

**ARTICLE 1: ADMINISTRATION**

**Section 101: Title**

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

**Section 102: General Authority and Jurisdiction.**

102.01 Per Ohio Revised Code Section (ORC) 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 Ohio Revised Code 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 with regard to 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.

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 Ohio Revised Code (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 Ohio Revised Code 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.

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 construction of a Building incidental to their governmental functions and responsibilities shall make a good faith effort to comply with this Zoning Resolution.

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- 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 Resource's 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 as 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 Small Wind Farms shall be permitted in accordance with ORC 519.213 and the standards set forth in Article 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: Purpose**

This is a Zoning Resolution for Genoa Township, Delaware County, Ohio adopted and amended pursuant to Chapter 519 of the Ohio Revised Code for the following purposes, among others:

- 103.01 To promote and protect the health, safety, morals, and general welfare of the present and future inhabitants of Genoa Township while protecting the property rights of all residents.
- 103.02 To protect the quality of life within Genoa Township through the protection of the total environment, the prevention of Nuisances and hazards, and the provision of adequate light, air, and convenient access to property.
- 103.03 To ensure the compatibility of land Uses which are either adjacent or in proximity to each other.
- 103.04 To promote, ensure and control the orderly development of all lands within the Township to its appropriate Use.
- 103.05 To promote and secure the most appropriate Use of land to facilitate and provide adequate public and private improvements.

- 103.06 To conserve and protect the natural resources, scenic areas, wildlife habitat and the historical and unique natural features of the land.
- 103.07 To recognize and to protect the right to farm all suitable land in Genoa Township as further prescribed in Sections 102.03, 102.04, 102.05, 1714, 1715, and 1716 of this Resolution. The right to farm includes the use of large irrigation pumps and equipment, aerial and ground seeding and spraying, large tractors and agricultural implements and the application of fertilizers, insecticides, pesticides, and herbicides. When conducted in accordance with generally accepted agricultural practices, farming may occur at any time and on any day, and the noise, odors, dust and fumes necessarily associated with such a use are expressly permitted as part of the exercise of the right to farm.
- 103.08 To implement the recommendations of the Genoa Township Comprehensive Plan in effect at the time to achieve the goals of said plan.

**Section 104: Interpretation**

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, and general welfare. Whenever the requirements of this Resolution conflict with itself, the stricter, higher standard shall apply. Whenever the requirements of this Resolution conflict with the Ohio Revised Code (ORC), the ORC shall prevail.

**Section 105: Construction of Language**

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

- 105.01 Words used in the singular shall include the plural, and the plural the singular.
- 105.02 Words used in the present tense shall include the future tense.
- 105.03 The word “shall” is mandatory and not discretionary.
- 105.04 The word “may” is permissive.
- 105.05 The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
- 105.06 The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

**Section 106: Separability**

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

**Section 107: Required Conformance**

Except as herein provided, no Building, 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:

- 107.01 Except for any expressed purpose permitted in the District in which such Building, Structure, Sign, Swimming Pool, or land is located.
- 107.02 Except in conformance to the height and floor space requirements established for the District in which such Building, Structure, or Use is located.
- 107.03 Except in conformance to the area, Frontage, and Yard regulation of the District in which such Building, Structure, Sign, Swimming Pool, or Use is located.

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- 107.04 Except in conformance to the off-street parking regulations of the District in which such Building, Structure, Sign, Swimming Pool, or Use is located.
- 107.05 As expressly permitted in all Planned Development Zoning Districts that require a formal Final Development Plan as set forth in each Planned Development Article, the land involved in planned development is subject to the specific use, height and floor space requirement, area, frontage and yard regulations, signage and off-street parking set forth in an approved Development Plan and compliance with that plan shall be in accordance with Ohio Revised Code Section 519.021 (A & C). A Final Development Plan shall list any deviation from the Development Standards or requirements contained in the Zoning Resolution as a Divergence. Divergences may be requested as a part of the Development Plan application review process set forth in Section 2707.
- 107.06 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**

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

#### **Section 110: Buildings Under Construction**

Nothing contained in this Resolution shall require any change in plans, construction, size, or designated Use of a Building, Structure, Sign, and/or Swimming Pool upon which construction was begun before the effective date of this Resolution or applicable amendments hereof. The Zoning Inspector may require proof in the form of an affidavit or other similar document that the original intended Use said item(s) has not been changed. The ground Story framework, including structural parts of the second floor, shall have been completed within one (1) year and the entire improvement completed within two (2) years after the effective date of this Resolution or applicable amendments hereto; if not so completed the protection afforded by this Section shall not apply to such construction or Use.

