

ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

Section 1701: Intent and Purpose

The following regulations are applicable to the districts within which they are specified unless otherwise stipulated or modified by the regulations within a specific Zoning District.

Section 1702: Temporary Uses and Special Events

Temporary Use Purpose. Because of the special characteristics and needs of Temporary Uses, special standards to properly locate and control the activities of Temporary Uses are necessary to secure the public health, safety, and general welfare of the community. An application for a Temporary Use permit shall be filed at least sixty (60) days prior to the commencement of the proposed Temporary Use. No Temporary Use shall commence until a Temporary Use permit has been issued by the Township Zoning Inspector or their designee.

1702.01 Temporary Use Permit. Each application for a Temporary Use permit shall contain a graphic of the property to be utilized, a description of the proposed use, and a site plan in triplicate, drawn to scale, which illustrates the following:

- A) The actual dimensions of the Lot, including easements.
- B) The exact size, location, and height of all existing and proposed Buildings and Structures, whether principal or accessory, on the Lot.
- C) The existing and intended Use of all parts of the land and Buildings and Structures, whether principal or accessory, and all details of the event, including location of activities that will be conducted as part of the event.
- D) Existing zoning on the lot in question and on all adjacent Lots.
- E) Existing and/or proposed parking spaces, including Off Street Parking, traffic flow, access drives, Building and parking Setbacks, sanitary facilities, refuse control, security, traffic control, noise, and lighting.
- F) Existing and proposed Signs, location, and size detail.
- G) Such other information as may be required by the Zoning Inspector regarding the Temporary Use, Lot, and neighboring Lots as may be necessary to determine and provide for the enforcement of this Zoning Resolution.

1702.02 Fees. When making an application for a Temporary Use permit, the application fees shall be paid in accordance with the Schedule of Fees as may, from time to time, be adopted by the Township Trustees.

1702.03 Issuance of Permits. Temporary Use permits shall be issued, or refusal thereof given, within thirty (30) days of the completed application and fee. Written notice of such refusal and reason thereof shall be given to the applicant.

1702.04 Prohibited Temporary Uses. Temporary Retail sales (conducted on parking lots, vacant Lots, or along roadsides by transient vendors) shall be prohibited unless conducted pursuant to a valid permit issued by the Township under Ohio Revised Code Section 505.94.

1702.05 Permitted Temporary Uses.

- A) Temporary Real Estate Offices. Temporary real estate sales office, including model homes, may be permitted within any District for any new subdivision, provided sales activities are limited to that subdivision only and such office is not used as a Dwelling. Unless otherwise provided for as part of a planned District, Signs shall comply with Article 18. Any Temporary Use permit issued for a temporary real estate office conducted out of a trailer under this section is valid for one (1) year and must be renewed annually. Such office use shall cease upon completion of the sales of Lots within the subdivision. Rental or resales of Lots/and or units in the subdivision shall not be conducted from the temporary office.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

