01, requesting the Township Trustees submit said amendment to the electors of such area, for approval or rejection, at the next primary or general election. Approval of a Preliminary Development Plan, being an administrative action, shall not be subject to referendum.
- 2704.19 No Zoning Map amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of said amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.
- 2704.20 A Zoning Map amendment, upon becoming effective, shall be permanent, regardless of the status of the coinciding Preliminary Development Plan, future Final Development Plan, future Final Development Plan Amendments, and/or Subdivision plat, unless a subsequent Zoning Map amendment for the subject Tract is applied for and approved in accordance with the terms of this Zoning Resolution and ORC 519.12. Under no circumstance shall an approved and effective Zoning Map amendment be required to seek renewal or re-approval.
- 2704.21 Once a Zoning Map amendment has become effective, the Zoning Inspector or their designee shall update the Genoa Township Zoning Map accordingly.
- 2704.22 An approved Preliminary Development Plan shall be valid for three (3) years from the date of approval by the Township Trustees so long as its coinciding Zoning Map amendment approval is not overturned via referendum. Should a Final Development Plan for the subject development not be issued, or at least applied for and actively pending decision, within the aforementioned three (3) year time period, or should the coinciding Zoning Map Amendment approval be overturned via referendum, the Preliminary Development Plan approval shall be considered null and void unless an extension is requested and approved pursuant to the provisions herein. The Township Trustees shall retain the right to expressly extend the aforementioned deadline at their discretion and without a Divergence request. Such an extension shall be expressly stated and documented in their motion of adoption.
- A) Final Development Plan submission shall not be permitted for any Tract whose Preliminary Development Plan approval has become null and void.
- B) Should a Preliminary Development Plan approval become null and void due to time expiration, a new Preliminary Development Plan approval shall be applied for and obtained in accordance with the terms of this Zoning Resolution, prior to application for the required Final Development Plan.
- C) Should the Final Development application be withdrawn or denied after the period of validity set forth herein for the Preliminary Development Plan has expired, the Preliminary Development Plan approval shall similarly become null and void.
- D) Should a Preliminary Development Plan approval become null and void due to the coinciding Zoning Map amendment approval being overturned via referendum, new Zoning Map amendment and Preliminary Development Plan approvals shall be applied for and obtained, in accordance with the terms of this Zoning Resolution and ORC 519.12, prior to application for the required Final Development Plan. The subject application shall be required to comply with the Zoning Resolution in effect at the time it is filed with the exception of any previously granted Divergences which shall be subject to Section 2707.06 herein.
- E) The Township Trustees shall also retain the right to extend the aforementioned deadline, post-approval but within the period of validity established herein, at their discretion and without

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## ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES

Divergence request or public hearing provided that the Trustees find that such extension is not in conflict with the public interest.

- 1) Such a request shall be submitted in writing to the Zoning Inspector by a party having standing no later than fourteen (14) days prior to expiration.
- 2) A request for an extension shall not incorporate any revisions or amendments to the Preliminary Development Plan.
- 3) The request for an extension shall be for no more than twelve (12) months from the date the Preliminary Development Plan expires. There shall be no limit on the number of such extension requests, however, the cumulative number of months a Preliminary Development Plan may be extended shall not exceed twelve (12) months at which point such plan shall no longer be eligible for an extension and becomes null and void.
- 4) A properly submitted request shall be considered at the next regularly scheduled Trustees meeting. A special meeting may also be scheduled for this purpose. The foregoing shall not preclude the Trustees from continuing the topic to a subsequent meeting(s), however, a final decision on the matter shall be made within forty-five (45) days of receipt of the written request by the township.
  - a) Should the Preliminary Development Plan expire within the forty-five (45) day window a stay on the expiration shall be presumed until a decision is rendered. Should Final Development Plan approval be obtained during this time period, the terms of Section 2704.22 shall be considered satisfied and the request for an extension shall subsequently become moot and no longer necessary.
  - b) Should a decision not be rendered within forty-five (45) days of receipt of the written request by the township, the request shall be deemed approved, however, such approval shall still be subject to the restrictions set forth in Section 2704.22.E.3 herein.
- 5) The following guidelines shall be reviewed and taken into consideration by the Township Trustees when rendering a decision on an extension request:
  - a) Whether amendment(s) to the Zoning Resolution and/or Zoning Map have since been enacted which render the Preliminary Development Plan substantially non-compliant with either of the aforementioned documents.
  - b) Whether there has been a significant change to the character of the area where the Preliminary Development Plan is located.
  - c) Whether the extension would significantly affect traffic within the immediate area where the Preliminary Development Plan is located in an adverse manner.
  - d) Whether the extension would significantly affect the delivery of public utilities and/or services in the immediate area where the Preliminary Development Plan is located in an adverse manner.
  - e) Whether the extension would adversely affect the public health, safety, and/or general welfare of Genoa Township.
  - f) Whether the extension would be expressly inconsistent with the recommendations of the Genoa Township Comprehensive Plan currently in effect, subject to the provisions of Section 108 of this Resolution.

2704.23 A Final Development Plan shall not be applied for until the required Zoning Map Amendment has become effective pursuant to Sections 2704.18 – 2704.22.

**ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES****Section 2705: Final Development Plan Submission Requirements**