**Section 111: Issued Zoning Permits**

Any new proposed construction for which a Zoning Permit is issued shall have been started within one (1) year of issuance of said permit and the ground Story framework, including structural parts of a second floor shall have been completed within 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 in accordance with a timetable placed on file with the Zoning Inspector with the original request for the permit.

**Section 112: Other Permits and Licensures**

When permits or licensures are required by other jurisdictions, the Zoning Inspector may request proof of such prior to issuing a Zoning Permit or Certificate of Zoning Compliance.

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

**Section 114: Administrative Bodies and their Duties**

- 114.01 Zoning Inspector - The Township Trustees shall appoint a Township Zoning Inspector, together with such assistants as the Township Trustees deem necessary and designate such individual as the enforcing officer of this Resolution. Any official or employee of the Township may assist the Zoning Inspector by reporting any new construction, reconstruction, land Use changes, or suspected violation. Duties of the Zoning Inspector shall include:
  - A) Review all applications within the Township for Zoning Permits as outlined in Section 115.01 to ensure they conform to all applicable provisions of this Resolution. The Zoning Inspector shall keep a record of all applications.
  - B) Review all applications within the Township for Zoning Map Amendments, zoning text amendments, Final Development Plans, Final Development Plan amendments, Variances, Conditional Uses, and Administrative Appeals and report findings regarding zoning compliance to the appropriate board, commission, committee, and/or staff member(s).
  - C) Conduct on-site inspections to ensure the zoning-related activities conform to applicable Legal Approvals.
  - D) Upon finding that any of the provisions of this Resolution are being violated, the Zoning Inspector shall notify, in writing, the person responsible for such violation and order the action necessary to correct such violation.
  - E) Order discontinuance of illegal Uses of land, Buildings or Structures in accordance with the provisions of the Ohio Revised Code.
  - F) Order removal of illegal Buildings or Structures or illegal additions or structural Alterations in accordance with the provisions of the Ohio Revised Code.
  - G) Review all applicable subdivision plats and lot splits which 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.

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- H) Identify and prepare a list of all commercial and industrial Nonconforming Lots, Uses of land, and Structures of record at the time of adoption or amendment of this Resolution. The list shall include the name, address, and contact information of the owner, a description of the non-conformities of each Lot, Use, and/or Structure and the date on which the Lot, Use, and/or Structure became nonconforming. Photographs that visually describe the non-conformities of the property, Structures, or Use shall also be taken and dated to help document conditions. Such photographs and the written description of the non-conformities shall be kept as permanent records.
  - 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 in subsections 114.01(A-J).
  - J) Delegate duties to personnel authorized to assist with zoning administration, inspections, reporting, enforcement, and record keeping.
- 114.02 Zoning Secretary - To assist in the administration of the Zoning Resolution, the Township Trustees shall appoint a Zoning Secretary whose duty it shall be to maintain zoning records, confirm information in applications, process all notices required by the Resolution (legal ads), record the minutes of the Zoning Commission and Board of Zoning Appeals, assist the Zoning Inspector, and perform such other duties relating to the Zoning Resolution as the Township Trustees may from time to time direct. The Township Trustees shall compensate the Zoning Secretary at rates set from time to time. The Township Fiscal Officer may be named to this position and may receive compensation for such services in addition to other compensation allowed by law.