- 1) Parking: All model homes shall provide Off-Street paved Parking Spaces for the public. Such Off-Street paved parking shall be located Contiguous to the model home. The parking lot shall be removed upon expiration of model home permit. The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) of the required parking spaces.
 - 2) Screening and Trash Receptacles: Landscape drawings shall be required and shall show adequate Landscaping and screening from adjoining residential Lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.
- B) Temporary Contractor's Offices. Temporary Buildings, including construction trailers (both licensed and unlicensed), for uses incidental to construction work on the property may be erected in any of the Zoning Districts herein established; however, such temporary Building or trailer shall be removed within sixty (60) days following the completion or abandonment of the construction work. Abandonment shall be presumed if no substantial work toward completion has occurred within ninety (90) consecutive days. Temporary Buildings, Accessory Buildings, construction trailers, Barns, tents, recreational vehicles, campers, etc. are not to be used as temporary or permanent Dwellings.
- C) Temporary Public Events. Temporary public events sponsored by a public or non-profit organization may be permitted within any Non-Residential Zoning District or upon a Religious Establishment, school or other similar sites primarily utilized for congregating or gathering within a Residential Zoning District. The applicant shall, prior to applying for a Temporary Use permit, engage in consultations with staff from applicable governmental agencies, including the Genoa Township Zoning Inspector, Genoa Township Fire Department, Genoa Township Police Department, Delaware County Code Compliance, Delaware County General Health District, Delaware County Engineer, and any other such agency or department to discuss and review the potential impacts of the event on the community. No statement or action by Township or County Officials during these consultations shall be construed to be a waiver of any legal obligation of the applicant or of any procedure or formal approval required by Township, County or State statutes or rules. When planning such an event, the applicant shall take into consideration the potential impacts to surrounding properties. In order to address the impact of the event on the public health, safety and general welfare of the community, temporary public events shall meet the following requirements:
- 1) Adequate Off-Street Parking, including on-site and off-site (if applicable) shall be provided. A parking plan shall be provided delineating proposed parking areas. Parking shall be provided to accommodate the number of anticipated guests on any given day of an event.
 - 2) All temporary Buildings and Structures associated with the event shall meet all applicable current building and fire codes, including but not limited to fire, building, mechanical, electrical, and plumbing Codes. Inspections and approvals shall be obtained from Delaware County Code Compliance and the Genoa Township Fire Department.
 - 3) Adequate traffic control shall be provided. A traffic control plan shall be approved by the Genoa Township Police Department, Genoa Township Fire Department, and the Delaware County Engineer.
 - 4) Adequate sanitary facilities and refuse control shall be provided. The sanitary and refuse plan shall delineate the number and location of such facilities and provisions for the removal of such. Sanitary facilities shall accommodate the number of anticipated guests on any given day of an event. Trash removal time restrictions shall be discussed during the pre-application consultation with the Township and be included as part of the application.
 - 5) Adequate lighting, including security lighting, shall be provided. A lighting plan shall be provided delineating the location of all current and proposed lighting. All lighting shall be directed inward and away from any abutting Residential Zoning District and/or Dwellings.

**GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 17: SPECIAL AND MISCELLANEOUS USES**

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.
- 9) A signage plan shall be provided. All Signs shall conform to the standards and provisions of Article 18.
- 10) An applicant shall be required to obtain any business license or any other permit which may be required by any other federal, state, or local statute, rule, or regulation.
- 11) Temporary public events shall be limited to not more than four (4) consecutive operational days and no more than one (1) such event may be conducted in any one (1) calendar year by the same organization or any related business, entity or affiliate organized for the same or similar purpose.
- 12) The event organizer must have a policy or policies of general liability insurance in the State of Ohio providing coverage for personal injury and property damage. This shall be in the amount, not less than \$1,000,000 for each person or occurrence and \$2,000,000 in aggregate for personal injuries or death or property damage suffered by any person or persons arising out of the temporary event. A certificate of insurance shall be included as part of the application.

1702.06 Temporary Uses permitted in this Section do not include outdoor, stand-alone music concerts or organized events for music concert only but do include music concerts in conjunction with the temporary public event. Government sponsored and approved events, school related activities, including sporting events, are exempt from the provisions of this Section. In addition, small temporary sales/fundraising events conducted by schools or Religious Establishments entirely at the school or Religious Establishment location are exempt from the provisions of this Section. Such small temporary sales/fundraising events include, but are not limited to bake sales, flower sales, bazaars, fish fries, spaghetti dinners, car washes, and the like. Small temporary sales/fundraising events that include live or amplified music or any temporary Structures, or other types of unrelated activities shall be required to obtain a Temporary Use permit in accordance with this Section.

1702.07 Private garage sales and/or yard sales occurring on an infrequent basis, and for non-commercial purposes, shall be permitted on a residential property without a Zoning Permit so long as they do not constitute a Home Occupation or Retail and so long as they do not pose a threat to public health, safety, or general welfare. Private garage sales and/or yard sales on residential properties exceeding the limited provisions of this standard shall otherwise be prohibited.

1702.08 Agritourism and Farm Markets shall further be regulated by Sections 1715 and 1716, respectively.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

Section 1703: Day Care Centers

Day Care Center facilities, where permitted, shall adhere to the following standards:

- 1703.01 The Building occupied by the Use shall be compatible with neighborhood Structures in dimension, size, and architecture.
- 1703.02 There shall be an outdoor play area of eighty-five (85) square feet or more per child.
- 1703.03 Such play area shall be enclosed with a chain link Fence or its equivalent in strength and protective character to a height of five (5) feet to control accessibility of children to adjoining hazardous conditions such as streets, ponds, etc., or adjacent yards.
- 1703.04 A drop-off area is provided so that children do not have to walk through the parking lot to enter the facility.
- 1703.05 Parking spaces are provided as specified in Section 1904.
- 1703.06 Exterior lighting conforms with the provisions of Article 21.