- 2705.01 Application –A fully completed, signed, and dated application which shall include, at minimum, the following information:
- A) The address(es) and Parcel Identification Number(s) (PIN) of the Tract;
  - B) The name(s), address(es), and contact information of the property owner(s) of record, as listed on the tax list of the Delaware County Auditor at the time of submission;
  - C) The name(s), address(es), and contact information of the applicant(s) of record, if different than that of the property owner;
  - D) The name(s), address(es), and contact information of any engineers, architect(s), attorneys, and/or consultants of record, if any.
  - E) Exact acreage of the Tract;
  - F) The present Use(s) of the subject Tract;
  - G) The Zoning District(s) comprising the subject Tract;
  - H) Proposed Use(s) for the subject Tract;
  - I) Proposed unit count and Density of the Planned Development, if applicable.
  - J) Any additional information which may be requested on the official application form.
- 2705.02 Documentation and Studies:
- A) A legal description of the Tract;
  - B) A complete list of all Parcel Identification Number(s) (PIN) within the Tract;
  - C) A Vicinity Map, on a sheet of paper no larger than 11" x 17", illustrating the size and location of the proposed Planned Development, existing Lot Lines, acreage, Parcel Identification Number(s) (PIN), existing streets, existing Structures and Signs on or within five hundred (500) feet of the property's boundary, existing Zoning District classifications and boundaries, and other such items;
  - D) If the applicant is not the current property owner of record, a letter from the property owner(s) authorizing the applicant to submit the subject application on their behalf and/or proof that the applicant has a legal interest in the property in the form of an executed sales agreement, option, transfer, or other similar type of legal instrument.
  - E) Letters from public utility providers confirming the availability of services.
  - F) A traffic study, analysis, or memo, as required by Delaware County, examining the impact of the development on existing infrastructure, modifications required to handle the increased traffic, and the mechanism(s) proposed to complete the necessary improvements. Genoa Township reserves the right to request a traffic study, analysis, or memo during its review of the application even if one is not required by Delaware County.
  - G) Any other materials proving that all other required permits, licenses, or approvals issued by a non-Township entity have been obtained, if applicable.
  - H) Any materials previously submitted during the Zoning Map Amendment and Preliminary Development Plan approval process; updated and revised accordingly to accurately reflect the proposed Final Development Plan.
  - I) A list of all property owners within five hundred (500) feet of, Contiguous to, and directly across the street from the Tract, and others that may have a legitimate, legal interest in the case, as they appear on the tax list of the Delaware County Auditor at the time of submission.

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- 1) The applicant shall provide one (1) set of pre-addressed, stamped business-size envelopes with postage sufficient to send a notice via first class mail for each property owner listed.
- 2) A second set of envelopes shall be provided for the Township Trustees hearing once the Zoning Commission has voted on their recommendation.

## 2705.03 Final Development Plan Text – A written document containing the following:

- A) A narrative describing the Planned Development, including all the information listed in Section 2705.01, as well as:
  - 1) The relationship and compatibility of the proposed Planned Development to existing and probable Uses of surrounding areas during the development timetable.
  - 2) The proposed, non-binding time schedule for the development of the site including Streets, Buildings, utilities, amenities, and other facilities.
    - a) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first shall be fully described to provide township officials guidelines for approval of future phases.
    - b) Each phase of the proposed development, as it is proposed to be completed, shall contain parking, Landscaping, utilities, drainage, and stormwater management necessary for creating and sustaining a desirable and suitable environment.
  - 3) That the physical character of the site is suitable for development in the manner proposed without creating hazards to persons or property, on or off the site from the probability of flooding, erosion, subsidence, or slipping of the soil or other dangers, annoyances, or inconveniences.
- B) A review of the required Planned Development District requirements and other applicable portions of the Zoning Resolution, including, but not necessarily limited to: Article 16 (General Standards), Article 17 (Conditional and Special Use Standards), Article 18 (Sign Standards), Article 19 (Parking Standards), Article 20 (Landscaping Standards), and Article 21 (Lighting Standards); with detailed responses explaining how the proposal complies with each standard.
- C) Calculations demonstrating compliance with any required Density or Open Space provisions for the Planned Development.
- D) Limitations and controls being established to regulate the development, Uses, Open Space management, and architecture. The text shall specify any controls that are to be administered by a private organization.
- E) Identification of parties responsible for responsibility and maintenance of any Open Space areas, facilities, amenities, and/or other similar types of improvements within the Planned Development.
- F) A specific list of all Divergences being requested, if any. Said list shall be itemized in numerical order and shall cite the specific section number(s) of the Zoning Resolution from which relief is desired, the verbatim requirement of said section, what is being proposed in lieu of said requirement, and the applicant's justification for said request, citing the standards found within Section 2707.
- G) A review of the Genoa Township Comprehensive Plan with a detailed analysis of how the proposal adheres to the recommendations of said Plan. Should the proposal deviate from, or be inconsistent with, the Plan, an explanation as to why such a deviation is warranted shall be provided. Deviations from the Comprehensive Plan shall not be considered Divergences as defined within this Zoning Resolution and shall not be subject to the provisions of Section 2707.
- H) The following statement(s):

**ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES**

- 1) "This Final Development Plan shall be subject to the provisions of Sections 2706 and 2709 – 2713 of the Genoa Township Zoning Resolution, as may be amended."
  - 2) "In instances where the Final Development Plan is silent on a matter, applicable provisions of the Genoa Township Zoning Resolution shall control."
  - l) Any other pertinent information.
- 2705.04 Final Development Plan Drawings – The Final Development Plan set of drawings shall visually demonstrate compliance with the Zoning Resolution and shall include the drawings listed below on both 11" x 17" (or smaller) and 24" x 36" sheets of paper. All drawings shall include a north arrow. In addition, 24" x 36" drawings shall be drawn to scale with a scale for reference provided. Two or more drawings may be combined into a single sheet so long as the features and information on said drawing are legible and discernible from one another. Phasing lines, if proposed, shall appear on each applicable drawing, all regulated dimensions shall be labeled with measurements, and a legend shall be provided identifying the meaning of any shapes, symbols, line types, colors, etc. appearing on the drawing. The following shall be required as part of the formal submittal:
- A) An Existing Features Plan-drawing which illustrates the following items within the Tract unless otherwise specified:
    - 1) Tract boundaries and acreage;
    - 2) One (1) foot contours based upon the nearest benchmark;
    - 3) Primary Conservation Areas and Secondary Conservation Areas;
    - 4) Soil boundaries as shown on USDA Natural Resource Conservation Service maps;
    - 5) Streams, wetlands, and other similar types of natural water features on the Tract or within five hundred (500) feet of the Tract;
    - 6) Schools, parks, and other community facilities on the Tract or within five hundred (500) feet of the Tract;
    - 7) Historic and/or cultural features on the Tract or within five hundred (500) feet of the Tract;
    - 8) Buildings, Structures, or Signs on the Tract or within five hundred (500) feet of the Tract;
    - 9) Thoroughfares and/or rail tracks on the Tract or within five hundred (500) feet of the Tract;
    - 10) Sidewalks, Multi-Use Paths, or Trails on the Tract or within five hundred (500) feet of the Tract;
    - 11) Right-of-Ways and/or easements on the Tract or adjacent to the Tract; and
    - 12) An aerial photograph with USGS contours of the Tract and immediately surrounding area.
  - B) A tree inventory plan-drawing identifying the locations, size, and type of each existing tree, 3 inches or larger in caliper, on the Tract and whether said tree will be preserved or removed as a result of the Planned Development;
  - C) A grading plan-drawing illustrating grades, elevations, and stormwater management facilities, pending approval by Delaware County;
  - D) A general site plan-drawing that clearly illustrates:
    - 1) The boundaries and Frontage(s) of the Tract;
    - 2) The location, dimensions, and sizes of all proposed Lots.
    - 3) All Setbacks, buffers, and conservation areas;
    - 4) The locations, dimensions, and, if applicable, intended Uses, of all proposed Buildings, and/or Structures;