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

No person shall establish or change any Use of land nor locate, erect, construct, reconstruct, enlarge, or structurally alter any Building, Structure, Sign, and/or Swimming Pool within Genoa Township without first obtaining a Zoning Permit. 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. A Zoning Permit shall be required for all Dwellings, all Principal Structures and Uses, all Accessory Structures and Accessory Uses, all Signs, all Swimming Pools, and all Temporary Uses unless otherwise specified within this Resolution.

- 115.01 Application for Zoning Permit - All Zoning Permit applications can be obtained from the Development and Zoning Office and shall be filled out completely and then submitted with the following required information:
- A) Name, address, and phone number or e-mail address of applicant;
  - B) Applicant's signature;
  - C) Date of application;
  - D) Name and address of property owner;
  - E) Should the applicant not be the property owner of record, or if said owner does not co-sign the application, proof of the property owner's authorization for the application to be made shall be submitted in the form of a signed letter, e-mail, or a copy of a legal agreement or contract between the applicant and the property owner which establishes that the applicant has an equitable interest in said property;
  - 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 hook ups and storm water 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) If construction does not begin within one (1) year of the issuance date of a Zoning Permit, said Permit shall no longer be considered valid. The Zoning Permit shall be valid for eighteen (18) months unless otherwise extended via written consent of the Zoning Inspector at their discretion.
- O) Such other information as may be necessary to determine conformance with this Resolution; and
- P) A fee as established by the Township Trustees.

**115.02 Processing of Zoning Permits**

- A) Within thirty (30) days after the receipt of an application, except as provided herein, the Development and Zoning Office shall either approve or disapprove the application in conformance with the provisions of this Resolution. If the application is approved, the Zoning Inspector or other authorized Development and Zoning Office personnel shall issue a Zoning Permit. The applicant will receive either an original signed copy of an approved permit or notice that the application was disapproved. The original application shall be retained by the Development and Zoning Office on file.
- B) In the event an application involves land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification of local officials by the Director of the Ohio Department of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice by registered mail to the Director of the Ohio Department of Transportation that he/she shall not issue a Zoning Permit for one hundred twenty (120) days from the date the notice is received by the Director of the Ohio Department of Transportation. If the Director of the Ohio Department of Transportation notifies the Zoning Inspector that he/she shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning Permit. If the Director of the Ohio Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the Zoning Permit.

**115.03 Certificate of Zoning Compliance**

- A) It shall be unlawful to use or occupy or permit the use or occupancy of any Building or premises, or both, or part thereof hereafter created, erected, changed in ownership, converted

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in Use, or wholly or partly altered or enlarged in its Use or Structure until a Certificate of Zoning Compliance or a Temporary Certificate of Zoning Compliance is issued thereof by the Zoning Inspector stating that the Use of the Building or land conforms with the Zoning Permit issued for the project. Submission of additional information shall be required, including, certified pin location surveys, foundation surveys and mortgage location surveys when requested by the Development and Zoning Office for ascertaining verification of zoning compliance.

B) A Temporary Certificate of Zoning Compliance may be issued by the Zoning Inspector for a period not exceeding eighteen (18) months during Alterations or partial occupancy of a Building pending its completion.

**115.04 Record of Zoning Permits and Certificates of Zoning Compliance**

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

**115.05 Failure to Obtain a Zoning Permit or Certificate of Zoning Compliance**

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

**115.06 Construction and Use to be as provided in Applications, Plans, Permits, and Certificates**

Zoning Permits or Certificates of Zoning Compliance issued 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 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, Ohio Revised Code. Each day's continuation of a violation of this Resolution shall be deemed a separate offense irrespective of whether a separate notice of violation or affidavit charging a violation has been served upon the violator for each day the offense continues. The Delaware County Prosecuting Attorney, the Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove said violation. The Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this Section. Violations shall be subject to remedies and penalties identified within Ohio Revised Code Section 519.99, as may be amended.

**116.02 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



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of zoning administration involved in such applications including technical reviews, publishing, and/or posting, and mailing the notices of the hearing or hearings, the compensation of Board of Zoning Appeals or Zoning Commission members for attending said hearing or hearings, and any other costs incurred in administering this Resolution. Such fees are not refundable regardless of the outcome of the application unless otherwise authorized by the Township Trustees.

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