Section 1704: Residential Care Facilities

- 1704.01 Purpose. This section is intended, in part, to ensure compliance of related provisions of the Genoa Township Zoning Resolution with the Fair Housing Act Amendments of 1988, effective March 12, 1989, which extend equal housing opportunities to the handicapped, as well as place some minimal regulations upon Residential Care Facilities in accordance with ORC Chapter 5119. For purposes of this Zoning Resolution, a Residential Care Facility of five (5) or fewer unrelated residents (excluding caregivers) shall be regulated as a Single-family detached Dwelling. A Residential Care Facility of six (6) or more residents (excluding caregivers) shall be regulated as a form of rooming or boarding house in the Planned Community Facilities (PCF) Zoning Districts.
- 1704.02 Location of Residential Care Facilities. A Residential Care Facility of five (5) or fewer residents (excluding caregivers) shall be permitted in any District that permits single-family detached Dwellings.
 - A) A Residential Care Facility of six (6) or more residents (excluding caregivers) shall be permitted in the Planned Community Facilities (PCF) Zoning Districts.
 - B) Pursuant to ORC 5119.341(B), residential facilities of six (6) or more residents (excluding caregivers) are prohibited in all Zoning Districts not specifically listed in Section 1704.02.A above.
 - C) Residential Care Facilities shall obtain a Zoning Permit prior to commencing the use of a property as a Residential Care Facility.
- 1704.03 Concentration of Residential Care Facilities.
 - A) In order to promote the benefits of residential surroundings for the residents of Residential Care Facilities and to further the goal of deinstitutionalization of persons whose disabilities or status limit their ability to live independently and to foster their integration into the mainstream of society, no Residential Care Facility housing six (6) or more residents (excluding care-givers) shall be located within 1,320 feet of any other such Residential Care Facility.
 - B) Genoa Township may, in accordance with the procedures and provisions of this Zoning Resolution, issue a Conditional Use Permit, or grant a Divergence, for a Residential Care Facility to locate within 1,320 feet of another Residential Care Facility upon a finding that:
 - 1) The residents of said facility will benefit from normal residential surroundings;
 - 2) The placement within 1,320 feet of another Residential Care Facility does not hinder the goal of deinstitutionalization;

**GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 17: SPECIAL AND MISCELLANEOUS USES**

- 3) The placement of the Residential Care Facility furthers the goal of integrating the residents into the mainstream of society;
- 4) A hardship exists in that suitable housing is unavailable elsewhere in the community that meets the 1,320-foot spacing requirement;
- 5) The architectural design and site layout of the proposed facility and the location, nature and height of any walls, screens and fences shall be compatible with adjoining land uses and the character of the neighborhood; and
- 6) The proposed facility shall fully comply with all yard, parking and sign regulations and shall comply with all health, fire and safety regulations and building standards.

Section 1705: Cemeteries

The following standards shall apply to the development and construction of privately-owned cemeteries within Genoa Township:

- 1705.01 The site proposed for a Cemetery shall have direct access to an Arterial or Collector Street.
- 1705.02 Any new Cemetery shall be located on a site containing twenty (20) or more acres.
- 1705.03 Internment 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, Section 1721.03.
- 1705.04 A mausoleum shall not be within three hundred (300) feet of any Lot Line.
- 1705.05 A crematory or other Structure shall not be within one thousand (1,000) feet of any Lot Line.
- 1705.06 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 Ohio Revised Code, Section 1721.09.
- 1705.07 All required yards shall be landscaped and maintained in good order. A plan for perpetual care of the grounds shall be required.