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- 5) The locations and dimensions of all proposed Signs, parking lots, pavement markings, landscape areas, Open Spaces, pedestrian/bicycle amenities, stormwater management facilities, and other such site improvements;
  - 6) Clearly illustrated and labeled phasing lines, if applicable;
  - 7) A table comparing applicable zoning requirements, including Density, to those which are proposed.
    - a) Calculations supporting the data in the table shall be provided.
    - b) Phased developments shall contain a column for each phase as well as for the development as a whole; and
  - 8) A list of all requested Divergences.
- E) A utility plan-drawing illustrating the locations of all utilities and easements, pending approval by Delaware County;
  - F) A lighting plan-drawing illustrating the locations of all proposed light fixtures, both freestanding and those mounted to a Building, Structure, or Sign;
  - G) A signage plan-drawing illustrating all proposed Sign dimensions and locations;
  - H) An Open Space plan-drawing clearly identifying all areas to be designated as Common Open Space or Improved Common Open Space;
  - I) A landscape plan-drawing illustrating the exact locations of all proposed plantings, buffers, and conservation areas;
  - J) A traffic control plan-drawing illustrating access points, traffic patterns, and controls; pending approval by Delaware County and the Genoa Township Fire Marshal;
  - K) A pedestrian/bicycle circulation plan-drawing illustrating any proposed pedestrian/bicycle amenities, easements, and/or facilities, including: Sidewalks, Multi-Use Paths, Trails, and the like;
  - L) Construction design details, cut-sheets, specifications, and/or cross-sections for all proposed fixtures, amenities, facilities, controls, pavement, markings, and other such improvements;
  - M) Planting design details and specifications for all proposed plantings, including types, sizes, Heights, and any other pertinent specifications; and
  - N) An architecture plan-drawing illustrating all proposed building designs and construction materials, including color.
- 2705.05 Any final deed restrictions or covenants which may be part of the proposal.
- 2705.06 Any other applicable documentation, studies, plans, and/or exhibits necessary to demonstrate compliance, concepts, and/or address concerns related to the request.
- 2705.07 One (1) optical disc, Universal Serial Bus (USB) flash drive, or other similar type of readable storage device, containing the materials listed in Sections 2705.01 - 2705.06 in Portable Document Format (.PDF) and/or another similar type of widely-utilized, non-proprietary digital format approved by the Zoning Inspector or their designee.
- 2705.08 A fee as may be established by the Township Trustees.
- 2705.09 A response to comments letter shall be provided with each submitted revision to identify and explain all the revisions made to the submission, and to identify how any comments or concerns raised by staff, the Zoning Commission, the Township Trustees, other agencies, and/or the general public have been addressed.

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## 2705.10 Number of Copies:

- A) Ten (10) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Zoning Commission for review, unless otherwise noted.
- B) Six (6) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Township Trustees for their consideration, unless otherwise noted.
- C) The Zoning Inspector, or their designee, is authorized to revise the number of required copies, as necessary, for administrative purposes.

2705.11 The Township reserves the right to request additional information or materials as well as the right to request revisions of submittal materials for the purposes of demonstrating compliance, correction, accuracy, transparency, clarification, documentation, cross-referencing, administration, and/or enforcement,

**Section 2706: Final Development Plan Procedure**

2706.01 In addition to any other procedures set out in this Resolution, all applications for a Final Development Plan shall follow the procedures set forth herein. A Final Development Plan shall not be applied for until any/all required Zoning Map Amendment/Preliminary Development Plan(s) approvals have been obtained and said Zoning Map Amendment has become effective pursuant to Sections 2704.18 – 2704.22.

2706.02 In the event that a Final Development Plan is located adjacent to another political jurisdiction, an additional copy of the application shall be provided and forwarded to that jurisdiction. Any comments provided by the adjoining jurisdiction shall be presented during the public hearing of the Zoning Commission.

2706.03 The Zoning Commission shall schedule a public hearing upon the filing of an application for a Final Development Plan. Said hearing shall not be less than twenty (20) nor, unless permitted by the applicant, more than forty (40) days from the filing of such application.

2706.04 Before the public hearing, notice shall be given by the Zoning Inspector or their designee by any means authorized by the ORC. This notice shall set forth the time and place of the public hearing, the nature of the application, and a statement that after the conclusion of such public hearing, the matter will be referred to the Township Trustees for final consideration.

2706.05 Written notice of the hearing shall be mailed by the Zoning Inspector or their designee by first class mail using pre-addressed, business-size envelopes provided by the applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from, the Tract to the address of such owners appearing on the County Auditor's current tax list. The failure to deliver the notice, as provided in this Section, shall not invalidate any application. This notice shall set forth the time and place of the public hearing, the nature of the application, and a statement that after the conclusion of such public hearing, the matter will be referred to the Township Trustees for final consideration.

2706.06 The Zoning Commission may continue a public hearing to a future meeting with the consent of the applicant. If said hearing is continued to a date, time, and certain re-advertisement of the hearing is not required. Otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2706.04 and 2706.05.

2706.07 Revisions and/or supplemental materials shall be due on a date and time determined by the Zoning Commission and/or in accordance with a pre-determined schedule as authorized in Section 2701.03.