Section 1706: Religious Establishments

The following standards shall apply to any Religious Establishment, including any Accessory Buildings, Structures, or Uses:

- 1706.01 The lot area shall be adequate to accommodate the required Off-Street Parking Space requirements of the church in accordance with Article 19.
- 1706.02 Accessory Dwellings shall be permitted on the same Lot or Tract but shall require Conditional Use approval and shall be subject to location, Density, and additional lot area requirements approved by the Board of Zoning Appeals, except in a Planned Zoning Districts where such facilities are permitted without Conditional Use approval.
- 1706.03 Accessory recreational Uses shall be permitted on the same Lot or Tract but shall require Conditional Use approval, except in a Planned Zoning Districts where such facilities are permitted without Conditional Use approval, provided that other applicable standards contained in Section 1711 and in other sections of the Resolution are met.
- 1706.04 Lighting – All lighting shall comply with Article 21.
- 1706.05 Outdoor advertising and Signs – All signage shall comply with Article 18.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

1706.06 Accessory private school Buildings associated with a Religious Establishment shall be permitted on the same Lot or Tract subject to a Conditional Use approval being granted by the Board of Zoning Appeals, except in a Planned Zoning Districts where such schools are permitted without Conditional Use approval, provided that said Building(s) occupies not less than twenty (20) acres and provides adequate parking areas for faculty, staff, and students in accordance with Article 19. A site plan shall be prepared and submitted for consideration and shall provide screening adjacent to Residential or Planned Residential Zoning Districts or Uses.

Section 1707: Portable Storage Units

1707.01 Portable Storage Units may be permitted as a Temporary Use in any Zoning District only in conjunction with, and not to exceed the times listed for, the following activities:

- A) Temporary Use for construction sites as accessory to and in association with an on-going construction project for an unoccupied Building or Structure at such site for a period of up to one hundred twenty (120) total days in any three hundred sixty-five (365) consecutive day period or upon the completion of the project, whichever occurs first.
- B) Temporary Use, including open top dumpsters, when the occupant of the property on which the Portable Storage Unit is located is relocating, for a period not to exceed seven (7) consecutive days or for a period of fourteen (14) total days in any one hundred eighty (180) consecutive day period.
- C) Temporary Use to facilitate temporary activities not described in Sections 1707.01.A or 1707.01.B, above, for a period not to exceed seven (7) consecutive days or for a period of fourteen (14) total days in any one hundred eighty (180) consecutive day period.

1707.02 Portable Storage Units shall be subject to the following requirements:

- A) A Portable Storage Unit shall not exceed one hundred sixty-nine (169) square feet in size and eight (8) feet in height.
- B) Not more than one (1) Portable Storage Unit shall be permitted on any property at any time.
- C) No Portable Storage Unit shall be located in a public Right-of-Way.
- D) Portable Storage Units shall be located no closer to an adjacent property than the greater of ten (10) feet or the required minimum Side or Rear Yard setback for Accessory Buildings in the District in which the unit is located, unless placed upon an existing driveway in which case there shall be no required Side or Rear Yard Setback.
- E) Portable Storage Units shall only be used for the storage of personal property and for no other purpose whatsoever.
- F) The placement of Portable Storage Units shall be in such manner as not to create a public Nuisance.
- G) A Portable Storage Unit is not permitted as a permanent Accessory Structure for storage, or Dwelling, regardless of the proposed location on a property.
- H) A Temporary Use permit shall be obtained prior to the placement of a Portable Storage Unit on a property. For the activities listed in Sections 1707.01.A and 1707.01.B, above, no more than two (2) Temporary Use permits may be issued for the same property during any three hundred sixty-five (365) consecutive day period.

Section 1708: Home Occupations

- 1708.01 The following standards shall govern Home Occupations as a permitted Use within Genoa Township.
- A) The owner of the premises must reside in the Dwelling Unit used for the Home Occupation.
 - B) No person or persons, other than the owners of the premises shall operate a Home Occupation.
 - C) Not more than one worker exclusive of the owners shall be employed in a Home Occupation at any one time.
 - D) All Home Occupations shall be conducted entirely within the Dwelling Unit, and the use of the Dwelling Unit for the Home Occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
 - E) Not more than twenty percent (20%) or four hundred (400) square feet of the gross Floor Area, whichever is less, of any Dwelling Unit shall be used for a Home Occupation.
 - F) Home Occupations shall not be permitted in any Accessory Building within any District.
 - G) There shall be no change in the outside appearance of the Building or premises, or other visible evidence of the conduct of such Home Occupation other than one Sign, not exceeding two (2) square feet in area, non- illuminated, and mounted flat against the wall of the Building in which the Home Occupation is located.
 - H) There shall be no sale on the premises of commodities other than those produced as the result of the Home Occupation.
 - I) No traffic shall be generated by such Home Occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such Home Occupation shall meet the Off-street parking requirements as specified in this Resolution and shall not be located in a required front yard.
 - J) Equipment or processes shall not be used in such Home Occupations which create noise, vibrations, glare, fumes, odors, or electrical interference detectable off the Lot. No equipment or process shall be used which creates visual, audible, 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.
- 1708.02 A person may apply for a Conditional Use Permit for a Home Occupation that does not comply with the requirement of Section 1708.01. The criteria for the issuance of such a permit for a Home Occupation are as follows:
- A) There shall be no more than two (2) non-residential employees or volunteers to be engaged in the proposed Use;
 - B) Sales of commodities not produced on the premises may be permitted provided that the commodities are specified in the application and are reasonably related to the Home Occupation;
 - C) Outside storage related to the Home Occupation may be permitted if totally screened from adjacent residential Lots, provided the application so specifies;
 - D) Not more than thirty percent (30%) of the gross Floor Area of any residence shall be devoted to the proposed Home Occupation;
 - E) The external appearance of the Structure in which the Use is to be conducted shall not be altered and not more than one (1) Sign no larger than two (2) square feet shall be mounted flush to the wall of the Structure;

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

- F) Minor or moderate Alterations in accordance with other provisions of this Resolution may be permitted to accommodate the proposed Use but there shall be no substantial construction or reconstruction;
- G) No equipment process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances; and
- H) No more than two (2) additional parking places may be proposed in conjunction with the Home Occupation, which shall not be located in a required Front Yard.

Section 1709: Swimming Pools

- 1709.01 Private accessory Swimming Pools for Single-Family Dwellings may be permitted in any District, provided the following provisions are met:
- A) The pool shall be intended solely for the enjoyment of the occupants and guests of the Principal Use of the property on which it is located.
 - B) The edge(s) of the Swimming Pool, exclusive of any adjacent pavement or decking, shall not be located closer than ten (10) feet to any Lot Line and may not encroach upon any required Front Yard or any required on-site wastewater leaching areas.
 - C) Swimming Pool(s) shall be completely and securely walled and/or fenced to prevent uncontrolled access from any Street and/or adjacent property. Any such wall and/or Fence shall not be less than four (4) feet in height, shall comply with Section 2002.03, and shall be in good condition with a gate and lock.
 - D) Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any other property or any public Street.
- 1709.02 Swimming Pools, except for a pool for the occupants of a single-family Dwelling, shall comply with the following conditions and requirements:
- A) The pool and Accessory Structures thereto, including the areas used by bathers, shall not be closer than seventy-five (75) feet to any Lot Line; and
 - 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) Loud speakers, juke boxes, public address systems ,and electric amplifiers shall be permitted only if the use of the same is solely for the occupants of the Building, and only if the equipment is installed within the Building and does not create a Nuisance and disturb the peace of other persons or properties.
 - D) Exterior lighting shall be installed in accordance with Article 21.
 - E) Off-street parking shall be provided in accordance with Article 19.

Section 1710: Golf Courses

All golf course facilities shall be in accordance with the following provisions:

- 1710.01 The hours of operation of the golf course shall be limited from dawn to dusk to prevent undue disturbance to neighboring uses.
- 1710.02 All maintenance equipment shall be stored in sheds or other Structures and away from view.
- 1710.03 No hole or green shall be located within two hundred (200) feet of an existing residential Structure unless otherwise approved as part of the development plan within a Planned Development District.
- 1710.04 The Board of Zoning Appeals may require fencing, Accessory Walls, Landscaping, earth mounds or other measures where it is determined that buffering or screening is necessary to manage land

use conflicts and/or protect the public safety unless otherwise approved as part of the development plan within a Planned Development District.

- 1710.05 Parking area requirements shall conform to Article 19.
- 1710.06 The minimum Floor Area requirements for the clubhouse or management Structure shall be five thousand (5,000) square feet.
- 1710.07 Any golf courses hereinafter constructed within designated areas of Genoa Township shall occupy not less than one hundred fifty (150) acres.
- 1710.08 Exterior lighting shall conform with the provisions of Article 21.