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- 2706.08 Within thirty (30) days of the conclusion of the public hearing, the Zoning Commission shall vote, based upon findings of fact, to recommend approval or denial of the Final Development Plan, including any applicable Divergences and/or conditions; and subsequently submit said recommendation together with the application and all associated materials to the Township Trustees for their consideration. The Zoning Commission shall be allowed to take more than thirty (30) days to make their recommendation with the applicant's consent.
- 2706.09 Following the recommendation(s) of the Zoning Commission, the Zoning Inspector, or their designee, shall forward the Commission's recommendation(s) and reasons for said recommendation(s) to the Township Trustees.
- 2706.10 The Township Trustees shall acknowledge receipt of the Zoning Commission's recommendation(s) via resolution, and shall schedule a public hearing date for the application, at the first regularly scheduled Township Trustee meeting to occur following the Zoning Commission's vote unless: said meeting is canceled, a special meeting is scheduled within the required thirty (30) day timeframe by the Township Trustees, or the initiator/applicant requests and is granted otherwise a continuance by the Township Trustees, in which case such action shall take place at the next subsequent regular or special meeting of the Township Trustees. Unless otherwise authorized on the record by the initiator/applicant, the date of said hearing shall be not more than thirty (30) days from the Township Trustees' receipt and acknowledgment of the recommendation from the Zoning Commission.
- 2706.11 Notice of the required public hearing shall be given by the Zoning Inspector or their designee by any means authorized by the ORC. Said notice shall be published at least ten (10) days before the date of the required hearing. This notice shall set forth the time and place of the public hearing and the nature of the application.
- 2706.12 Written notice of the hearing shall be mailed by the Zoning Inspector or their designee, by first class mail using pre-addressed, business-size envelopes provided by the applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from the Tract to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate the application. This notice shall set forth the time and place of the public hearing and the nature of the application.
- 2706.13 The Township Trustees may continue a public hearing to a future meeting with the consent of the applicant. If said hearing is continued to a date, time, and place certain, re-advertisement of the hearing is not required. Otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2706.11 and 2706.12.
- 2706.14 Revisions and/or supplemental materials shall be due on a date and time determined by the Township Trustees and/or in accordance with a pre-determined schedule as authorized in Section 2701.03.
- 2706.15 Within twenty (20) days of the conclusion of the public hearing, the Township Trustees shall:
- A) Vote, based upon the findings of fact, to: approve, approve with modifications, or deny the Final Development Plan, including any applicable Divergences and/or conditions.
  - B) Be allowed to take more than twenty (20) days to render a decision with the applicant's consent.
- 2706.16 A Final Development Plan approved by the Township Trustees, being an administrative action not subject to referendum, shall become effective immediately.
- 2706.17 A Final Development Plan approved by resolution of the Township Trustees in accordance with the provisions herein shall be considered legally binding and enforceable. Violation of any designs, provisions, terms, conditions, restrictions, safeguards, or other similar types of controls or standards shall be deemed a violation of this Zoning Resolution and subject to the provisions of Section 116, as may be amended unless otherwise approved in accordance with this Resolution.

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- 2706.18 In instances where the approved Final Development Plan is silent or unclear on a matter, the Zoning Resolution and/or any other existing and applicable Legal Approvals shall retain control.
- 2706.19 An approved Final Development Plan shall be valid for three (3) years from the date of approval by the Township Trustees. Should a Zoning Permit for the subject development not be issued, or at least applied for and actively pending decision, in accordance with Article 1, within the aforementioned three (3) year time period, the Final Development Plan approval shall be considered null and void unless an extension is requested and approved pursuant to the provisions herein.
- A) Should the subject pending Zoning Permit application be rescinded or denied after the period of validity set forth herein has expired, the Final Development Plan approval shall similarly become null and void.
  - B) The Township Trustees shall retain the right to extend the aforementioned deadline at their discretion and without a Divergence request. Such an extension shall be expressly stated and documented in their motion of adoption of the Final Development Plan.
  - C) The Township Trustees shall also retain the right to extend the aforementioned deadline, post-approval but within the period of validity established herein, at their discretion and without Divergence request or public hearing provided that the Trustees find that such extension is not in conflict with public interest.
    - 1) Such a request shall be submitted in writing to the Zoning Inspector by a party having standing no later than fourteen (14) days prior to expiration.
    - 2) A request for an extension shall not incorporate any revisions or amendments to the Final Development Plan.
    - 3) The request for an extension shall be for no more than twelve (12) months from the date the Final Development Plan expires. There shall be no limit on the number of such extension requests, however, the cumulative number of months a Final Development Plan may be extended shall not exceed twelve (12) months at which point such plan shall no longer be eligible for an extension and becomes null and void.
    - 4) A properly submitted request shall be considered at the next regularly scheduled Trustees meeting. A special meeting may also be scheduled for this purpose. The foregoing shall not preclude the Trustees from continuing the topic to a subsequent meeting(s), however, a final decision on the matter shall be made within forty-five (45) days of receipt of the written request by the township.
      - a) Should the Final Development Plan expire within the forty-five (45) day window a stay on the expiration shall be presumed until a decision is rendered. Should a Zoning Permit be obtained during this time period, the terms of Section 2706.19 shall be considered satisfied and the request for an extension shall subsequently become moot and no longer necessary.
      - b) Should a decision not be rendered within forty-five (45) days of receipt of the written request by the township, the request shall be deemed approved, however, such approval shall still be subject to the restrictions set forth in Section 2706.19.C.3 herein.
    - 5) The following guidelines shall be reviewed and taken into consideration by the Township Trustees when rendering a decision on an extension request:
      - a) Whether amendment(s) to the Zoning Resolution and/or Zoning Map have since been enacted which render the Final Development Plan substantially non-compliant with either of the aforementioned documents.
      - b) Whether there has been a significant change to the character of the area where the Final Development Plan is located.

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- c) Whether the extension would significantly affect traffic within the immediate area where the Final Development Plan is located in an adverse manner.
- d) Whether the extension would significantly affect the delivery of public utilities and/or services in the immediate area where the Final Development Plan is located in an adverse manner.
- e) Whether the extension would adversely affect the public health, safety, and/or general welfare of Genoa Township.
- f) Whether the extension would be expressly inconsistent with the recommendations of the Genoa Township Comprehensive Plan currently in effect, subject to the provisions of Section 108 of this Resolution.

2706.20 Should a Final Development Plan approval become null and void due to time expiration, a new Final Development Plan approval shall be applied for and obtained in accordance with the terms of this Zoning Resolution prior to the issuance of any Zoning Permits for the Planned Development. The subject application shall be required to comply with the Zoning Resolution in effect at the time it is filed with the exception of any previously granted Divergences which shall be subject to Section 2707.06 herein.