Section 1711: Private Recreational Facilities – Outdoor

- 1711.01 Minimum lot area for a private recreational facility shall be no less than six (6) acres.
- 1711.02 Setbacks:
 - A) Front: 100 feet for structures and 75 feet for parking;
 - B) Rear: 75 feet;
 - C) Side: 75 feet;
 - D) All Structures and playing fields for outdoor recreation shall be located at least two hundred (200) feet and drives and parking areas shall be at least fifty (50) feet from any adjacent parcels where residences are a permitted Use; and
 - E) Where a landscaped screen is not already required adjacent to another 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.
- 1711.03 All outdoor playing fields, courts and other similar outdoor recreation facilities must be secured at night to prevent unauthorized access. While no lighting will be permitted on any such outdoor recreation facility, security lights may be approved for any permanent facilities at the site. Exterior lighting shall conform with the provisions of Article 21.
- 1711.04 The maximum density allowed on any Lot shall not exceed one (1) field for every five (5) acres.
- 1711.05 A minimum of thirty-five (35) parking spaces shall be provided for every field at the site. All parking areas shall be constructed in accordance with Article 19 of this Resolution.
- 1711.06 A minimum eight (8) foot high landscaped screen or combination mound and plant material with a ninety percent (90%) year-round opacity shall be provided on any side of the site adjacent to parcels where Dwellings are a permitted Use. If a mound is used it shall be constructed with no more than a 4 to 1 slope. Mounds shall not be constructed to restrict the natural flow of surface water to or from the site.
- 1711.07 Permanent toilet facilities, connected to a sanitary sewer or other approved on-site disposal system, must be provided with the following minimum number of fixtures:
 - Women - 5 toilets and 2 lavatories (minimum); and
 - Men - 1 toilet, 2 urinals and 2 lavatories (minimum).Additional fixtures must be added at the rate of three (3) for every two (2) fields over four (4) fields per site.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

1711.08 Accesses and Traffic Impact

Access shall be from an Arterial or Collector Street or shall be provided in a manner that does not cause heavy traffic on residential streets.

Section 1712: Sexually Oriented Businesses

1712.01 Sexually Oriented Businesses are permitted only in the Districts expressly specified within this Zoning Resolution and shall be subject to the following restrictions:

- A) Sexually Oriented Businesses shall not be permitted within one thousand (1,000) feet, as measured from the closest Lot Line of each Use, unless otherwise specified, of:
 - 1) Religious Establishments
 - 2) Day Care Centers:
 - 3) Public or private schools consisting of grades twelve (12) or lower;
 - 4) Libraries;
 - 5) Parks or playgrounds;
 - 6) Cemeteries;
 - 7) Any Dwelling within a Residential or Planned Residential Zoning District; or
 - 8) Another Sexually Oriented Business.
- B) Only one (1) Sexually Oriented Business is permitted in a single Structure. No co-location of Sexually Oriented Businesses shall be permitted within one (1) Structure.
- C) Illicit material shall not be displayed publicly.
- D) No Sexually Oriented Business shall be open for business prior to 10:00 a.m. or later than 11:00 p.m.
- E) Viewing booths shall not be used in conjunction with any “touching business” that results in the touching of clients by employees or employees by clients.
- F) Sexually Oriented Businesses that sell both mainstream media and Illicit material shall do so in accordance with the following:
 - 1) Illicit material shall be physically and visually separated from mainstream media and shall not be displayed publicly.
 - 2) Separation of Illicit material shall be by a solid opaque-walled enclosure at least eight (8) feet high or reaching to the ceiling.
 - 3) Inventory marketed to and predominantly consumed by minors shall not be displayed within fifteen (15) feet of the entrance to the Illicit material section.
 - 4) Access to the Illicit material section shall be controlled by electronic or other means to provide assurance that a person under eighteen (18) years of age will not obtain access, and the general public will not accidentally enter this section.
 - 5) The Illicit material section shall provide Signs at its entrance warning that persons under the age of eighteen (18) are not permitted inside.
 - 6) No Adult Arcades are permitted in Sexually Oriented Businesses selling mainstream media.
 - 7) There shall be no more than one (1) designated area for Illicit material per store.
 - 8) There shall be no exterior Signs that advertise Illicit material or media.