**Section 2707: Divergence Review and Conflicts with Other Sections**

2707.01 Because of the special characteristics of Planned Developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other Sections of this Resolution, the provisions of this Article shall prevail. Subjects not covered by this Section shall be governed by the respective provisions found elsewhere in this Resolution. Unless formal deviation from the Zoning Resolution is specifically approved as a Divergence, the same shall be complied with. Formal consideration must be requested by an applicant seeking approval of a Divergence to any requirements in this Zoning Resolution and no Divergence will be approved unless the provisions of this subsection are met in accordance with the terms set forth below.

2707.02 Uses are not subject to Divergence requests. Relief to Use prohibitions may only be sought via the Variance process outlined in Article 3. Said Variance shall be obtained prior to applying for Planned Development approvals.

2707.03 The Genoa Township Zoning Commission and the Township Trustees may consider Divergences requested at the time of the filing of a Planned Development application of any type, which is determined to be in compliance with all other requirements, standards, and/or provisions listed in the Zoning District where the proposed development will be occurring. If a request is made, the applicant shall provide written development text, citing such requests, in accordance with this Article.

2707.04 Divergences may be granted “per plan” during a public meeting of either the Genoa Township Zoning Commission or the Township Trustees while conducting a formal review of a development plan. The Township has the discretion to determine whether requested Divergences are warranted based on the applicant’s particular case. When acting on a requested Divergence, the Zoning Commission and Township Trustees may approve a Divergence, provided they determine that the benefits, improved arrangement, and design of the proposed development justify the deviation from any requirements of this Resolution and that the proposed Divergence is consistent with the purpose and intent of this Resolution.

2707.05 Divergence requests shall demonstrate how granting the request will advance public interests and the General Purposes of this Zoning Resolution, by promoting, or not having an adverse impact on, one or more of the following purposes:

- A) The conservation and protection of the natural resources, scenic areas, wildlife habitat and the historical and unique natural features of the land;

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- B) The public health, safety, morals, and general welfare of the present and future inhabitants of Genoa Township;
  - C) The quality of life within Genoa Township through the protection of the total environment, the prevention of Nuisances and hazards, and the provision of adequate light, air, and convenient access to property;
  - D) The assurance of the compatibility of land uses that are either adjacent or in proximity to each other;
  - E) The orderly development of all lands within the Township to its appropriate Use
  - F) The most appropriate use of land to facilitate and provide adequate public and private improvements; and
  - G) Consistency with the recommendations of the official Genoa Township Comprehensive Plan currently in effect, subject to the provisions of Section 108 of this Resolution.
- 2707.06 Divergences shall be permanent once granted and in effect and cannot be repealed or rescinded. Divergences shall only be required to be re-requested and re-considered should a subsequent proposal be applied for which seeks to increase the degree of the granted Divergence, render the justification for a Divergence moot, and/or should said proposal directly and substantially impact and have a rational nexus to the: benefits of the development, improved arrangement or design of the development, advancement of public interest, and/or advancement of the General Purposes of the Zoning Resolution. Such request shall still be subject to provisions and review criteria within Section 2707. The denial of a request to increase the degree of a previously granted Divergence shall not nullify or void the Divergence as originally granted.
- 2707.07 Unless a deviation from this Zoning Resolution is specifically approved as a Divergence, the same shall be complied with.

**Section 2708: Subdivision Plat and Subdivision Regulations**

- 2708.01 A Subdivision Plat of the Planned Development shall be submitted to the Delaware County Regional Planning Commission for review and approval as/if required by, and in accordance with, Delaware County's Subdivision Regulations.
- 2708.02 The uniqueness of each proposal for a Planned Development may require that there be a modification from the specifications established in the Subdivision Regulations of Delaware County, Ohio. Variances for such requirements shall be obtained from the Delaware County Regional Planning Commission during the platting process.
- 2708.03 Should relief be granted by any Delaware County agency to any of their respective regulations, Final Development Plan Amendment approval may need to be sought if said relief results in a modification to the approved Final Development Plan, or an approved Final Development Plan Amendment, per Section 2710.

**Section 2709: Zoning Compliance**

- 2709.01 A Zoning Permit shall be required for any Planned Development subdivision or plat to confirm that it complies with its approved Final Development Plan, as may be amended pursuant to Sections 2710 - 2712. The Zoning Inspector may refuse to sign a final plat for recording until said Zoning Permit is applied for and granted.
- 2709.02 A Zoning Permit shall be required for any Building, Structure, or Sign within a Planned Development. Permits shall be applied for and processed in accordance with Article 1 of this Zoning Resolution.

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- 2709.03 Unless otherwise authorized by Section 2709.04 below, no Zoning Permit shall be issued for any Structure in any portion of a Planned Development for which a plat is required by the Delaware County Subdivision Regulations unless and until:
- A) The final subdivision plat for that portion has been approved by the Delaware County Regional Planning Commission, Delaware County Commissioners, and recorded; and
  - B) A copy of the recorded final subdivision plat has been provided to the Zoning Inspector.
- 2709.04 Zoning Permits for Signs may be issued prior to actions listed in Sections 2709.03.A & B above upon payment of any required fees and submission of detailed and specific plans demonstrating compliance with the approved Final Development Plan, as may be amended pursuant to Sections 2710 - 2712.
- 2709.05 Upon completion of Sections 2709.03.A & B, the Zoning Inspector may issue Zoning Permits for Structures upon payment of any required fees and submission of detailed and specific plans demonstrating compliance with the approved Final Development Plan, as may be amended pursuant to Sections 2710 - 2712.
- 2709.06 The Zoning Inspector may issue Zoning Permits for Structures within Planned Developments not requiring a plat upon payment of any required fees and submission of detailed and specific plans demonstrating compliance with the approved Final Development Plan, as may be amended pursuant to Sections 2710 - 2712.

**Section 2710: Modifications and Final Development Plan Amendments**

- 2710.01 The Zoning Inspector shall have the authority to, but is not required to, administratively approve limited revisions requested to an approved Final Development Plan, or an approved Final Development Plan Amendment, at their discretion so long as they are compliant with this Zoning Resolution, abide by any specific conditions of approval, do not require a Divergence or Variance, and do not deviate from the spirit and intent of the aforementioned plans. Such approval shall be documented and filed in the township's records. These revisions shall include, but are not necessarily limited to:
- A) Re-organization and/or re-location of approved Landscaping, including hardscapes.
  - B) Supplemental Landscaping, buffering, screening, and/or improvements which is/are above and beyond what was approved as part of the approved plans including additional Pedestrianways and supporting amenities.
  - C) Re-organization or re-location of Open Space so long as the amount of Open Space is not decreased and is required to adhere to mandatory requirements of a recognized governmental agency.
  - D) Minor or de minimis changes related to planting species, building materials, specifications, designs, colors, and the like but excluding the outright removal of any such features that substantively impact the character of the Final Development Plan.
  - E) The construction of recreational amenities, Pedestrianways, and other such improvements within Common Open Space and/or Improved Common Open Space not otherwise designated as a No Build Zone. Such amenities include shelter houses, fire pits, playgrounds, fitness equipment, athletic fields/courts, water features, garden sheds, fencing, walls, entrance features, benches, waste receptacles, bike racks, pedestrian lighting, and the like.
  - F) Any addition and/or improvement totaling one hundred and twenty (120) square feet or less in total area that is otherwise compliant with the terms and conditions of the subject Final Development Plan and the Zoning Resolution in effect at the time of the request.
  - G) Revised and/or additional signage so long as it is authorized by, and entirely compliant with, the Zoning Resolution in effect at the time of the request and does not violate any express terms or conditions of the Final Development Plan.

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- H) Any other minor revisions necessary to accommodate mandatory requirements of a recognized governmental agency.
- 2710.02 Should a revision(s) beyond the scope specified in Section 2710.01 be desired and not subject to Section 2710.05, or should a revision not be granted by the Zoning Inspector, a request to formally amend an approved Final Development Plan may be granted by the Zoning Commission, subject to the requirements and procedures set forth herein, so long as the Zoning Commission, after thorough examination of the proposal, determines that the request does not constitute a Major Amendment as further detailed in Section 2710.03, and thus is considered a Minor Amendment. The decision of the Zoning Commission regarding an application found to be a Minor Amendment shall be final unless an applicant exercises the provision of Section 2717.08.A.1.b herein.
- 2710.03 Should a Final Development Plan amendment request represent a substantial departure from the intent of the original proposal, i.e. a Major Amendment, said modification or amendment shall be subject to submission requirements and procedures set forth herein. The following shall be considered substantial departures from the original application and, following review and recommendation by the Zoning Commission shall be subject to final consideration by the Township Trustees:
- A) A significant change in the Use or character of the development;
  - B) A significant increase in the overall coverage of Structures;
  - C) An increase in the Density due to additional Dwellings being proposed;
  - D) An increase in the problems of traffic circulation and public utilities;
  - E) A significant reduction in approved Open Space;
  - F) A reduction of required Off-Street parking and loading space;
  - G) A reduction in required pavement widths; or
  - H) A reduction of the acreage in the Planned Development.
- 2710.04 Major and Minor Amendment requests shall adhere to the submission and procedural requirements of Sections 2711 and 2712, respectively.
- A) Any proposed amendment that revises Zoning District boundaries and/or classification shall be considered a Re-Zoning as well as an amendment to the Preliminary Development Plan and Final Development Plan. As such, it shall be required to adhere to, and pay applicable fees for:
    - 1) A Zoning Map Amendment (Re-Zoning) and Preliminary Development Plan application subject to Sections 2703 and 2704 herein; and
    - 2) A Final Development Plan amendment application subject to Sections 2711 and 2712 herein.
- 2710.05 A property owner wishing to deviate from the Zoning Resolution shall be permitted to apply for a Variance from the Board of Zoning Appeals and shall not be required to apply for a Final Development Plan Amendment, so long as the deviation only applies to said owner's private Lot or Building Envelope, excluding Lots designated for Open Space; and no other Lot, Building Envelope, Tract, or portion thereof, within the Planned Development. Deviations from standards specific to the Final Development Plan and not otherwise related to Setbacks shall not be permitted to apply for a Variance. Such a request shall be subject to Sections 2710.01 – 2710.04.

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**Section 2711: Final Development Plan Amendment Submission Requirements**

- 2711.01 Application –A fully completed, signed, and dated application which shall include, at minimum, the following information:
- A) The address(es) and Parcel Identification Number(s) (PIN) of the affected Lot(s) within the Tract;
  - B) The name(s), address(es), and contact information of the property owner(s) of record, as listed on the tax list of the Delaware County Auditor at the time of submission;
  - C) The name(s), address(es), and contact information of the applicant(s) of record, if different than that of the property owner;
  - D) The name(s), address(es), and contact information of any engineers, architect(s), attorneys, and/or consultants of record, if any.
  - E) Exact acreage of the Lot(s) or Tract;
  - E) The present Use(s) of the subject Tract;
  - F) The Zoning District(s) comprising the subject Tract;
  - G) Proposed Use(s) for the subject Tract;
  - H) Proposed unit count and Density of the Planned Development, if applicable.
  - I) Any additional information which may be requested on the official application form.
- 2711.02 Documentation and Studies – Updated copies of any documents or studies incorporated within the approved Final Development Plan, or any previously approved Final Development Plan Amendments, which are affected by the proposed modification(s) and incorporate any necessary revisions to reflect said modification(s).
- 2711.03 Final Development Plan Amendment Text – An updated copy of the Final Development Plan Text incorporated with the approved Final Development Plan, or any previously approved Final Development Plan Amendments, which incorporate any necessary revisions to reflect the requested modification(s). All revisions shall be visually called out utilizing underlining, a strike-thru font, highlighting, notations, and/or other similar types of formatting. The following statement(s) shall also be provided in the text:
- A) “This Final Development Plan and its approved Amendment(s) shall be subject to the provisions of Sections 2706, 2711, and 2709 – 2713 of the Genoa Township Zoning Resolution, as may be amended.”
  - B) “In instances where the Final Development Plan, including any Amendment(s), is silent on a matter, any and all applicable provisions of the Genoa Township Zoning Resolution shall control.”
- 2711.04 A list of all property owners within five hundred (500) feet of, Contiguous to, and directly across the Street from the Tract, and others that may have a legitimate, legal interest in the case, as they appear on the tax list of the Delaware County Auditor at the time of submission.
- A) The applicant shall provide one (1) set of pre-addressed, stamped business-size envelopes with postage sufficient to send a notice via first-class mail for each property owner listed.
  - B) Should a hearing with the Township Trustees be required, a second set of envelopes shall be provided for said hearing once the Zoning Commission has voted on their recommendation.
- 2711.05 Final Development Plan Amendments - Updated copies of any plans, drawings, or exhibits incorporated within the approved Final Development Plan, or any previously approved Final Development Plan Amendments, which are affected by the proposed modification(s) and incorporate any necessary revisions to reflect said modification(s).
- 2711.06 Any updated or revised final deed restrictions or covenants, if applicable.