- G) Prohibited Sexually Oriented Businesses. "Touching Businesses" such as Non-Therapeutic Massage Establishments, lap dancing, and Nude Model Studios that involve employee-client touching are not permitted in Genoa Township.

Section 1713: Accessory Dwellings

- 1713.01 Accessory Dwellings shall only be permitted in Zoning Districts in which they have been expressly authorized within this Resolution. Conditional Use approval shall be required unless otherwise specified.
- 1713.02 Accessory Dwellings shall only be established on Lots that are one (1) acre or greater in size.
- 1713.03 The number of Accessory Buildings containing an Accessory Dwelling shall be limited to one (1) per Lot.
- 1713.04 Only one (1) Accessory Dwelling shall be permitted within an Accessory Building.
- 1713.05 An Accessory Dwelling may comprise up to one hundred percent (100%) of an Accessory Building.
- 1713.06 The Floor Area of an Accessory Dwelling shall not exceed the Floor Area of the principal Dwelling it is accessory to.
- 1713.07 Accessory Buildings containing an Accessory Dwelling shall comply with all provisions established in Section 1609 as well as all other standards applicable to the Zoning District in which it is located. In instances of conflict, the provisions within this Section shall prevail.

Section 1714: Agriculture

- 1714.01 In accordance with ORC 519.21, Agriculture shall not be prohibited on Lots greater than five (5) acres. The use of any land for agricultural purposes or the construction or use of Buildings or Structures incidental to the agricultural Use of the land on which such Buildings or Structures are located shall not be prohibited on lots greater than five (5) acres and no Zoning Permit shall be required for any such Building, Structure, Use, or Sign.

Notwithstanding the foregoing, in any platted subdivision approved under Sections 711.05, 711.09 or 711.10 of the ORC, or in any area consisting of fifteen (15) or more Lots approved under Section 711.13.1 of the ORC that are Contiguous to one another, or some of which are Contiguous to one another and adjacent to one side of a dedicated public Road, and the balance of which are Contiguous to one another and adjacent to the opposite side of the same dedicated public Road, agricultural Uses and Structures are subject to the terms and conditions of this Resolution in the following manner:

- A) Agricultural Uses, except for well-maintained gardens for a resident's personal enjoyment and/or consumption, are prohibited on Lots of one (1) acre or less unless such Use(s) is/are otherwise made to be compliant with the standards set forth in Section 1714.02.
- 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 are subject to the provisions of this Zoning Resolution. After thirty-five percent (35%) of the Lots are so developed, lawfully existing dairying and animal and poultry husbandry shall be considered Nonconforming Use of land, and Buildings or Structures pursuant to Section 519.19 of the ORC are thereafter prohibited.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

1714.02 Agriculture on a Lot that is one (1) acre in size or less and/or which is not exempted from zoning by the Ohio Revised Code shall still comply all applicable provisions within Section 1714, any other standards or prohibitions within this Resolution, and the following:

- A) Buildings housing animals and/or fowl as pets or for domestic use, excluding swine and goats, shall be set back fifty (50) or more feet from any Lot Line. Buildings housing swine and goats as pets or for domestic use shall be set back at least 200 feet from any Lot Line. These restrictions shall not be construed to apply to individual pens, pastures, or fields of less than five (5) acres if part of a larger portion of land devoted to such Use.
- B) No animal being kept for agricultural purposes and weighing more than 150 pounds shall be permitted.
- C) Agritourism and Farm Markets shall comply with all provisions of the Zoning District in which it is located, including, but not necessarily limited to: Setbacks, Lot Coverage, dimensional requirements, Signs, district standards, Floor Area requirements, access, parking, landscaping, and lighting, as well as Article 16, General Standards and Sections 1715 and 1716, respectively.

1714.03 When in conflict, the provisions of Section 1617, Dangerous Wild Animals, shall supersede Section 1714.02.

Section 1715: Agritourism

1715.01 Pursuant to ORC Section 519.21(C)(4), Agritourism is permitted in any Zoning District but is subject to the following regulations. Agritourism regulations do not apply to Farm Markets where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. Though no Zoning Permit is required for such Use or any associated improvements, certain standards are necessary to protect the public health, safety, and general welfare. As such, the following shall apply:

- A) All Buildings and Structures utilized primarily for Agritourism shall adhere to the minimum front, side, and rear Yard requirements established for the Zoning District in which it is located.
- B) All Buildings and Structures utilized primarily for Agritourism shall not exceed thirty-five (35) feet in height.
- C) All Buildings and Structures utilized primarily for Agritourism shall not exceed the maximum Lot Coverage requirements established for the Zoning District in which it is located. Should no maximum Lot Coverage requirement be established, the maximum size permitted for said Building or Structure shall be one thousand four hundred (1,400) square feet.
- D) All Buildings and Structures utilized primarily for Agritourism shall conform to all applicable regulations established by the Delaware County Code Compliance Office.
- E) All parking demands created by this use shall be met off the Street.
- F) Parking areas shall adhere to the following Setback requirements:
 - 1) Fifty (50) feet from any Lot zoned for residential Use.
 - 2) Fifteen (15) feet from any Lot zoned for non-residential Use.
- 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 General Health District or Sanitary Engineer.

1715.02 Agritourism which is not exempted by the Ohio Revised Code shall still comply with all applicable provisions within Section 1715 as well as any other standards or prohibitions within this Resolution.

Section 1716: Farm Markets

1716.01 Farm Markets that derive at least fifty percent (50%) of their gross income from produce raised on Farms owned or operated by the Farm Market operator in a normal crop year are permitted in any Zoning District, subject to the following regulations:

A) Temporary and seasonal Buildings, tents, trailers and other Structures associated with a seasonal and temporary Farm Market shall be placed outside of the road Right-of-Way and located at least twenty-five (25) feet from the edge of any road pavement so as to safely allow for adequate ingress and egress and for customer Off Street Parking. Seasonal and temporary Farm Markets may use marked grassed areas reasonably cleared and limited in size for parking. In no case shall any portion of any road pavement be used for or considered customer parking to serve a Farm Market. If a culvert is required to obtain access to a seasonal and temporary Farm Market, the Farm Market operator shall obtain a driveway permit from the appropriate governmental agency. Temporary and seasonal Farm Markets are Farm Markets that are open to the public and operate for no more than a total of ninety (90) calendar days in a calendar year. Any temporary and seasonal Buildings, tents, trailers and other Structures associated with a Farm Market remaining for more than ninety (90) days in a calendar year shall be considered Structures associated with a permanent Farm Market and shall comply with the provisions of Subsection 1716.03.B below.

B) All Buildings and Structures associated with a permanent Farm Market shall meet the applicable Setback requirements for the underlying Zoning District. Parking for permanent Farm Markets shall be graveled or paved. Operators of a permanent Farm Market shall obtain a driveway permit from the appropriate governmental agency. Off Street Parking shall be provided at a ratio of one (1) space for each one hundred (100) square feet of Farm Market. Permanent Farm Markets are Farm Markets that are open to the public and operate for more than ninety (90) calendar days in a calendar year.

C) Farm Market Signs shall comply with all the applicable provisions within Article 18 of this Zoning Resolution.

1716.02 Farm Markets which are not exempted by the Ohio Revised Code shall still comply with all applicable provisions within Section 1716 as well as any other standards or prohibitions within this Resolution.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 17: SPECIAL AND MISCELLANEOUS USES

Section 1717: Substance Abuse Treatment Clinics

1717.01 Substance Abuse Treatment Clinics are permitted only in the Districts expressly specified within this Zoning Resolution and shall be subject to the following restrictions:

- A) Substance Abuse Treatment Clinics shall not be permitted within one thousand (1,000) feet, as measured from the closest Lot Line of each Use, unless otherwise specified, of:
 - 1) Religious Establishments;
 - 2) Day Care Centers;
 - 3) Public or private schools consisting of grades twelve (12) or lower;
 - 4) Libraries;
 - 5) Parks or playgrounds;
 - 6) Cemeteries;
 - 7) Any Dwelling within a Residential or Planned Residential Zoning District; or
 - 8) Another Substance Abuse Treatment Clinic.
- B) Only one (1) Substance Abuse Treatment Clinic is permitted in a single Structure. No co-location of Substance Abuse Treatment Clinics shall be permitted within one (1) Structure.