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- 2711.07 Any other supplemental documents, studies, plans, and/or exhibits necessary to demonstrate compliance, concepts, and/or address concerns related to the request as well as a written analysis comparing the proposed modifications to the provisions of Section 2710.03.
- 2711.08 One (1) optical disc, Universal Serial Bus (USB) flash drive, or other similar type of readable storage device, containing the materials listed in Sections 2711.01 - 2711.06 in Portable Document Format (.PDF) and/or another similar type of widely utilized, non-proprietary digital format approved by the Zoning Inspector or their designee.
- 2711.09 A fee as may be established by the Township Trustees.
- 2711.10 A response to comments letter shall be provided with each submitted revision to identify and explain all the revisions made to the submission, and to identify how any comments or concerns raised by staff, the Zoning Commission, the Township Trustees, other agencies, and/or the general public have been addressed.
- 2711.11 Number of Copies:
- A) Ten (10) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Zoning Commission for review unless otherwise noted.
  - B) Six (6) copies of the items listed herein, divided into sets, shall be provided if/when the proposal is being submitted to the Township Trustees for their consideration unless otherwise noted.
  - C) The Zoning Inspector, or their designee, is authorized to revise the number of required copies, as necessary, for administrative purposes.
- 2711.12 The Township reserves the right to request additional information or materials as well as the right to request revisions of submittal materials for the purposes of demonstrating compliance, correction, accuracy, transparency, clarification, documentation, cross-referencing, administration, and/or enforcement,

**Section 2712: Final Development Plan Amendment Procedure**

- 2712.01 In addition to any other procedures set out in this resolution, all applications for a Final Development Plan Amendment shall follow the procedures herein. A Final Development Plan Amendment shall only be applied for once the Final Development Plan has been approved, in accordance with Section 2706, by the Township Trustees.
- 2712.02 In the event that a Final Development Plan Amendment is located adjacent to another political jurisdiction, an additional copy of the application shall be provided and forwarded to that jurisdiction. Any comments provided by the adjoining jurisdiction shall be presented during the public hearing of the Zoning Commission.
- 2712.03 The Zoning Commission shall schedule a public hearing upon the filing of an application for a Final Development Plan Amendment. Said hearing shall not be less than twenty (20) nor, unless permitted by the applicant, more than forty (40) days from the filing of such application.
- 2712.04 Before the public hearing, notice shall be given by the Zoning Inspector or their designee by any means authorized by the ORC. This notice shall set forth the time and place of the public hearing, the nature of the application, and a statement that after the conclusion of such public hearing, the matter may be referred to the Township Trustees for final consideration.
- 2712.05 Written notice of the hearing shall be mailed by the Zoning Inspector or their designee by first class mail using pre-addressed, business-size envelopes provided by the applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from the Tract to the address of such owners appearing on the County Auditor's current tax list. The failure to deliver the notice, as provided in this Section, shall not invalidate any application. This notice shall set forth the time and place of the public hearing, the nature of the application, and a statement that after the conclusion of such public hearing, the matter may be referred to the Township Trustees for final consideration.

## GENOA TOWNSHIP ZONING RESOLUTION

## ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES

- 2712.06 The Zoning Commission may continue a public hearing to a future meeting with the consent of the applicant. If said hearing is continued to a date, time, and certain re-advertisement of the hearing is not required. Otherwise, once a new meeting date, time, and place is determined, the advertisement shall occur again in accordance with Sections 2712.04 and 2712.05.
- 2712.07 Revisions and/or supplemental materials shall be due on a date and time determined by the Zoning Commission and/or in accordance with a pre-determined schedule as authorized in Section 2701.03.
- 2712.08 Within thirty (30) days of the conclusion of the public hearing, the Zoning Commission shall:
- A) Vote, based upon findings of fact, to determine if the request shall be deemed a Minor Amendment or a Major Amendment pursuant to provisions set forth in Section 2710.
    - 1) If the application is considered a Minor Amendment, the Zoning Commission shall:
      - a) Vote, based upon the findings of fact, to: approve, approve with modifications or deny the Final Development Plan Amendment, including any applicable Divergences and/or conditions. The Zoning Commission's vote shall be final and binding. No further hearing with the Township Trustees shall occur; however, Sections 2712.06 and 2712.16 – 2712.19 herein shall remain applicable.
      - b) Should the Zoning Commission deny a request deemed to be a Minor Amendment, an applicant may request the Township Trustees consider their application pursuant to the procedures set forth in Sections 2712.09 – 2712.19 herein. Such a request shall be submitted in writing to the Zoning Inspector or their designee within ten (10) days of the Zoning Commission's decisions.
    - 2) If the application is considered a Major Amendment, the Zoning Commission shall:
      - a) Vote, based upon findings of fact, to recommend: approval or denial of the Final Development Plan Amendment, including any applicable Divergences and/or conditions; and subsequently submit said recommendation together with the application and all associated materials to the Township Trustees for their consideration.
  - B) Be allowed to take more than thirty (30) days to render their decision or make a recommendation with the applicant's consent.
- 2712.09 Following the recommendation(s) of the Zoning Commission, the Zoning Inspector, or their designee, shall forward the Commission's recommendation(s) and reasons for said recommendation(s) to the Township Trustees.
- 2712.10 The Township Trustees shall acknowledge receipt of the Zoning Commission's recommendation(s) via resolution, and shall schedule a public hearing date for the application, at the first regularly scheduled Township Trustee meeting to occur following the Zoning Commission's vote unless: said meeting is canceled, a special meeting is scheduled within the required thirty (30) day timeframe by the Township Trustees, or the initiator/applicant requests and is granted otherwise a continuance by the Township Trustees, in which case such action shall take place at the next subsequent regular or special meeting of the Township Trustees. Unless otherwise authorized on the record by the initiator/applicant, the date of said hearing shall be not more than thirty (30) days from the Township Trustees' receipt and acknowledgment of the recommendation from the Zoning Commission.
- 2712.11 Notice of the required public hearing shall be given by the Zoning Inspector or their designee by any means authorized by the ORC. Said notice shall be published at least ten (10) days before the date of the required hearing. This notice shall set forth the time and place of the public hearing and the nature of the application.

**ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES**

- 2712.12 Written notice of the hearing shall be mailed by the Zoning Inspector or their designee, by first class mail using pre-addressed, business-size envelopes provided by the applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from the Tract to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate the application. This notice shall set forth the time and place of the public hearing and the nature of the application.
- 2712.13 The Township Trustees may continue a public hearing to a future meeting with the consent of the applicant. If said hearing is continued to a date, time, and place certain, re-advertisement of the hearing is not required. Otherwise, once a new meeting date, time, and place is determined, the advertisement shall occur again in accordance with Sections 2712.11 and 2712.12.
- 2712.14 Revisions and/or supplemental materials shall be due on a date and time determined by the Township Trustees and/or in accordance with a pre-determined schedule as authorized in Section 2701.03.
- 2712.15 Within twenty (20) days of the conclusion of the public hearing, the Township Trustees shall:
- A) Vote, based upon findings of fact, to: approve, approve with modifications, or deny the Final Development Plan Amendment, including any applicable Divergences and/or conditions.
  - B) Be allowed to take more than twenty (20) days to render their decision with the applicant's consent.
- 2712.16 A Final Development Plan Amendment approved by the Zoning Commission or Township Trustees, being an administrative action not subject to referendum, shall become effective immediately.
- 2712.17 A Final Development Plan Amendment approved by resolution of the Zoning Commission or Township Trustees in accordance with the provisions herein shall be considered legally binding and enforceable. Violation of any designs, provisions, terms, conditions, restrictions, safeguards, or other similar types of controls or standards shall be deemed a violation of this Zoning Resolution and subject to the provisions of Section 116, as may be amended unless otherwise approved in accordance with this Resolution.
- 2712.18 A Final Development Plan Amendment approved by the Zoning Commission or Township Trustees shall be limited to the revisions expressly detailed and incorporated within the approved application. In instances where the approved Final Development Plan Amendment is silent or unclear on a matter, the Zoning Resolution and/or any other existing and applicable Legal Approvals shall retain control.
- 2712.19 An approved Final Development Plan Amendment shall be valid for three (3) years from the date of approval by the Township Trustees. The terms, conditions, requirements, and procedures for Final Development Plan validity and extension requests found in Section 2706.19 shall apply to Final Development Plan Amendments.
- 2712.20 Should a Final Development Plan Amendment approval become null and void due to time expiration, the existing Final Development Plan and any other existing and applicable Legal Approvals shall remain in effect unless or until a new Final Development Plan Amendment application is applied for and approved in accordance with this Zoning Resolution. The subject application shall be required to comply with the Zoning Resolution in effect at the time it is filed with the exception of any previously granted Divergences which shall be subject to Section 2707.06 herein.

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## ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES

**Section 2713: Enforcement**

- 2713.01 Two (2) final, clean paper copies of any approved plans, which address any and all outstanding comments, concerns, and/or conditions cited in the approval motion for said plan, shall be submitted to, and approved by, the Zoning Inspector or their designee, prior to issuance of any Zoning Permit for the Planned Development.
- A) A response to comments letter shall be provided with the submission to identify and explain all the revisions made to the submission, and to identify how any comments, concerns, and/or conditions have been addressed.
  - B) One (1) optical disc, Universal Serial Bus (USB) flash drive, or other similar type of readable storage device, containing a complete copy of the submission in Portable Document Format (.PDF) and/or another similar type of widely utilized, non-proprietary digital format approved by the Zoning Inspector or their designee shall also be provided.
- 2713.02 The Zoning Inspector shall ensure all Zoning Permits issued for the Planned Development are in accordance with the provisions of the approved Final Development Plan and any approved Final Development Plan Amendment(s).
- 2713.03 If the Zoning Inspector shall find that the provisions of the approved Final Development Plan, Final Development Plan Amendment(s), or any related Zoning Permit, are not being adhered to, they shall follow the procedures of Section 116, and/or direct applicable parties to apply for a Final Development Plan Amendment pursuant to Sections 2710 - 2712, in order to remedy any violations.
- 2713.04 Administrative Appeals pertinent to a Planned Development shall be administered in accordance with Section 306.

## HISTORY OF GENOA TOWNSHIP ZONING & PLANNING

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

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

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

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

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

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

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

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

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

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

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

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

After Burns, Bertsch & Harris published a copy of the “Genoa Township Comprehensive Plan” the Township Trustees established a steering committee of Township residents to review the document and offer guidance to the Board. The steering committee then prepared a “Genoa Township Comprehensive Plan” that was adopted by the Township Trustees on January 17, 1999. The Zoning Resolution was thereafter amended on the following effective dates with the following notable amendments:

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

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

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

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

The Genoa Township Comprehensive Plan was updated on December 1, 2016. The Zoning Resolution was thereafter amended on the following effective dates with the following notable amendments:

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

The 2016 Genoa Township Comprehensive Plan was further revised on January 7, 2019. The Zoning Resolution was thereafter amended on the following effective dates with the following notable amendments:

- February 5, 2019 – Revised regulations and terms pertaining to the Planned Residential District (PRD), deleted the Low-Density Planned Residential Development District (PRD-V), and added landscaping standards.
- October 31, 2020 – Corrected several legal discrepancies (agriculture, agritourism, Farm Markets, public utilities, residential care facilities, quorums); added clear regulations for Sexually Oriented Businesses; deleted the Planned Rural Residential Conservation Development (PRRCD) zoning district; added a new article with detailed provisions for planned development procedures (Article 27), clarified administrative processes, and made numerous other revisions to: reflect practices, address frequent enforcement issues, and provide for consistency and clarity.
- October 20, 2022 – Creation of the Hoover Watershed Overlay District and clarification regarding the procedures for developments in the Planned Industrial District (PID).

The 2016 Genoa Township Comprehensive Plan was once again revised on April 20, 2023. The Zoning Resolution was thereafter amended on the following effective dates with the following notable amendments:

- May 20, 2023 – Revised development densities and the Suburban Residential minimum lot size requirement to align with those recommended in the updated comprehensive plan so as to not create a conflict between the two documents and made several other related revisions to provide for consistency.
- Date – Text.

**DRAFT**

**ZC 2024-05**

**Initiated 11/12/2024**

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